

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



ITEM
3.4
(ID # 6914)

MEETING DATE:
Tuesday, May 22, 2018

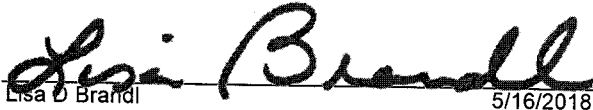
FROM : EXECUTIVE OFFICE:

SUBJECT: EXECUTIVE OFFICE: Board Policy Manual Update - Repeal of Board Policies A-9, A-36, and A-69; Approval of revised Board Policies A-5, A-16, A-25, B-2, B-14, B-25, B-26; Adoption of new Board Policy B-33, All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Repeal Board Policy A-9: Board Referral Tickler File, A-36: Budget Savings Retention Plan (BSRP), and A-69: Best Practices in Contract Management; and,
2. Approve revisions to the following Board Policies: A-5: Board of Supervisors Agenda Procedure; A-16: Official Emblem for the County of Riverside; A-25: Departmental Fund Deposits; B-2: Lawsuits Against County Employees and Officials; B-14: Policy for Cash Management to Avoid Cash Deficits in County Funds; B-25 Pension Management; and B-26: Leasing of County-Owned Real Property for Wireless Service Facilities; and
3. Adopt new Board Policies A-74: Reasonable Accommodation and Equal Access for Individuals with Disabilities and B-33: Lawsuits against the County, its Employees and Officials; Acceptance of Service of Government Claims, Summonses/Complaints and Civil Subpoenas.

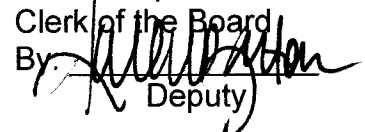
ACTION: Policy


Lisa D Brandl 5/16/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Perez, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: May 22, 2018
xc: EO, All Dept., COBcg

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$0	\$0	\$0	\$0
NET COUNTY COST	\$0	\$0	\$0	\$0
SOURCE OF FUNDS: N/A			Budget Adjustment:	No
			For Fiscal Year:	2017/18

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The Executive Office and County Counsel are in the process of comprehensively reviewing and updating the Board of Supervisors Policy Manual. Staff has consulted with County Counsel for consistency of board policies with current laws, regulations and ordinances; and solicited input on the proposed revisions to policies from the Assistant County Executive Officers (ACEOs), Department Heads, Strategic Leadership Team, and the Chiefs of Staff of the Board of Supervisors.

For today's action, staff proposes that the Board repeal the three policies shown below:

- Board Policy A-9: Board Referral Tickler File: the Clerk of the Board now utilizes the Long Range Agenda to identify any matters that need to return to the Board of Supervisors;
- Board Policy A-36: Budget Savings Retention Plan (BSRP): staff recommended rescinding this board policy in the past; this action reaffirms the action; and,
- Board Policy A-69: Best Practices in Contract Management: This policy is redundant with Board Policies B-11: Award of Public Works Contracts Pertaining to County Facilities and Certain Other Improvements, and Board Policy H-7: Selection of Architectural, Engineering and Real Estate Related Services.

In addition, staff recommends acceptance of revisions board policies A-5, A-16, A-25, B-2, B-14, B-25, and B-26. Redline versions showing the proposed changes and proposed versions are attached for reference.

Board Policy B-25 addresses the county's activities with respect to pension management. Last updated in 2007, a revision to the policy is being submitted to the Board of Supervisors by the Pension Advisory Review Committee (PARC) to better define some of the terms. Also the revision would add two additional board members to the PARC to better serve the decision making process as it pertains to pension administration. The proposed board member additions

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include the County Auditor-Controller and a local safety member department representative. The Pension Advisory Review Committee reviewed the changed language and recommend approval.

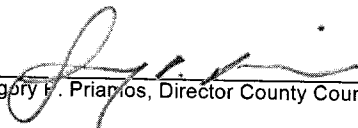
Staff also recommends approval of the new board policy C-33: Lawsuits against the County, its Employees and Officials; Acceptance of Service of Government Claims, Summonses/Complaints and Civil Subpoenas. This policy was developed by County Counsel.

The proposed revisions shown above are part of a comprehensive update to the Board Policy Manual. As review of the current policies proceeds, staff will periodically bring forward specific revisions to the Board for approval in order to align current County operations with the Board Policy Manual.

SUPPLEMENTAL:

ATTACHMENTS:

Board Policy A-5 Redline
Board Policy A-5 Final
Board Policy A-16 Redline
Board Policy A-16 Final
Board Policy A-25 Redline
Board Policy A-25 Final
Board Policy B-2 Redline
Board Policy B-2 Final
Board Policy B-14 Redline
Board Policy B-14 Final
Board Policy B-25 Redline
Board Policy B-25 Final
Board Policy B-26 Redline
Board Policy B-26 Final
Board Policy B33 Final



Gregory V. Priarios, Director County Counsel 5/10/2018

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Policy

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LAWSUITS AGAINST THE COUNTY, ITS EMPLOYEES AND OFFICIALS; ACCEPTANCE OF SERVICE OF GOVERNMENT CLAIMS, SUMMONSES/COMPLAINTS AND CIVIL SUBPOENAS

B-33

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Policy:

Accepting Service of Government Claims, Summonses/ Complaints, and Civil Subpoenas

Acceptance of Government Claims, Summonses, Complaints and Civil Subpoenas

County of Riverside employees must exercise care when presented with any documents concerning legal actions in which the County or its employees are involved. Only the Clerk of the Board of Supervisors may accept service of government claims and summonses and complaints on behalf of the County of Riverside, any County agency, and County officials sued in their official capacity. Generally, service of a government claim or summons and complaint on a different County department would not be considered to be valid service.

Service of a government claim may be accomplished by service upon the Clerk of the Board's Office by personal delivery or by mail, only. There is no legal requirement that the contents of a government claim be in English. Service of a summons and complaint should be accomplished by personal service only, although the law does provide an exception for service by mail in a limited circumstance. Please contact County Counsel's Office if a summons and complaint is served by mail upon the County, a County agency or those employees sued in their official capacity.

Subpoenas which identify a particular employee of the County or County agency may only be accepted by the named person, although certain exceptions apply for a sheriff, deputy sheriff, marshal, deputy marshal, district attorney personnel, probation officer, building inspector, and firefighter. Subpoenas for County records, regardless of the location of those records, are directed to the appropriate agency or department that maintains the records sought. Subpoenas for records are usually directed to a department's custodian of records. Subpoenas addressed to a "person most knowledgeable" ("PMK") or a "person most qualified" ("PMQ") may be accepted by the appropriate County department that employs an individual that can testify most knowledgably about the subject-matter identified in the subpoena. Please contact County Counsel's Office for assistance in responding to such subpoenas.

Failure to appropriately handle government claims, summonses, complaints and/or civil subpoenas could place the County and its employees at risk or disadvantage in legal

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proceedings. Failure to follow required procedures may be cause for discipline, up to and including termination.

Definitions

- **Government Claim** – a document that may serve as a precursor to civil litigation against the County and its employees. It alleges why the County is responsible for the Claimant's injuries and damages.
- **Summons** - a legal document that notifies an individual or entity that a lawsuit has commenced and that the individual or entity served must respond to the complaint.
- **Complaint** - a legal document that sets forth the basis for the claim(s) in a lawsuit and the relief being sought by the plaintiff (one who commences a lawsuit to obtain a remedy for an alleged injury to his or her rights).
- **Civil subpoena** - an order issued by a court for a person to appear and testify at a deposition or trial, and/or for the production of records.
- **Defendant** - the person or entity that is being sued.

Government Claims

Government claims come in many different formats. It may appear on a County generated form, a legal pleading, or a regular piece of bond paper. It may be computer generated or handwritten. Regardless, only the Clerk of the Board is authorized to accept a government claim. Refer all such persons attempting to present a government claim to the Clerk of the Board's Office.

Summons and Complaint

When the County of Riverside is named as a defendant in a Summons and Complaint

If a marshal, process server, or other person attempts to serve a Summons and Complaint on the County of Riverside, the process server must be referred to the Clerk of the Board ("COB"). The COB is the only County office or department that may accept service on behalf of the County of Riverside.

When County employees are named as defendants in a Summons and Complaint

Certain law enforcement employees, like the Sheriff, may be named as defendants in a civil lawsuit in their "individual" capacity and/or their "official" capacity. When a summons

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and complaint names an employee as a defendant in his or her "individual" capacity, only the employee may accept service on his or her behalf, unless he or she has delegated that authority to someone else. If an employee is served in his or her "official" capacity, then the Clerk of the Board is authorized to accept service on behalf of that named employee.

If a summons and complaint names certain County employees as defendants in a lawsuit, but does not specify whether the employees are being sued in their official capacity, the process server should be directed to serve the employee personally, unless other arrangements have been made to accept service.

Under no circumstance may an employee accepting service for himself/herself also accept a summons and complaint on behalf of the County. Instead, the process server must be referred to the COB.

If the person serving a summons and complaint simply leaves the document at your service counter, please contact County Counsel's Office immediately.

When a lawsuit is anticipated, an employee may make arrangements through the Risk Management Division or County Counsel's Office to designate the COB, County Counsel, panel counsel, or another person to accept service of process on his/her behalf. This can be handled on a case-by-case basis.

Certain classes of jobs may be served with process by other means. In particular, sheriff, deputy sheriff, marshal, deputy marshal, district attorney personnel, probation officer, building inspector, or firefighter may be served personally (like other employees), or service may be made by the following means: 1.) by serving two copies on the employee's immediate superior; or 2.) by serving an agent designated by that immediate superior to receive that service. Please direct any questions in this regard to County Counsel's Office, or otherwise refer to your department policy.

When a County employee alone is a defendant in a Summons and Complaint

A Work-Related Complaint

If the complaint, naming only a County employee, is based on the employee's conduct within the course and scope of his or her employment with the County, the employee must accept the complaint and contact the COB and provide a copy of the documents served by the next business day. For example, if a complaint alleges that a County employee was negligent in the performance of his or her official job duties, this would be

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an example of a work-related complaint. Again, if a lawsuit is anticipated, arrangements can be made through the County Counsel's Office or the Risk Management Division for alternative means to accept a summons and complaint.

Non-Work-Related Complaints

If the complaint naming the employee is based on conduct occurring outside the course and scope of his or her employment with the County, the employee shall act on his or her own behalf without involving the County. In such circumstances, the COB is not an agent authorized to accept service of the summons and complaint. Examples of non-work related complaints may occur when an employee is sued for child support, child custody, dissolution of marriage, private vehicle accident, or a homeowner dispute. A quick review of the complaint will usually reveal the substance of the allegation against the individual and whether it occurred on or off-duty.

Accepting Service on Behalf of Another Employee

A County employee asked by the process server to accept service of a Summons and Complaint on behalf of another County employee should not do so, unless directed otherwise by County Counsel's Office.

If the original claim is being handled by the Risk Management Division, Risk Management can assist with alternative means to accept the summons and complaint.

Civil Subpoenas for Testimony and/or Production of County Records

Subpoenas for Testimony

Such subpoenas may be titled as a "civil subpoena for personal appearance at trial or hearing" or "deposition subpoena for personal appearance." These subpoenas require an employee to appear and testify under oath at trial, tribunal, hearing or deposition. Such subpoenas must be served personally on the individual identified in the subpoena, unless other arrangements are made through the County Counsel's Office or the Risk Management Division for someone else to accept service.

