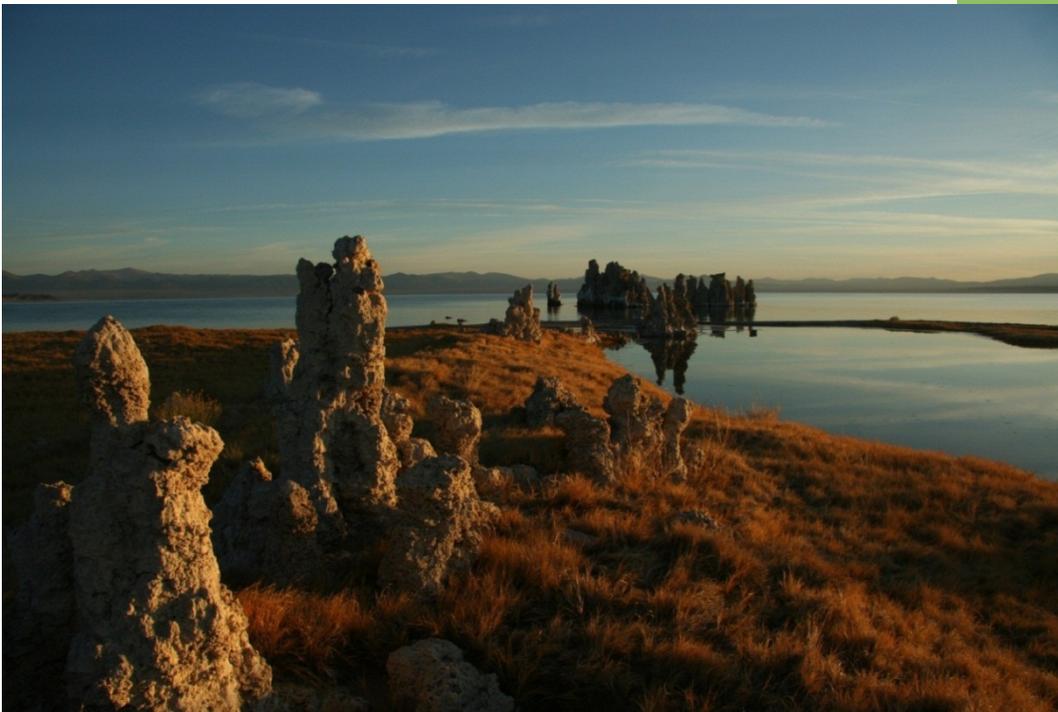


# Mono County Board of Supervisors

## Board Rules of Procedure



Adopted Date: August 8, 2017



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<b>INTRODUCTION.....</b>	<b>i</b>
<b>I. PURPOSE .....</b>	<b>1</b>
<b>II. GENERAL.....</b>	<b>1</b>
Rule 1. Applicability of Rules .....	1
Rule 2. Definitions .....	1
<b>III. MEETINGS.....</b>	<b>1</b>
Rule 3. Regular Meetings and Annual Calendar .....	1
Rule 4. Special Meetings, Budget Hearings, Workshops and Planning Meetings .....	2
Rule 5. Emergency Meetings.....	2
Rule 6. Closed Sessions .....	2
<b>IV. ELECTIONS, POWERS, AND DUTIES OF THE CHAIR, VICE-CHAIR, AND CHAIR PRO-TEMPORE.....</b>	<b>2</b>
Rule 7. Annual Selection of Chair, Vice Chair and Chair Pro-Tempore .....	2
Rule 8. Powers of Chair, Vice-Chair, and Chair Pro-Tempore .....	3
<b>V. AGENDAS AND AGENDA MATERIALS .....</b>	<b>3</b>
Rule 9. Meeting Agenda .....	3
Rule 10. Addendums/Supplemental Agenda Items .....	3
Rule 11. Use of Novus Agenda Software.....	3
Rule 12. Department/Agency Agenda Responsibilities .....	3
Rule 13. Review and Filing of Agenda Items .....	4
Rule 14. Board Correspondence .....	4
Rule 15. Request to Place Item on Board’s Agenda by the Public or Non-County Entities or Individuals .....	4
Rule 16. Supplemental Correspondence and Information Prior to Board Meeting and During Board Meeting.....	4
<b>VI. CONDUCT OF BUSINESS .....</b>	<b>5</b>
Rule 17. Order of Business .....	5
Rule 18. Board Member; Notification of Absence .....	5
Rule 19. Quorum and Action.....	5
Rule 20. Matters Not on the Agenda/Emergency Items.....	5
Rule 21. Consent/Regular Calendar Items .....	5
Rule 22. Public Hearings.....	6
<b>VII. PROCEDURE AND VOTING .....</b>	<b>6</b>
Rule 23. Order and Decorum .....	6
Rule 24. Commitment to Civility .....	7
Rule 25. Use of Electronic Devices and Documents.....	7

# Mono County Board Rules of Procedure

## Table of Contents

---

Rule 26.	Motions – General.....	7
Rule 27.	Voting .....	8
Rule 28.	Roll Call Votes.....	8
Rule 29.	Conflicts of Interest.....	8
Rule 30.	Motion to Reconsider .....	8
Rule 31.	Substitute Motion .....	9
Rule 32.	Ordinances .....	9
Rule 33.	Planning Matters – Request for Continuance.....	9
Rule 34.	Planning Matters – Original Jurisdiction .....	9
<b>VIII.</b>	<b>DUTIES OF COUNTY STAFF DURING BOARD MEETINGS.....</b>	<b>9</b>
Rule 35.	County Administrator.....	9
Rule 36.	County Counsel .....	10
Rule 37.	Clerk of the Board .....	10
Rule 38.	Sheriff .....	10
Rule 39.	Department and Agency Directors .....	10
<b>IX.</b>	<b>COMMITTEES.....</b>	<b>10</b>
Rule 40.	Board Committees/Assignments and Reporting Requirements.....	10
Rule 41.	Board of Supervisors Standing Subcommittees.....	11
Rule 42.	Board of Supervisors’ Ad-Hoc Subcommittees .....	11
<b>X.</b>	<b>OTHER .....</b>	<b>11</b>
Rule 43.	Board Member Referrals to Staff.....	11
Rule 44.	Action Summaries and Recordings of Meetings .....	11
<b>XI.</b>	<b>PARTICIPATION OF THE PUBLIC.....</b>	<b>12</b>
Rule 45.	Public Comment / Time Limits .....	12
Rule 46.	Orderly Conduct .....	12
Rule 47.	Security and Prohibition of Banners/Signs or other Hazardous Objects.....	12
<b>XII.</b>	<b>APPENDIX A. Order of Agenda .....</b>	<b>13</b>
<b>XIII.</b>	<b>APPENDIX B. 4/5ths and Unanimous Vote Requirements .....</b>	<b>14</b>
<b>XIV.</b>	<b>APPENDIX C. Request to Place Item on Board’s Agenda by the Public or Non-County Entities .....</b>	<b>20</b>

**INTRODUCTION**  
**BOARD GOVERNANCE**

Governance is the act of transforming the needs and desires of the community into policies that direct the organization. As the governance team fulfills the responsibility of setting direction, the way in which the governance team members perform their role is critical. Whether in Board Chambers, out in the community or at home, Board members are always stewards of the County.

