

Exhibit A: Redline

BOARD OF SUPERVISORS

Policies for Conducting Business



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Policy Statement

The Napa County Board of Supervisors (“Board”) is committed to the highest standards of effective governance. The primary roles of the Board are to set a direction and policy for the County that identifies countywide issues and supervisorial district issues with countywide impact and to put strategies and coalitions in place to address those issues while maintaining fiscal sustainability. The Board works with the County Executive Officer (“CEO”) to keep the organization’s efforts focused on its mission, values and strategic goals.

This Policy sets forth procedures for conducting meetings of the Board and external advocacy by the Board, standards of conduct for members of the Board, procedures and qualifications for establishment and appointments to advisory boards and committees of the Board, and procedures for appeals taken before the Board.

I. Meetings of the Board of Supervisors

A. Meeting Organization

1. Meeting Calendar

Regular meetings of the Board of Supervisors shall begin at the time, date and place specified on the calendar for the coming year adopted at or before the last meeting of the Board of Supervisors in December of the current year. Non-scheduled regular meetings and special meetings may also be set in compliance with the requirements of the Brown Act.

2. Meeting Location

Unless specially noticed or otherwise adopted in the annual calendar, meetings shall be held in the Board of Supervisors meeting room, Room 305, Third Floor, County Administration Building, 1195 Third Street, Napa, California.

3. Meeting Cancellations

Any meeting of the Board may be cancelled by majority vote of the Board or by the Clerk of the Board (“Clerk”) for lack of a quorum or lack of business.

4. Duration of Meetings

Once called to order, all meetings shall continue until all business on the agenda is completed unless the Board determines by majority vote to continue some or all of the remaining items to a later meeting.

5. Order of Business

The regular order of business of meetings of the Board shall be:

- a. Call to Order, Roll Call, and Pledge of Allegiance;
- b. Laudatory Declarations;
- c. Consent Calendar – Special Districts and Consent Calendar for the Board;
- d. Public Comment on matters not on the agenda;
- e. Board of Supervisors Reports and Announcements;
- f. Discussion of items pulled from Consent Calendars;
- g. Regular Agenda of the Board, including Administrative Items – Special Districts,

Administrative Items for the Board, Public Hearings – Special Districts, Public Hearings before the Board, and Closed Session Items; and

h. *Adjournment.*

The Chair may alter or deviate from this schedule.

6. *Public Comment Generally*

Any person desiring to address the Board when recognized by the Chair should give their name for the purpose of the record as well as any campaign contributions required to be disclosed pursuant to the Levine Act (Government Code section 84308). In the interest of facilitating the business of the Board, the following shall apply:

- a. Each speaker shall be permitted to be heard once for up to three minutes per Board agenda item unless the Chair affirmatively grants additional time. The three-minute per speaker time limit for public input on any agenda item may be reduced by the Board Chair to less than three minutes (but in no event to less than one minute per speaker) as may be reasonably necessary for the orderly and efficient conduct of Board meetings. Speakers shall address the Board when they have first been recognized by the Chair and shall not address their comments or questions directly to staff or to members of the audience.
- b. Any reduction of the time limit should be announced by the Board Chair prior to the beginning of the public speaking segment of each item to which the reduction applies. These per person time limits shall not apply to applicants or appellants who are parties to matters that are the subject of noticed hearings.
- c. A period for public comment for items not on the agenda shall be held immediately following the adoption of the Consent Calendar. However, the Chair may move it to a later time by announcing such at the beginning of the meeting.
- d. Members of the public should submit written materials that they wish to have considered by the Board as far in advance as is practicable.¹ Written materials submitted to the Board electronically or as hard copies in advance of a public hearing shall be made available to the public for review and inspection, consistent with requirements of the Brown Act. Specifically, the Clerk shall cause a copy of such materials to be made available for inspection in Room 310 of the County building during normal business hours and may also post such materials on the County's website.

7. *Recording of Meetings*

It shall be the general practice of the Board to record the open portions of its meetings. The County's recording of the hearing or meeting constitutes the official record of the proceedings.

Upon completion of the Board of Supervisors meeting, minutes will be prepared documenting all actions taken by the Board of Supervisors at the meeting. If any individual wishes further information on any item, they should contact the Clerk.

¹ Members of the public should note that the agenda packet may not include all department-level documents associated with an agenda item, depending on the complexity of the item.

8. *Parliamentary Procedures – Robert's Rules of Order*

Unless otherwise provided by this Policy, all proceedings before the Board shall be conducted in accordance with and pursuant to the parliamentary procedure set forth in the published edition of "Robert's Rules of Order" that is most current at the time of the proceedings.

B. Appointments & Elections

1. *Election of Chair and Vice-Chair*

a. Election

Each January, the Board shall elect a Chair and Vice-Chair by majority vote. The Board may elect any supervisors to serve as Chair and Vice-Chair, notwithstanding anything to the contrary in this subsection I.B.

If one or more supervisors have been elected to the Board the previous year, the Chair and Vice Chair election shall take place at the first Board meeting following the newly elected supervisors taking office.

