TEHAMA COUNTY BOARD OF SUPERVISORS

William Moule, District 1 Candy Carlson, District 2 Pati Nolen, District 3 Matt Hansen, District 4, Vice Chair John Leach, District 5, Chairman



Gabriel Hydrick Chief Administrator

> Margaret Long County Counsel

Sean Houghtby Clerk of the Board (530) 527-3287

Board Chambers 727 Oak Street, Red Bluff, CA 96080 (530) 527-4655 http://www.tehama.gov

AGENDA FOR TUESDAY, OCTOBER 15, 2024

SPECIAL MEETING

The Board of Supervisors welcomes you to their meetings which are regularly scheduled for each Tuesday. Your participation and interest are encouraged and appreciated. Members of the public may address the Board from the podium on items on the agenda when the matter is called. The Board reserves the right to limit the time devoted to any item on the agenda and to limit the time of any speaker.

The Board wishes to ensure that business is conducted in an orderly fashion and the public is asked to be courteous and polite when addressing the Board and to be respectful to others attending the Board meeting. Any disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of the Board meeting is prohibited.

Members of the public who are unable to attend in person may participate, listen and watch in the following ways:

- 1) To participate in the Board meeting, the public may listen and comment over the phone by calling: (530) 212-8376, conference code 933876. Press 5* to raise your hand to comment.
- 2) Members of the public who are unable to attend in person may watch and listen via the web at: https://tehamacounty.legistar.com/Calendar.aspx. To comment on an upcoming agenda item, call (530) 212-8376, conference code 933876. Press 5* to raise your hand to comment at the time the item is called.

The audio and live video streaming is being offered as a convenience. The Board meeting will continue even if there is a disruption. If there is a disruption, the public is encouraged to consider an alternate option listed above. If you have trouble connecting or accessing the meeting, contact the Board office for assistance at (530) 527-4655.

Please refer to the last page of the agenda for information on how to participate in the

meeting, as well as the various options being made available for members of the public to provide comment.

The County of Tehama does not discriminate on the basis of disability in admission to, access to, or operation of its buildings, facilities, programs, services, or activities. Questions, complaints, or requests for additional information regarding the Americans with Disabilities Act (ADA) may be forwarded to the County's ADA Coordinator: Tom Provine, County of Tehama, 727 Oak St., Red Bluff, CA 96080, Phone: (530) 527-4655. Individuals with disabilities who need auxiliary aids and/or services or other accommodations for effective communication in the County's programs and services are invited to make their needs and preferences known to the affected department or the ADA Coordinator. For aids or services needed for effective communication during Board of Supervisors meetings, please contact the ADA Coordinator two business days prior to the day of the meeting. This notice is available in accessible alternate formats from the affected department or the ADA Coordinator.

The Agenda is divided into two sections:

9:00 AM CALL TO ORDER / PLEDGE OF ALLEGIANCE

PLEASE TURN OFF OR MUTE YOUR CELL PHONE

PUBLIC COMMENT

This is a time set aside for members of the public to directly address the Board of Supervisors on any item of interest to the public that is within the subject matter jurisdiction of this board. No action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of section 54954.2 of the government code. This board has chosen to exercise its discretion and limit each speaker to three (3) minutes.

Members of the public will be allowed to address the Board of Supervisors regarding items appearing on the agenda at the time the item is called.

REGULAR AGENDA

1. CLERK OF THE BOARD - Clerk & Recorder Sean Houghtby

a) STUDY SESSION - Discussion and possible direction to staff regarding submitting the minutes of the Board of Supervisors on Consent or Regular agenda

2. PUBLIC WORKS- Director James Simon

a) CHANGE ORDER - Request approval and authorization for the Director to issue Change Order No. 18 to the Agreement with S.T. Rhoads Inc. (Road Agreement #2024 -03) for the 99W & South Main Street Project, to delete Bid Item #49-Replace AC Surfacing and Bid Item #140-Replace AC Surfacing and reconstruct the roadway using an alternative structural section to address unforeseen unsuitable subgrade conditions, in an amount equal to \$480,389.60