Subpoenas for County Records

Such subpoenas may be titled as a "deposition subpoena for production of business records" or a "civil subpoena duces tecum." Employees must not accept subpoenas for County records unless specifically authorized to do so. Subpoenas for County records,

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regardless of the location of those records, must be directed to appropriate department or agency that maintains the records. The person with such authority at the department will review the subpoena and accept it as appropriate. Any questions should be directed to County Counsel's Office.

Subpoenas for Testimony and Records (related to County employment)

Such subpoenas may be titled as a "civil subpoena (duces tecum) for personal appearance and production of documents," or "deposition subpoena for personal appearance and production of documents and things." If an employee is served with a subpoena for his/her testimony and to produce records in his or her capacity as an employee or agent of the County, he or she must accept the subpoena, provided other statutory requirements are met. Questions regarding such service may be directed to County Counsel's Office.

Occasionally, there may be instances when a *deposition subpoena* identifies a category of information instead of a specific person to provide testimony. These subpoenas typically are framed as a "Person Most Knowledgeable" ("PMK") or "Person Most Qualified" ("PMQ") subpoena and call for a person to be designated by the department to testify on certain subjects identified in the subpoena. These types of subpoenas should be served on the department as if it were a records subpoena. The department may need to designate a certain person or persons who can testify as to those specific categories identified. Please contact County Counsel's Office for assistance in this regard. Please note that subpoenas to appear at trial must identify a specific person and must be served upon that person.

Subpoenas for Testimony (not related to County employment)

When an individual is served with a civil subpoena for an event that he/she did not perceive or investigate as a County employee, he/she must accept the subpoena without County involvement. That is, neither the County nor any other County employee should accept such a subpoena on behalf of the named individual. Examples may include private civil actions, criminal cases, and civil harassment cases.

Statutory Fees and Expenses

The County is entitled to certain fees when its employees are subpoenaed to testify concerning an event or transaction he or she perceived or investigated in the course of his or her duties, to which the County is not a party. If the subpoena requires an employee

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to testify at deposition, trial, tribunal or other hearing, the subpoenaing party must tender to the County a statutory fee of \$275 for each day that the employee is required to remain in attendance pursuant to the subpoena. This amount represents a deposit towards the employee's salary and traveling expenses. The employee and employee's department should keep track of the employee's time away from the office in order to bill or refund the subpoenaing party for the employee's time and travel expense. The deposit must be tendered when the subpoena is served, or else the subpoena is not effective.

If the subpoena requires the production of business records only (not testimony), then the County is entitled to all reasonable costs against the party serving the subpoena. Generally, this provides for \$0.10 per page (8.5" x 14" or smaller) for copies and reasonable clerical costs in locating and making the records available to be billed at the maximum rate of \$24/hour per person, computed on the basis of \$6 per quarter hour or a fraction thereof, as well as actual postage charges, and the actual cost, if any, charged to the witness by a third person for the retrieval and return of records held offsite by that third person. The County can demand those costs when it delivers the records to the requesting party. The County is under no obligation to deliver the records until payment is made. However, if the County makes the records available for copying by the subpoenaing party or a deposition officer where the records are maintained, the only fee for complying with the subpoena will not exceed \$15 and the actual cost, if any, charged to the witness by a third person for the retrieval and return of records held offsite by that third person.

Government Claim	Required Action
County of Riverside and/or County employees	Refer person to COB.
Summons and Complaint	
Parties Named in Summons and Complaint	Required Action
County of Riverside	Refer process server to the COB.

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<p>Employee, work-related</p>	<p>Named employee must accept summons and complaint in his/her individual capacity and contact COB as soon as practicable, providing a copy of the documents by the next business day. If employee is sued in his/her official capacity, COB may accept service. Certain classes of employees (identified above) may have alternative service arrangements.</p>
<p>Employee, non-work-related</p>	<p>Named employee must act on his or her own behalf without involving the County. COB not authorized to accept service for employee.</p>
<p>If named employee is absent</p>	<p>Do not accept service on behalf of another employee. Contact County Counsel's Office for instructions as necessary.</p> <p>If the original claim is being handled by Risk, Risk can assist with alternative means to accept the summons and complaint.</p>
<p>Subpoena for Records</p>	
<p>Type of Record</p>	<p>Required Action</p>
<p>County business records</p>	<p>Staff must direct the process server to appropriate County department for consideration by person authorized to accept service.</p>

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Subpoena for Testimony	
Type of Testimony or Record	Required Action
Employment-related	Named employee may accept service subject to payment of statutory deposit. Contact County Counsel's Office with questions.
Non-Employment-Related	Subpoenas for individuals served in their individual capacity and not as employees or agents of the County must be served on the named individual. The County nor any of its employees will accept service on behalf of the individual.

Reference:

Minute Order ___ of XX/XX/XX

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Policy:

1. SUBMITTAL

- A. Items are placed on the Board of Supervisors' agenda only by a member of the Board or the County Executive Officer. The Clerk of the Board will coordinate with the County Executive Office for submittal of agenda items.
- B. Of necessity, there are two deadlines for a Form 11 to be placed on an agenda:
 - 1. County Executive Office: The deadline is noon on Monday of the week prior to the Board's Tuesday Agenda.
 - 2. Clerk of the Board: The County Executive Office must submit all items to the Clerk of the Board on Wednesday, 1:00 pm of the week prior to the Board's Tuesday Agenda.
 - 3. The Clerk of the Board and the County Executive Office will adjust the above deadlines whenever a holiday impacts the regular schedule.
- C. All Supervisor-generated policy proposals shall be reviewed by the County Executive Office to determine potential costs or savings of implementation or to provide a cost/benefit analysis where appropriate. The financial information should include a thorough evaluation of the pros and cons of the proposed change(s) and where appropriate, provide its anticipated short-term and long-term impacts. To protect the independence of the Board, the information will be provided without a recommendation for or against the proposal. This provision does not apply to Board appointments or CID grant awards.
- D. Departments must route all requests for Board action through the County Executive Office for review and/or recommendation.
- E.. It is the responsibility of the department submitting a request to ensure all pertinent information is included. Departments should follow the attached **ATTACHMENT I - "GUIDELINES FOR PREPARATION OF BOARD OF SUPERVISORS AGENDA ITEMS."** adhere to the policy below, and ensure that all necessary approvals have been obtained.

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- E. It is the responsibility of the County Executive Office to ensure that all items placed on the agenda are complete, accurate, and conform to county policy. The County Executive Office will identify the policy impacts, verify the financial data, and make other recommendations as deemed necessary regarding proposed Board actions.

2. AGENDA REQUEST FORM

The Form 11 shall be used for all requests where practical. A default agenda item is available in MinuteTraQ.

The County Executive Office will review and recommend action on the item, and forward the final version to the Clerk of the Board.

3. AGENDA ITEMS REQUIRING MORE THAN THREE VOTES

- A. Certain actions by the Board of Supervisors require more than three votes to pass. It is the responsibility of the Executive Office to be alert to such items and ensure that the Form 11 reflects that the item requires at least 4/5th's or unanimous vote to pass.

- B. **ATTACHMENT II – "VOTING REQUIREMENTS FOR THE BOARD OF SUPERVISORS"** is a list prepared by County Counsel of those matters requiring more than three votes for approval. It should be noted that where a statute requires a two-thirds vote, only a four-fifths vote satisfies this requirement with a five-member board. Use this list as a guide when reviewing agenda items. County Counsel is authorized and directed to periodically update this list as necessary and appropriate.

4. UPDATES TO ATTACHMENTS AND EXHIBITS

The County Executive Office will be responsible for updating the following attachments and exhibits as they pertain to Board of Supervisors Policy A-5. Any updates or revisions to these documents will not require the discretion of the Board of Supervisors.

ATTACHMENTS:

Attachment I - Guidelines for Preparation of Board of Supervisors Agenda Items

- Exhibit A - Examples of Budget Motion & Adjustments
- Exhibit B - Examples of Purchasing Motions
- Exhibit C - Other Sample Motions

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- Exhibit D - Findings and Determinations That an Item May Be Subsequently Added to the Agenda of the Board of Supervisors
Attachment II – Voting Requirements for the Board of Supervisors

REFERENCE: Minute Order dated 02/29/72
Minute Order dated 01/28/75
Minute Order 6.7 of 01/13/81
Minute Order 3.7 of 10/18/83
Minute Order 11.0a of 12/15/86
Minute Order 3.19 of 09/05/89
Minute Order 3.8 of 10/15/91
Minute Order 3.1 of 12/03/02
Minute Order 3.7 of 11/07/06
Minute Order 3.4 of 05/22/07
Minute Order 3.7 of 09/15/09
Minute Order ___ of _____

**ATTACHMENT I
TO BOARD POLICY A-5**

**GUIDELINES FOR PREPARATION OF
BOARD OF SUPERVISORS AGENDA ITEMS**

GENERAL USE OF FORM 11:

Board of Supervisors' Policy No. A-5 requires the use of a Form 11 (staff report) to submit items for the Board of Supervisors. All items, including resolutions, ordinances, and public correspondence, will be attached to a Form 11 that details the recommended approval and/or adoption motions.

The Form 11 process is implemented through the MinuteTraq software platform. Documents are created within the software, and inter- and intra- departmental routing occurs electronically.

Information regarding the specific steps to use MinuteTraq, frequently asked questions (FAQ), and a shortcut/cheat sheet are available on the Clerk of the Board's website. You can access this information through the following process:

1. Go to www.rivcocob.org;
2. Select the "Agendas and Proceedings" tab;
3. Select the pull down option "IQM2;"
4. Select "MinuteTraq FAQ";

SPECIFIC INSTRUCTIONS FOR COMPLETION OF A FORM 11:

1. **FROM:** This should be the name of the department, agency, or office submitting the item. When additional stakeholder departments are referenced in the item, they should be included in the "Additional Departments" section on the MinuteTraq form.
2. **SUBMITTAL DATE:** The projected Board meeting date.
3. **SUBJECT:** The following steps will guide you in preparing the Subject section. The bullet is an example that will show you how each step should be displayed.
 - A. All subject sections should start with the department in all capitalized letters and a colon should be placed after the department title.
 - **EXECUTIVE OFFICE:**
 - B. This summary statement should be brief; however, it should clearly state the action being proposed and end with a comma before the next step.
 - **EXECUTIVE OFFICE: 2018 Legislative Platform,**
 - C. List the supervisorial district(s) in the subject line: District X or Districts X, Y, and Z. If the item applies to all districts, please indicate All Districts and end with a period.
 - **EXECUTIVE OFFICE: 2018 Legislative Platform, All Districts.**
 - D. The cost in the subject line relates only to the Board's action and should mirror what is in the Financial Data box. This includes using percentage if there are multiple funding sources. Put [\$0], if the Board's action will not result in an increase of costs.
 - **EXECUTIVE OFFICE: 2018 Legislative Platform, All Districts. [\$0]**

Please note: If the item is a contract, please include the number of years within the brackets. Sole source should be stated in the subject, if applicable. Include the total or ongoing cost, and add the source of funds. If an internal funding source, include a fund number in addition to the fund name to match the chart of accounts. Source of funds can be abbreviated. For example, you can use "Local," "State," and/or "Federal" funding. This is only appropriate if spacing is an issue due to numerous funding sources or an extensive summary statement.

 - E. Additional information such as companion items, setting public hearings, set for future dates, 4/5th vote, clerk to advertise, or vote separately should be placed within parentheses.