However, if the sitting Chair and Vice-Chair are both leaving office, the Clerk shall call the meeting to order and call for motions for the election of a Chair and Vice-Chair immediately following the newly elected supervisor(s) taking office.

b. Rotation of Chair and Vice-Chair Positions

The Board traditionally rotates the positions of Chair and Vice-Chair on an annual basis. The positions are rotated in order of supervisorial district number. In general, the Vice-Chair serves as Chair the year following the supervisor's period of service as Vice-Chair, though a supervisor may decline to serve as Chair. In such case, the Board may elect a different chair, or the existing Chair may serve in that position for another year; such action shall not change the numerical rotation of the Vice-Chair position.

When a newly elected supervisor is scheduled to serve as Chair during that supervisor's first year in office, that supervisor may instead express their interest to serve as Vice-Chair during that year and may rotate into the Chair position the following year. Thereafter, the normal rotation for election of Chair and Vice-Chair would resume.

c. Term of Service

Each Chair and Vice-Chair shall serve until their respective successors are elected to and assume the positions of Chair or Vice-Chair except in the circumstance described above in paragraph (a).

d. Availability of Chair and Vice-Chair

If the elected Chair and Vice-Chair are unavailable during a meeting, or are anticipated to be unavailable at a future meeting, or if either the Chair or both the Chair and Vice-Chair will be unavailable to execute documents during some discrete period of time, any of the supervisors present at a meeting of the Board during which the issue has arisen may make a motion, which may be seconded by any of the other supervisors present, to elect an Acting Chair to preside over any such meeting at which the Chair and Vice-Chair will be unavailable and/or to execute any documents in the name of the Board which would otherwise have been executed by the Chair and/or Vice-Chair during the period of the unavailability of the Chair and/or Vice-Chair.

2. Duties, Rights, and Responsibilities of the Chair

a. Duties and Powers of the Chair

The Chair of the Board shall preserve order and decorum during meetings of the Board. The Chair shall decide questions of order subject to being overruled by at least a four-fifths vote of the Board and shall perform such other duties as are required by law. The Chair shall have the power to suspend a meeting due to disruptive or abusive conduct by any person, including during any public hearing or public comment period before the Board. For the purposes of this Policy, disruptive conduct shall mean a breach of the peace or any inappropriate or violent conduct or disturbance that interrupts the due and orderly course of the meeting.

The Chair of the Board may make or second any motion, and present and discuss any matter on the agenda as any other member of the Board without having to step down as Chair. The Chair shall have all the rights and duties enjoyed by any other member of the Board.

b. Roll Call Vote

A roll call vote shall be required on any motion where voting by roll call is required by law and may be required in voting upon any motion of the Board at the discretion of the Chair. Any supervisor present and sitting as a member of the Board who does not vote either by audible voice or by electronic display apparent to the members of the Board and other persons present in the meeting, shall be recorded as voting "aye".

c. Special Districts & Other Entities for which the Board of Supervisors is the Governing Board

The Chair of the Board of Supervisors will also serve as Chair of the Special Districts and other entities under the jurisdiction of the Board of Supervisors such as Lake Berryessa Resort Improvement District, Monticello Public Cemetery District, Napa Berryessa Resort Improvement District, Napa County Groundwater Sustainability Agency, Napa County Public Improvement Corporation and Silverado Community Services District. This list may be updated by staff upon action by the Board to either create or dissolve any such Boards.

For each of the entities above, the Auditor-Controller shall serve as Treasurer and the Clerk of the Board shall serve as Secretary.

3. Signature Authority of the Vice-Chair

Documents explicitly authorized by the Board to be executed by the Chair may be executed by the Vice-Chair in the event the Chair is unavailable at the time of such execution, or by the Acting Chair elected pursuant to the provisions of this Policy and presiding at the time of the authorization, if both the Chair and Vice-Chair are unavailable at the time of execution.

4. Appointments of Members of the Board of Supervisors to External Committees, Commissions, and Other Boards

The Board will make such appointments in accordance with the following guidelines, unless in specific instances the Board determines by majority vote that a different procedure should be followed.

a. Appointment Procedures & Timing

At the first Board meeting following the first Monday in January, and thereafter in accordance with the Maddy Act (Government Code section 54970 et seq.), where

applicable, when new positions are created or unexpected vacancies occur, the Board shall make appointments to those various boards, commissions, committees and authorities on which Board members are asked to serve.

b. Appointments Upon Expiration of Term of Appointment

Appointments to existing positions made vacant by expiration of the term of the appointment will be made as follows:

- i. To promote continuity, the incumbent supervisor will be reappointed unless they choose not to serve a subsequent term or is otherwise unavailable.
- ii. If the incumbent supervisor chooses not to be reappointed or is unavailable, the Board may appoint any other supervisor expressing an interest in serving.

c. Appointments Due to Unexpected Vacancies During Term

Appointments to new positions and to positions resulting from unexpected vacancies during a term will be made as follows:

- i. The Board may appoint any supervisor expressing an interest to an existing committee or commission to fill an unexpected vacancy during the term.
- ii. If a new committee, commission or board was created at the request of a particular supervisor, that supervisor shall be appointed, unless they decline to serve; otherwise the Board may appoint any other supervisor expressing an interest in serving.

d. Conflicting Appointments

Notwithstanding (b) and (c), no supervisor shall be appointed to serve on a committee, commission or board whose regular meeting dates and times conflict on three or more consecutive occasions with those of one or more other committees, commissions or boards to which that supervisor has already been appointed, unless the supervisor resigns from the conflicting appointment or appointments.

e. Termination of Appointments

Unless otherwise provided by the rules or law governing the committee, commission or board to which the appointment is being made, the appointment of a supervisor under this subdivision I.B.4. shall automatically terminate if any of the following occur:

- i. Three consecutive unexcused absences of the supervisor to the committee, commission, or board are recorded. Unexcused absences occur when the supervisor provides no reasonable advance notice of the supervisor's planned absence to (1) the committee, commission, or board, and (2) the supervisor's alternate. Excused absences occur when such advance notice is provided.
- ii. The supervisor has submitted a written resignation to the chair of the affected committee, commission or board and to the Clerk.
- iii. The supervisor vacates his or her office as supervisor, for any reason.

f. Great Wine Capitals General Assembly

Notwithstanding the foregoing Guidelines, the Chair may attend the Great Wine Capitals General Assembly annually as the designated representative of the Board. The Board may further appoint the Vice-Chair in addition to the Chair to attend the Assembly annually. Should the Chair or Vice-Chair be unable to attend, the Board may appoint other members of the Board to attend in their places, subject to the limitation that a maximum of two members of the Board may attend the Assembly each year.

The County Executive Officer may designate staff with responsibilities and expertise in relevant subject matter areas to represent the County subject to Board approval for out-of-state travel as applicable, subject to the limitation that a maximum of two staff may attend the Assembly each year.

C. Counsel

Government Code section 26526 shall govern the provision of legal counsel to the Board.

D. Agenda Items*1. Preparation and Publishing of Agenda*

The County Executive Office will prepare an Agenda for each meeting of the Board, with recommended actions consistent with the Brown Act.

*2. General Procedures***a. Agenda Procedures**

Any matter to be considered by the Board shall first be properly filed in compliance with the policies, standards and procedures established by the County. The Clerk shall not accept any matter for presentation to the Board unless set forth on the prescribed forms, if any, properly filled out with all required data attached. The Board has discretion to consider requests to continue of an item based on late submission of materials (i.e., less than twenty-four hours in advance of a Board meeting) but may opt to proceed as scheduled.

b. Items Not on the Agenda

Unless otherwise allowed by law, any matter that comes before the Board orally which is not shown on the agenda shall not be acted or commented upon by the Board until it is heard as a noticed agenda item at a future meeting of the Board but the matter may be referred by the Board to staff to return with a recommendation as to next steps.

c. Withdrawal of Agenda Items

A department or division with an item before the Board may request for it to be withdrawn prior to any Board action on the item. If the request is oral, written confirmation of the request may be required.

d. Availability of Supporting Materials to the Public

Supporting materials provided to the Board in connection with a matter subject to discussion or consideration at an open meeting of the Board shall be made available for public inspection and distribution in accordance with the requirements of the Public Records Act (Government Code

section 7920.000 et seq.) and the Brown Act (Government Code section 54950 et seq.).

These materials shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the federal rules and regulations adopted in implementation thereof. No surcharge exceeding the fees for copies of public records authorized by California Government Code section 7922.530 shall be imposed in such instance upon such persons in connection with such alternative formats.

3. Specific Procedures

a. Items Not Involving Noticed Public Hearings

- i. Discussion or Presentation Items: No action required.
- ii. Action Items Not Involving Public Hearings
 - A. Staff report.
 - B. Public comment.
 - C. Motion on the item, second, and discussion of the motion.
 - D. Vote on the motion.

b. Items Involving Noticed Public Hearings

- i. Noticed Public Hearings – Ordinances - First Reading of the Title
 - A. Open public hearing.
 - B. Staff report.
 - C. Public comment.
 - D. Close Public Hearing.
 - E. Motion on the introduction of the ordinance, second, and discussion of the motion.
 - F. Vote on the motion. After the motion has been approved, staff will bring the ordinance back to the Board on the next consent calendar for final approval.
- ii. Noticed Public Hearings which are not Appeals
 - A. Open Public Hearing.
 - B. Staff reports.
 - C. Public Comment.
 - D. Close Public Hearing
 - E. Motion on the item, second, and discussion of the motion.
 - F. Vote on the motion.
- iii. Noticed Public Hearings which are Appeals

Refer to County Code Chapter 2.88 and the Appeals section of this Policy.

4. *Laudatory ~~Proclamations~~Declarations*

- a. The Board may issue laudatory ~~proclamations~~ ~~declarations~~ during its meetings in celebration of notable events or individuals. Such ~~proclamations~~ ~~declarations~~ may include the display of flags as outlined in Appendix A. ~~The Chair may also issue individual declarations in their official capacity as Chair of the Board outside of meetings of the Board. Finally, individual supervisors may issue declarations in their official capacities in celebration of notable events or individuals within their respective districts outside of meetings of the Board.~~
- b. A list of proclamations to be presented at Board meetings throughout the year will be considered and adopted by vote of the Board of Supervisors at their first meeting of the year. The list will include approximate dates the proclamations may be officially presented and to whom the proclamation may be presented.
- c. Proclamations approved by a vote of the Board and presented at Board meetings will by default include the electronic signatures of all five members of the Board. However, all five signatures of the Board are not required for a proclamation to be presented. Any Board Member may opt out of having their signature appear on any proclamation, regardless of their individual vote.
- d. If a Board Member wishes to present a proclamation that is not included on the annually approved proclamation list, there are two options available to Board Members:
 - i. Any Board member may present their own individually signed Proclamation, Commendation, or Recognition to any individual or organization outside of an official Board meeting; or
 - ii. Any Board member may make a referral to the CEO to have a proclamation prepared and brought back at a subsequent meeting. A referral to the CEO to bring back a proclamation must be supported by a majority of those Board members present when that referral is made.
- e. The Chair is authorized to represent the County at ceremonial functions and other similar events when the Board has not otherwise designated one of its members to represent the County. The Chair ~~may delegate public presentations~~ ~~shall coordinate the representation of the County by other members~~ at such events to the Vice Chair or to another member of the Board as needed.
- f. In instances where a ~~proclamation~~ ~~declaration~~ is to be presented at a meeting of the Board, the Clerk of the Board is responsible for scheduling the presentation of such ~~proclamations~~ ~~declarations~~ on behalf of the County Executive Officer consistent with the list approved annually by the Board in conjunction with the responsibilities of the Clerk related to meeting agendas and in consultation with the Chair of the Board.