The integrity of the County is dependent upon the responsible and professional manner in which each Board member and the Board collectively, fulfills governance roles and responsibilities. The demeanor of governance team members sends an important message to employees and the public. In all relationships, dealings and transactions, Board members act with integrity, openness, respect and honesty. Through these values, the governance team strives to earn and convey trust. The team retains public trust through efficient and cost-effective stewardship of resources

Utilizing effective governance practices, private citizens, once elected to the Board of Supervisors, work with the County Administrator to keep the organization's efforts focused on its mission, values and strategic goals. The community elects Board members to set and monitor the direction of the County with the County Administrator, who translates this direction into action. It is therefore vital that the Board and County Administrator have a respectful and productive working relationship based on trust and open communication.

When done effectively, the opportunity to create a climate for excellence increases dramatically.

**GOVERNANCE CULTURE**

An excellent governance culture is characterized by a Board that operates in an environment of trust, respect and professional demeanor at all times. The Board sets the tone for the entire County in how it carries out its governance responsibilities.

The Mono County Board of Supervisors will strive to:

- Show up to meetings prepared and on time.
- Govern as a team that is strategically focused and mission driven.
- Establish and govern within a culture of curiosity and inquiry.
- Use active listening and thoughtfully consider each decision.
- Show mutual respect and tolerance for each other, staff and citizens.
- Be respectful of people's time by adhering to time constraints imposed by the published agenda.

# **Mono County Board Rules of Procedure**

## **Introduction**

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- Have a sincere desire and willingness to compromise, along with an appreciation and commitment to move forward remembering sometimes people must bend to get things done.
- Show a desire to cause no harm to others.
- Act with honesty and integrity.

## **BOARD GUIDELINES**

In addition to abiding by the rules of procedure outlined in this document, members of the Mono County Board of Supervisors agree to the following guidelines for working with each other, staff members and the community.

### **Mission, Vision and Values**

- Meet Mono County's mission to support all our communities by providing superior services while protecting our unique rural environment.
- Realize the county vision of outstanding community services and quality of life beyond compare.
- Be guided by county values of customer service, integrity, excellence, collaboration, innovation, and results orientation.

### **Roles and Responsibilities**

- As elected representatives of the people of Mono County, set the direction and policy of the organization.
- Ensure fiscal responsibility.
- Use the strategic planning process as the means to implement direction and policy, and to align goals and resources.

### **Governance Principles**

- **Prepared, Informed:** Read and research meeting materials; engage with colleagues, staff and public with respect and dignity; make decisions based on data and evidence; continually learn about county issues, services and programs.
- **Transparency and Accessibility:** Use Board report section of regular meetings to inform colleagues, staff and public on activities relating to Board assignments, and constituent issues; use role as elected representative to communicate Board actions and policies and be willing to hear concerns and answer questions in a variety of media (phone calls, emails, etc.);
- **High Ethical Standards:** Meet and exceed requirements of the Fair Political Practices Commission; demonstrate a commitment to training and compliance with laws governing personal financial gain, special privileges and perks, fairness, open government, whistle-blowing protections, and staff relations issues.
- **Partnership with CAO and Staff:** Support the CAO in managing the county; agree to established rules in interacting with staff (bringing any staff requests that require significant resources back to the full board for consideration).

- **Accountability:** Measure effectiveness according to goals set in the strategic plan; hold annual Board governance sessions to discuss and evaluate Board performance and adherence to rules and guidelines.



**RULES OF PROCEDURE**

**OF THE BOARD OF SUPERVISORS**

**MONO COUNTY, CALIFORNIA**

**I. PURPOSE**

The purpose of these Rules of Procedure (“Rules”) is to foster understanding and respect for the democratic process, facilitate compliance with applicable laws, encourage public participation, provide guidance on decorum, and enhance effective and efficient management of Board meetings.

**II. GENERAL**

**Rule 1. Applicability of Rules**

These Rules are adopted pursuant to Government Code §25003. The Rules shall apply to the Board of Supervisors of the County of Mono whether sitting as the Board of Supervisors of the County or as the governing board of any other commission, authority or board.

These Rules are intended to expedite the transaction of business of the Board in an orderly fashion, and are deemed to be procedural only. The failure to strictly observe application of the Rules shall not affect the jurisdiction of the Board or invalidate any action taken at a meeting that is otherwise held in conformity with the law. Except as otherwise provided by law, these Rules, or any one of them, may be suspended by a majority of the Board.

These Rules supersede and replace all rules of procedure previously adopted by the Board.

**Rule 2. Definitions**

In interpreting these Rules:

- a) “Board” refers to the Board of Supervisors of Mono County, whether sitting as the Board of Supervisors of the County or as the governing body of any other authority or board
- b) “Board member” or “member” refers to a member of the Board
- c) “Chair”, “Vice-Chair” and “Chair Pro-Tempore” refers to the Board members elected to those respective offices
- d) “Clerk” refers to the Clerk of the Board of Mono County
- e) “County Administrator” refers to the County Administrative Officer of Mono County

**III. MEETINGS**

**Rule 3. Regular Meetings and Annual Calendar**

Regular meetings generally shall be held on the first three Tuesdays of every month. Any meeting may be cancelled upon the order of the Chair, or by a majority of the members of the Board.

Regular meetings shall commence at 9:00 a.m. The first two regular meetings of the month shall be held at the Board of Supervisors Chambers, 2nd Floor, County Courthouse, 278 Main Street, Bridgeport, California; the third regular meeting of the month shall be held in the Town of Mammoth Lakes’ Council Chambers, 2<sup>nd</sup> floor,

## **Mono County Board Rules of Procedure**

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Suite Z of the Minaret Mall located at 437 Old Mammoth Road in Mammoth Lakes. Videoconferencing will be available each week between Bridgeport and Mammoth Lakes, unless technically infeasible. Business shall normally be conducted between 9:00 a.m. and 5:00 p.m., but may continue past 5:00 p.m., provided a majority of the Board members present do not object.