- **EXECUTIVE OFFICE: 2018 Legislative Platform, All Districts. [\$0]
(Companion Item to MT# 6105)**

Additional requirements and examples are listed below:

- Example: The County of Riverside is accepting a low bid from J Company to resurface a section of highway in lower Coachella Valley. Federal Highway Road Funding will pay for 80 percent, and 20 percent will be funded by Prop 1B.

**TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Approval of Plans and Specifications, Acceptance of low Bid and Award of
Contract to J Company for Resurfacing of Highway 123 in Lower Coachella
Valley area, District 4. [\$800,000 - Federal Funds 80%, State Funds 20%]**

In certain circumstances there may be a total cost and an ongoing obligation. Both amounts should be listed in the subject line identifying which amount is total and which amount is ongoing.

- Example: The County of Riverside is accepting Windmill Road into the County System and must provide immediate resurfacing work. There is an ongoing maintenance cost obligation.

**TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION:
Acceptance of Windmill Road into the County Road System, and Authorization
for the Director of Transportation to Conduct Force Account Work for the
Resurfacing of Windmill Road, District 1. [\$25,000 - Total Cost, \$2,000 ongoing -
Local funds 100%]**

Previously, long term agreements listed either a total amount or an annual cost amount. Both amounts should be listed in the subject line identifying which amount is total and which amount is annual. This is necessary as the annual cost for some long-term agreements may not include one-time/upfront costs, which means the total cost cannot be simply divided by the term of the agreement for the Impact to the county' on an annual basis.

Example: The County of Riverside is entering into a 10-year lease in Riverside for XYZ department. There are tenant improvements and IT costs that are going to be paid up front in the amount of \$200,000. The annual lease cost is \$1,000,000 per year. County General Fund will be paying 10 percent of the lease. The remaining 90 percent will be covered by federal Domestic Housing Grant dollars.

**DEPARTMENT: Approval of Lease Agreement with Riverside Partners
LLC for the Department of XYZ, Riverside, 10-year Lease, CEQA Exempt,
District 1. [\$10,200,000 total - \$1,000,000 annually, 90% federal Grants,
10% County General Fund]**

4. **RECOMMENDED MOTION:** The request or recommendation must be specific. It should take the form of a legislative motion, which is a statement of formal legislative action; therefore, the clarity and completeness of this section is extremely important. If the Board approves the item as recommended, the Clerk of the Board uses the recommended motion verbatim to prepare the minute order that permanently documents the Board's action. Examples of budget adjustments and motions are attached in the following exhibits:

- **Exhibit A:** Examples of Budget Motion & Adjustments;
- **Exhibit B:** Examples of Purchasing Motions;
- **Exhibit C:** Other Sample Motions;
- **Exhibit D:** Findings and Determination That an Item May be Subsequently Added to the Agenda of the Board of Supervisors

5. **BACKGROUND:** The information included in this section should be brief, detailed concise, and yet consistent with a clear explanation of the request. The following information in a Form 11 is mandatory:

- A. If the request is for approval of an agreement or contract, basic features of the document such as purpose, cost and term shall be included.
- B. Note any previous Board actions relating to the item in the background by referencing date and minute order number. This information shall also be listed after the background section, but before listing of attachments.
- C. Discuss relevance to current policy; i.e. Is it consistent with past actions, does it require an exception to Board policy, or is it a new issue before the Board?
- D. Site maps and regional maps should be attached to the staff report to provide context to the requested item.

6. **FINANCIAL DATA:**

Cost: Any information on this line should comprise all types of funding, including any general fund dollars, in-kind matches, and contingency funds. Please use whole numbers, separated by a comma. Do not use decimal points to indicate cents.

Net County Cost: Only general fund dollar amounts, including currently budgeted departmental funds, should be included on this line.

Current Fiscal Year: This column should include any amounts that will be expended in the first year the items terms.

Next Fiscal Year: This column should include all amounts for the following fiscal year.

Total Cost: Total cost should be filled out for the cost of the entire project, contract, agreement or grant that have a finite term. If any additional contingency amount is required, the amount of contingency must be included in the total cost. The total cost referenced in the financial data must match the total cost in the subject line and should relate to the amount in the motion(s) that the Board of Supervisors is approving. In the case of an amendment, only the amount of the amendment should be reflected as the total cost.

Ongoing: This column is for any program that will require ongoing funding. Ongoing funding should be included in the subject line in brackets if there is no corresponding total cost (See Subject Section for further detail).

Policy /Consent: Please leave blank. This section will be filled out by the Executive Office.

Source of Funds: If the source of funds is internal, include a fund number in addition to the fund name to match the chart of accounts. Chart of accounts can be found at the following link: **[INSERT LINK COA]**

If the source of funds is external, please be specific about the source. If there are multiple sources, please include the percentage of each source. If you do not have enough space to include all your funding sources, please insert asterisks (*) and continue listing in the Additional Fiscal Information section on the second page. Information entered in this section should match the information in the subject line.

Budget Adjustment: Please type in Yes or No, depending on whether an adjustment is necessary and ensure the subject line indicates 4/5th vote in parenthesis. Budget adjustments should be shown in Schedule A on the last page of the Form 11 after the Listed Attachments section or in a separate attachment.

Per Section 9C of Attachment 1 of Board Policy A-5: The Auditor Controller must sign off on the following:

- 1. A budget adjustment is requested (changes to estimated revenues, appropriations, and /or fund balance or net assets);*
- 2. New revised rates and fees are recommended;*
- 3. Request to establish/close funds, departments or accounts.*

For Fiscal Year: Insert the fiscal year that corresponds with the "current fiscal year" data. In most cases this is the current fiscal year; however, there are some circumstances where an item is taken to the Board of Supervisors for approval at the end of June, but will not begin until July. If the item will terminate in a future year, please list the beginning fiscal year date and the ending fiscal year date. For example, a contract that begins in FY 13/14 and concludes in FY 15/16, should be listed as 13/14 - 15/16. Please include the latest possible extension date on a contract if the extension will not be going to the Board of Supervisors for approval. Ensure that the year matches contract, agreement, resolution, etc., terms and period of performance.

The following are samples to follow based on common scenarios:

Scenario 1: The County of Riverside is entering into a contract for engineering services with ABC Engineering, the contract is for three years beginning in FY 14/15 with a possible one-year extension authorized by the department. The three-year contract is for \$300,000 and the one-year extension will be an additional \$100,000. Funding is Prop 1B Trade Corridor Improvement Fund 100%; therefore, no general funds will be spent on this contract.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 100,000	\$ 100,000	\$ 400,000	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Prop 1B Trade Corridor Improvement Funds			Budget Adjustment:	No
			For Fiscal Year: 14/15-16/17	

Scenario 2: The County of Riverside is accepting funding for a new program for an indefinite period of time. The funding is AB 118 funds from the State of California and Inmate Welfare Funds in the amount of \$750,000 this fiscal year and each fiscal year thereafter. AB 118 funds will pay for 80 percent of the program. No general funds will be spent. A budget adjustment is required.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 750,000	\$ 0	\$ 750,000	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: AB 118 State Funds 80% and Inmate Welfare Funds 20%			Budget Adjustment:	Yes
			For Fiscal Year: 13/14	

Scenario 3: The County of Riverside entered into a two-year contract with a school district to provide patrol services. The original contract amount was of \$3,000,000 and is now being ratified and amended reducing the contract amount by \$700,000. As a result, expected costs for fiscal year 17/18 will reduce by \$300,000 and by \$400,000 in fiscal year 18/19.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ (300,000)	\$ (400,000)	\$ (700,000)	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: School Services Law Enforcement Revenue – 100%			Budget Adjustment:	Yes
			For Fiscal Year: 17/18-18/19	

7. ADDITIONAL FISCAL INFORMATION:

This section is to include details about the amounts reported under the Financial Data. Details for partial payments, partial receivables, partial budgeted amounts, spending requirements of grants, or contracts beyond the current fiscal year could

be briefly explained here. If the amounts in the financial data are different from the amounts in the budget adjustment, please use this section to explain.

For example: A 5-year contract would only reflect the costs of the current and next fiscal year under the Financial Data Box, therefore this section can be used to list the costs for each of the 5 years.

8. IMPACT ON RESIDENTS AND BUSINESSES:

This section should include a private sector impact analysis that briefly discusses the fiscal or regulatory impact, if any, to the taxpayers, residents and employers in Riverside County.

9. COMMENTS AND/OR CHANGES ON AGENDA ITEMS:

- A. If the County Executive Office recommendation differs from the departmental request, the County Executive Office analyst for the department will review the differences with the department head and/or his/her representative.
- B. As soon as possible, the department head will be given copies of all agenda items in which:
 - 1. The County Executive Office recommendation is different from the departmental request, and/or;
 - 2. The County Executive Office staff has added substantive written comments after consultation with the department.

10. AGENDA DEADLINES:

The Board of Supervisors Agenda schedule with deadlines for submittal to the County Executive Office can be found at [PLACE HOLDER INTRANET LINK]

11. PRIOR APPROVALS:

Prior to submitting items to the County Executive Office, the agenda item must be complete with all attachments and routed for comment, review, approval as to form, and/or recommendation as may be appropriate by other departments. The reviewing departments' approval should appear on the workflow of the Form 11 prior to routing to the Executive Office. The following is a list of possible signatory departments and the rationale for the review and approval by same:

A. County Counsel

All items involving contracts, agreements, ordinances, resolutions, or any legal matter. In addition to the populated MinuteTraq signature, counsel signature shall appear on the signature page of each copy of a finalized contract,

agreement, ordinance, or resolution. All contracts and agreements must have the signature of the vendor or contractor before the item is placed on the agenda for approval. An exception may be made if the other party to the agreement is a federal, state or local agency;

B. Human Resources Director

All items involving personnel such as positions and classifications;

C. Auditor-Controller

The Auditor Controller must sign off on the following:

1. *A budget adjustment is requested (changes to estimated revenues, appropriations, and /or fund balance or net assets);*
2. *New revised rates and fees are recommended;*
3. *Request to establish/close funds, departments or accounts.*

D. Capital Improvement Program Team

All capital improvement items, leases, and real property transactions as specified in Board Policy B-22;

E. Purchasing

Items or services for which either Purchasing has conducted a competitive bid process or has approved the process utilized by the requesting department (includes sole source). All contracts and agreements must have the signature of the vendor or contractor before the item is placed on the agenda for approval;

F. Information Technology

All computer and communication systems or equipment, etc.

12. BOARD SCHEDULE:

The Board of Supervisors annual calendar shall be found at <http://www.rivcocob.org/board-calendar/>. The Board of Supervisors may choose in advance to alter the regular schedule during the summer months or when a quorum is not expected. The Board calendar should be monitored by departments when submitting time sensitive requests.

No action shall be taken by the Board on any item not appearing on the posted agenda at least 72 hours before a regular Board meeting except under the following conditions:

- A. Upon a determination by a majority vote of the Board that an emergency situation exists, as defined in Government Code Section 54956.5 as follows:
 1. Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

2. Crippling disaster, which severely impairs public health, safety, or both as determined by a majority of the members of the legislative body.
- B. Upon a determination by a 2/3 vote of the Board (4 votes), or if less than 2/3 of the members are present, by unanimous vote of those members present (minimum 3 votes), that there is a need to take immediate action and that a need to take action arose after the agenda had been posted by the Clerk of the Board. (Gov. Code 54954.2)
 - C. The Board may hear any item that was posted on the agenda for a prior meeting of the Board occurring not more than five calendar days before, if at the prior meeting the item was continued to the meeting at which the Board acts on the item. (Gov. Code 54954.2)
 - D. **EXHIBIT D - "FINDINGS & DETERMINATION THAT AN ITEM MAY BE SUBSEQUENTLY ADDED TO THE AGENDA OF THE BOARD OF SUPERVISORS"** shall be completed and shall accompany the Form 11 where practicable given the need to act quickly.