5. *Motions Generally*

- a. Action of the Board shall be taken by motion. Any action of the Board may be proposed by motion of any member. Such motion, if seconded by any member, shall be on the floor and must be considered by the Board. If a motion is not seconded, the motion fails for lack of a second and shall be so declared by the Chair.

- b. A motion may be withdrawn by its proposer at any time before adoption or rejection with the consent of the second. Absent consent of the second, the motion remains on the floor. A motion's second may also be withdrawn at any time before adoption or rejection, and upon such withdrawal, the motion will fail unless another member seconds.
- c. A motion on the floor may be amended by further motion at any time before adoption or rejection. If the motion to amend passes, the amendment is adopted and the Board then considers and votes on the original motion as amended. If the motion to amend fails, the original motion sustains for any further consideration and vote.
- d. After a motion has been seconded, any member may discuss the subject of the motion. When there is no further discussion, or when it appears that further discussion will be repetitive, the Chair shall call a vote, except that at any time during discussion, any member may move to call the question, and, if that motion is successful, a vote on the original motion shall proceed.
- e. Any member of the Board who votes in the majority on a question, as well as any member who while serving as a member was absent for a vote on a question, is eligible to make a motion to reconsider.

Motions to reconsider are proper during the meeting at which the action to be reconsidered took place or at a future meeting as an agenda item. A member who was absent and seeks reconsideration of a prior action of the Board should put their motion to reconsider on the agenda for the next regular meeting at which they are present.

Motions to reconsider require a majority vote to succeed. If a motion for reconsideration is successful, any member may make the motion to confirm, modify or reject the action taken on the original item. No motion to reconsider may be reconsidered after initial failure except by 4/5 vote of the Board.

E. Voting

1. Quorum

A majority of the members of the Board shall constitute a quorum for the transaction of business. No action or recommendation of the Board shall be valid and binding unless at least three (3) members of the Board concur therein.

2. Continuance for Lack of a Quorum

In any case where, due to the absence of one or more supervisors, three votes cannot be obtained on a question before the Board, the Clerk shall automatically cause the matter to be placed on the next agenda for further consideration and vote. No motion shall be required to take such action.

3. Conflicts of Interest Preventing a Quorum

Notwithstanding subdivision (2), if three votes cannot be obtained because a conflict of interest exists that prevents the absent supervisors from voting on the matter, and the conflict is such that the absent supervisors will be unable to vote at a later date even if the matter is continued, the matter shall not be continued and the following procedure shall apply.

Action shall be deemed taken by the Board to ensure that the status quo remains: that circumstances remain as they existed prior to the attempt of the Board to act on a legislative matter, or prior to the decision of the approving officer or body in the case of an appeal will not be changed.

In the instance of an appeal, if the decision being appealed was approval of a permit, the appeal shall be deemed granted resulting in denial of the permit, and if the decision being appealed was denial of a permit, the appeal shall be deemed denied resulting in upholding the denial of the permit.

In unusual circumstances, where these actions would not preserve the status quo, the decision on the appeal shall be whatever action is necessary to maintain the status quo.

4. Conflicts of Interest Generally

No Board member shall participate as a Board member in any discussion or voting if to do so would constitute a conflict of interest, except as allowed under law (e.g., Government Code section 87101).

5. Disclosure of Ex Parte Contacts for Quasi-Judicial Matters

For quasi-judicial hearings, Board members shall make disclosures of ex parte contacts. Any member who has received evidentiary information outside of a Board meeting or has viewed the property or site related to a quasi-judicial matter pending before the Board or is familiar with the property or site, should publicly disclose the fact of such information, viewing or familiarity with the site prior to the Board's final vote on the matter.

6. Read and Understood Doctrine

As is required by the "Read and Understand" initiative adopted by the voters of Napa County in 2005, every County Supervisor who votes to approve any new ordinance, regulation, or resolution shall first have thoroughly read and understood it, including its direct and indirect impacts on the citizens of Napa County, and shall certify in writing at the time of voting in favor of the ordinance, regulation, or resolution; and prior to its going into effect, that he/she has read it thoroughly and has thoroughly understood its direct and indirect impacts on the citizens of Napa County prior to voting to approve it.

7. Recordation of Votes

All official actions or decisions by the Board shall be entered in the minute book of the Board. The vote of each member on every question shall be recorded. Any supervisor present and sitting as a member of the Board who does not vote either by audible voice or by electronic display apparent to the members of the Board and other persons present in the meeting, shall be recorded as voting "aye".