An annual calendar of meetings shall be adopted by the Board at its first meeting in January. The calendar will include all known regular meetings. All regularly scheduled meetings shall also be streamed live over the internet unless technologically infeasible, and shall be archived and available for later online viewing. Videos shall be available on the county website at <http://monocounty.ca.gov/meetings>.

### **Rule 4. Special Meetings, Budget Hearings, Workshops and Planning Meetings**

Special meetings may be called at any time by the Chair, or by a majority of the Board members. Upon the call of a special meeting, the Clerk will prepare and distribute, at least 24 hours before the time of the special meeting, written notice to each member and to any local newspaper of general circulation that has requested such notices. The notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings (Government Code §54956).

Budget Hearings, Workshops, Study Sessions and Planning Meetings may be called by the Chair or by a majority of the Board at times and locations in accordance with the law and specified notice provisions.

### **Rule 5. Emergency Meetings**

Emergency meetings may be called by the Chair or by a majority of the Board, in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities. Upon the call of an emergency meeting, the Clerk shall give notice of the meeting, and comply with posting requirements (Government Code §54956.5).

### **Rule 6. Closed Sessions**

Prior to holding any closed session, the Chair shall announce the session in an open meeting, and shall provide an opportunity for public comment on items on the closed session agenda. The listing of such items on the agenda shall constitute such announcement, at the discretion of the Chair. During the closed session, the Board may discuss or consider only those items on the agenda. At the conclusion of the closed session the Board shall orally report action taken, in an open meeting, where required by law (Government Code §54957.1).

## **IV. ELECTIONS, POWERS, AND DUTIES OF THE CHAIR, VICE-CHAIR, AND CHAIR PRO-TEMPORE**

### **Rule 7. Annual Selection of Chair, Vice Chair and Chair Pro-Tempore**

At its first regular meeting, after January 1<sup>ST</sup> of each year, the Board shall nominate and elect from its membership a Chair, Vice-Chair, and a Chair Pro-Tempore. The Chair shall call the meeting to order and the first order of business shall be the election of officers for the ensuing calendar year. The Chair, Vice-Chair, and Chair Pro-Tempore shall serve until the election of their successors. It is intended (but not mandated) that the Supervisor elected as Vice-Chair will succeed the Chair in the following year and that the Chair Pro-Tempore shall similarly succeed the Vice-Chair.

**Rule 8. Powers of Chair, Vice-Chair, and Chair Pro-Tempore**

The Chair shall serve as presiding officer of the Board, rule on questions of procedure and execute official Board records and documents presented by the County Administrator/Clerk. In the absence or unavailability of the Chair, the Vice-Chair shall call the meeting to order and serve as presiding officer. The Vice-Chair shall have and exercise all powers and duties of the Chair for meetings over which he or she is called to preside and at ceremonial and official functions which the Chair cannot attend.

If both the Chair and the Vice-Chair are absent or unable to participate, the Chair Pro-Tempore shall call the meeting to order, serve as the presiding officer, and shall have and exercise all power and duties of the Chair for the meeting over which he or she is called to preside and at ceremonial and official functions which neither the Chair nor Vice-Chair can attend.

**V. AGENDAS AND AGENDA MATERIALS**

**Rule 9. Meeting Agenda**

At least 72 hours before a regular meeting, the Clerk shall post an agenda. The agenda shall consist of a brief statement of each item to be considered by the Board (Government Code §54950). The agenda shall indicate the time and location of the meeting and shall be posted as required by law.

**Rule 10. Addendums/Supplemental Agenda Items**

At least 72 hours before a regular meeting, the Clerk shall prepare, post, and distribute all addendums/supplemental agendas when there has been an item added, continued, deleted, and/or modified since the distribution of the initial meeting agenda.

**Rule 11. Use of Novus Agenda Software**

All Departments/Agencies shall use Novus Agenda Software to prepare agenda items and submit supporting documents. Departments will work directly with the Clerk of the Board if they require assistance in creating an agenda item.

**Rule 12. Department/Agency Agenda Responsibilities**

When submitting an item for consideration by the Board, it is the responsibility of the originating Department or Agency to provide all required information, and to meet all established deadlines. Exceptions to deadlines will be considered if items are deemed to be time sensitive or of special importance to a Board member. The Clerk of the Board will work directly with departments to add agenda items after the deadline, or may require departments to obtain approval of the CAO prior to adding late items. Board members may work with the CAO, Clerk of the Board, or pertinent department head when needing to add items to an agenda.

Outside agencies and citizens will work with the Clerk of the Board when requesting an agenda item for Board consideration, and will follow established guidelines found in Appendix C (Request to place an Item on the Board's Agenda by the Public or Non-County Entity).

## **Mono County Board Rules of Procedure**

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### **Rule 13. Review and Filing of Agenda Items**

After preparing agenda items in Novus Agenda, all items shall be reviewed by the County Administrator, County Counsel, and Finance Director, or their designee. Any one of these three reviewers may ask for additional information, clarification, and may determine not to place any item on the agenda that is not complete or is not submitted in accordance with instructions. Without amendment to these Rules, agenda submittal instructions may be amended or additional requirements imposed to ensure appropriate review and Brown Act compliance.

### **Rule 14. Board Correspondence**

Correspondence addressed to the Board of Supervisors will be placed on the agenda by the Clerk of the Board. If the Clerk determines that correspondence should not be placed on the agenda for any reason, she/he will receive direction from the CAO, County Counsel, and/or Board members prior to including the correspondence on the agenda. If the Clerk receives correspondence from County departments addressed to the Board, such correspondence will be forwarded to the Board members and CAO and not added to the agenda. Correspondence items that require prolonged discussion will be agendized for a future meeting.

### **Rule 15. Request to Place Item on Board's Agenda by the Public or Non-County Entities or Individuals**

- a) The public or any non-county entity (i.e. other governments, businesses, non-profits groups or other interest groups) are requested to contact the Clerk of the Board of Supervisors (760-932-5533 or 760-932-5538) for the date of the next available agenda. This information online at: <http://monocounty.ca.gov/bos>; click on **Meetings** link.
- b) A non-county individual or group seeking placement of an item on the Board of Supervisors' Agenda must have one of the Supervisors sponsor the item along with concurrence from the Board Chair. The name of Board Member sponsor shall be provided to the Clerk of the Board. See Appendix C for procedural guidelines.