And (in the event the terms of the current CCO #18 as written are not acceptable to the Contractor);

<u>24-1797</u>

24-1782

b) Request authorization for the Director to proceed with the unsuitable soil mitigation work described in the attached draft CCO #18 memorandum, Reason for Change, and to negotiate the terms of the contract change order

ADJOURN

Any written materials related to an open session item on this agenda that are submitted to the Board of Supervisors, and that are not exempt from disclosure under the Public Records Act, will be made available for public inspection at the Tehama County Clerk of the Board of Supervisors Office, 633 Washington St., Rm. 12 (P.O. Box 250), Red Bluff, California, 96080, (530) 527-3287 during normal business hours.

The deadline for items to be placed on the Board's agenda is 5 p.m. on the Wednesday Thirteen days prior to the meeting on Tuesday, unless a holiday intervenes. Items not listed on the Agenda can only be considered by the Board if they qualify under Government Code Section 54954.2(b) (typically this applies to items meeting criteria as an off-agenda emergency).

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS PURSUANT TO GOVERNMENT CODE SECTION 84308:

Members of the Board of Supervisors are disqualified and not able to participate in any agenda item involving contracts (other than competitively bid, labor, or personal employment contracts), franchises, discretionary land use permits and other entitlements if the Board member received more than \$250 in campaign contributions from the applicant or contractor, an agent of the applicant or contractor, or any financially interested participant who actively supports or opposes the County's decision on the agenda item since January 1, 2023. Members of the Board of Supervisors who have received, and applicants, contractors or their agents who have made, campaign contributions totaling more than \$250 to a Board member since January 1, 2023, are required to disclose that fact for the official record of the subject proceeding. Disclosures must include the amount of the campaign contribution and identify the recipient Board member and may be made either in writing to the Clerk of the Board of Supervisors prior to the subject hearing or by verbal disclosure at the time of the hearing.

WAYS TO PARTICIPATE, WATCH AND LISTEN DURING THE MEETING:

- 1) Attend in person in Board Chambers, Tehama County Administration Building, 727 Oak St., Red Bluff, CA 96080.
- 2) Listen and comment over the phone by calling: (530) 212-8376, conference code 933876. Press 5* to raise your hand to comment.

3) Watch live video and listen at: https://tehamacounty.legistar.com/Calendar.aspx. To comment on an

upcoming agenda item, call (530) 212-8376, conference code 933876. Press 5* to raise your hand to comment at the time the item is called.

The audio and live video streaming is being offered as a convenience. The Board meeting will

continue even if there is a disruption. If there is a disruption, the public is encouraged to consider an alternate option listed above. If you have trouble connecting or accessing the meeting, contact the Board office for assistance at (530) 527-4655.

PROVIDE PUBLIC COMMENT BEFORE THE MEETING BY:

1) Writing a letter to the Board of Supervisors at PO Box 250, Red Bluff, CA 96080.

2) Emailing: tcbos@tehama.gov. Written or emailed public comments received by 4:00 p.m. the day prior to the meeting will be provided to the Board members electronically or in written format and will become part of the public record.

PROVIDE PUBLIC COMMENT DURING THE MEETING BY:

1) In-Person: Board Chambers, Tehama County Administration Building, 727 Oak St., red Bluff, CA 96080: Members of the public can provide comment in-person inside the Board of Supervisors' Chambers.

2) Over the Phone: Members of the public can call (530) 212-8376, conference code 933876. Press 5* to raise your hand to comment. The public will be placed in a call-in queue until they are permitted into the meeting for comment.

COMMUNICATIONS received by the Board of Supervisors are on file and available for review in the Office of the Clerk of the Board.

MINUTES, AGENDAS, AGENDA MATERIAL, and ARCHIVED MATERIAL is available on our website at https://tehamacounty.legistar.com/Calendar.aspx



Tehama County

Agenda Request Form

File #: 24-1782

Agenda Date: 10/15/2024

Agenda #: 1.

