



TERRA LAWSON-REMER

VICE-CHAIR

**SUPERVISOR, THIRD DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS**

AGENDA ITEM

DATE: December 10, 2024

36

TO: Board of Supervisors

SUBJECT

CONSIDERATION OF ADMINISTRATIVE CHANGES AND MEETING MANAGEMENT OPTIONS THAT AMEND THE RULES OF PROCEDURE OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS (DISTRICTS: ALL)

OVERVIEW

The recommended action is that the Board adopt a resolution that approves administrative changes to the Board of Supervisors' Rules of Procedure (Rules) that clarify that the adopted calendar sets the meeting start time, redefined the Tuesday session as the "Legislative session," and added other clarifying language pertaining to agenda item docketing and parliamentary procedures.

Additionally, it is recommended that the Board adopt a resolution that approves proposed meeting management options for the Rules that protect the Board's ability to conduct business in an orderly manner while ensuring all have an equal opportunity to observe and participate.

RECOMMENDATION(S)

VICE-CHAIR TERRA LAWSON-REMER

1. Adopt a resolution entitled RESOLUTION AMENDING THE RULES OF PROCEDURE OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS that approves administrative changes to the Rules (Attachment 1 and Exhibit A).
2. Consider the proposed resolution entitled RESOLUTION AMENDING MEETING MANAGEMENT RULES IN THE RULES OF PROCEDURE OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS and take one of the following actions:
 - a. Adopt the resolution as presented in Attachment 2; or
 - b. Modify and adopt the resolution to approve a limited selection of the proposed changes; or
 - c. Provide direction to the Chief Administrative Officer (CAO) on additional considerations for changes to meeting management rules and direct the CAO to return to the Board at a future date with further analysis of the proposed revisions; or

SUBJECT: CONSIDERATION OF ADMINISTRATIVE CHANGES AND MEETING MANAGEMENT OPTIONS THAT AMEND THE RULES OF PROCEDURE OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS (DISTRICTS: ALL)

- d. Take no action and make no changes to the meeting management rules described in the proposed resolution.

EQUITY IMPACT STATEMENT

The County of San Diego prioritizes transparency and accessibility to improve public understanding of how the County operates and participation in shaping future priorities. These efforts towards accessibility are particularly important to reach those communities that have been previously disconnected from the County civic process. It is anticipated that through these changes to the Rules of Procedure, the County will ensure that the diverse voices of the community can be heard in an equitable and civilized manner, and as such, can provide input that is vital to a healthy democratic institution.

SUSTAINABILITY IMPACT STATEMENT

The changes to the Rules of Procedure allow stakeholders to plan for community engagement and identify meaningful ways to continually seek input to foster inclusive and sustainable communities.

FISCAL IMPACT

There is no fiscal impact associated with these recommendations. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

The Board of Supervisors has adopted the “Rules of Procedure” which define meeting protocol, public access, and public participation at Board of Supervisors meetings, among other aspects. The Rules were first adopted in 1970.

Over time, these Rules of Procedure have been amended to recognize changes in technology and other new processes. The proposed changes are focused in two distinct categories. The first are the administrative changes that make minor adjustments, clarifications, or enhancements to existing Rules to improve clarity or compliance. All changes are reflected with strikeout/underline text in Exhibit A to the proposed resolution that approves the administrative changes (Attachment 1).

The second category relates to options for the Board to consider that provide tools for managing the meeting by refining public participation rules. These proposed changes are reflected in a proposed resolution (Attachment 2). It is requested that the Board consider the proposed changes, and take one of the following actions:

- a. Adopt the resolution as presented in Attachment 2; or
- b. Modify and adopt the resolution to approve a limited selection of the proposed changes; or

SUBJECT: CONSIDERATION OF ADMINISTRATIVE CHANGES AND MEETING MANAGEMENT OPTIONS THAT AMEND THE RULES OF PROCEDURE OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS (DISTRICTS: ALL)

- c. Provide direction to the Chief Administrative Officer (CAO) on additional considerations for changes to meeting management rules and direct the CAO to return to the Board at a future date with further analysis of the proposed revisions; or
- d. Take no action and make no changes to the meeting management rules described in the proposed resolution.