### **Rule 16. Supplemental Correspondence and Information Prior to Board Meeting and During Board Meeting**

- a) After Initial Agenda Distribution and Prior to Meeting - Agenda materials distributed via mail, email, or hand delivery to a majority of the Board must be forwarded to the Clerk for public review.
- b) At Meeting - Documents, including PowerPoint handouts, distributed to Board members by County employees or Board members themselves at the meeting, shall be kept to a minimum. When necessary to distribute materials at the meeting, an electronic copy shall be provided to the Clerk of the Board. Additionally, paper copies shall be provided to the Clerk for distribution to: Board members, the County Administrator, County Counsel, and the Clerk, with remaining copies available for distribution to the general public. If large numbers of the public are anticipated to attend the Board Meeting on a matter and new information will be distributed to the Board members, then the number of copies should be increased to anticipate the number needed for the public.

Any supplemental correspondence or written information related to an agenda item which is provided to three or more Board members shall be concurrently filed with the Clerk and made a part of the official record.

This Rule shall not apply to attorney-client privileged communications, documents containing information protected from disclosure by the attorney work product doctrine, or information which may not be publicly disclosed under the other applicable law.

Sufficient copies of supplemental correspondence and information should be delivered to the Clerk and the Clerk shall make the appropriate distribution to the Board, CAO and County Counsel.

**VI. CONDUCT OF BUSINESS**

**Rule 17. Order of Business**

The Board shall conduct business in the order specified in the posted agenda or as modified at the discretion of the Chair with the concurrence of the Board. The Board may modify or amend the Order of Business for Regular meetings without amending these Rules by attaching the amendment to these Rules as Appendix A.

**Rule 18. Board Member; Notification of Absence**

If any Board member is unable to attend a meeting of the Board, all reasonable efforts shall be made to notify the Chair, County Administrator, and the Clerk, in writing (electronic mail or regular mail) and as soon as possible to ensure there are sufficient members present to consider all agenda items.

**Rule 19. Quorum and Action**

Three members of the Board shall constitute a quorum sufficient to transact business. In the absence of a quorum, the remaining members or the Clerk may adjourn the meeting to another date and time in accordance with Government Code §54944 and shall post a Notice of Adjournment.

**Rule 20. Matters Not on the Agenda/Emergency Items**

No action shall be taken on any item not appearing on a posted agenda except:

- a) Upon a determination by a four-fifths (4/5) vote of the Board, or if less than four-fifths (4/5) of the members are present, a unanimous vote of those members present, that 1) there is a need to take immediate action, and 2) the issue arose subsequent to the agenda being posted and there is a need to take action prior to the next regularly-scheduled meeting pursuant to Government Code section 54954.2(b).

Any requests to hear a matter not on the agenda or emergency item shall be communicated to the Chair, County Administrator, County Counsel and Clerk as soon as the need becomes known.

**Rule 21. Consent/Regular Calendar Items**

Agenda items on the Consent Calendar are routine in nature, consistent with adopted Board policy, and do not require individual consideration. The Consent Calendar will be enacted by one motion for approval of the recommended actions. There will be no separate discussion of these items prior to the time the Board votes on the motion unless any member of the Board requests removal of a specific item from the Consent Calendar for separate discussion and action. Any Board member may ask the Clerk to record a “no” or “abstention” vote on any Consent Calendar item.

Agenda items on the Regular Calendar require separate discussion and/or action and may include, but are not limited to changes in policy, items that require the Board to consider options and provide direction, requests

## **Mono County Board Rules of Procedure**

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for new or unbudgeted positions, introductions of a proposed Ordinance, Public Hearings, and other matters as required by law.

### **Rule 22. Public Hearings**

Upon receipt of a request by a Department/Agency or Board member for a public hearing, the County Administrator or Clerk may set the hearing without action of the Board unless the Board is required by law to schedule the hearing. In that event, the matter shall be placed on the Consent Calendar to set the hearing.

Subject to the Chair's right to maintain order, any person wishing to speak at a public hearing shall be heard. Except for rebuttal allowed an applicant, or the appellant in the case of an appeal, each speaker shall speak only once unless otherwise authorized by the Chair.

Each speaker's presentation at a public hearing shall be as brief as possible; visual and other materials may be used as appropriate. The Chair may establish a time limit for presentations. When speakers use or submit to the Board visual or other materials, such materials shall become part of the file and identified and maintained as such. When CDs, DVDs, thumb drives, USB memory sticks, or other portable electronic media (e-media) are submitted to the Board, at least one hard-copy of the information stored on the e-media must be provided to the Clerk. Speakers with lengthy presentations are encouraged to submit them in writing.

The closing of a public hearing signifies the point after which the Board will no longer accept or consider any additional communication on the matter that was the subject of the hearing. As used in this Rule, "communication" includes oral communication; written communication such as documents, letters, and photographs; and any type of electronic communication, including e-mails, e-mail attachments, graphic images, spread sheets, text messages, and social media messages.

Should the Board close a public hearing and continue its deliberations to a subsequent meeting, or announce a tentative decision, by motion or other proceedings, and defer its action on a final decision to a subsequent meeting to allow preparation of appropriate findings and/or conditions of approval, any written or electronic communication received by a Board member or the Clerk after the close of the hearing on the matter that was the subject of the hearing shall be placed in a separate file kept by the Clerk and labeled to indicate it was received after the close of the hearing. Late written and electronic communication shall not be given to Board members, nor should Board members retain copies.

Should County staff determine that communication received after the close of a public hearing should be considered by the Board prior to its rendering a final decision on the matter that was the subject of the hearing, County staff shall recommend to the Board that the hearing be reopened. If the Board concurs, the Board shall reopen the hearing, following appropriate notice, for the limited purpose of receiving testimony and evidence on the new information.

## **VII. PROCEDURE AND VOTING**

### **Rule 23. Order and Decorum**

The Chair shall preserve order and decorum and shall decide all questions of order and procedure subject to an appeal to the Board. The nature of any appeal shall be briefly stated and the Chair shall have the right to state the reason for his or her decision.

A Board member wishing to speak shall refrain until he or she has been recognized by the Chair. While a Board member is speaking, other Board members shall be respectful and shall not engage in or entertain private discussions.

Consistent with the purpose of the Rules, members are encouraged to use a formal style, including appropriate titles, in addressing the public, staff and each other. All members shall refrain from the use of profanity, emotional outbursts, personal attacks or any speech or conduct which tends to bring the organization into disrepute.