CLERK OF THE BOARD - Clerk & Recorder Sean Houghtby

Requested Action(s)

a) STUDY SESSION - Discussion and possible direction to staff regarding submitting the minutes of the Board of Supervisors on Consent or Regular agenda

Financial Impact:

There is no financial impact.

Background Information:

This study session was brought forward due to a future agenda item request on 10/8/24 by Supervisor Hansen. In August of 2022 Supervisor Carlson, who was the Chair at the time, requested that minutes be brought forward on the regular agenda due to the climate of the Board at that time. Up until this request minutes had been on Consent since 2005. As a general practice the Board has allowed the Chair and Vice-Chair, through the agenda review process, to set the order of the meeting.

Resolution 2022-2 adopted by the Board on January 11, 2022, established Rosenberg's rules of order for all Board meetings. Rosenberg's rules state that for all intents and purposes, the Chair makes the final ruling on the rules every time the Chair states an action. In fact, all decisions by the Chair are final unless overruled by the body itself.

RESOLUTION OF THE BOARD OF SUPERVISORS OF

TEHAMA COUNTY, CALIFORNIA

ADOPTING ROSENBERG'S RULES OF ORDER

Resolution No. 2022-2

WHEREAS, the Tehama County Board of Supervisors has the authority to establish rules to govern the proceedings of said Board meetings; and

WHEREAS, Tehama County Board of Supervisors desires to establish the rules governing its proceedings; and

WHEREAS, the Tehama County Board of Supervisors has reviewed the Rosenberg's Rules of Order and has determined it best fits the needs of the Board and County.

NOW, THEREFORE, BE IT RESOLVED by the Tehama County Board of Supervisors that:

County of Tehama hereby adopts and establishes the Rosenberg's Rules of Order, attached hereto as Exhibit A, as the rules that govern its meetings.

The foregoing Resolution was offered by Supervisor WILLIAMS and seconded by Supervisor MOULE on January 11, 2022 and adopted by the following vote:

AYES: MOULE, LEACH, WILLIAMS, GARTON, CARLSON NOES: NONE. ABSENT : NONE. NOT VOTING: NONE.

STATE OF CALIFORNIA)) ss COUNTY OF TEHAMA)

I, JENNIFER VISE, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California, hereby certify the above and foregoing to be full, true, and correct copy of an order adopted by said Tehama County Board of Supervisors on this 11th day of January 2022. JENNIFER VISE, County Clerk and Ex-Officio Clerk of the Board of Supervisors of the County of Tehama, State of California

Deputy



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and automony of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

© 2011 League of California Cities. All rights reserved.

About the Author

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

TABLE OF CONTENTS

About the Author	ii
Introduction	.2
Establishing a Quorum	.2
The Role of the Chair	.2
The Basic Format for an Agenda Item Discussion	.2
Motions in General	.3
The Three Basic Motions	.3
Multiple Motions Before the Body	.4
To Debate or Not to Debate	.4
Majority and Super-Majority Votes	5
Counting Votes	5
The Motion to Reconsider	.6
Courtesy and Decorum	.7
Special Notes About Public Input	.7



The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of Rosenberg's Rules of Order.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

- 1. **Rules should establish order**. The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
- 2. Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
- 3. Rules should be user friendly. That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
- 4. Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

- 1. The chair can ask the maker of the motion to repeat it;
- 2. The chair can repeat the motion; or
- **3.** The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the "ayes" and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body."

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words "I move ... "

A typical motion might be: "I move that we give a 10-day notice in the future for all our meetings."

The chair usually initiates the motion in one of three ways:

- 1. Inviting the members of the body to make a motion, for example, "A motion at this time would be in order."
- 2. Suggesting a motion to the members of the body, "A motion would be in order that we give a 10-day notice in the future for all our meetings."
- 3. Making the motion. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."



The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.



Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold." The motion can contain a specific time in which the item can come back to the body. "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, "I move the previous question" or "I move the question" or "I call the question" or sometimes someone simply shouts out "question." As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a "request" rather than as a formal motion. The chair can simply inquire of the body, "any further discussion?" If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the "question" as a formal motion, and proceed to it.

