

**BEFORE THE CITY SELECTION COMMITTEE  
COUNTY OF TULARE, STATE OF CALIFORNIA**

<b>RESOLUTION OF THE TULARE</b>	)	
<b>COUNTY CITY SELECTION COMMITTEE</b>	)	<b>RESOLUTION NO. 2004-01</b>
<b>ADOPTING RULES OF PROCEDURE</b>	)	

**WHEREAS**, the Tulare County City Selection Committee, hereafter referred to as the City Selection Committee or as the Committee, was established by virtue of Government Code section 50270 et seq, for the purpose of appointing representatives to boards, commissions and agencies as required by law; and

**WHEREAS**, the City Section Committee was directed to adopt rules and regulations to govern the conduct of its meetings and the selection of city representatives by Government Code section 50275;

**NOW, THEREFORE, BE IT RESOLVED** that the City Selection Committee, by the adoption of this Resolution, adopts rules of procedure for the conduct of its meetings and business as follows:

**A. MEMBERSHIP**

1.     Membership.

        The membership of the City Selection Committee shall consist of the mayor of each city within Tulare County.

2.     Alternate.

        When a mayor is unable to attend a meeting of the City Selection Committee, he/she shall designate another member of the City's legislative body to attend and vote at the meeting in his/her place and as his representative.

3. Staff.

Pursuant to Government Code section 50276 as amended from time to time, the Clerk of the Tulare County Board of Supervisors shall act as the permanent secretary and recording officer for City Selection Committee. All meetings shall be conducted in the presence of the Clerk of the Tulare County Board of Supervisors or his deputy. The Clerk of the Tulare County Board of Supervisors shall hereinafter be referred to as the Clerk of the Committee.

**B. TIME AND PLACE OF MEETINGS**

4. Regular and Special Meetings.

The City Selection Committee shall hold regular meetings quarterly each calendar year. Such meetings shall be held on the third Monday of the third month of each quarter at 12:30 p.m. All special meetings shall be called by the Chairman in accordance with the Ralph M. Brown Act, Government Code section 54950 et seq. as amended from time-to-time (hereinafter referred to the "Brown Act"), and Government Code section 50277 as amended from time to time. Notice of all meeting shall be given in accordance with the Brown Act and Government Code section 50278, as amended from time to time.

5. Meetings to be Public.

All regular, special, and emergency meetings shall be open to the public, except for such closed sessions, which may be held in private, in accordance with the Brown Act.

6. Study Sessions.

The Committee shall have the right at any time to assemble in a special or adjourned regular meeting, so as to be appraised of the various matters coming up at its meetings and obtain such detailed information in regard thereto as will enable them to dispose of

such matters more intelligently at its meetings. Study sessions may be placed on the agenda and held as part of a regular or special meeting or may be noticed for a different date, time and place by reference in the agenda of a regular meeting. All study sessions shall be open to the public.

7. Closed Sessions.

The City Selection Committee may hold closed sessions during any meeting provided the requirements pertaining to closed sessions set forth in the Brown Act are met.

The Committee shall cause to be reported to the extent required by the Brown Act any action taken in closed session.

8. Teleconferencing.

The Committee shall have the right at any time to use teleconferencing for the benefit of the public and the Committee in connection with any meeting. Teleconferencing is defined as a meeting of the Committee wherein members of the Committee are in different locations, connected by electronic means, through either audio or video, or both. Attendance of any meeting by telephone conference shall be consistent with the Brown Act or other applicable law

9. Contacts, Conferences, Seminars, or Programs, which do not constitute a Meeting.

Certain activities do not constitute a meeting subject to the Brown Act. Such activities are not subject to these rules of procedures. These activities include the following:

- a. Individual (solitary) contacts or conversations between a Committee member and any other person, including another Committee member.