13. FORM 11 REVIEW BY THE EXECUTIVE OFFICE:

On agenda items submitted for Board consideration, the recommendation from the County Executive Office shall be the basis for the Board action, unless otherwise stated by the motion maker or clarified by the Board at the time the motion is made.

- A. **Basic Review** - It is the intent of the County Executive Office to facilitate placing routine Forms 11 on the Board's agenda provided:
 1. They are submitted by the appropriate deadline;
 2. Departmental recommendations and justifications are adequate;
 3. Are in compliance with Board policy;
 4. Include all attachments;
 5. And have the required approval of affected departments.
- B. **Consent Items:**
 Consent items include, but are not limited to:
 1. Proclamations;
 2. Agreements between County departments and districts governed by the Board of Supervisors;
 3. Canvass of Elections returns;
 4. Requests to conduct/consolidate special elections;
 5. Monthly Investment Transaction reports;
 6. Quarterly Portfolio Disclosure reports;
 7. Monthly Fund Statement reports;
 8. Newspaper contracts for annual publication of published delinquent list;
 9. Approval of public auction tax sale of tax defaulted property;
 10. Reports of cash overages/shortages in county funds;
 11. Appointment/reappointment of at-large members to advisory committees;

12. Approval for installation of traffic control devices, parking restrictions/prohibitions, curb loading zones, golf cart crossings, mid-block crosswalks, restriction of through trucks on local residential roads;
13. Adoption of 348 Ordinances relating to zone changes tentatively approved by the Board at a public hearing;
14. Approval of Findings of Facts for the abatement of nuisance cases approved by the Board at a public hearing.

C. Policy Items:

Items that are not characterized as consent will be placed on the policy calendar.

Certain policy issues may require more detailed analysis, including but not limited to, identification of funding source(s), collaboration with affected department heads, and/or coordination with outside agencies. These policy issues must be discussed with the Executive Office at least four weeks prior to taking it to the Board. Department Heads generally recognize which items potentially require this level of review.

In accordance with Board Policy A-29, the recommendation from the County Executive Office shall be the basis for Board action, unless otherwise indicated by the Board at the time the motion is made.

ATTACHMENT I - EXHIBIT A TO BOARD POLICY A-5

EXAMPLES OF BUDGET MOTION & ADJUSTMENTS

Motion in Form 11:

Approve and direct the Auditor-Controller to make the budget adjustments shown on Schedule A.

Notes:

Schedule A should list the budget adjustments referenced for approval in the motion and be included in the Supplemental section of MinuteTraq and not as a separate attachment. These entries should be complete and self-balancing, and should be grouped in the following order:

1. Type of Action (Examples: "Increase Estimated Revenues" or "Decrease Appropriations");
2. Fund;
3. Department Identification (Dept ID);
4. Account;
5. Account Description (should match the chart of accounts).

Make sure that the full accounting string is reflected at budget level 4 for estimated revenues and appropriations. For example, if a set of budget adjustments arranges a transfer between funds, all of the adjusting entries for one fund are grouped together, and all the adjusting entries for the other fund are grouped together. This enables quick and easy verification that all of the entries balance within each fund.

Next, within adjusting entries grouped by fund, like types of actions are grouped together. The four most commonly used types of actions are: increases in estimated revenue, decreases in estimated revenue, increases in appropriations, and decreases in appropriations. In addition, increases or decreases in designations or reserves of fund balance are also used. This grouping enables quick and easy verification of totals for increases and decreases in estimated revenues and appropriations, which are then in turn easily totaled to verify that the set of transactions balance. Within each of these groups, adjusting entries are grouped in ascending order by department identification (ID) number and account, for easy reference.

It is recommended that departments prepare Schedule A in a spreadsheet to better ensure the accuracy of the totals and balances. Following are examples of various configurations of adjusting budget entries. Note that in each case the net sum of all the adjusting entries within each example is zero, indicating that they balance.

EXAMPLES OF BUDGET ADJUSTMENTS

(SCHEDULE A)

Ex.) Adjusting Estimated Revenues And Appropriations:

Increase Estimated Revenues: XXXXX-XXXXXXXXXX-XXXXXX	Description of Revenue Account	\$75,000
Increase Appropriations: XXXXX-XXXXXXXXXX-XXXXXX	Description of Expense Account	75,000

Ex.) Adjusting Entries Involving Contingency:

Decrease Unassigned Fund Balance: XXXXX-XXXXXXXXXX-XXXXXX	Unassigned Fund Balance	\$1,000,000
Decrease Estimated Revenues: XXXXX-XXXXXXXXXX-XXXXXX	Description of Revenue Account	500,000
XXXXX-XXXXXXXXXX-XXXXXX	Description of Revenue Account	155,000
XXXXX-XXXXXXXXXX-XXXXXX	Description of Revenue Account	<u>45,000</u>
		700,000
Increase Appropriations: XXXXX-XXXXXXXXXX-XXXXXX	Description of Expense Account	100,000
XXXXX-XXXXXXXXXX-XXXXXX	Description of Expense Account	<u>200,000</u>
		300,000
Decrease Appropriations: 10000-1109000000-581000	Appropriations for Contingency	1,000,000
Increase Unassigned Fund Balance: 10000-1109000000-370100	Unassigned Fund Balance	1,000,000

Ex.) Adjusting Appropriations Between Funds:

Decrease Unassigned Fund Balance: 10000-1101000000-370100	Unassigned Fund Balance	\$1,000,000
Increase Appropriations: 10000-1101000000-551100	Contributions to Other Funds	1,000,000
Increase Estimated Revenues: 4XXXX-XXXXXXXXXX-790600	Contribution from Other County Funds	1,000,000
Increase Unrestricted Net Assets: 4XXXX-XXXXXXXXXX-XXXXXX	Unrestricted Net Assets	1,000,000

Ex.) Adjusting Appropriation 7:

Increase Appropriations: XXXXX-XXXXXXXXXX-527840	Training-Education/Tuition	\$2,125
XXXXX-XXXXXXXXXX-572200	Intra-Grant	(2,125)

ATTACHMENT I - EXHIBIT B TO BOARD POLICY A-5

EXAMPLES OF PURCHASING MOTIONS

Following are samples of standard Form 11 Subject Lines and sample motions. This is not an all-inclusive list and variations from these standard motions may be appropriate based on the specific circumstance. Text noted in red below, including parenthesis, are to be replaced with the appropriate information. As this is a "living document" changes may occur and new examples may be added. Watch for revisions numbers to ensure you are referring to the most recent version.

Notes:

Use the word "aggregate" when you want the flexibility to carry over unused funds into the next year, so that you can utilize the total spend, regardless of how much you spend each year.

We do not need a motion to indicate to "authorize the Chairman to sign the agreement" as the Chair acts on behalf of the Board of Supervisors. Because the motion seeks approval from the Board, the Chair will act on what the Board approves. If you want the Purchasing Agent to sign the agreement, then the motion will specifically need to authorize the Purchasing Agent to sign.

The Purchasing Agent does not have an automatic approval authority of 10% above a contract amount. If a department desires to have a 10% contingency or a different amount, then a motion to request this authority is required.

Agreements between grant partners, or MOUs with State agencies that do not involve a competitive process do not need Central Purchasing signoff. In the Form 11 a motion should be included to authorize the department head to administer the agreement (See Samples A and B).

Standard Agreement Approval

A1. Approve and execute an Agreement

Sample Subject Line:

Approve and execute the Agreement with Insert Vendor For Insert Service or Commodity For Insert the Number of Years, Insert District Numbers or All Districts. [Total Cost \$____ - \$____ annually or ongoing, ____% Source of Funds]

Sample Motion:

1. Approve and execute the Agreement with Insert Vendor for Insert Service or Commodity for \$XXX,XXX list the amount, or indicate annually, or not to exceed for Insert the number of years, and option to renew for XX years, if applicable years; and

A2. Approve and execute a sole source (without seeking competition) Agreement

Sample Subject Line:

Approve and execute the Agreement with Insert Vendor for Insert Service or Commodity without seeking competitive bids for Insert the Number of Years, Insert District Numbers or All Districts. [Total Cost \$____ - \$____ annually or ongoing, ____% Source of Funds]

Sample Motion:

1. Approve and execute the Agreement with Insert Vendor for Insert Service or Commodity without seeking competitive bids for \$XXX,XXX (list the amount, or indicate annually, or not to exceed) for Insert the number of years, and option to renew for XX years, if applicable years; and

A3. Approve and execute an Agreement that needs "aggregate" funded amounts for the term of the Agreement

Sample Subject Line:

Approve and execute the Agreement with Insert Vendor for Insert Service or Commodity for Insert the Number of Years, Insert District Numbers or All Districts. [Total Cost \$____ - \$____ annually or ongoing, ____% Source of Funds]

Sample Motion:

1. Approve and execute the Agreement with Insert Vendor for Insert Service or Commodity for an aggregate of \$XXX,XXX for Insert the number of years; and

Standard Agreement Approval - continued

A4. Approve and execute an Agreement to other than low bid

Sample Subject Line:

Approve and execute the Agreement with Insert Vendor for Insert Service or Commodity from other than low bidder for Insert the number of years, Insert District Numbers or All Districts. [Total Cost \$ ____ - \$ ____ annually or ongoing, ____% Source of Funds]

Sample Motion:

1. Approve and execute the Agreement with Insert Vendor for Insert Service or Commodity from other than low bidder for \$XXX,XXX list the amount, or indicate annually, or not to exceed for Insert the number of years, and option to renew for XX years, if applicable; and

(Note: Awards to other than the low bidder must provide sufficient details in the Form 11 background section to support and explain award to other than the low bidder. For example, how did the low bidder fail to meet the RFP/Q requirements as compared to the awarded vendor?)

After the Fact Agreement Approval

B1. Ratify and execute an Agreement

Sample Subject Line:

SUBJECT: Ratify and execute the Agreement with Insert vendor name for Insert Service or Commodity for Insert the Number of Years or reference FY, Insert District Numbers or All Districts. [Total Cost \$____ - \$____ annually or ongoing, ____% Source of Funds]

Sample Motion:

1. Ratify and execute the Agreement with Insert Vendor for Insert Service or Commodity for \$XXX,XXX (list the amount, or indicate annually, or not to exceed for Insert the number of years and option to renew for XX years, if applicable; and

B2. Ratify and execute a sole source Agreement

Sample Subject Line:

SUBJECT: Ratify and execute the Agreement with Insert vendor name for Insert Service or Commodity without seeking competitive bids, for the Insert the Number of Years or reference FY, Insert District Numbers or All Districts. [Total Cost \$____ - \$____ annually or ongoing, ____% Source of Funds]

Sample Motion:

1. Ratify and execute the Agreement with Insert Vendor for Insert Service or Commodity without seeking competitive bids list the amount, or indicate annually, or not to exceed for Insert the number of years and option to renew for XX years, if applicable; and

Approval for the Issuance of a Purchase Order

C1. PO Approval

Sample Subject Line:

SUBJECT: Authorize the Purchasing Agent to issue a Purchase Order to Insert Vendor for the purchase of Commodity for FY _____ or FY_____ through FY_____, Insert District Numbers or All Districts. [Total Cost \$_____ - \$_____ annually or ongoing, ____% Source of Funds]

Sample Motion:

1. Authorize the Purchasing Agent to issue a Purchase Order to Insert Vendor for the purchase of Commodity for FY _____ or FY_____ through FY_____.