Administrative Changes

Below is a summary of the administrative changes (Attachment 1):

- **Time and Place of Meetings:** The proposed change for the time and place of the meeting would allow for flexibility in the start time of Board meetings. Meetings would commence at 9:00 a.m., or at the time specified in the Board Meeting calendar. This would allow the Chairperson to set the start time of meetings in the annual meeting calendar.
- **Tuesday Session Name:** The proposed changes adjust the name of the Tuesday Session to be the Legislative Session. This provides clearer language to differentiate the Tuesday and Wednesday session as the Legislative and Land Use sessions, respectively.
- **Late Agenda Items:** The proposed changes further define how late items may be added to the published agenda and further clarifying the Chairperson's role in considering late additions.
- **Define Persons Authorized to Place Matters on the Board's Agenda:** The changes provide clarity that the County's elected officials (Assessor/Recorder/County Clerk, District Attorney, Sheriff, or Treasurer/Tax Collector) may place items on the Board's regular meeting agenda. This has been the County's practice to allow the County's elected officials to docket agenda items, but it is important to specifically lay out the procedures and define this authority in the Rules.
- **Refining Public Participation Rules:** First, the section is amended to reiterate that comments must pertain to agenda items. It is important that speakers use this time to address the agenda items that are discussion items or on consent and not exploit the time to speak on matters not on the agenda.

Second, the current rules require speaker slips for non-agenda public communication to be submitted before the meeting starts. This can be confusing for the public because it is different than the speaker slip deadline for discussion items. To keep it consistent with the deadline for discussion items, it is recommended that the deadline for speaker slips for non-agenda public comment be submitted before the start of non-agenda public comment. Additionally, since the Board meetings are noticed as one meeting with two sessions (Legislative Session and Land Use Session), in accordance with the Brown Act, the proposed changes clarify that individuals may speak during non-agenda public comment at one of the two sessions. The speaker may select which session to address the Board for non-agenda public communication at their convenience. Furthermore, similar to the

SUBJECT: CONSIDERATION OF ADMINISTRATIVE CHANGES AND MEETING MANAGEMENT OPTIONS THAT AMEND THE RULES OF PROCEDURE OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS (DISTRICTS: ALL)

authority provided for discussion items, the proposed changes provide authority to the Chairperson to reduce the individual speaking time for non-agenda public comment when there is a need to ensure the Board is able to complete the meeting within a reasonable period of time.

Third, the amendments also include clarifying the deadline for the public to submit requests to show a presentation. The public has the ability to show a presentation or video by directly connecting to the appropriate input on the podium or bring paper copies of the presentation/images. The Clerk of the Board of Supervisors provides a variety of cables that connect to various types of computers. This is the preferred method for the public to show a presentation or video because it allows them to manage their time and decide what should be displayed during their comment period. However, if a speaker does not have their own equipment to present at the podium, then they may submit the presentation to the Clerk of the Board of Supervisors to be shown by County staff during their comments. The amended timeframe allows time to ensure sufficient staff are available at the meeting to show the presentation for the speaker during their comment time.

Fourth, the rules are clarified to memorialize that clapping is allowed for the proclamations and awards portions of the session.

- **Other Non-Substantial Changes:** Other minor changes are included such as redefining “Consent Calendar” to “Consent Agenda,” adding headers to sections, removing language for adding Closed Session to Land Use sessions, among others.
- **Parliamentary Procedure:** Change the Board’s parliamentary procedures from Robert’s Rules of Order to Rosenberg’s Rules of Order, a copy of which is attached hereto. Rosenberg’s Rules of Order is a simplified set of parliamentary rules widely used in California. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations, and private corporations and companies have adopted Rosenberg’s Rules in lieu of Robert’s Rules because they have found them practical, logical, simple, easy to learn and user friendly. The rules were developed by Dave Rosenberg, a longtime Superior Court Judge in Yolo County and former supervisor and city councilmember, based on his decades of experience chairing meetings in state and local government. The rules have been simplified for smaller governing bodies and slimmed down, while retaining the basic tenets of order.

The changes described above are included in Exhibit A to the proposed resolution (Attachment 1). These changes are considered administrative as they are minor adjustments, clarifications, or enhancements to existing Rules to improve clarity or compliance.