- b. Activities when attended by a majority of the Committee members, provided that business of a specified or specific nature that is within the subject matter jurisdiction of the Committee is not discussed among the Committee themselves other than as part of the scheduled program, as follows:
  - i. A conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or public agencies of the type represented;
  - ii. An open and publicized meeting organized by someone other than the County to address a topic of local concern;
  - iii. An open and noticed meeting of another body of the local agency; and
  - vi. An open and noticed meeting of a legislative body of another agency.
- c. Provided that Committee members who are not members of the standing committee attend only as observers and do not participate in the proceedings by making statements, asking questions or discussing issues among themselves, an open and noticed meeting of a standing committee of the Committee attended by a majority of Committee members.
- d. Provided that the Committee members do not discuss business of a specific nature under their jurisdiction among themselves other than as part of the scheduled program, attendance by a majority of Committee members at a purely social or ceremonial occasion or function.
- e. Such other activities as may from time-to-time be identified by the Brown Act or other applicable law.

10. Facilities for Meetings.

Except as otherwise provided by action of the Committee when authorized by Government Code Section 54954 or other applicable law, all meetings and study sessions of the Committee shall be held in the Tulare County Board of Supervisors' Chambers, County Administration Building, Visalia, California. Whenever the Committee anticipates that attendance will be substantially greater than the capacity of the Board Chamber or the issue is of specific interest to a particular geographical area within the County, the Committee may direct that arrangements be made for the use of a suitable alternate facility within Tulare County for such meeting or for teleconferencing. If a suitable alternate facility is not available, the public meeting may be continued to a date and time when a suitable alternate facility will be available. All meetings shall be held within Tulare County, unless authorized to be held outside of Tulare County pursuant to Government Code Section 54954 or other applicable law. The Committee shall not conduct any meetings or study sessions in any facility where admittance of any member of the public is restricted on the basis of a characteristic protected by law or when members of the public may not be present without making a payment or purchase.

11. Conduct of Public Hearings.

To the extent that the Committee by law may be required to hold a public hearing, the following rules shall apply: The Committee in setting the time and place for public hearings may state the amount of time to be devoted to the public hearing. Anyone desiring to speak to the Committee on the subject of the public hearing may submit a written request therefore in advance of the meeting, however, a written request is not required to speak at a public hearing. Persons submitting such requests will be heard as time permits in the order determined by the Committee. In the conduct of the public

hearing, the presiding officer may limit the amount of time any person may address the Committee and may direct those making the presentations to avoid repetition in order to permit maximum information to be provided the Committee within the time allotted to the presentations.

12. Continuance of Hearings.

Any hearing being held, or noticed, or ordered to be held may be continued one or more times to any subsequent meeting or meetings.

13. Public Comment during Regular Meetings.

The Committee shall accept public comment on any matter within its jurisdiction during its regular meetings at the time set on the agenda for public comment and on any specific item on its agenda at the time the Committee takes up such matter in accordance with the Brown Act. The Committee hereby adopts the following regulations for public comment at its regular meetings:

- a. A period of time, herein called the “Public Comment Period”, for the public to comment on matters within the jurisdiction of the Committee shall be posted on each agenda of a regular meeting. A total of fifteen minutes shall be allotted for the Public Comment Period. During that period, comments will be received in accordance with the following:
  - i. In general, such public comment will be taken at 12:30 p.m. but this time may be changed at any regular meeting at the discretion of the presiding officer.
  - ii. Subject to the discretion of the presiding officer set forth herein, each

member of the public shall have up to three (3) minutes to address the Committee. The presiding officer may grant additional time or, if it appears that all members of the public desiring to comment cannot comment within the allotted times, the presiding officer may shorten the individual comment time or extend time allotted for the Public Comment Period.