Note: There might not be a Motion #2 if you just want an increase to the PO. You can request a PO when you are purchasing a commodity. If you are purchasing a service, there should be an Agreement that the Board will be executing. There will be no County Counsel approval on a Form 11 for the issuance of a PO, so it is not required to route to County Counsel.

Agreements that Include Financing

D1. Sample Subject line for Financing

Sample Subject Line:

Approval of the Master Lease/Purchase Agreement with _____ insert Bank Name for _____ insert Service or Commodity, Insert District Numbers or All Districts. [Total Cost \$_____, \$____ annually - ____% Source of Funds]

Sample Motion:

1. Approve the Master Equipment Lease/Purchase Agreement No. _____ with _____ insert Bank Name for _____ Insert Service or Commodity and authorize the Chairman to sign the Agreement;

If the financing authority requires a Resolution by the Board of Supervisors include the following motion:

2. Approve Resolution _____ insert number to authorize the execution and delivery of a Master Equipment Lease/Purchase Agreement dated _____ and separate lease schedules.

Second Motion Samples

Following are samples of Motion #2's that are generally used to accompany the first motions in Form 11's. The first option (E1.) is the most often utilized, however there may be situations related to multiple vendors, projects, etc., that require use of one of the variations provided below.

E1. Sample for approving and executing an Agreement

2. Authorize the Purchasing Agent, in accordance with Ordinance No. 459, based on the availability of fiscal funding and as approved by County Counsel to: sign amendments that do not change the substantive terms of the Agreement; and sign amendments to the compensation provisions that do not exceed XX% annually.

E2. Sample to allow for allocation of funds among multiple awarded vendors

2. Authorize the Purchasing Agent, in accordance with Ordinance No. 459, based on the availability of fiscal funding and as approved by County Counsel to: (a) sign amendments that do not change the substantive terms of the Agreement; (b) move the allocated funds among the vendors; and (c) sign amendments to the compensation provisions that do not exceed XX% annually.

E3. Sample for increasing costs related to a project

2. Authorize the Purchasing Agent, in accordance with Ordinance No. 459, based on the availability of fiscal funding and as approved by County Counsel to: sign amendments for additional services as needed for the project not to exceed the Board approved amount.

E4. Sample for PO Approval

2. Authorize the Purchasing Agent, in accordance with Ordinance No. 459, based on the availability of fiscal funding, to authorize changes to the scope of services that do not change the substantive terms of the purchase order, including the compensation provision that do not annually exceed the CPI rates.

Contract Amendments

F1. Sample Subject Line for a Contract Amendment

SUBJECT: Approve Amendment No. 1 to the Agreement for Insert Services or Commodity with Insert vendor name for Insert number of years, or fiscal year information, Insert District Numbers. [Total Cost, ___% Source of Funds]

F2. Sample First Motion for a Contract Amendment

- A. 1. Approve and execute Amendment No. 1 for Insert Services or Commodity with Insert vendor name for an amount not to exceed \$XX for a time period: i.e., FY or number of years.

Or

- B. 1. Approve and execute Amendment No. 1 for Insert Services or Commodity with Insert vendor name to increase the Agreement by \$XX from \$XX to \$XX for a time period: i.e., FYs or number of years.

Or

- C. 1. Approve and execute Amendment No. 1 for Insert Services or Commodity with Insert vendor name to increase the Agreement as follows:
For FY15/16 increase the contract by \$XX from \$XX to \$XX; and
For FY16/17 increase the contract by \$XX from \$XX to \$XX

Example for C:

Approve and execute Amendment No. 1 for products and support services with Joe Smith Technologies, Inc., as follows:

For FY15/16 increase the contract by \$300,000 from \$600,000 to \$900,000; and

For FY16/17 increase the contract by \$250,000 from \$500,000 to \$750,000

Note: in this example the original contract terms identified the costs for each year of a multi-year agreement and the department needed to modify what they wanted to purchase in the last two year. As there was no common annual price, the price for each year was identified.

Note: Reference amendments as Amendment No. 1, or 2, etc., when utilizing the standard Amendment template. Do not note as First Amendment or Second Amendment as this name will not match the actual Amendment document. There are exceptions to this as departments may be required to utilize a state or federal standard format for amendments and must reference their name accordingly in the subject line and motion.

Contract Amendments - continued

F3. Sample Second Motion for a Contract Amendment

- A. 2. Authorize the Purchasing Agent, in accordance with Ordinance No. 459, based on the availability of fiscal funding and as approved by County Counsel to: sign amendments that do not change the substantive terms of the Agreement.

Or

- B. 2. Authorize the Purchasing Agent, in accordance with Ordinance No. 459, based on the availability of fiscal funding and as approved by County Counsel to: sign amendments that do not change the substantive terms of the Agreement; and sign amendments to the compensation provisions that do not exceed XX% annually.

ATTACHMENT I - EXHIBIT C TO BOARD POLICY A-5

OTHER SAMPLE MOTIONS

For approval and execution of a contract:

Approve the attached lease with XYZ Corporation for office space for the Community Health Agency in the City of Riverside and authorize the Chairman of the Board to sign the agreement.

For adoption of an ordinance not requiring a public hearing:

Introduce, adopt on successive weeks, and waive further reading of Ordinance No. _____.

For adoption of a resolution

Adopt Resolution No. _____ which finds that the _____.

ATTACHMENT I - EXHIBIT D TO BOARD POLICY A-5

FINDINGS AND DETERMINATION THAT AN ITEM MAY BE SUBSEQUENTLY ADDED TO THE AGENDA OF THE BOARD OF SUPERVISORS



MEETING DATE:

The BOARD OF SUPERVISORS of Riverside County hereby finds:

- That there is a need to place an item on the agenda for action by the Board of Supervisors.
 - An emergency situation exists as defined in Government Code Section 54956.5 in that:
 - (a) Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.
 - (b) Crippling disaster which severely impairs public health, safety or both as determined by a majority of the members of the legislative body.
 - The item on which the action is to be taken came to the attention of the County subsequent to the agenda being posted and there is need to take immediate action on the item.
 - The item was continued for no more than five calendar days from a prior meeting for which the item was posted.

JUSTIFICATION:

ATTACHMENT II TO BOARD POLICY A-5

VOTING REQUIREMENTS FOR THE BOARD OF SUPERVISORS

SUBJECT	REQUIRED VOTE	CODE SECTION	DESCRIPTION
Agenda	Unanim.	Gov. Code § 54954.2, subd. (b)(2)	Take action on an item not appearing on the posted agenda. (Less than two-thirds of the Board of Supervisors ["Board"] present.) Where there are at least two-thirds of the Board members present, then only a two-thirds vote is required.
Airports	4/5	Gov. Code § 26021	Adopt a resolution that determines and extends aid for the acquisition by purchase, condemnation, lease or otherwise of real or personal property for the construction and completion of improvements necessary and convenient for: (a) the maintenance of airports owned and operated by cities; (b) the flying and landing of aircraft; and/or (c) the maintenance of hangars, mooring masts, flying fields, and places for flying, etc., together with signal lights, radio equipment, service shops, conveniences, appliances, works, structures, and other aircraft facilities now known or hereafter invented.
Airports	4/5	Gov. Code § 26026	Contribute money to the United States for the acquisition or improvement by the United States or any of its authorized agencies of airports in the county.
Bridges	4/5	Pub. Contract Code § 20405	Bridge construction contracts, modification of contract or plans.
Budget	4/5	Gov. Code § 29127	Adopt resolution necessary to appropriate and expend funds necessary to meet specific emergencies.
Budget	4/5	Gov. Code § 29130	Make available for appropriation any of the following: (a) Restricted, committed, assigned, and unassigned fund balances, excluding reserves and non-spendable fund balance. (b) Amounts that are either in excess of anticipated amounts or not specifically set forth in the budget derived from any actual or anticipated increases in financing sources.
Cemetery District	4/5	Health & Safety Code § 8963.6, 8963.8	Conveyance of cemetery by cemetery district to cemetery authority, resolution intention to concur and resolution concurring in conveyance.

SUBJECT	REQUIRED VOTE	CODE SECTION	DESCRIPTION
Collections	4/5	Gov. Code § 26220	Delinquent Accounts assignment to a collection agency.
Condemnation/Eminent Domain	4/5 *	Code of Civ. Proc. § 1245.240 (2/3 Statute)	Adopt a resolution of necessity prior to commencing an eminent domain proceeding (unless a greater vote is required by statute, charter or ordinance).
Contracts	4/5	Pub. Contract Code § 20137	Contracts, changes or alterations which increase costs over the maximum allowed without advertising but are less than 10% of the original contracts.
Contracts	4/5 *	Pub. Contract Code § 20135 (2/3 Statute)	Alter or change in any manner the plans and specifications previously adopted by the Board for the erection, alteration, construction, or repair of any public building or other public structure, where such alteration or change increases cost.
Counsel	4/5 *	Gov. Code § 25203 (2/3 Statute)	Employ counsel to assist the district attorney, county counsel, or other counsel for the county or any public entity for which the Board is the governing body.
County Service Areas	4/5	Gov. Code § 25214.4, subd. (b)	Extends the repayment of a loan over a period not to exceed three years from the end of the fiscal year in which the loan was made.
County Service Areas	4/5	Gov. Code § 25214.4, subd. (c)	Waive in whole or in part the repayment of a loan to a county service area if the Board finds that the repayment may result in an economic or fiscal hardship to the property owners or residents of the county service area.
County Service Areas	4/5	Gov. Code § 25214.5, subd. (b)	Waive in whole or in part the reimbursement of the revolving fund if the Board finds that the reimbursement may result in an economic or fiscal hardship to the property owners or residents of the county service area.
Financial Affairs	4/5	Gov. Code § 53792	Incur all necessary expenses, expend public funds, and expend, use or permit the use of public property or personnel to meet a national or local emergency created by war, military, naval or sabotage or to provide for adequate national or local defense.
Flood Control, Maintenance and Sanitation District	4/5	Gov. Code § 23014	Adopt a resolution appropriating any of its available moneys to a revolving fund (not to exceed \$500,000) to be used by any county sanitation district, county flood control district, or county district maintenance district located wholly within the county for certain purposes.
Forestry	4/5	Gov. Code § 25638	Adopt a resolution or ordinance repealing board of forestry.