When a member of the body makes such a motion ("I move the previous question"), the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," or "I move the question," or "I call the question," or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it's pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the "no" votes and double that count to determine how many "yes" votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote "no" then the "yes" vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote "abstain" or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of "those present" then you treat abstentions one way. However, if the rules of the body say that you count the votes of those "present and voting," then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are "present and voting."

Accordingly, under the "present and voting" system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are "present"), but you treat the abstention votes on the motion as if they did not exist (they are not "voting"). On the other hand, if the rules of the body specifically say that you count votes of those "present" then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like "no" votes.

How does this work in practice? Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are "present and voting." If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three "yes," one "no" and one "abstain" also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members "present." Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a "no" vote. Accordingly, if the votes were three "yes," one "no" and one "abstain," then the motion fails. The abstention in this case is treated like a "no" vote and effective vote of 3-2 is not enough to pass two-thirds majority muster. Now, exactly how does a member cast an "abstention" vote? Any time a member votes "abstain" or says, "I abstain," that is an abstention. However, if a member votes "present" that is also treated as an abstention (the member is essentially saying, "Count me for purposes of a quorum, but my vote on the issue is abstain.") In fact, any manifestation of intention not to vote either "yes" or "no" on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote "absent" or "count me as absent?" Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually "absent." That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, "point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be, "point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very publicfriendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



1400 K Street, Sacramento, CA 95814 (916) 658-8200 | Fax (916) 658-8240 www.cacities.org

To order additional copies of this publication, call (916) 658-8200.

\$10 © 2011 League of California Cities. All rights reserved.

A Printed on recycled paper.



Tehama County

Agenda Request Form

File #: 24-1797

Agenda Date: 10/15/2024

Agenda #: 2.

PUBLIC WORKS- Director James Simon

Requested Action(s)

a) CHANGE ORDER - Request approval and authorization for the Director to issue Change Order No. 18 to the Agreement with S.T. Rhoads Inc. (Road Agreement #2024-03) for the 99W & South Main Street Project, to delete Bid Item #49-Replace AC Surfacing and Bid Item #140-Replace AC Surfacing and reconstruct the roadway using an alternative structural section to address unforeseen unsuitable subgrade conditions, in an amount equal to \$480,389.60

And (in the event the terms of the current CCO #18 as written are not acceptable to the Contractor);

b) Request authorization for the Director to proceed with the unsuitable soil mitigation work described in the attached draft CCO #18 memorandum, Reason for Change, and to negotiate the terms of the contract change order

Financial Impact:

The Construction (CON) phase of this project is funded by a combination of Federal and State funds comprised of CMAQ, DEMO, SHOPP, STIP, HIP and RSTP. This project contract is budgeted in Road Fund - Professional and Special Services #3011-53230. The Board awarded the contract for the 99W & South Main Street Project, Federal Project No. RRSTPL 5908(100), County Project No 2708181 to S.T. Rhoads Inc. as the low responsive bidder in the amount of \$14,499,406.50 on March 26,2024 (Road Agreement #2024-03). A 15% contingency, in the amount of \$2,213,743.50 was budgeted to the construction contract to address Contract Change Orders and is reimbursable through the project funding. At that time, the Director of Public Works was authorized \$210,000 in signature authority for the issuance of Change Orders to the contract, pursuant to Public Contract Code 20405(d)(3). Approval of this Change Order would leave a remaining contingency budget of \$1,145,912.40.

Background Information:

The plans call for South Main Street to be reconstructed. However, the underlying subgrade is partially composed of saturated clay soil that will not be suitable for supporting the construction loads during the resurfacing operations. In addition, some areas of the finished grade of the roadway are to be lowered by up to 5-inches to correct the existing profile and cross-slope. Upon discovery of unsuitable material in the vicinity of the roundabout, the southerly portion of roadway was potholed and soil samples taken for analysis. Based on the analysis results, unsuitable soil conditions are expected to be encountered in several locations. An alternative structural section has been developed to provide the planned pavement design life for the given traffic index. Where no saturated clay subgrade is found, and grade corrections are not required, the AC surfacing will be replaced per plan. Caltrans and the City of Red Bluff concur with this mitigation method and Caltrans agrees with its eligibility for reimbursement.