II. Legislative & Regulatory Affairs

A. Applicability

This section applies only to official actions by the Board of Supervisors. The provisions of this section do not apply if the Board member is acting in their individual official capacity or in their official capacity as an appointee to regional bodies by the Napa County Board of Supervisors. Nor do the provisions of this section apply to actions of Board members acting in a personal capacity, provided that this distinction is clearly stated in advance of any oral or written advocacy.

These provisions also do not apply to advocacy in the official or personal capacities of any other locally elected official, including the Assessor-Recorder-County Clerk, Auditor-Controller, District Attorney, Sheriff-Coroner, and Treasurer-Tax Collector. These locally elected officials may also in their discretion request of county executive staff that matters are brought to the Board for consideration.

B. Adoption of Legislative & Regulatory Platform

The Board may adopt a legislative and regulatory platform for use by staff as needed. The process of drafting this document may include public informational meetings conducted prior to adoption by the Board. The purpose of this document is to provide the ideological foundation for the Board's legislative and regulatory advocacy efforts. The platform must be adopted by majority vote of the Board.

C. Board Action

1. Ordinary Course of Business

The Board may take action on an item within the scope of the current Napa County Legislative & Regulatory Platform without further public consideration of the item.

If the subject of proposed action by the Board of Supervisors is not within the scope of the current Napa County Legislative & Regulatory platform, no action shall be taken by the Board of Supervisors until the item is considered by the Board of Supervisors for consideration.

The proposed action, whether by way of resolution, minute order, letter authorization or otherwise, must be approved by majority vote of the Board.

If a letter is authorized, the letter or other communication must be approved and sent by the Board Chair, or the Vice-Chair if the Vice-Chair is performing the duties of the Board Chair as outlined in this Policy.

2. Emergency Action

In cases where emergency action is required to communicate the County's position on an issue that is outside the scope of the adopted platform, a special meeting of the Board should be convened where feasible. Where a special meeting is not feasible under the totality of the circumstances, the CEO may authorize such communication. In such instances, the Board should take up the matter at its next meeting to consider ratification of the CEO's actions.

D. Permissible Actions within the Scope of the Legislative & Regulatory Platform

The actions outlined below are permitted without any formal Board action so long as the legislative or regulatory action at issue is within the scope of the adopted Legislative & Regulatory Platform. The actions outlined below are permitted as it pertains to legislative proposals, ballot propositions, agency or commission proceedings, including rulemaking, and other similar procedural vehicles. It is advisable, prior to taking any of these actions, for staff to present the proposed action to the Board in writing and solicit questions or comments on the proposed action.

1. Position Letters

Staff may draft and submit position letters on behalf of the County and may also join coalition letters where the interests of the coalition align with the County's interests, so long as the letters are consistent with the Board's adopted Platform.

2. Social Media Posts

Staff responsible for managing the County's social media accounts may author posts on social media consistent with the Board's adopted platform.

3. Meetings

Staff may attend meetings with relevant parties, including but not limited to other local staff and local

elected officials, state and federal legislative officials and staff, state and federal executive branch officials, and sponsors of proposed legislation, to advocate for proposals that are consistent with the Board's adopted platform.

4. Testimony

Staff may prepare and present testimony before legislative or regulatory bodies to the extent that the proposed action and testimony are consistent with the Board's adopted platform.

E. Action by Non-elected Department Heads in Official Capacity

This section does not apply to elected department heads, who may take advocacy positions in their official or personal capacities within their own discretion.

Non-elected department heads may take an advocacy position in their official capacities if the position is consistent with County policies and County's Legislative & Regulatory Platform, so long as communications related to such advocacy do not purport to express the position of the Board of Supervisors.

III. Ethics and Standards for Conduct of Members of the Board of Supervisors

Conduct of Board members should comport with both the County's Code of Ethics and the County's adopted Conflict of Interest Code, the approval, updating, and maintenance of which is required by Cal. Gov. Code section 87300.

Members who are found by four-fifths vote of the Board to have violated the County's adopted Conflict of Interest Code may be censured by four-fifths vote of the Board.

IV. Advisory Boards & Commissions

A. Applicability

This section applies to boards, commissions, committees, and task forces (hereinafter "commission(s)") established and appointed by the Board of Supervisors and Board appointments made to other state local advisory commissions.

B. Establishment & Review

The Board of Supervisors may establish local advisory and regulatory boards, commissions, committees, and task forces. Unless otherwise prescribed by Federal or State statute or County Code of Ordinances, the Commission shall be advisory to the Board of Supervisors and as such shall be responsible to provide the Board advice on matters pertaining to the purpose of the commission and shall serve at the pleasure of the Board. Commissions shall only be established for a specific purpose. The responsibilities of a commission shall not be amended, changed or redirected without specific approval of the Board of Supervisors.

Each commission shall be assigned a County department to act as "liaison department" for that commission in connection with its affairs and the "Maddy Act" requirements. The liaison department shall, where practical, assign a specific County employee to act as "liaison officer" for the commission.

The County Executive Office and liaison department will review, as an ongoing program, the commissions to determine the feasibility of reducing the number of commissions to avoid

overlapping jurisdictions.

C. Scope of Authority

Commissions have the responsibility to publicly review and discuss those matters they have been requested to review and comment upon by the Board of Supervisors or the appropriate liaison department.

All resolutions, motions or other comments made by advisory commissions are subject to review by the appropriate liaison department prior to any action by the Board of Supervisors.