**Rule 24. Commitment to Civility**

To assure civility in its public meetings, staff and the public are also encouraged to engage in respectful dialog that supports freedom of speech and values diversity of opinion. To achieve compliance with these Rules, Board members, staff, and the public are encouraged to:

- Create an atmosphere of respect and civility where elected officials, County staff, and the public are free to express their ideas.
- Establish and maintain a cordial and respectful atmosphere during discussions.
- Foster meaningful dialogue free of personal attacks.
- Refrain from lengthy discussion on topics related to previous board decisions.
- Listen with an open mind to all information, including dissenting points of view, regarding issues presented to the Board.
- Recognize it is sometimes difficult to speak at Board meetings, and out of respect for each person's feelings, allow them to have their say without comment, including booing, whistling or clapping.
- Adhere to speaking time limit.

**Rule 25. Use of Electronic Devices and Documents**

The use of electronic documents, via iPads or other electronic means, is encouraged as a means of reducing the production and distribution of paper documents, and thereby decreasing costs.

Any member of the public may view the same electronic documents on line at:

**[http://monocounty.ca.gov/meetings\\_sub/bos](http://monocounty.ca.gov/meetings_sub/bos)**, or may view the documents in paper form in the Clerk's Office.

The Board shall refrain from emailing, texting, using social media, or otherwise engaging in electronic communications in the Board Chambers on matters that are listed on the Board agenda.

**Rule 26. Motions – General**

Any motion for action shall require a second before being acknowledged by the Chair. The Clerk shall enter into the minutes the motion and the names of the moving and seconding members. After a motion is stated by the Chair, it shall be open for debate but may be withdrawn by the maker at any time before a decision is made or an amendment adopted. A motion may be amended with the consent of the moving and seconding members at any time before a decision is made or an amendment adopted unless another motion is pending. The Clerk shall enter into the minutes the vote of each member on each motion.

## **Mono County Board Rules of Procedure**

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### **Rule 27. Voting**

It shall take at least three affirmative votes of the Board to pass any motion (Govt. Code §25005), except where supermajority four-fifths (4/5) votes or unanimous votes are required by law. Appendix B contains a list of common items that require a four-fifths (4/5) vote. Appendix B may be up-dated without amending these Rules. An abstention shall count as neither an “aye” nor a “no” vote.

A supervisor who is absent from all or a part of: (1) a public hearing, (2) an item that requires findings, or (3) an item that is quasi-judicial in nature, may subsequently vote on the matter if the supervisor has reviewed all evidence received during his/her absence, listened to the Clerk’s recording or read a true and complete transcript of the proceedings, and so states on the record.

### **Rule 28. Roll Call Votes**

The roll need not be called in voting upon a motion except where specifically required by law or requested by a Board member or the Chair. Each roll call vote shall be made in an order determined by the Clerk or directed by the Chair but generally shall first include: the maker of the motion; the member who seconded the motion; the balance of the members present, with the Chair called last, unless the Chair made, or seconded, the motion.

### **Rule 29. Conflicts of Interest**

Any Board member with a disqualifying conflict of interest must, in compliance with the Political Reform Act:

- a) Publicly state the nature of the conflict in sufficient detail to be understood by the public;
- b) Recuse himself/herself from discussing and voting on item; and
- c) Leave the room until after the discussion, vote, and other disposition of the matter is concluded, unless the matter has been placed on the Consent Calendar.

The member may be allowed to address the Board as a member of the public, but only in the limited circumstances allowed by the Political Reform Act. Disclosure of a conflict shall be noted in the official Board minutes. The member must also comply with all other applicable conflict of interest laws.

Members may not have a financial interest in a contract approved or considered by the Board. In these cases, disclosure and recusal does not remove the conflict and such a contract is considered void (Government Code §1090). The Board member is encouraged to discuss possible conflicts with County Counsel and/or to request advice from the Fair Political Practices Commission prior to the meeting.

### **Rule 30. Motion to Reconsider**

Any Board member who votes in the majority on a question, as well as any Board member who was absent, is eligible to make a motion to reconsider. A motion to reconsider shall be in order during the meeting at which the action to be reconsidered took place provided members of the public in attendance during the original action are still present in the Board chamber. In all other cases, motions for reconsideration must be placed on a future agenda for action.

A motion to reconsider shall require a majority vote. A motion to reconsider, if lost, shall not be renewed nor shall any subject be reconsidered a second time within twelve (12) months except by a four-fifths (4/5) vote of the Board. A motion to reconsider is not in order if action has been taken which cannot be changed.

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**Rule 31. Substitute Motion**

A substitute motion is an amendment where an entire resolution or section, or one or more paragraphs is stricken and another is inserted in its place. The motion to substitute, if adopted by majority vote, completely supersedes. The vote shall then be taken only on the motion that was substituted. A substitute motion is appropriate if amendments become involved or a paragraph requires considerable changes. A substitute motion may not be made when an amendment is pending.

**Rule 32. Ordinances**

Ordinances are introduced at one meeting (first reading), then generally placed on the agenda for adoption at a subsequent meeting.

- The first reading will become the primary meeting at which: (1) the title of the ordinance will be read; (2) the Board will typically consider a motion to waive the reading of the text of the ordinance and to introduce the ordinance by title only; (3) members of the public shall have an opportunity to address the ordinance; (4) the ordinance shall be introduced by a motion and majority vote of the Board.
- At the second reading: (1) the ordinance may be placed on the Consent Calendar for adoption; (2) if pulled from the Consent Calendar for separate action, the title of the ordinance may be read; (3) a motion to adopt the ordinance may be made; (4) a majority vote will adopt the ordinance unless a 4/5ths vote is required for a particular matter.
- Pursuant to Government Code §25123, ordinances shall generally become effective 30 days from the date of final passage.

Other ordinance hearing procedures may be used as required by law.

**Rule 33. Planning Matters – Request for Continuance**

Any Board member may request that a Planning matter within his/her District be continued to the next available regular meeting that will allow for compliance with any applicable legal noticing requirements, due to that Board member’s unavailability at the meeting for which the item is scheduled or for any other reason. Upon concurrence of a majority of the Board, such continuance shall be granted.

**Rule 34. Planning Matters – Original Jurisdiction**

Any member may request the Board to exercise original jurisdiction over a use permit or other planning application, as authorized under the County Code, except in cases where state law requires a recommendation of the Planning Commission prior to action by the Board on the matter. A request to exercise original jurisdiction shall be filed in writing with the Clerk, or made orally at a Board meeting, prior to any decision by a lower level decision maker approving or denying the subject application. A request to exercise original jurisdiction need not state the reasons for the request but shall be brought as a noticed agenda item to the full Board for majority approval.

**VIII. DUTIES OF COUNTY STAFF DURING BOARD MEETINGS**

**Rule 35. County Administrator**

The County Administrator shall be present during Board meetings and shall provide such information as necessary to assist the Board members in their deliberation and decision making. The County Administrator

## **Mono County Board Rules of Procedure**

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may delegate this responsibility to the Assistant County Administrator, County Finance Director, Human Resources Director, or County Counsel should extraordinary circumstances prevent the discharge of this responsibility.