Attachment List:

File #: 24-1797

Contract Change Order #18 Memorandum Contract Change Order #18, sheet 1 Contract Change Order #18, sheets 2-5 (plan sheets)

CONTRACT CHANGE ORDER CEM-4900 (OLD HC-5 REV. 9/97) CT# 7541-3501-0			Change Requested by: Engineer Contracto				
CO NUMBER 18	SUP NUMBER	CONTRACT NO. Tehama County: 2708181 Caltrans: 02-IJ6204	ROAD 99W / S. Main Street	FEDERAL NUMBER(S RPSTPL 5908(1			
TO S T Rhoades Construction			ı	CONTRACTOR			
			specifications or do the following order is not effective until app				
escription of wo greed price and ctually used and om the original At Location 4, o roadway using a change order.	ork to be done, estir force account.) Un d no allowance will quantity in the Engi delete Bid Item #49 alternative bid item	nate of quantities and prices to b nless otherwise stated, rates for be made for idle time. The last p neer's Estimate P-Replace AC Surfacing and Bic s according the edited Layout sl	be paid. (Segregate between ac rental of equipment cover only s percentage shown is the net accu I Item #140-Replace AC Surfact heets L-10 through L-13, attach	dditional work a such time as ec umulated increa ing and reconst	at contract pric quipment is ase or decreas truct the		
Item 49 REPLA Item 140 REPL	ACE AC SURFAC ACE AC SURFAC ACE AC SURFAC item decrease = (\$	ING 900 CY (-10 CING 2282 CY (-8	00%) @ \$500.00/CY = \$450,00 (31.5%) @ \$463.00/CY = \$1,056		%)		
Item 34 ROAD Item 47 CLAS Item 50 HOT M Item 128 ROA Item 138 CLAS Item 141 HOT Total estimated The revised fina Bid Item No. 12 quantity shown	28, Roadway Excav	ION 1,850 CY (+ BASE 961.0 CY (+ YPE A) 1,481 TON FION 3,232 CY (+ E BASE 1,470 CY (+ YPE A) 3,020 TON ,885,055.60 (+ item No. 34, Roadway Excavati yation, will be 4,232.0 CY. You st, as modified by this change of (+	(-39.7%) @ \$105.00/CY = \$194, -29.6%) @ \$145.00/LF = \$139, (+28.5%) @ \$158.60/TON = \$2 -323%) @ \$180.00/CY = \$581, -210%) @ \$180.00/LF = \$264,6 (+657%) @ \$155.70/TON = \$4 on, will be 6,505.0 CY. The rev accept these quantities as the find rder and by previous change ord	345.00 (+29.69 234,886.60 (+2 760.00 (+323% 500.00 (+210% 70,214.00 (+65 rised final quan nal payment fo	%) (8.5%) (6) (1) (57%) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1		
Where directed additional traffi	c control as author a work at Force Ac	rnish and install Geogrid NX85	50 between the subgrade and Cla maintain traffic during the comp				
		ompletion will be adjusted as fol					
	BV						
IGNATURE		James N	M. Smolenski, Resident Engir	heer	DATE 10/3/202		
APPROVAL F	RECOMMENDED	BY			10.0.202		
GNATURE		Jon McC	Clain, County Project Manage	ər	DATE		
ENGINEER A	PPROVAL BY						
GNATURE		James	N. Simon, Director		DATE		
		e given careful consideration to rnish the materials, except as m	the change proposed and agree				

contractor, do not sign acceptance of this order, your attention is directed to the requirements of the specification as to proceeding with the ordered work and filing a written protest within the time therein specified. CONTRACTOR ACCEPTANCE BY

SIGNATURE	(PRINT NAME & TITLE)	DATE

TEHAMA COUNTY – DEPARTMENT OF PUBLIC WORKS CONTRACT CHANGE ORDER MEMORANDUM

DC-CEM-4903 4903 (REV 06/2016)