SUBJECT	REQUIRED VOTE	CODE SECTION	DESCRIPTION
Hospital District	4/5	Gov. Code § 25369	Grant any money accumulated in a capital outlay fund to a local hospital district.
Planning	4/5	Gov. Code § 65858	Adopt as an urgency measure, an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal. Any extension of time on the interim ordinance also requires a four-fifths vote for adoption.
Planning	4/5	Pub. Util. Code § 21676	Adopt or amend a general plan element, zoning ordinance, building regulation or airport master plan that has been found by the Airport Land Use Commission to be inconsistent with the adopted Airport Land Use Plan.
Property	Unanim.	Gov. Code § 25363	Determine that certain property does not exceed in value the sum of \$500, or the monthly rental value is less than \$75, or that it is the product of the county farm.
Property	Unanim.	Gov. Code § 25368	Conveyance of real property to Hospital District.
Property	4/5	Gov. Code § 25368	Grant of capital outlay fund to Hospital District.
Property	Unanim.	Gov. Code § 25550	Convey, without consideration (other than the agreement of the city to establish and maintain a public park on the property), county-owned real property (located in any city) that is not used and not needed for any public purpose to a city for public park purposes.
Property	Unanim.	Gov. Code § 25550.5	Convey, without consideration (other than the agreement of the city to maintain such area as a public park, amusement or recreational area for the benefit and use of all residents of the county), county-owned real property (located in any city) that has been improved for use as a public park, amusement or recreational purposes to a city for these purposes upon the finding that the park, amusement or recreational area is local in character.
Property	Unanim.	Gov. Code § 25550.5	Convey, without consideration (other than the agreement of the city to maintain such personal property for use on that park, amusement or recreational facility), the personal property that was located on the park, amusement or recreation area at the time of transfer for the continued use on that park, amusement or recreational area.
Property	4/5	Gov. Code § 25553	County aid to cities for park purposes
Property	4/5	Gov. Code § 25560.4	Dedication of unused parklands

SUBJECT	REQUIRED VOTE	CODE SECTION	DESCRIPTION
Property	4/5	Gov. Code § 25363	Order sale or lease at public auction of county property not required for public use at a place other than the courthouse door.
Property	4/5	Gov. Code § 25365	Transfer of county-owned property to a public entity or exchange of county-owned real property with public or private party.
Property	4/5	Gov. Code § 25515.2, subd. (c)	Approve any sale, lease, lease with option to purchase, development, or contract agreement after a request for proposals.
Property	4/5	Gov. Code § 25600	Designate certain property as wild flower reserves.
Property	4/5	Gov. Code § 50332	Donate and convey for fairground or exposition, park, playground, or recreational purposes, to the State or to the district agricultural association of the agricultural district in which the local agency is situated, any land and buildings owned, held, or used by it.
Property	4/5 *	Gov. Code § 25526 (2/3 Statute)	Adopt a resolution declaring intent to sell or lease property.
Property	4/5	Gov. Code § 25536	Lease of county-owned property devoted to or held for airport, vehicle parking, fairgrounds, park, amusement, recreation.
Property	Unanim.	Gov. Code § 25583	County-owned real property restricted by dedication or deed to park purposes, resolution of intention to abandon all or part of.
Public Health	4/5	Gov. Code § 25123 Election Code § 9141(a)(4)	Urgency ordinance for preservation of public peace, health or safety to become effective immediately.
Records Destruction	4/5	Gov. Code § 26202	Determine that the retention of any record, paper or document which is more than two years old, was prepared or received pursuant to state statute or county charter and which is not expressly required by law to be filed and preserved, is no longer necessary or required for county purposes.
Records Destruction	4/5	Gov. Code § 26202.5	Authorize the destruction of any record, paper, or document if the documents have been inadvertently exposed to asbestos fiber under certain circumstances.
Special Districts	Unanim.	Gov. Code § 26909 (b) & (c)	Replacement of annual audit for special districts.
Streets and Highways	4/5	Sts. & Hy. Code § 942	Road equipment, leasing of.

SUBJECT	REQUIRED VOTE	CODE SECTION	DESCRIPTION
Streets and Highways	4/5	Sts. & Hy. Code § 969.5	Adopt a resolution that determines that the general county interest demands the improvement or repair of a privately owned road.
Streets and Highways	4/5	Sts. & Hy. Code § 1070	Determine that the public convenience and necessity demand the acquisition or construction of a new county highway or improvement, repair or maintenance of any existing county highway, and the expense of such new highway or the expense of improving, repairing, or maintaining such existing highway is too great to pay out of the road fund of the district (such that the Board may adopt a resolution to make such acquisition or do such work and charge the expense to the county general fund, the road fund of the county, or the district fund of any district benefited).
Streets and Highways	4/5	Sts. & Hy. Code § 1627	Adopt a resolution that establishes a "county highway right of way acquisition revolving fund" for acquiring rights of way for county highway purposes through purchase or condemnation.
Streets and Highways	4/5	Sts. & Hy. Code § 1680	Cooperation with cities in road work.
Streets and Highways	4/5	Sts. & Hy. Code § 1700	Adopt a resolution that declares any highway lying in whole or in part within a city to be a county highway for one or more of the following purposes: acquisition of rights-of-way, construction, maintenance, improvement, or repair.
Streets and Highways	4/5	Sts. & Hy. Code § 2808	Adopt a resolution of necessity for construction of sewer and storm drain as exception to special assessment District proceedings

*** PLEASE NOTE: WHEN THE STATUTE REQUIRES A 2/3 VOTE, ONLY A 4/5 VOTE SATISFIES THIS REQUIREMENT WITH A FIVE-MEMBER BOARD.**

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
OFFICIAL EMBLEM FOR THE COUNTY OF RIVERSIDE	A-16	1 of 1

Policy:

The official emblem for the County of Riverside is an image of the Historic Court House surrounded by five stars representing our Supervisorial Districts. The Historic Courthouse is bordered by a circle with the words "County of Riverside" at the top and the formation date of the County "May 9, 1893" at the bottom.



Reference:

Minute Order dated 02/01/1965
Minute Order 3.7 of 11/07/2006
Minute Order ___ of _____

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
DEPARTMENTAL FUND DEPOSITS

Policy Number	Page
A-25	1 of 1

Policy:

All department heads are instructed to deposit funds with the County Treasurer as early each day as possible; supplemental deposits of a significant amount may be made later that same day. Where possible, electronic methods such as remote deposit, should be utilized to deposit checks.

Checks and money orders must be drawn on banks domiciled in the United States only and cash must only be in U.S. bills and coins. Departments should not accept payments in foreign currency.

Deposits made at the County Treasurer's office containing Canadian foreign check(s) drawn upon U.S. funds should be deposited separately from domestic checks, clearly labeled, and accompanied with an Official County Receipt due to required additional handling. Canadian foreign check(s) drawn on U.S funds must be presented to the bank in their physical form.

Canadian check(s) drawn upon U.S funds are the only foreign items processed by the County Treasurer. Any other foreign check(s) will not be accepted.

Reference:

Minute Order dated 08/26/1975

Minute Order 3.7 of 11/07/2006

Minute Order X.X of XX/XX/XXXX

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:

**RISK MANAGEMENT STEERING COMMITTEE; SUITS
AGAINST COUNTY EMPLOYEES AND OFFICIALS**

**Policy
Number Page**

B-2 1 of 1

Policy:

- I. Formation of Risk Management Steering Committee
 - A. The Risk Management Steering Committee (RMSC) will consist of the Chief Financial Officer, Human Resources Director or designee and County Counsel or designee.
 - B. The RMSC will have the following responsibilities:
 1. Analyze Risk Management trends across County
 2. Meet with Department Heads regarding efforts to reduce risk. These meetings will take place at regular intervals as determined by the RMSC. These meetings may discuss both specific incidents of risk and overall trends occurring within the Department.
 3. The RMSC will meet weekly, or at an interval as otherwise determined, to discuss areas of significant risk within the County and strategies to reduce such risk. This will include risk trends and specific instances of risk. The RMSC will also discuss other issues related to County Risk Management.
 4. Recommend policy revisions/changes to Departments regarding reduction of risk based on analysis of trends and best practices. RMSC will meet with Departments regularly to discuss policy review and amendments to reduce risk to the County.
 5. Other assignments related to risk Management as directed by the Board of Supervisors, CEO or COO.
 6. Report to Board of Supervisors biannually or as needed to report on issues and progress.
 7. Report to Board of Supervisors and County Executive Office regarding areas or issues of immediate risk or liability.

- II. In cases where a claim or suit is brought against an employee or officer of the County of Riverside which may be subject to county liability, and the employee or officer makes a timely written request to be defended, County Counsel will, unless other provisions are made for such defense, provide such defense, subject to the condition that in cases where there is or may be doubt as to whether the injury complained of occurred within the scope of employment, such defense shall be provided under an agreement with the employee or officer reserving the rights of the county not to pay a judgment, or settlement to which the county has agreed, until it has established that the injury complained of arose out of an act or omission occurring within the scope of employment and until it is established that the act or omission was not caused by actual fraud, corruption or actual malice; provided, that the authority and duty extended shall be subject to further appropriate order of the Board of Supervisors in any particular case.

Reference:

Minute Order dated 10/21/63
Minute Order 3.3 of 04/10/07
Minute Order _____ of ___ / ___ /18

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:	Policy Number
POLICY FOR CASH MANAGEMENT TO AVOID CASH DEFICITS IN COUNTY FUNDS	B-14 1 of 2

Policy:

County Funds

No fund over which the Board of Supervisors has authority shall be allowed to remain in a cash deficit position. All funds over which the Board of Supervisors has authority shall be treated without restriction as a single pool of funds for the purpose of determining whether cash is available to pay warrants. Pursuant to Section 25252 of the Government Code and Board Resolution No. 2010-205 (Attachment A), the Auditor- Controller is authorized to establish or abolish funds as necessary for the proper transaction of the business of the county; and, for those funds over which the Board of Supervisors has authority, is authorized to transfer money from one fund to another as the public interest requires.

The funds over which the Board of Supervisors does not have authority includes all fiduciary funds, such as the funds of school districts and other non-county funds held by the county treasury, as well as all funds of separate legal entities of the county, including but not limited to: the Successor Agency, the Public Financing Corporation, the Industrial Development Authority, the In-Home Supportive Services Public Authority, the Community Facilities Districts, the Housing Authority, the Flood Control and Water Conservation District, , the Department of Waste Resources, the Regional Park and Open Space District, and the Riverside University Health System – Medical Center.

All county department heads responsible for county funds will endeavor to avoid cash deficits throughout the fiscal year. If material cash deficits occur, or are projected to occur, in a particular fund, or if working capital is required, the department head responsible will request a formal cash advance from the Board and resolve the negative cash balance by June 30th of that fiscal year.

Other Funds

Boards of directors and officials of separate legal entities of the county, independent special districts, and school districts have primary responsibility for managing the cash balances of their respective funds in the county treasury, and for taking corrective action to avoid cash deficits.

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject:

**Policy
Number**

**POLICY FOR CASH MANAGEMENT TO AVOID
CASH DEFICITS IN COUNTY FUNDS**

B-14

2 of 2

Other Policy Items

Disbursements shall not be issued from any fund determined to be in a "want of funds" or cash deficit condition.

Temporary loans may be made by the County Treasurer pursuant to resolution of the Board of Supervisors under Section 6 of Article 16 of the California Constitution, a template for which is provided in Attachment B to this policy.