- iii. Only comments pertaining to matters within the jurisdiction of the City Selection Committee or pertaining to items on the consent portion of the Committee's agenda shall be allowed during the Public Comment Period. Comments on other items on the agenda will not be allowed at this time except with the permission of the presiding officer.
  - iv. Subject to the option of the presiding officer, members of the public shall generally be permitted to comment on a first come first served basis. In order to determine the order of comment, an optional sign-up sheet may be posted at the entrance to the Chambers. The options sign-up sheet shall clearly state that the signing, registering or completion of the sign-up sheet is voluntary and that all persons may attend the meeting regardless of whether a person signs in.
  - v. In addressing the Committee, the members of the public shall follow the protocol set out in Section 22 below.
- b. Public comment on specific items not on the consent portion of the agenda shall be permitted at the time the Committee takes up such item for consideration unless the presiding officer gives permission for public

comments on this item to be made during the Public Comment Period. Public comments on specific items not on the consent portion of the calendar will be received in accordance with the following:

- i. Members of the public shall be permitted to comment in the order determined by presiding officer.
- ii. Members of the public shall have up to three (3) minutes to address the Committee unless additional time is granted by the Presiding Officer. If it appears that all members of the public desiring to comment cannot comment within the allotted times without disrupting the Committee's agenda, the Presiding Officer shall have the option to shorten the individual comment time.
- iii. In addressing the Committee, members of the public shall follow the protocol set out in Section 22 below.

14. Public Comment during Special Meetings and Emergency meetings.

- a. In accordance with the Brown Act, there will not be a separate Public Comment Period during special meetings and no comments on matters within the Committee's jurisdiction unless the matter is listed as an item on the agenda will be allowed. Members of the public will be allowed to comment on specific items on the agenda in accordance with protocols set out in Section 10(b) above.
- b. In accordance with the Brown Act, there will not be a separate Public

Comment Period during emergency meetings and no comments on matters within the Committee's jurisdiction or any items on the agenda will be allowed except at the sole discretion of the presiding officer.

### **C. COMMITTEE AGENDAS**

#### **15. Agenda Items.**

Items will only be placed on the Committee's agenda at the direction of the presiding officer or, in his absence, the Vice Chairman pursuant to a request by a Committee member, the Clerk of the Committee or a City staff person. However, upon written request by 50% of the membership of the Committee, any item within the jurisdiction of the Committee shall be placed on the agenda. Except as otherwise allowed by law, no ordinance, resolution, or item shall be brought before the Committee for action at a regular meeting without having prior thereto been placed upon a written agenda or agenda addendum furnished to each member of the Committee and posted seventy-two hours prior to such regular meeting.

#### **16. Preparation of Agenda.**

Not later than seventy-two hours prior to any regular meeting, or at such earlier time as the presiding officer may, from time to time, specify, the Clerk of the Tulare County Board of Supervisors shall prepare and furnish to each member of the Committee and to such other persons as the Committee shall designate, a written agenda and, if necessary, agenda addendum for such regular meeting. Such agenda and any agenda addendum shall also be available to the press and the public prior to the meeting as provided by law.

#### **15. Posting of Agenda.**

Not later than seventy-two hours prior to any regular meeting, the agenda and any agenda addendum shall be posted at the public notice board on the outside of the Tulare County Administrative Office Building, 2800 West Burrel in Visalia, California. If the meeting includes any teleconferencing or if the meeting is held at a different location, the Agenda and any agenda addendum shall also be posted in accordance with Section 8 above and as provided by applicable law.

18. Off Agenda Items.

No action may be taken on any item not appearing on the posted agenda except as follows:

- a. Upon a determination by a majority vote of the Committee that an emergency situation exists, as defined by Section 54956.5 of the Government Code.
- b. Upon a determination by four-fifths vote of the Committee, or, if less than the full Committee is present, a unanimous vote of those members present, that there is a need to take immediate action and that the need to take action came to the attention of the governing Committee of the local agency subsequent to the agenda being posted.
- c. The item had been previously posted as required for a meeting occurring not more than five (5) calendar days prior to the meeting and the item had been continued to this meeting.
- d. Committee referrals of items to staff for investigation and report to the Committee are not deemed to be action by the Committee which requires placement on the agenda; nor shall a direction to staff to place a matter of business on a future agenda.