Commissions are not authorized to sign contracts, disburse funds, implement programs, employ or consider any personnel matter or act in any other capacity that involves the direct management or operation of a program.

The conduct of all commission affairs shall be in accordance with this policy unless otherwise prescribed by Federal or State statute, County Code or specific Board action.

D. Requirements for Meetings of Commissions

1. All commissions are subject to the provisions of the Brown Act (see California Government Code, Section 54950 et. seq.).
2. Each commission shall meet a minimum of four times per year, unless otherwise specified in the commission's bylaws.
3. Each commission shall submit a policy for conducting business for adoption by the Board of Supervisors.

E. Annual Report to the Board of Supervisors

Every commission is responsible for the preparation of a written annual report, to be submitted to the Board no later than July 1 of the following year. At the first Board meeting in January of each year, the Board shall be provided a list of the current commissions and identify those that should present an annual report to the Board of Supervisors during that calendar year and when that annual report shall be presented.

F. Liaison Departments

Liaison departments serve as a vital connection between a commission and County government services and programs and assist in accomplishing the stated purposes of a commission.

1. The assigned liaison department is responsible for reviewing and making recommendations as to the continuation and/or role of the commission pursuant to this Policy.
2. The liaison department shall provide guidance to the commission as to its responsibilities and adherence to County Policy, and shall, where practical, assign a specific County employee to act as "liaison officer" for the commission.
3. The liaison department shall coordinate with the Clerk of the Board to schedule a commission to appear before the Board of Supervisors for the purpose of presenting its annual report when requested by the Board.
4. The liaison department shall compile and provide to the Clerk of the Board information as needed, including but not limited to the authority and purpose of the commission and identities and qualifications of its members.
5. The liaison department immediately shall report to the Clerk of the Board any unscheduled vacancy.

6. The liaison department shall determine the conflict-of-interest statutes, ordinances and policies applicable to its commission members, consulting with County Counsel as necessary, and shall so advise commission members. The liaison department shall assist in filing Statements of Economic Interest with the filing officer as required.
7. The liaison department is responsible for sending a notice of default resignation to the Clerk when the commission member had two or more consecutive unexcused absences or four consecutive absences of any type.
8. Liaison departments shall comply with all applicable provisions of the California Public Records Act in maintaining records of their assigned commissions' activities.
9. Liaison departments shall keep current minute records of each commission to which they are assigned on file and distribute copies as requested in accordance with provisions of the California Public Records Act.

G. Use of Chambers for Matters other than Meetings of the Board of Supervisors

Authorization of the use of the Board of Supervisors chambers for matters or meetings other than official meetings of the Board of Supervisors is within the discretion of the County Executive Officer.

V. Changes to this Policy

Any of the contents of this Policy may be altered, amended, or repealed by majority vote of the Board to the extent that such changes are permitted by state or federal law.

Any such alteration, amendment, or repeal shall not be effective retroactively and shall affect a matter being considered on the same agenda as the change only if the change is approved prior to the consideration of such agenda item or prior to close of such public hearing.

Appendix A: Policy on Official Flag Displays on County Flagpoles

A. Purpose

1. This policy is intended to regulate the public display of flags flown outside County buildings on County-owned flagpoles.
2. This policy does not regulate the use of special-circumstance or events flags for display on streetlights or other public infrastructure apart from flag poles, which is subject to approval by the City of Napa.
3. Nothing in this policy is intended to prohibit or curtail individuals displaying a flag on private property under their control or to wear or carry a flag.
4. This policy does not apply to County-owned buildings or properties that are wholly occupied by a third party or non-governmental entity.

B. General Flag Policy

1. County flagpoles are not intended to serve as a forum for free expression or method of communication or speech by members of the public and the determination of what flags may be flown on County flagpoles is reserved for the Board of Supervisors.
2. The Board of Supervisors has determined that the following flags may be flown on County flagpoles:
 - a. The United States of America Flag;
 - b. The State of California Flag;
 - c. Official County flags; and
 - d. Commemorative flags, the definition and display of which is governed by subsection (C) below.

C. Commemorative Flags

1. Commemorative flags are non-governmental flags that have significant cultural importance, e.g., the Pride Flag or Black History Flag. The use of commemorative or other third-party flags outside County buildings on County-owned flagpoles is prohibited except as specified below.
2. Requests to display commemorative flags on County flagpoles must come from a member of the Board of Supervisors or the County Executive Officer and be approved by a majority of Board members during a public meeting as outlined in paragraph 1.A.5.b. of section 1 of the originating policy.
3. Commemorative flags may be displayed on flagpoles for a duration that is relevant to the purpose of commemoration, but no longer than 31 consecutive days, unless otherwise approved by the County Executive Officer with the concurrence of the Board Chair.
4. The display of commemorative flags should be consistent with County goals, priorities, and strategic plans, as determined by the Board of Supervisors.
5. No flag shall be permitted which solicits consideration of any product or item sold by any private business, commercial venture, or charitable enterprise.

Appendix B: Rules of Procedure for Appeals to the Board of Supervisors²

Contents

1. Mandatory Pre-Hearing Conferences
2. Evidence
3. Transcripts

² This Appendix B supersedes and replaces Rule 14 from the prior policy. All references to Rule 14 in the Napa County Code shall be deemed to refer to this Appendix B.