Be elin leee	000 (1121 00/2010)								
		FILE E.A	Tehama County 99W & South Main Street Project						
FROM: James	Smolenski					County Project Number: 27 Federal Aid Project RPSTPL Caltrans Contract Number: 0	708181 5908(100)		
CCO NO. 18	SUPPLEMENT NO.	CATEGOF	RY CODE:			ENCY BALANCE (Including this \$365,679.52 / City \$380,692.	• •	\$442,7	/53.20
\$480,389.60		INCR	Х	DECR	HEADQUA	ARTERS APPROVAL REQUIRED)? YES	Х	NO
SUPPLEMENTA \$ 0	L FUNDS PROVIDED					EQUEST IN ACCORDANCE /IRONMENTAL DOCUMENTS?	YES	Х	NO

THIS CHANGE ORDER PROVIDES FOR:

At Location 4, delete Bid Item #49-Replace AC Surfacing and Bid Item #140-Replace AC Surfacing and reconstruct the roadway using alternative bid items according the edited Layout sheets L-10 through L-13, attached as pages 2-5 of this change order.

Reason for Change:

The plans show to construct new the S. Main Street surfacing as removal and replacement of the existing AC surfacing. However, there is concern that the underlying subgrade is partially composed of saturated clay soil that will not be suitable for supporting the construction loads during the resurfacing operations. In addition, for some areas the finished grade of the roadway is to be lowered by up to 5-inches in order to correct the existing cross-slope, which will remove most or all of the existing aggregate base section under the pavement. The roadway was potholed and soil samples taken for analysis. Based on the pothole results, unsuitable soil conditions will be expected to be encountered in a number of locations. Industry experts were contacted to develop an alternative resurfacing strategy that will provide the planned pavement design life for the given traffic index. In lieu of the planned 0.75' replace AC surfacing strategy for the areas where wet clay soils were observed, the structural section will receive 0.6' of HMA over 0.8' Cl2AB (Caltrans R/W) or 0.6' CL2AB (City R/W), with unstable subgrade conditions mitigated by the installation of Tensar Geogrid, where necessary. This alternative approach was selected in consideration of the ability of the prime contractor to self-perform the work and meet the specified November 1 cutoff date for paving inside the Caltrans right-of-way. Where no clay subgrade was found and grade corrections are not required, such as south of the Sister Mary Columba intersection, the 5" of existing AC surfacing will be replaced per plan.

Method of Payment:

Decrease and Increase in Bid Items at Bid Item Prices. Total estimated net item increase = \$378,489.60Tensar Geogrid and additional traffic control costs will be paid as Extra Work at Force Account. Estimate of EW@FA = \$101,900.00

Time Adjustment:

There will be no time adjustment for this change.

CONCURRED BY:			ESTIMATE OF COST			
RESIDENT ENGINEER: James M. Smolenski	DATE: 10/8/2024	ITEMS	THIS REQUEST \$378,489.60	TOTAL TO DATE \$378,489.60		
COUNTY PROJECT MANAGER:	DATE:	FORCE ACCOUNT	\$101,900.00	\$101,900.00		
Jon McClain		AGREED PRICE				
COUNTY PUBLIC WORKS DIRECTOR:	DATE:	ADJUSTMENT				
James N. Simon		TOTAL	\$480,389.60	\$480,389.60		
CITY OF RED BLUFF PUBLIC WORKS:	DATE:		FEDERAL PARTICIPATION			
R. Scott Miller		PARTICIPATING PARTICIPATING IN PART				
CALTRANS OVERSIGHT ENGINEER:	DATE:	NON-PARTICIPATING (NON-PARTICIPATING (Maintenance)			
Kyle Higgins						
ENGINEER OF RECORD:	DATE:	FEDERAL SEGREGATION	FEDERAL SEGREGATION (If more than one funding source or P.I.P type)			
Meghan Sigler		CCO FUNDED PER CONT	CCO FUNDED PER CONTRACT			
				PERCENT		
			Caltrans	47%		
		City	of Red Bluff	24%		
		Teha	ima County	29%		

DATE: October 8, 2024