Reference:

Minute order 3.66 of 05/14/91

Minute order 3.17 of 01/21/92

Minute order 3.3 of 04/10/07

Minute order 3.8 of 08/10/10

Minute order 3.4 of 07/12/11

Minute order ___ of ___ / ___ / ___

Board of Supervisors

County of Riverside

RESOLUTION NO. 2010-205

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE
AUTHORIZING THE COUNTY AUDITOR TO ESTABLISH AND ABOLISH FUNDS
AND MAKE TEMPORARY TRANSFERS OF MONEY BETWEEN FUNDS
UNDER THE AUTHORITY OF THE BOARD OF SUPERVISORS

WHEREAS, California Government Code Section 25252 authorizes the Board of Supervisors to establish and abolish those funds necessary for the proper transaction of the business of the County and further provides that the Board of Supervisors may authorize the County Auditor to perform this function; and,

WHEREAS, California Government Code Section 25252 authorizes the Board of Supervisors to make transfers from one fund to another as the public interest requires and further provides that the Board may by resolution authorize the County Auditor to make such transfers of money from one fund to another if the Board of Supervisors has authority over each fund, as the public interest requires; and,

WHEREAS, the Board of Supervisors deems it in the public interest to authorize the County Auditor to establish and abolish funds and to make temporary transfers of money between funds under the authority of the Board of Supervisors in order to assist the County with cash management needs;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Riverside assembled in regular session on August 10, 2010 that:

1. The above recitals are true and correct.
2. The Board of Supervisors hereby authorizes the County Auditor to make temporary transfers of money between those funds under the authority of the Board of Supervisors as the public interest may require. All such transfers shall be done in such a way and at such time as they will not negatively affect the funds from which they are drawn, and shall be reimbursed to the funds from which they are drawn in sufficient time such that they have no negative effect on the ability to conduct lawfully budgeted transactions.
3. The County Auditor and any other County officers and employees are authorized to take such additional actions necessary or convenient to carry out the effect of this resolution.
4. This resolution shall take effect from and after the date of its adoption.

FORM APPROVED COUNTY COUNSEL
BY Dalea Gardner 7/19/10

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BOARD OF SUPERVISORS

COUNTY OF RIVERSIDE

RESOLUTION NO. 2010 – 205

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE
AUTHORIZING THE COUNTY AUDITOR TO ESTABLISH AND ABOLISH FUNDS
AND MAKE TEMPORARY TRANSFERS OF MONEY BETWEEN FUNDS
UNDER THE AUTHORITY OF THE BOARD OF SUPERVISORS**

ADOPTED by Riverside County Board of Supervisors on August 10, 2010.

ROLL CALL:

Ayes: Buster, Tavaglione, Stone, Benoit, and Ashley
Nays: None
Absent: None

The foregoing is certified to be a true copy of a resolution duly adopted by said Board of Supervisors on the date therein set forth.

KECIA HARPER-IHEM, Clerk of said Board

By: _____
Deputy

08.10.10 3.8

Board of Supervisors

County of Riverside

RESOLUTION NO. XXXX-XXX

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE
AUTHORIZING THE COUNTY TREASURER TO MAKE TEMPORARY TRANSFERS OF MONEY
BETWEEN FUNDS UNDER CUSTODY OF THE COUNTY TREASURER

WHEREAS, California Constitution Article 16 Section 6 provides that the County Treasurer shall have the power and duty to make temporary transfers from the funds in custody as necessary to provide for meeting the obligations incurred for maintenance purposes by any city, county, district, or other political subdivision whose funds are in custody and are paid out solely through the County Treasurer's office; and,

WHEREAS, California Constitution Article 16 Section 6 provides such temporary transfer to any political subdivision shall be made only upon resolution adopted by the Board of Supervisors authorizing the County Treasurer to make such temporary transfer; and,

WHEREAS, California Constitution Article 16 Section 6 provides such temporary transfer shall not exceed 85 percent of the anticipated revenues accruing to the political subdivision; and,

WHEREAS, California Constitution Article 16 Section 6 provides such temporary transfer shall not be made prior to the first day of the fiscal year, nor after the last Monday in April of the current fiscal year; and,

WHEREAS, California Constitution Article 16 Section 6 provides such temporary transfer shall be replaced from the revenues accruing to such political subdivision before any other obligation of such political subdivision is met from such revenue; and,

WHEREAS, the Board of Supervisors deems it in the public interest to authorize and direct such temporary transfers of money in order to assist _____, ("Agency") in meeting the Agency's maintenance obligations;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Riverside assembled in regular session on _____ that:

1. The above recitals are true and correct.
2. The Board of Supervisors authorizes the County Treasurer to make temporary

transfers from the funds in custody as may be necessary to provide funds to the Agency for meeting its obligations for maintenance purposes, provided that:

- a. Such temporary transfer shall not exceed 85 percent of the anticipated revenues accruing to the Agency in the fiscal year in which the transfer shall occur; and,

1 b. Such temporary transfer shall not be made prior to the first day nor after the
2 last Monday in April of the fiscal year in which the transfer shall occur; and,

3 c. Such temporary transfer shall be repaid and replaced from revenues accruing
4 to the Agency before any other obligation of the Agency is met from such revenue.

5 3. The Board of Supervisors authorizes the County Treasurer, the County Auditor, and
6 any other County officer and employees to take such additional actions necessary or convenient to carrying
7 out the effect of this resolution.

8 4. This resolution shall take effect from and after the date of its adoption.

County of Riverside, California
Board of Supervisors Policy

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
PENSION MANAGEMENT POLICY	B-25	1 of 4

Policy:

The County of Riverside (the "County") has created this pension management policy (the "Policy") to ensure the financial stability of the County through proper pension plan management. The purpose of this policy is to safeguard the public trust by assuring prudent decisions regarding the County's pension plans, Other Post-Employment Benefits (OPEB), and Section Pension 115 Trusts providing proper oversight of the benefits provided and their associated cost. This Policy applies to all County Defined Benefit Pension Plans currently administered by the California Public Employees Retirement System ("CalPERS"), the County's other post-employment benefits (OPEB) administered by California Employers' Benefit Trust (CERBT), the County of Riverside Temporary and Part-Time Employees' Retirement Plan, a defined benefit program for its Temporary Assistance Program ("TAP") employees, and the County's Section Pension 115 Trust.

I. Definitions

- A. The term "Pension Plans" shall mean the Riverside County Miscellaneous, Safety, Flood Control, Park District and Waste Management Plans administered by CalPERS.
- B. The term "Funding Level" shall mean plan actuarial assets divided by plan actuarial liability.
- C. The term "Net Funding Level" shall mean plan assets divided by plan liabilities and any pension debt.
- D. The term "Committee" shall mean the Pension Advisory Review Committee.
- E. The term "Liability Management Fund" shall mean the fund created in conjunction with the County's 2005 Pension Obligation Bonds (POBs) and any Additional Bonds held in trust by designated trustee funded by pension savings and used solely for pension cost purposes.
- F. The term "OPEB" shall mean the Other Post-Employment Benefits provided by the County dedicated to prefunding retiree benefits administered by CalPERS CERBT Fund.
- G. The term "TAP Pension Plan" shall mean the County's Temporary and Part-Time Employees' Retirement Plan, a defined benefit pension plan of which the County's eligible temporary employees are participants.

County of Riverside, California
Board of Supervisors Policy

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
PENSION MANAGEMENT POLICY	B-25	2 of 4

H. The term "Section 115 Pension Trust" shall mean the Pension Trust adopted by the Board of Supervisors for the purpose of pre-funding CalPERS pension obligations and/or OPEB obligations.

II. County Pension Policy

- A. The assets of County's Pension Plans constitute a trust independently administered by CalPERS which exists to satisfy the County's obligation to provide retirement benefits and to meet distribution obligations to all covered employees.
- B. Any withdrawal of a group of employees from participation in the Plans will not necessarily trigger a distribution of any assets. All contracts or grants will include the full amount of estimated pension cost in the contract or grant. Upon the termination of such contracts or grants, a termination payment may be negotiated.
- C. Additionally, if any employee group or department separates from the County, the associated actuarial liability and pension assets will be subject to an independent actuarially determined "true value".
- D. The County seeks to maintain a minimum funding level of 80% in its CalPERS defined benefit pension plan.. To the extent the funding level falls below that, the County will prepare a plan to address the issue.
- E. The County seeks to maintain a minimum funding level of 80% in its OPEB. To the extent the funding level falls below that, the County will prepare a plan to address the issue.
- F. The County seeks to maintain a minimum funding level of 80% in its TAP Pension Plan. To the extent the funding level falls below that, the County will set rates sufficient meet the minimum funding level.
- G. Any proposed changes to pension benefits, liability amortization schedules or the issuance of any Pension Obligation Bonds will be reviewed by the Committee, which shall provide the Board with an analysis of the long-term costs and benefits and related recommendations. Such evaluations are to take into account any outstanding Pension Obligation Bonds (POBs).

County of Riverside, California
Board of Supervisors Policy

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
PENSION MANAGEMENT POLICY	B-25	3 of 4

H. The County will set annual CalPERS pension plan contribution rates sufficient to: 1.) Pay any amounts due to CalPERS, 2.) Capture full cost of the annual debt service on any pension obligation bonds that are outstanding, 3.) Collect amounts sufficient to make required deposits to the County Liability Management Fund and Pay the cost of consultants hired to assist the Committee.

III. Pension Advisory Review Committee

A. The members of the Pension Advisory Review Committee (PARC) shall be comprised of the following:

- 1) The County Treasurer-Tax Collector,
- 2) The County Finance Officer,
- 3) The Human Resources Director,
- 4) The County Auditor-Controller and
- 5) A Local Safety Member Department Representative

Members shall designate a member to serve as Chair. The Chair shall serve in that capacity until the Committee designates a new Chair.

B. The Chair of the Committee will be responsible for preparing and distributing the agenda for each meeting.

C. Members of the PARC may designate staff to represent them. Members shall notify the Chair, in writing, of the name and title of staff that are authorized to represent them. Upon written notification, the designee will be authorized to represent and vote on behalf of the member. Members shall also designate staff available to assist the Committee in its analysis and the production of reports.

D. PARC meetings shall be convened at least annually or as necessary upon the call of the Chair.

E. The PARC may retain experts or consultants.

F. The PARC shall prepare, at least annually, a public report of the County's CalPERS pension plan status, the County's Temporary and Part-Time

County of Riverside, California
Board of Supervisors Policy

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
PENSION MANAGEMENT POLICY	B-25	4 of 4

Employees' Retirement Plan, the County's Other Post Retirement Benefits Plan and a report from the administrator of the County's 115 Pension Trust.

- G. As a Board established Committee, the PARC is subject to and will comply with all provisions of the Brown Act.

IV. Pension Obligation Financing

- A. Any issuance of pension related debt will be reviewed first by the PARC.
- B. The County has established a Liability Management Fund in connection with its 2005 Pension Obligation Bonds and may do so for any future issuance. The Liability Management Fund shall be funded by capturing a portion of the projected savings associated with issuance and be used to retire pension bond debt, be transferred to CalPERS to reduce any unfunded liability or deposited in the County's Section 115 Trust.
- C. The Committee will make an annual recommendation relating to the prepayment of POBs or the annual CalPERS contributions and the potential savings available from CalPERS for such an early payment.

Reference:

Minute Order 16.3 of 01/25/05
Minute Order 3.41 of 09/12/06
Minute Order 3.3 of 04/10/07
Minute Order XX of 05/22/18

**County of Riverside, California
Board of Supervisors Policy**

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
LEASING OF COUNTY-OWNED REAL PROPERTY FOR WIRELESS SERVICE FACILITIES	B-26	1 of 3

Policy:

Board Policy B-26 specifies procedures for leasing County-owned sites for wireless communications and outlines procedures for the creation of site licenses, leases, subleases, lease amendments, lease renewals and other relevant documents for the use of real property owned by the county for allowable and appropriate uses by personal wireless communication service facilities providers. The policy outlines procedures to protect County owned and/or operated wireless communications and establishes guidelines for the use of fees and revenues from these locations.