### **Rule 36. County Counsel**

County Counsel shall be present during Board meetings, and shall serve as advisor to the Board on appropriate rules to comply with legal requirements. All questions of law shall be referred to County Counsel for his or her opinion. County Counsel may delegate this responsibility to the Assistant County Counsel or a Deputy County Counsel.

### **Rule 37. Clerk of the Board**

The Clerk or Deputy Clerk shall be present during all Board meetings for the purpose of taking and maintaining the minutes of the meeting; presenting and receiving correspondence, records, documents, claims, reports, or petitions; preserving all records; marking or attesting all resolutions and ordinances; imparting information on Board documents of public record; and otherwise fulfilling all duties imposed by law or required by the Board.

The Clerk shall record all regular meetings of the Board. All meetings shall be recorded by audio means. All regularly scheduled meetings, and whenever else possible, meetings shall also be recorded by video means. Video recordings shall be available online for later review as soon as practical on the county website at <http://monocounty.ca.gov/meetings>.

### **Rule 38. Sheriff**

The Sheriff, or a representative of the Sheriff's Office, shall at the discretion of the Chair or a majority of Board members, be in attendance at the meeting of the Board, for the purpose of maintaining order and upholding the law.

### **Rule 39. Department and Agency Directors**

Department and Agency Directors, or a designee, having any matter on the agenda for consideration by the Board, whether consent or regular, shall be available for the purpose of providing information to the Board and shall also attend any Board meeting when requested to do so by a Board member or the County Administrator. Department and Agency Directors may be present in person or by telecommunication as the item warrants. Given Mono County's seasons and efforts to contain costs, Department and Agency Heads are asked to keep these factors in mind when scheduling meeting attendance.

## **IX. COMMITTEES**

### **Rule 40. Board Committees/Assignments and Reporting Requirements**

The Clerk shall maintain a list of Board Committees and Assignments. Annually, the incoming Chair shall review the list of Committees and Assignments. The list of appointments shall be adopted by the Board at its first meeting in January.

All members who are assigned to special projects, committees, and separate boards or commissions shall provide regular reports to the full Board regarding their activity in connection with the special projects, committees, and separate boards or commissions. (Government Code §53234, et. seq.)

Committee members shall call Board committee meetings as needed provided they are held in conformance with the law. The County Administrator's Office and County Counsel may serve as support staff to all Board created committees. Other department heads and/or staff may also support as requested by the committee.

**Rule 41. Board of Supervisors Standing Subcommittees**

Standing subcommittees are those subcommittees of the Board of Supervisors which have continuing jurisdiction over a particular subject matter or whose meeting schedule is fixed by resolution or action of the Board. Even if comprised of less than a quorum of the Board, a standing subcommittee is subject to the Brown Act.

The Chair shall recommend, with Board concurrence, members to each standing subcommittee. Generally, appointments shall occur at the Board's first regular meeting in January. All standing subcommittees shall be appointed for the calendar year, and the members shall continue as committee members until their successors have been appointed.

**Rule 42. Board of Supervisors' Ad-Hoc Subcommittees**

Ad-Hoc subcommittees of the Board of Supervisors are not subject to the Brown Act. They may be formed by Board action, shall be solely composed of members of the Board, shall consist of less than a quorum of the Board, shall serve a limited or single purpose, for a limited time, and shall be dissolved once the specific task assigned is completed.

Ad-Hoc Subcommittees are encouraged to conclude their business at the end of each calendar year. The Clerk will maintain a current index of Ad-Hoc Subcommittees and their purpose.

**X. OTHER**

**Rule 43. Board Member Referrals to Staff**

Board member referrals that are anticipated to involve significant staff time or other resource commitment and/or are a departure from established county or departmental policy require Board approval prior to staff starting work. Board members are encouraged to discuss referrals which may require significant resources with the Chair and CAO.

Board approval shall be obtained through majority action of the Board, on an agenda item in which the scope and resource needs of the referral are identified.

**Rule 44. Action Summaries and Recordings of Meetings**

The Clerk shall prepare and distribute Action Summaries ("minutes") of Board meetings. The minutes shall consist of the brief statement of each item posted on the agenda and supplemental agenda plus all motions, resolutions and ordinance numbers related thereto, all votes recorded thereon, and the final action taken by the Board. The minutes shall be made available internally and to the public and shall be placed on the Internet.

The Clerk shall maintain the official audio record of each Board meeting for a period of at least 2 years and will make these recordings available for listening by the public at no charge. Video recordings of meetings shall be

## **Mono County Board Rules of Procedure**

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archived and available on the internet for a period of at least 2 years, and shall be available for viewing at no charge on the county website at <http://monocounty.ca.gov/meetings>.

### **XI. PARTICIPATION OF THE PUBLIC**

#### **Rule 45. Public Comment / Time Limits**

Members of the public have the right to address the Board on any item within the subject matter jurisdiction of the Board (Government Code §54954.3). Members of the public may state their name but are not required to do so. Members of the public shall direct their comments to the Chair who may, at his or her discretion, request a response from staff. Time limitations are at the discretion of the Chair, and may be reduced or extended.

Public comments on items on the agenda will be called prior to the Board taking action on the item.

Under the Public Comment portion of the meeting, members of the public will be allowed to address the Board regarding any item **not on the agenda**. No action may be taken on items not on the agenda unless authorized by law.

#### **Rule 46. Orderly Conduct**

The Chair may determine when orderly conduct of a Board meeting is not feasible due to disruptive behavior by person(s) in attendance. The Chair may request that person(s) disrupting the meeting leave the chambers/meeting room. If order cannot be restored, the Chair may order the chambers/meeting room cleared and continue in session. Members of the news media, except those participating in the disturbance, shall be allowed to remain. The Chair may re-admit any person(s) provided their re-admission will not disrupt the continued orderly conduct of business. The Chair may also call a recess and reconvene when order has been restored. (Government Code section 54957.9.)

#### **Rule 47. Security and Prohibition of Banners/Signs or other Hazardous Objects**

The Board has the power to implement security measures in the chambers/meeting room. Any hazardous object which could impair the safety of individuals in the event of an emergency are prohibited in the chambers/meeting room. Any large object/container that may be deemed a hazardous object which could impair the safety of individuals in the event of an emergency may be prohibited in the chambers/meeting room.