**D. CONDUCT OF MEETINGS**

19. Consent Calendar.

The Chairman or Clerk of the Committee may place items on a consent calendar on the agenda for action by the Committee. The consent calendar shall consist of those matters appearing to the Chairman or Clerk to be of a routine nature. Upon the motion of any member of the Committee, all items placed upon the consent calendar may be acted upon together, and each shall be deemed to have received recommended action, except that if any member of the Committee requests that a particular item be removed from the consent calendar, such item shall be heard and acted upon on the regular agenda. A Committee member who must abstain from voting on a particular consent calendar item may vote on the consent calendar as a whole after identifying the particular item and announcing the reason for abstention, except that said vote will not apply to the consent calendar item to which abstention has been announced and applies.

20. Order of Business.

At each meeting, the business of the Committee shall be taken up for consideration and disposition as set forth in the agenda, unless the order is changed by the Presiding Officer.

21. Call to Order - Presiding Officer.

The Chairman, or in the absence of the Chairman, the Vice-Chairman shall take the chair at the hour appointed for the meeting, and shall call the Committee to order. Upon arrival of the Chairman, the Vice-Chairman shall immediately relinquish the chair at the conclusion of the business immediately before the Committee. In the absence of the Chairman or Vice-Chairman, the most senior member of the Committee present shall be deemed the temporary chairman and shall call the Committee to order. Upon the arrival of the Chairman or Vice-Chairman, the temporary chairman shall immediately relinquish the

chair at the conclusion of the business immediately before the Committee. The person holding the chair in accordance with this rule is deemed the presiding officer.

22. Manner of Addressing Committee - Time Limit.

- a. Protocol: Each person addressing the Committee shall stand at the podium and give his/her name and address in an audible tone of voice for the record.  
  
As set out above, the presiding officer may limit the time of any person addressing the Committee. All remarks shall be addressed to the Committee as a body and not to any member thereof. No person, other than the Committee, Clerk of the Committee and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Committee, without the permission of the presiding officer. No question shall be asked of a member of the Committee or of staff except through the presiding officer.
- b. Protocol for Groups of Persons. Whenever any group of persons wishes to address the Committee on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Committee and in case additional data or argument is to be presented at the time by another member of said group, to limit the number of persons so addressing the Committee and the scope of their remarks so as to avoid unnecessary repetition.

23. Decorum.

- a. By Committee members: While the Committee is in session, the members must preserve order and decorum, and a member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the

Committee nor disturb any member, nor refuse to obey the orders of the Committee, or the presiding officer, except as otherwise herein provided.

- b. By Other Persons: No member of the public shall approach the Committee while the Committee is in session, unless specifically allowed to do so by the presiding officer. Any message to or contact with, any member of the Committee while the Committee is in session shall be through the Clerk or presiding officer. Unruly conduct, such as undue noise, hissing, profanity, insults, derogatory racial, sexual, ethnic and similar slurs or physical disturbance shall not be permitted. Any person making such personal, impertinent, or slanderous remarks or who becomes boisterous while addressing the Committee may be forthwith barred by the presiding officer from further audience before the Committee at the meeting, unless permission to continue is granted by a majority vote of the Committee. However, public criticism of the Committee or its policies, procedures, programs, services or of the acts or omissions of the Committee or Committee staff shall be allowed.
- c. Communication Devices. The ring or other audible notice features on private electronic communication devices shall be turned off in the Committee's Chambers or meeting location rooms while the Committee is in session. Use of such devices audible to the Committee, Committee staff or other members of the public in the Committee's Chambers or meeting location rooms while the Committee is in session is prohibited and the presiding officer may order the user removed.
- d. Recording or Broadcasting: Any person attending shall have the right to

record or broadcast any meeting, with the exception of closed sessions, with an audio or video tape recorder, a still or motion picture camera, or other recording or broadcasting devices. However, recording or broadcasting of the public proceedings may be prohibited if the Committee makes a reasonable finding that the recording or broadcasting cannot continue without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings. To this end, the presiding officer, Clerk of the Committee or the Committee as a whole may direct such recording or broadcasting activity to be done in such a way or the equipment be so positioned in the meeting facilities that the impacts of such activity are minimized so as not to constitute persistent disruption of the proceedings

24. Enforcement of Decorum.

All law enforcement officers shall be sergeants-at-arms of the Committee meetings. Such person, or persons, shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum at the Committee meetings. Upon instructions of the presiding officer, it shall be the duty of the sergeants-at-arms to remove and/or place any person who violates the order and decorum of the meeting under arrest, and may cause them to be prosecuted under provisions of applicable law.