A. Mandatory Pre-Hearing Conferences

On all appeals to the Board of Supervisors, a Mandatory Pre-Hearing Conference (“Conference”) shall be scheduled by the Clerk in accordance with Napa County Code Section 2.88.080. The Conference shall be conducted informally among the Board Chair or designee, County Counsel or designee, one person designated by each appellant as its representative to attend the prehearing conference with authority to speak for that appellant, and, if different from the appellant, the applicant on the underlying subject of the decision being appealed. The prehearing conference is intended to accomplish the following purposes:

1. If the appeal pertains to a decision where there is a record on appeal, the participants at the Conference will review and discuss with the County representatives what the record on appeal consists of, and discuss whether any party intends to offer any evidence or materials not contained in the record on appeal (“extrinsic evidence”). The Conference will provide an opportunity to establish dates by which any request for extrinsic evidence shall be submitted to the Chair for a good cause determination. If any party disagrees with the Chair’s determination, they may request that a majority of the Board overrule the Chair’s determination on the day of the hearing pursuant to the procedures described in Napa County Code Section 2.88.090, subsection (C). Any party wishing to submit extrinsic evidence for the Chair’s consideration must provide the Chair and County Counsel with complete, legible copies of all such materials and any argument supporting a good cause finding by the deadline established by the Chair at the Conference.
2. If the appeal pertains to a decision for which no record on appeal exists, the participants at the Conference will describe to the County representatives the evidence, written arguments and materials (including summaries of expert testimony, reports, or opinions to be offered at the hearing) (“Materials”) that the participant intends to submit for the Board’s consideration on the appeal. Each party shall provide the Chair and County Counsel with complete, legible copies of all such Materials that the party desires to have the Board to consider on the appeal by the date established by the Chair at the Conference.
3. In the interests of efficient conduct of Board proceedings, all those who present testimony or evidence to the Board on an appeal must make every reasonable effort to present all arguments and evidence to the Board prior to the hearing in accordance with the procedures specified above and in the applicable Napa County Code provisions. Oral testimony and argument should be limited to points that were not raised in written submissions and documentary evidence and should not be repetitious of the contents of written and documentary submissions; however, parties may not introduce new grounds of appeal or new evidence unless the Chair allows such grounds or evidence pursuant to Napa County Code section 2.88.050(C)(6) or 2.88.090(C). At the Conference and at the appeal hearing, the Chair may determine not to receive cumulative, repetitious, immaterial, derogatory or abusive testimony.
4. The County representatives at the Conference will discuss with the Conference participants what the probable order for presentation of evidence, witnesses, and statements will be at the hearing, what time limits may apply to speakers (as addressed in more detail in subdivision (5) below), and any other procedural topics, subject to any modifications that may be made by the Board at the hearing.
5. In the interests of efficient conduct of Board meetings and in fairness to all participants at such meetings, the Board Chair at the Conference will set reasonable and uniform limits on the presentations by each party to an appeal at the hearing. Unless the Chair, in the Chair’s sole discretion, establishes different time limits, the standard time limit shall be thirty (30) minutes for each side. If there are multiple appellants, then the applicant shall have thirty (30) minutes per appellant.
6. The time limits specified above do not apply to or limit the right of members of the public to speak at an appeal hearing. Such public speakers will be subject to the time limits and other provisions set forth in subdivision 1.A.6. [Public Comment Generally] of this Policy.

7. Any additional written information shall be limited to 10 pages per appellant unless the Chair allows for a different page limitation at the Conference. Applicant shall be limited to the total number of pages of all appellants combined.

B. Evidence

1. Evidence shall be admissible if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of serious affairs. Evidence may be received subject to a later ruling regarding its admissibility. Erroneous admission of evidence shall not invalidate any action taken unless it is shown to have prejudiced the substantial rights of a party.
2. All exhibits shall be marked upon submission to provide identification in the event the matter is litigated. If no litigation occurs requiring lodging of the exhibits with a court, the Clerk shall retain the exhibits until expiration of the applicable statute of limitations, at which time the applicant may reclaim them. The Clerk will dispose of unclaimed exhibits if not reclaimed by the applicant within ten days after the expiration of the applicable statute of limitations.

C. Transcripts

1. When there is an appeal to the Board of the decision of decision maker made following a public hearing that was recorded electronically, a verbatim transcript shall be prepared and certified by the Clerk or the Clerk's designee. When there is an appeal to the Board of the decision of a decision maker made following a public hearing that was recorded by a court reporter retained by the clerk of the hearing officer, the court reporter shall provide a certified transcript.
2. No appeal of a decision made following a public hearing recorded pursuant to this subsection (C) shall be heard by the Board until the appellant and any interested persons as defined in Section 2.88.010 of the Napa County Code who have requested such notice in writing have been notified in writing that the transcript has been prepared and is available for inspection.

Appendix C: Standards for Appointments to Certain Seats on Advisory Boards and Commissions

A. Purpose

The Board of Supervisors will consider for appointment to commissions all persons willing to serve whose interests, background, experience, perspective, and talents may significantly contribute to the purpose of these various commissions. Appointments must conform to California Government Code sections 54970-54974 and all applicable state laws and regulations.

B. Applicability

This section applies to both initial appointments to commissions and appointments to fill vacancies occurring during an ongoing term of appointment. This section does not apply to seats on commissions that are held by members of the Board of Supervisors.