**XII. APPENDIX A. Order of Agenda**

Generally, business at Regular meetings shall be transacted in the following order. Business may be reordered by the Chair or by a majority of members. The Chair may modify the Agenda Order for the Board's or public's convenience at a particular meeting, provided that no matter noticed for public hearing may be heard prior to the published time. The Board may modify or amend the Agenda Order without amending these Rules.

- I. Call to Order (9:00 a.m.)
- II. Pledge of Allegiance
- III. Public Comment on matters not on the agenda, but within the subject matter jurisdiction of the Board
- IV. Recognitions
- V. County Administrative Officer Report
- VI. Department/Commission Reports
- VII. Consent Calendar
- VIII. Correspondence Received
- IX. Regular Morning Calendar
- X. Public Comment on matters not on the agenda, but within the subject matter jurisdiction of the Board
- XI. Closed Session
- XII. Reconvene and Report from Closed Session (1:00 p.m. unless adjusted by the Chair as needed)
- XIII. Public Comment on matters not on the agenda, but within the subject matter jurisdiction of the Board
- XIV. Regular Afternoon Calendar
- XV. Board Member Reports on assigned Boards, Councils, Commissions or other meetings attended

Adjournment – Meeting may be Adjourned in the Memory of/Moment of Silence/Reading of Names

**Mono County Board Rules of Procedure**

**XIII. APPENDIX B. 4/5ths and Unanimous Vote Requirements**

Subject	Vote	Code	Description
Off Agenda Action	Unanimous	Gov. Code §54954.2(b)(2)	To consider an item not on the Agenda, the Board must make findings that the need to take action arose after the Agenda was posted. The vote requires at least four votes of the Board if two-thirds of the members are present. If less than two-thirds are present, it requires a unanimous vote.
Airport	4/5	Gov. Code §26021	Property acquisition for airport purchases by purchase, condemnation or lease; resolution for County aid.
Airport	4/5	Gov. Code §26026	Contribute money to the United States for the acquisition or improvement by the United States or any of its authorized agencies of airports in the county.
Bonds		Gov. Code §§26880, 26885, 26946, 29917, 53595.20, 53345.8; Sts. & Hwys Code §§9132, 5227, 10355, 9534.5; Ed. Code §15145; Pub. Util. Code §§99100, 99102, 99118, 99119	There are many special voting requirements and other processes required for bonds. Please check with County Counsel.
Bridges	4/5	Pub. Contract §20405(c)	Modify the plans, specifications and working details of bridge construction contracts.
Budget	4/5	Gov. Code §29088	Changes to proposed budget after budget hearing but prior to final budget
Budget	4/5	Gov. Code §29125	The following transfers and revisions to the adopted appropriations require a 4/5 vote: (1) transfers between funds; or (2) transfers from appropriation for contingencies.
Budget	4/5	Gov. Code §29127	Adopt resolution necessary to appropriate and expend funds necessary to meet specific emergencies.

**Mono County Board Rules of Procedure**

Budget	4/5	Gov. Code §29130	Make available for appropriation any of the following fund balances: a) Restricted, committed, assigned, and unassigned fund balances, excluding the general reserves and nonspendable fund balance; b) Amounts that are either in excess of anticipated amounts or not specifically set forth in the budget derived from any actual or anticipated increases in financing sources.
Collections	4/5	Gov. Code §26220(a) and (b)	a) Assign for the purpose of collection any or all delinquent bills, claims and accounts, and any or all money judgments taken in the name of the County. b) Assign for the purpose of collection any or all delinquent or unsecured taxes.
Condemnation/Eminent Domain	4/5	Code of Civ. Pro. §1245.240	Adopt a resolution of necessity prior to commencing an eminent domain proceeding.
Contracts	4/5	Pub. Contract Code §20128	Modify terms of a construction contract.
Contracts	4/5	Pub. Contract Code § 20135	Alter or change in any manner the plans and specifications previously adopted by the Board for the erection, alteration, construction, or repair of any public building or structure, where such alteration or change increases cost.
Contracts	4/5	Pub. Contract Code §20136	Adopt an order to alter or change a contract that is for the erection, construction, alteration or repair of any public building or other structure.
Contracts	4/5	Pub. Contract Code § 20137	Contracts for the erection, construction, alteration, or repair of any public building or other structure: the Board may authorize a change if it does not exceed 10% of the original contract price.
Contracts	4/5	Pub. Contract Code § 20150.10	Adopt a resolution declaring that a project can be performed more economically by county personnel, or that in the Board's opinion a contract to perform the project can be negotiated with the original bidders at a lower price than that in any of the bids, or the materials or supplies furnished at a lower price in the open market.
Contracts	4/5	Pub. Contract Code § 22038(a)(2)	After rejection of bids, adopt a resolution that declares that a project can be performed more economically by the employees of the agency.

## Mono County Board Rules of Procedure

Contracts	4/5	Pub. Contract Code §22050(a)(1)	In the case of an emergency, repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services and supplies for those purposes, without giving notice for bids to let contracts. (See also Pub. Contract Code §22035.)
Contracts	4/5	Pub. Contract Code §22050(b)(1)	Adopt a resolution or ordinance that delegates to the appropriate county administrative officer, chief engineer or other nonelected agency officer, the authority to order any action pursuant to the emergency powers described in (a)(1) above.
Contracts	4/5	Pub. Contract Code §3400(c)(4)	Use of specific brand/trade name (without "or equal") in the invitation of bids or requests for proposals in order to respond to an emergency declared by a local agency by a four-fifths vote.
Counsel	4/5	Gov. Code § 25203	Employ counsel to assist the district attorney, county counsel or other counsel for the county or public entity for which the Board is the governing body.
Flood Control, Maintenance and Sanitation District	4/5	Gov. Code § 23014	Adopt a resolution appropriating any of its available moneys to a revolving fund (not to exceed \$500,000) to be used by any county sanitation district, county flood control district, or county district maintenance district located wholly within the county for certain purposes.
Legislation	4/5	Gov. Code §25123(d); Elec. Code §9141(a)(4)	Adopt ordinances that are for the immediate preservation of the public peace, health or safety, which contain a declaration of the facts constituting the urgency, in which case the ordinance shall take effect immediately.
Parks	Unanimous	Gov. Code §25583	Adopt a resolution of intention to abandon a park or a portion of a park and fix a time when it will meet to take final action.
Parks	4/5	Gov. Code §25553	Find that the enlargement or improvement of the public park, beach, golf course or recreation ground is of general county interest or that the cost of maintenance is increased by reason of use by residents of the county outside of the city, such that the Board may determine to extend aid to city parks.