Meeting Management Options

Unfortunately, civility at Board meetings has decreased in recent years, subjecting the Board, County staff, and other members of the public to incivility, rudeness, accusations, profanity, threats, and generally offensive language. This increase in hostility in Board meetings was

SUBJECT: CONSIDERATION OF ADMINISTRATIVE CHANGES AND MEETING MANAGEMENT OPTIONS THAT AMEND THE RULES OF PROCEDURE OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS (DISTRICTS: ALL)

recently documented by KPBS, and their in-depth analysis can be read at <https://www.kpbs.org/news/politics/2024/07/01/threats-profanity-accusations-skyrocketing-at-public-meetings-kpbs-analysis-shows>. These constant disruptive actions have led to meeting disruptions, delays, intimidating other members of the public such that they will not come to Board meetings, and having to increase security at the meetings. Indeed, many of those violating the Rules speak out of turn, interrupt others when they are speaking, raise their voices over others, constantly repeat their prepared speaking points regardless of the relevancy to any particular item on the agenda, and denigrate anyone who does not agree with their viewpoints. Instead of occasional problems with those who break the Rules and interrupt the meetings, it has become a regular aspect of each and every Board meeting. While criticism of the County, the Board, and its employees is expected and can be welcome as part of the process, the heightened rudeness and incivility has made it difficult to conduct County business at the Board meetings. The Board has warned speakers, taken breaks, ordered those disrupting the meeting to leave, and has had to direct the Sheriff's deputies to arrest some in extreme circumstances in order to control the meetings and discourage the breaking of the Rules. These efforts have not reduced or eliminated the problem. Therefore, these additional provisions are suggested for the Chairperson and the Board to remove those who repeatedly break the Rules for extended periods of time if needed.

The proposed resolution (Attachment 2) provides additional tools for managing the meeting by refining public participation rules. There are several changes that provide options for the Chairperson and the Board to consider for addressing those that disrupt, disturb or otherwise impede the Board meetings by adding the following provisions:

- Codifying State law regarding providing a warning for those that disrupt a meeting before removing them;
- Clarifying the types of threatening language by public speakers for which the Chairperson or the Board can give warnings;
- Providing options for sanctions for those who violate the rules and disrupt, disturb or otherwise impede the meeting: i) to forfeit the speaker's remaining time, ii) to forbid the speaker from further comments at the meeting, or iii) to remove the speaker from the meeting; and
- Establishing new sanctions options for those that continuously or frequently violate the rules and disrupt Board meetings. These sanctions would be available to impose against those that violate the rules and disrupt the Board meetings three or more times in a six-month period be subject to the additional sanctions. These include: i) not being allowed to speak at upcoming meetings, ii) being prohibited from attending upcoming meetings, or iii) being prohibited from both speaking and attending a meeting for a 60-day period or four (4) meetings, whichever is greater. There would be no prohibition on the individuals from submitting written comments at any time should they be subject to these sanctions. These sanctions can then be increased for repeat offenders until they are violation and sanction free for six months.

SUBJECT: CONSIDERATION OF ADMINISTRATIVE CHANGES AND MEETING MANAGEMENT OPTIONS THAT AMEND THE RULES OF PROCEDURE OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS (DISTRICTS: ALL)

These are options for consideration only, and the Board may select all, some, or none of the above. Further, the Board may elect a greater or lesser threshold before the additional sanctions can be applied, or the Board may change the time period for the length of the additional sanctions.

The goal of these changes is to provide more flexibility to the Chairperson and the Board for handling disruptive behavior. These changes would clarify for the public how their participation in Board meetings will be impacted if the rules are continuously violated. More importantly, the changes were prepared to encourage the public to be civil and productive in their engagement with the Board. Public comment is an essential and necessary aspect to Board meeting process. The public has every right to air grievances, criticize the County, and raise issues of concern to the Board that they may not be aware of. However, the purpose of the Board meetings is to conduct County business, which should be able to proceed without disruptions or threats to public officials, County employees or other members of the public.

If adopted, the changes to the Rules of Procedure would go into effect for the next Board meeting.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

The proposed action supports the Strategic Initiative of Community Engagement in the County of San Diego's 2024-2029 Strategic Plan by providing information, programs, public forums or other avenues that increase access for individuals or communities to use their voice, their vote, and their experience to impact change.

Respectfully submitted,



TERRA LAWSON-REMER
Supervisor, Third District

ATTACHMENT(S)

1. RESOLUTION AMENDING THE RULES OF PROCEDURE OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS; including Proposed Changes to the Rules of Procedure (Exhibit A of the Resolution)
2. RESOLUTION AMENDING MEETING MANAGEMENT RULES IN THE RULES OF PROCEDURE OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS
3. Rosenberg's Rules of Order