# RESOLUTION No. 13-050

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

### RESOLUTION RESCINDING RESOLUTION 94-313 AND ESTABLISHING RULES FOR THE CONDUCT OF MEETINGS OF THE BOARD OF SUPERVISORS

WHEREAS, on June 28, 1994, the Nevada County Board of Supervisors adopted Resolution 94-313, reestablishing rules for the receipt of public comment at meetings of the Board of Supervisors; and

WHEREAS, it is the desire of the Board of Supervisors to clarify the rules for the receipt of public comment,

NOW, THEREFORE BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada, State of California that the Board of Supervisors shall allow an opportunity for public comment during each of its regular Board meetings as follows:

1. **Matters on the agenda:** The Board shall allow public comment on items appearing on the agenda when the agenda item is considered by the Board. The Chair may limit the total amount of time for comment on any agenda item to no less than 3 minutes for each individual. Comments by the public must be relevant to the item on the agenda being considered by the Board.

2. **Matters not on the agenda:** At regular meetings of the Board, members of the public shall be allowed to address the Board of Supervisors on matters not appearing on the agenda which are of interest to the public and which are within the subject matter jurisdiction the Board. Pursuant to the Ralph M. Brown Act, the Board shall not take any action or discuss any matter not appearing on the agenda; although staff may be asked to briefly respond to or follow up on such items.

   The Board will allocate at least 15 minutes for receiving public comment-during any Board meeting. The chairperson of the Board may limit any individual desiring to address the Board to no less than 3 minutes. Time to address the Board will be allocated on the basis of the order in which the requests were received.

3. **Public Hearings:** All members of the public shall be allowed to address the Board as to any item which is noticed on the Board's agenda as a public hearing. The Board may limit any person's input to not less than three (3) minutes. Any person may provide the Board with a written statement in lieu of or in supplement to any oral statement made during a public hearing. Written statements shall be submitted to the Clerk of the Board.

   Whenever a public hearing is conducted, the public hearing is closed, and the matter is continued to a subsequent meeting for Board deliberation and/or action, the Board shall not allow public comment and/or testimony on that item at the subsequent hearing. However, at the initial public hearing, prior to taking action, the Board may, at its sole discretion, elect to continue the matter and to reopen the public hearing. At the subsequent hearing, all information will be considered. The Board may also, at the initial public hearing, prior to taking action, announce that the public hearing is being continued for specific information and the public testimony will only be heard on new information specific to the Board's direction. If, after the public hearing is closed and the Board later decides to reopen the public hearing for public testimony, appropriate notices must be published.

4. **Order and Decorum**: Individuals or organizations desiring to address the Board shall:

   a. Address the Board from the podium after giving name and city of residence. Speakers shall direct their comments to the Board, not the audience.

   b. Comment on the specific matter before the Board with reasons for the position taken.

   c. A time limit of at least three minutes per speaker will be provided for all oral comments. Time limits may be increased at the Chair of the Board's discretion.

   d. The chair may, at his or her discretion allow five (5) minutes for those who are serving as a spokesperson for a group or organization.

   e. A speaker may not yield time to another speaker.

   f. No individual may speak more than once during the Public Comment period or on an item on the agenda unless recognized by the Chair as having new information.

   g. In the interest of civil discourse, the same rules specified in the Board Order and Decorum (adopted every year by Resolution) and *Robert's Rules of Order* (General Henry M. Robert) shall apply for this section as well, and are hereby incorporated by reference. It shall be the responsibility of the Chair to ensure public comments are conducted in such a manner that avoids disruptive activity, promotes mutual respect, keeps comments focused on issues, and avoids personal attack.

   h. Applicants, applicant representatives and appellants desiring to speak shall be permitted to speak first during the public comment portion of a public hearing for not more than ten (10) minutes (or fifteen (15) minutes at Appeal Hearings), unless different rules for conducting the hearing are provided by County code. Time limits may be increased at the Chair of the Board's discretion.

5. **Special Meetings**: At special meetings of the Board, public comment will only be allowed on matters appearing on the agenda.

BE IT FURTHER RESOLVED, that Resolution 94-313 is hereby rescinded.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 12th day of February, 2013, by the following vote of said Board:

Ayes: Supervisors Nathan Beason, Edward Scofield, Hank Weston, and Richard Anderson.

Noes: Terry Lamphier.

Absent: None.

Abstain: None.

ATTEST:

DONNA LANDI
Clerk of the Board of Supervisors

By: Donna Landi

Hank Weston
Hank Weston, Chair

02/12/2013 cc: Counsel*
CEO*