25. Interruption of meeting - Continuation.

In the event that any meeting is willfully interrupted by a person, group or groups of persons, so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by removal of individuals who are interrupting the meeting, the members of the Committee may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited

representatives of the press and other news media, except those participating in the disturbance, shall be allowed to attend any such session. As a matter of public policy, it is in the public interest to allow duly accredited representatives of the press or other news media who were not involved in the disruption to attend the sessions from which members of the general public have been excluded by reason of a willful disturbance. The Committee may direct the sergeant-at-arms to readmit any individual, or individuals, who in their judgment were not responsible for interrupting the orderly conduct of the meeting.

**E. DUTIES AND PRIVILEGES OF COMMITTEE MEMBERS**

26. Annual Reorganization.

At the regular meeting of third quarter in the calendar year, the Committee shall select one of its members as chairman for the following year and shall select a vice-chairman. Such selection shall be made by designating the City the mayor of which will hold each seat and shall be upon motion, second and vote of representatives of a majority of the number of cities within Tulare County entitled to representation on the Committee. The terms of the new Chairman and Vice Chairman shall begin when they take office as mayors.

27. Seating Arrangement.

The Committee members shall select their respective seats in the order of their relative seniority in office and shall occupy seats so selected until the next regular reorganization of the Committee; provided, however, that any two members may exchange seats at any time by mutual consent.

28. Rules of Debate.

- a. The presiding officer may debate, vote and make or second a motion while acting as presiding officer. The presiding officer shall not be deprived of any

of the rights and privileges of a Committee member by reason of acting as the presiding officer.

- b. Obtaining the Floor - Improper References to be Avoided: Every member desiring to speak shall address the chair, and upon recognition by the presiding officer shall confine themselves to the question under debate, avoiding all indecorous language as described above.
- c. Interruptions. Members, once recognized, shall not be interrupted when speaking unless it is to call them to order. A member called to order while speaking shall cease speaking until the question or order can be determined.
- d. Restriction of Discussion. Except for purposes of inquiry, a brief response to an inquiry or statement made by a member of the public or furnishing information to the Committee, Committee members shall speak only to a subject which is a part of a duly introduced motion, resolution or ordinance and when recognized by the presiding officer.

29. Voting.

- a. Quorum. Representatives of a majority of the number of cities within Tulare County entitled to representation on the City Selection Committee shall constitute a quorum of the Committee; provided however that majority vote of the representatives of the number of cities within Tulare County entitled to representation on the City Selection Committee shall be necessary to appoint representatives to boards, commission, or agencies. Whenever a quorum is not present at a meeting, the meeting shall be postponed or adjourned to a subsequent time and place, as determined by the Chairman. If the Chairman is not in attendance at the meeting where a quorum is not present, the

meeting may be postponed or adjourned in accordance with the Brown Act.

- b. Abstention. It shall be the duty of each Committee member present at a meeting of the Committee to cast a vote “aye” or “nay” unless excused from voting because:

1. Of a personal or pecuniary interest in the matter under consideration;  
or
2. The law otherwise declared participation to be a conflict of interest; or
3. They are disqualified by reason of absence from the hearing of a matter the decision on which under the law must be based upon findings supported by testimony and/or other evidence introduced in the proceeding.

If a Committee member is excused from voting, the abstention shall not be counted as either an “aye” or “nay” vote.

Nothing herein is intended to abrogate the judicially declared “rule of necessity” adopted in the State of California, pertaining to the duty of members of public legislative and administrative bodies to vote on matters, which require their action.

