

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Supervisors Ashley and Tavaglione

SUBMITTAL DATE: April 29, 2010

SUBJECT: Board of Supervisors Policy A-67: Initiation of Ordinances and Ordinance Amendments

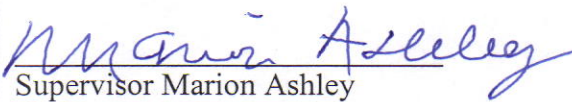
RECOMMENDED MOTION: That the Board of Supervisors adopt Board Policy A-67.

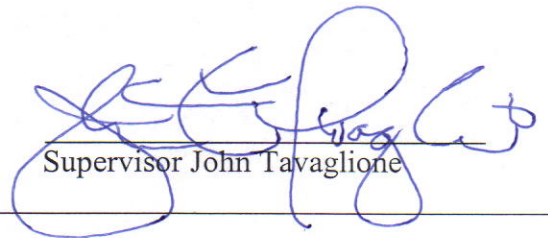
BACKGROUND: Currently, a proposed amendment to the County's General Plan may not be processed unless the Board of Supervisors has first adopted an order initiating amendment proceedings by a majority vote of its entire membership. A proposed amendment to the County's Land Use Ordinance (Ordinance No. 348) also requires initiation before processing. Board Policy A-67 extends the initiation requirement to all proposed ordinances and ordinance amendments.

Board Policy A-67 ("Policy") provides that:

- The Board is required to initiate an ordinance or ordinance amendment, unless the ordinance or ordinance amendment meets the statutory definition of an urgency ordinance;
- The initiation shall take the form of an order adopted by the affirmative vote of not less than a majority of the entire Board membership;

(Continued on page 2)


Supervisor Marion Ashley


Supervisor John Tavaglione

Prev. Agn. ref.

Dist.

AGENDA NO.

3.93

- The initiation order shall prescribe, in general terms, the contents of the ordinance or ordinance amendment;
- The initiation order shall direct the appropriate agency or department to prepare and process the ordinance or ordinance amendment;
- An ordinance or ordinance amendment shall not be placed on the Board agenda for introduction or adoption unless the Board has adopted an initiation order in the manner described above; and
- A request for an initiation order must be made by a member of the Board or an Agency or Department Head.

Given current budgetary constraints, the Policy most importantly provides that the Board shall consider the costs associated with preparing, processing and implementing an ordinance or ordinance amendment before deciding to initiate it. Typical costs to be considered would include staff preparation and processing costs, the costs of any required environmental documentation or other studies, and any hearing, noticing and publication costs.

Considerable staff time and costs are often expended in the development of ordinances and ordinance amendments and this Policy would ensure that the County does not expend its limited resources on an ordinance or ordinance amendment that a majority of the Board cannot ultimately support. Saving such resources is critical in today's economy.

The Policy is also appropriate because ordinances are the governing documents of the County. They have the same force and effect in the unincorporated area of the County as statutes passed by the legislature have throughout the state and a Board majority should decide what ordinances or ordinance amendments are brought to the Board for its consideration.

Allowing fully prepared ordinances or ordinance amendments to be brought directly to the Board without its prior authorization not only interferes with the Board's consideration process, it hinders the Board's ability to shape the contents of those ordinances and ordinance amendments by putting the Board in a reactive position. It also complicates Board meetings. Unlike a state legislator who may propose a bill and discuss it freely with his colleagues, a local official proposing an ordinance or ordinance amendment is precluded by the Brown Act from having such discussions. As a result, Board members are often unfamiliar with the ordinances and ordinance amendments at the time of their consideration and have many questions and concerns.

The Policy addresses these concerns by providing a mechanism for ordinances and ordinance amendments to be considered by the Board in an orderly and cost-effective manner.

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Policy	
<u>Number</u>	<u>Page</u>
A-67	1 of 1

Subject:

**INITIATION OF ORDINANCES
AND ORDINANCE AMENDMENTS**

POLICY:

Except for an ordinance or ordinance amendment meeting the requirements of Government Code section 25123(d) or Government Code section 65858, an ordinance or ordinance amendment shall require initiation by the Board of Supervisors. Such initiation shall be in the form of an order adopted by the affirmative vote of not less than a majority of the entire membership of the Board. The order shall prescribe, in general terms, the contents of the ordinance or ordinance amendment and shall direct the appropriate agency or department to prepare and process it. Notwithstanding the provisions of Board Policy A-5, an ordinance or ordinance amendment shall not be placed on the Board of Supervisors' agenda for introduction, or for adoption if introduction is not required, unless the Board has adopted an order initiating the ordinance or ordinance amendment in the manner described above. In addition, an amendment to the Land Use Ordinance shall not be noticed or set for hearing before the Planning Commission, unless the Board has adopted an order initiating the amendment.

The Board of Supervisors shall consider the costs associated with preparing, processing and implementing an ordinance or ordinance amendment in deciding whether to adopt an order initiating the ordinance or ordinance amendment.

A request for an order initiating an ordinance or ordinance amendment shall be made by a member of the Board of Supervisors or an Agency or Department Head.