C. Procedures

Appointments shall follow the following procedures:

1. Vacancies shall be advertised for a minimum of 30 days. If an emergency exists that necessitates filling the vacancy immediately, the provisions of Government Code Section 54974 shall apply.
2. Upon request, the County Executive Office may publicize any vacancy(s), including requirements, process, and deadline for submitting application. Distribution may include posting on the County website, posting on County social media outlets, distributing to current members of the applicable commission, and distributing to Board members for sharing with their contact lists at their discretion.
3. When representation of educational interests is desired in an appointment to a commission, all public-school districts in the County shall be requested to confer with one another to provide the Board of Supervisors with a joint recommendation as to an appointment.
4. All interested applicants shall complete an application form that will be made available and returned to the County Executive Office.
5. The County Executive Officer has broad discretion to extend an application deadline or take other measures that the County Executive Officer deems appropriate to ensure that the Board is presented with a suitable pool of qualified applications.
6. All submitted application forms will be reviewed by the County Counsel's Office for legal sufficiency and to note any known conflicts of interest.
7. Each commission shall be given the opportunity to review all applications and make a recommendation to the Board of Supervisors.
8. The Board of Supervisors will be informed of the recommendation but may appoint any eligible applicant.
9. These procedures will apply to initial appointments and the filling of vacancies occurring during a term.
10. The Board need not consider for appointment any application which the County Executive Officer finds to not satisfy the published qualification requirements or which the County Counsel's Office finds to be legally insufficient.

D. Qualifications

When a vacancy occurs on a commission, effort should be made by the Board to ensure that the most qualified individual is appointed to fill the vacancy. Appointment of the most qualified individual should be guided by the following principles:

1. Specific qualifications for each Commission must be identified in the bylaws of the Commission, which shall be approved by the Board of Supervisors.
2. Unless otherwise precluded by Federal or State law or regulation or the Napa County Code, preference is given to appointees who plan to reside or work within Napa County during the period of time they serve on the Board, Commission or Committee and meet the qualifications for the position. The Board must formally approve a waiver of this Policy to appoint a person who does not meet either of those requirements. A waiver is not required for an appointee who may reside outside Napa County when employed by an organization that is required to be represented on the Board, Commission, or Committee, either expressly or by categorical inclusion.
3. All persons appointed to serve on commissions shall take the oath given by the Clerk of the Board as required by Section 3 of Article XX of the California Constitution, prior to participating in or voting on the business of the commission.
4. Unless otherwise provided by state or federal law, no individual will be appointed, and any such appointment may be terminated by majority vote of the Board of Supervisors, upon conviction of any crime of moral turpitude or abusive conduct.

E. Terms of Appointment

The following provisions pertain to all appointments made by the Board of Supervisors to the extent they do not conflict with federal or state law or Chapter 2.68 of the Napa County Code.

1. No appointment shall be made for a term to exceed four (4) years in length, and a term may be shorter as provided herein. Upon expiration of a term, the incumbent will be given 15 days to submit an application for re-appointment.
2. When establishing a new committee or commission, the terms of office shall be staggered and no more than two-thirds of the terms of the total number of members of a commission shall expire in any one-year period.
3. Terms shall expire four (4) years after the initial appointment unless otherwise specified by state law or any ordinance or resolution of formation.
4. A commissioner whose appointment has expired may continue to serve in that capacity until a new appointment is made or the Board of Supervisors declares that position vacant. Such commissioner is eligible for reappointment subject to this Policy.
5. In an emergency, an unscheduled vacancy may be filled by an “acting appointee” but a final appointment cannot be made until at least ten (10) working days after a “Notice of Unscheduled Vacancy on Board, Commission or Committee” has been posted by the County Executive Office.
6. If the appointment is to fill an unexpired term that has a specific term or time frame established in statute, the appointment will be for the remainder of the unexpired term. For all other appointments, the appointment shall be for a full term.

7. *Default Resignation and Ministerial Removal:* If an appointee records two (2) or more consecutive unexcused absences, where unexcused absence means that the appointee did not provide reasonable advance notice to either the commission or an alternate, or four (4) consecutive excused or unexcused absences, the commission liaison shall consider this a default resignation, and declare the appointee's position vacant as a matter of ministerial procedure.
8. *Discretionary Removal:* Notwithstanding any of the foregoing, commission members serve at the pleasure of the Board of Supervisors and may be removed from the commission at any time at the discretion of and by majority vote of the Board of Supervisors.
9. The resignation of a commission member shall be submitted to the Clerk of the Board and shall be effective upon receipt by that office.

F. Ethics & Standards for Appointees

Commission members will be informed of all applicable conflict of interest statutes, ordinances and policies.

No commissioner shall profit by County contracts or purchase agreements related to commission activities while a commission member. Commissioners should avoid the appearance of impropriety in their activities and recuse themselves from votes where their vote may lead to any question of propriety.

Commissioners must attend commission meetings regularly. If a commissioner misses two (2) consecutive meetings without being excused by the department liaison, or four consecutive meetings of any type, by default, staff will consider this a default resignation and declare the position vacant, a ministerial, non-discretionary removal. Commissioners may also be removed in the discretion of the Board of Supervisors for any reason by majority vote.

List of Revisions

Section 8

Adopted January 10, 1967
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Amended October 8, 2017; Resolution No. 2017-181
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Section 8B

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Section 8L

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Consolidated Policy

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