- c. Vote. Except as otherwise provided by state law, the concurring vote by representatives of a majority of the number of cities within Tulare County entitled to representation on the City Selection Committee, will be necessary to transact any business of the Committee in accordance with Government Code section 50272.
- d. Vote Held Open. In instances of proclamations and commendatory resolutions, the Clerk may, upon the direction of the Committee members

present hold open the vote on the issue, to allow an absent Committee member to approve such proclamation or commendatory resolution.

30. Appointments to Committees and Commissions.

Authority for appointments to boards, authorities, committees and commissions shall reside in the sole discretion of the Committee as a whole except where otherwise provided by statute, ordinance or the provisions of a joint powers agreement. When an appointment relates to a board, authority, committee or commission whose jurisdiction is less than countywide, then the Committee members who encompass said jurisdiction may recommend an appointment to the remainder of the Committee.

31. Votes shall be recorded.

All votes and proceedings of the Committee shall be recorded by the Clerk of the Committee or his/her deputy in accordance with Government Code section 50276 and the Brown Act.

**F. COMMITTEE PROCEDURES**

32. Precedence of Motions.

When a question is before the Committee, no motion shall be entertained except:

- a. To adjourn;
- b. To lay on the table;
- c. For the previous question;
- d. To postpone to a certain day;
- e. To refer;
- f. To amend;
- g. To substitute;
- h. To postpone indefinitely.

These motions shall have the precedence in descending order indicated. Any such motion, except a motion to adjourn, amend or substitute, shall be put to a vote without debate.

33. Motions and Resolutions to be Stated by Chair.

When a motion or resolution is made and seconded, it shall be stated by the Presiding Officer before debate and voting.

34. Withdrawal of Motions.

A motion may not be withdrawn by the mover without consent of the second.

35. Motions Out of Order.

The Committee, by majority vote, may permit a member to introduce an ordinance, resolution or motion out of the regular order of the agenda.

36. Motion to Adjourn - When Not in Order - When Debatable.

A motion to adjourn shall be in order at any time, except as follows:

- a. When repeated without intervening business or discussion;
- b. When made as an interruption of a member speaking;
- c. When the previous question has been ordered;
- d. While a vote is being taken, a motion to adjourn is debatable only as to the

time to which the meeting is to be adjourned.

37. Motion to Lay on Table.

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion prevails, consideration of the subject may be resumed only upon motion of a member voting with the majority.

38. Division of a Question.

If a question put before the Committee with a second contains two or more

separable propositions, the presiding officer may, and upon request of a member shall, divide the question.

39. Motion to Amend.

When a motion to amend a question gets a second, the presiding officer shall first cause the question to be read as it stands and then as it would stand if so amended.

40. Motion to Amend an Amendment.

When a motion to amend an amendment has been seconded, a motion to amend the same amendment further shall not be in order.

41. Motion to Postpone.

A motion to postpone, except one to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely carries, the main motion is lost.

42. Reconsideration.

Once a vote has been taken the matter is final. Motions to reconsider are not provided for in these rules.

43. Procedure in Absence of Rule - Suspension of Rules.

In the absence of a rule to govern a point of procedure, a majority of the members of the Committee may agree to a temporary rule to govern the point of procedure. Except as otherwise provided by law, these rules or any one thereof may be suspended at any time for any specified period of time by majority order of the Committee or may be changed or eliminated until further notice by amendment to this resolution.

The FOREGOING RESOLUTION was adopted upon motion of Committee member McKittrick, seconded by Committee member Norman, at a regular meeting of the City Selection Committee held on November 15, 2004 by the following vote:

AYES: McKittrick, Norman, Boyer, Kimball, Cooke, Link, and Ritchie

NOES: None

ABSTAIN: None

ABSENT: None

ATTEST: C. BRIAN HADDIX  
TULARE COUNTY ADMINISTRATIVE OFFICER/  
CLERK OF THE TULARE COUNTY BOARD OF  
SUPERVISORS/CLERK OF THE TULARE COUNTY  
CITY SELECTION COMMITTEE

By: \_\_\_\_\_  
Chief Clerk