**Mono County Board Rules of Procedure**

Planning	4/5	Gov. Code §65858	Adopt as an urgency measure, an interim ordinance prohibiting any uses that may conflict with a contemplated general plan, specific plan, or zoning proposal. Any extension of time on the interim ordinance also requires a 4/5 vote.
Planning	4/5	Pub. Util. Code §§ 21676, 21676.5	Overrule an airport land use commission's determination.
Property	Unanimous	Gov. Code §25363	Cash sale or lease of any property not required for public use at a noticed public auction (4/5ths vote); sale or lease at an unadvertised, private sale can be authorized by simple majority, but only after the Board unanimously finds that the value of the property does not exceed \$500, monthly rental value is less than \$75 or it is a product of a County farm.
Property	Unanimous	Gov. Code §25550 & §25550.5	Conveyance of county property to city for public park purposes.
Property	4/5	Gov. Code §25365(a)	Convey to another governmental agency within the county any real or personal property.
Property	4/5	Gov. Code §25365(b)	Exchange real property with any person, firm or corporation for the purpose of removing defects in the title or where the real property is not required for county use and the real property to be acquired is required for county use.
Property	4/5	Gov. Code §25515.2(c)	Action to approve any sale, lease, lease with option to purchase, development or contract agreement for public property after a request for proposals.
Property	4/5	Gov. Code §25536(a)	Enter leases, concession or managerial contracts involving leasing or subleasing county-owned, leased or managed property devoted to or held for certain purposes.
Property	4/5	Gov. Code §25536(c)	Sell or lease county-owned property without complying with Article 8 "Sale or Lease of Real Property" if the county repurchases or leases back the property as part of the same transaction. Pledge specific revenues as security for the payment of obligations incurred in the repurchase or leaseback of the property.

## Mono County Board Rules of Procedure

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Property	4/5	Gov. Code §25536.5	Approve an agreement to amend a lease, sublease, concession or managerial contract entered to permit a permanent improvement or alteration of property at the expense of the lessee or concessionaire and to permit a credit on rentals or other reimbursement.
Property	4/5	Gov. Code §25526	Adopt a resolution declaring intent to sell or lease property.
Property	4/5	Gov. Code §53867	Determines that property cannot be sold for a sum at least equal to the total of the amount paid, all accrued penalties and delinquencies, and necessary expenses incurred, and local agency may sell the property or lien for less than such total but not less than the fair market value of the property or lien.
Roads	Unanimous	Sts. & Hwy Code §1026(c)	County aid to road districts: order the expense of material for highway construction to be paid out of the county general fund.
Special Assessment Districts	4/5	Sts. & Hy. Code §§ 2808.5, 2808.6, 2808.7	There are several statutory special vote requirements related to special assessment districts. Please consult with County Counsel.
Special Purpose District	Unanimous	Gov. Code § 26909, subd. (b)	Approve a unanimous request made by the governing board of a special district to replace an annual audit with another specified audit.
Streets and Highway	4/5	Sts. & Hwy. Code §942	Let County rent county equipment used in the maintenance and construction of county roads, when such equipment is not in use upon the roads under the jurisdiction of the Board, and arrange the rate of rental compensation, in keeping with the general conditions prevailing in the county in which the transaction is made.
Streets and Highway	4/5	Sts. & Hwy. Code § 969.5	Adopt a resolution that determines that the general county interest demands the improvement or repair of a privately-owned road.

Streets and Highway	4/5	Sts. & Hwy. Code § 1070	Determine that the public convenience and necessity demand the acquisition or construction of a new county highway or improvement, repair or maintenance of any existing county highway, and the expense of such new highway or the expense of improving, repairing, or maintaining such existing highway is too great to pay out of the road fund of the district (such that the Board may adopt a resolution to make such acquisition or do such work and charge the expense to the county general fund, the road fund of the county, or the district fund of any district benefited).
Streets and Highway	4/5	Sts. & Hwy. Code § 1627	Adopt a resolution that establishes a “county highway right of way acquisition revolving fund” for acquiring rights of way for county highway purposes through purchase or condemnation.
Streets and Highway	4/5	Sts. & Hwy. Code §§ 1680, 1686	Adopt a resolution that determines that certain activities are of general county interest and that county aid may be extended to cities for city streets.
Streets and Highway	4/5	Sts. & Hwy. Code § 1700	Adopt a resolution that declares any highway located in whole or in part within a city to be a county highway for one or more of the following purposes: acquisition of rights-of-way, construction, maintenance, improvement, or repair.
Tax	4/5	Gov. Code § 53724	Approve an ordinance or resolution that proposes a tax that is subject to approval by the voters pursuant to Government Code section 53722.
Tax	4/5	Rev. & Tax. Code § 7285	Approve ordinance proposing a transactions and use tax for general purposes.
Tax	4/5	Rev. & Tax. Code § 7285.5	Adopt ordinance regarding a transactions and use tax for specific purposes.

**XIV. APPENDIX C. Request to Place Item on Board's Agenda by the Public or Non-County Entities**

- a) The public or any non-county entity (i.e. other governments, businesses, non-profits groups or other interest groups) are requested to contact the Clerk of the Board of Supervisors (760-932-5533 or 760-932-5538) for the date of the next available agenda. This information online at: <http://monocounty.ca.gov/bos>; click on **Meetings** link.
- b) A non-county individual or group seeking placement of an item on the Board of Supervisors' Agenda must have one of the Supervisors sponsor the item along with concurrence from the Board Chair. The name of Board Member sponsor shall be provided to the Clerk of the Board.
- c) The following information is required via email to the Clerk of the Board of Supervisors before the item will be added to the agenda:
- *A brief description of the item to be discussed.*
  - *Is there a requested Board action, or is this item informational?*
  - *Is there a fiscal impact to the County?*
  - *Name of the person(s) who will be appearing before the Board to make the presentation.*
  - *Amount of time requested, including discussion and questions from the Board.*
  - *Preferred time of presentation, morning or afternoon.*  
*Morning is between 9:30-12:00 p.m.; afternoon is after 1:00 p.m.*
- NOTE:** *An afternoon time may not be possible if the meeting will be finished before Noon.*
- *If the request is coming from an organization, please provide via email a cover memo on the organization's letterhead addressed to the Mono County Board of Supervisors describing in detail the request, expected Board action, and fiscal impact.*
  - *If handouts are to be provided or additional information at the Board meeting, you must provide this information via email to the Clerk of the Board of Supervisors, and at least 10 copies for public distribution*
  - *If a PowerPoint presentation will be presented, please email it prior to the agenda deadline so it can be included in the Board's packet.*
- d) Upon request, the Clerk of the Board will provide a copy of a sample cover memo.