**PROCEDURES TO PROVIDE FOR THE USE OF COUNTY-OWNED REAL PROPERTY
FOR THE PURPOSE OF WIRELESS SERVICE FACILITY LEASES**

A. New Leases on County-Owned Real Property

It is the policy of the County of Riverside to allow the use of County-owned lands and buildings by wireless communications providers. Such use improves routine communications services for the County's residents and the traveling public, improves public safety communications during emergencies, and provides incidental income to the County.

The Economic Development Agency (EDA) shall serve as lead agency for wireless service facilities on all County land and buildings and will negotiate terms and conditions of all licenses, leases, subleases, lease renewals, and lease amendments. No other County agency may negotiate such leases, and all County agencies are to immediately refer all wireless services inquiries to EDA. EDA will also negotiate and manage agreements to allow for co-location wireless communications at county public safety radio communications system sites.

EDA is to work with the agency using the land to ensure that the proposed wireless facility will not unreasonably compromise the agency's use of the site. EDA may recover its costs through an initial application fee and through its standard surcharge for lease administration. Prior to entering into the lease, EDA shall submit the application to Riverside County Information Technology (RCIT), which shall in turn review the proposed installation to ensure that it will not interfere with the County's public safety radio system.

Prior to entering into any lease, license or other legal entitlement with a private business for a proposed wireless facility, EDA shall consult with the County Executive Office (EO) to determine whether the land or building proposed for private cell tower use was financed or

**County of Riverside, California
Board of Supervisors Policy**

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rehabilitated with proceeds from tax-exempt bonds or tax-exempt certificates of participation (Tax-Exempt Land). If the proposed lease, license or other legal entitlement involves Tax-Exempt Land, EDA shall consult with and obtain a prior approving opinion from the relevant Bond Counsel that the proposed use will not affect the tax-exempt status of the related financing.

Notwithstanding any other provision of this policy, EDA shall not approve any legal entitlement to co-locate private business wireless communications facilities on the County's public safety communications system, which has been financed and refinanced from time to time with tax-exempt financings, without first obtaining an approving opinion from the relevant Bond Counsel that the proposed co-location will not affect the tax-exempt status of the related financing.

EDA shall act as the permit authority and perform all plan check and construction inspection services, and shall ensure compatibility with existing building components and future County use of the real property.

EDA is authorized to offer wireless communications lease management to County affiliated special districts, community facilities districts, joint powers agencies and authorities, and similar organizations EDA may employ consultants as needed to assist in the administration of wireless communications leases.

Prior to entering into any lease, license or other legal entitlement with a private business for a proposed wireless facility for such affiliated special districts or similar organizations, EDA shall consult with that organization to determine whether the land or building proposed for cell tower use was financed or rehabilitated with proceeds from tax-exempt bonds or tax-exempt certificates of participation. If the proposed lease, license or other legal entitlement involves Tax-Exempt Land, EDA shall consult with and obtain a prior approving opinion from the relevant Bond Counsel that the proposed use will not affect the tax-exempt status of the related financing.

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RCIT shall be authorized and directed to act on behalf of the County to perform technical review of all wireless services applications for proposed wireless service facilities on County-owned real property. RCIT shall ensure that there will be no interference with the county's public safety radio system as a result of the installation before EDA enters into the lease and issues permits. RCIT may recover its costs through an initial application fee.

All existing leases between wireless service providers and County departments, agencies, and special districts shall comply with this policy upon renewal of the lease.

B. Revenues

Some County lands were purchased with funds which require lease or sale income to be returned to the purpose supporting the original funding. EDA shall work with the appropriate County agency in determining if land income restrictions exist. Restricted lease revenues (such as revenue generated from Parks and Open Space District, Flood Control and Water Conservation District property, and restricted Transportation Department property) shall continue to be deposited into the respective entity's restricted funds. All other unrestricted revenue generated on County-owned property from wireless service facility leases and licenses shall be deposited into a dedicated public safety communications account and used to fund future capital improvements to the County's public safety communications system. Nevertheless, the County shall not use the revenue generated from private wireless service facility leases and licenses to pay debt service payments on the County's public safety communications system, which has been financed and refinanced from time to time with tax-exempt financings, without first obtaining an approving opinion from the relevant Bond Counsel that the using such revenue to pay debt service will not affect the tax-exempt status of the related financings.

Furthermore, to the extent that Bond Counsel has approved the lease or license as to Tax-Exempt Land, the revenues from such leasing shall be used solely as directed by Bond Counsel.

An annual report on lease revenues generated under this program shall be prepared by PSEC and included in the department's mid-year budget report.

Reference:

Minute Order 3.22 of 10/17/06
Minute Order 3.3 of 04/10/07
Minute Order X of XX/XX/XX

**COUNTY OF RIVERSIDE, CALIFORNIA
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PURPOSE

The purpose of this policy is to affirm the County's commitment to protect the rights of employees and members of the public from unlawful discrimination based on a known physical or mental disability, by outlining the requirements by which the County will provide equal access and/or act on requests for reasonable accommodation by customers, employees or job candidates. This policy also outlines the process by which any individual may report a complaint, concern or recommendation regarding equal access for individuals with disabilities to County programs, services or activities, or report discrimination towards qualified individuals with disabilities in the County's hiring and employment practices.

SCOPE

This policy applies to all County of Riverside Departments and employees.

POLICY:

1. General Statement of Non-Discrimination

The County of Riverside does not discriminate or retaliate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. The County is committed to ensuring that its programs, services, and activities are fully accessible to and usable by individuals with disabilities as required under the Americans with Disabilities Act, as amended by the ADA Amendments Act of 2008 (hereinafter collectively referred to as ADA).

Additionally, the County of Riverside is committed to ensuring that there is no unlawful discrimination or retaliation on the basis of disability in the County's hiring and employment practices, which include the terms, conditions and privileges of employment. The County is committed to engaging in the good faith Interactive Process (IP) and providing reasonable accommodations to qualified employees and job candidates with disabilities, as required under ADA and the California Fair Employment and Housing Act (FEHA).

2. Definitions

- A. Disability – Under ADA, the term "disability" is defined as a physical or mental impairment that substantially limits one or more major life activities of an individual; a record of such impairment; or being regarded as having such an impairment.¹ Under FEHA, "disability" is defined as a physical or mental disorder or condition that affects one or more body systems and limits (i.e., makes achievement more difficult) a major life activity; having a record of such a disability; or being perceived as having such a disability.²

¹ 29 CFR § 1630.2(g)(1)

² 2 CCR § 11065(d)

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Note: Under both ADA and FEHA, the term “disability” does not include the following:

- 1. Compulsive gambling, kleptomania, pyromania, or psychoactive substance abuse disorders resulting from the current unlawful use of controlled substances or other drugs.**
- 2. Sexual behavior disorders such as pedophilia, exhibitionism, and voyeurism.**

Under FEHA, mitigating measures, or devices which eliminate or reduce the limitation of a disability are not considered when determining whether a medical condition is a disability under State law, unless those mitigating measures themselves limit a major life activity³.

- B. Major Life Activities** – Under ADA and FEHA, the term “major life activities” is to be broadly construed, to include physical, mental, and social activities. A non-exhaustive list of major life activities includes caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, sleeping, communicating, learning, concentrating and working.⁴ Note: The ADA Amendments Act further expanded the statutory definition of major life activities by including major bodily functions, such as functions of the immune system, normal cell growth, and respiratory functions.⁵
- C. Essential Job Functions** – The term “essential job functions” is defined both by FEHA and EEOC regulations as the fundamental job duties of the employment position the individual with a disability holds or desires.⁶ “Essential functions” does not include the marginal functions of the position.⁷
 1. A job function may be considered essential for any of several reasons, including, but not limited to, the following:
 - a) The function may be essential because the reason the position exists is to perform that function.
 - b) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.
 - c) The function may be highly specialized, so that the incumbent in the position is hired for his or her expertise or ability to perform that particular function.
 2. Evidence of whether a particular function is essential includes, but is not limited to, the following:
 - a) The employer’s judgment as to which functions are essential.
 - b) An accurate, current written job description/analysis.
 - c) The amount of time spent on the job performing the function.

³ CA Gov. Code § 12926 (j)(I)(A), (m)(I)(B)(i), § 12926.1(c)

⁴ 2 CCR § 11065(l)

⁵ 42 USC § 12102 (a)(2)(B)

⁶ 29 CFR § 1630.2(n)(2)(i)-(iii); CA Gov. Code § 12926 (f)(I)(A)-(C)

⁷ 2 CCR § 11065(e)(3)

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- d) The legitimate business consequences of not requiring the individual to perform the function.
 - e) The work experience of past individuals in the job.
 - f) The current work experience of individuals in similar jobs.
 - g) Reference to the importance of the performance of the job function in prior performance reviews.
- D. Business Necessity – Under FEHA, in reference to medical or psychological examinations, the term “business necessity” means that the need for a disability inquiry or medical exam is vital to the business.⁸
- E. Job-Related – With regards to disability-related inquiries, medical exams and other selection criteria, tailored to assess the employee’s ability to carry out the essential functions of the job or to determine whether the employee poses a danger to the employee or others due to disability.⁹
- F. Qualified Individual – An applicant or employee who has the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.¹⁰
- G. Interactive Process – Timely, good faith communication between the employer and the applicant or employee or, when necessary because of the disability or other circumstances, his or her representative to explore whether or not the applicant or employee needs reasonable accommodation for his/her disability to perform the essential functions of the job, and, if so, how that individual can be reasonably accommodated.¹¹
- H. Reasonable Accommodation – Modifications or adjustments that are:
- 1. effective in enabling a “qualified individual” with a disability to have an equal opportunity to be considered for a desired job, or
 - 2. effective in enabling a “qualified individual” with a disability to perform the essential functions of the job the employee holds or desires, or
 - 3. effective in enabling a “qualified individual” with a disability to enjoy equivalent benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities.¹²
- I. Undue Hardship – An undue hardship is an action requiring significant difficulty or expense, when considered under the totality of the circumstances in light of the following factors:
- 1. The nature and cost of the accommodation
 - 2. The overall financial resources of the County
 - 3. The overall financial resources of the facilities involved in the provision of the reasonable accommodation, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of the accommodation upon the operation of the facility, including the impact on the ability of other

⁸ 2 CCR § 11065(b)
⁹ 2 CCR § 11065(k)
¹⁰ 2 CCR § 11065(o)
¹¹ 2 CCR § 11065(j)
¹² 2 CCR § 11065(p)

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employees to perform their duties and the impact on the facility's ability to conduct business.

3. Pre-Employment

As an Equal Opportunity Employer, the County of Riverside does not discriminate on the basis of disability in its hiring or employment practices. Additionally, the County is committed to ensuring that there is no discrimination on the basis of disability in any terms, conditions or privileges of employment.

A. Employment Applications and Disability-Related Inquiries

1. The County will consider and accept employment applications from applicants without regard to disability, medical condition, genetic information, or any other non-job-related factor.¹³
2. County staff is prohibited from inquiring whether the applicant has a disability and from asking questions likely to elicit information about a disability in a job application, pre-employment questionnaire or at any time before a job offer is made.¹⁴
3. It is permissible for County staff to inquire whether the candidate can perform the essential functions of the job, with or without reasonable accommodation.¹⁵
4. When an applicant for a County position requests a reasonable accommodation, or when an applicant has an obvious disability and the County has a reasonable belief that the candidate needs a reasonable accommodation, the County may make limited inquiries regarding such reasonable accommodation. For example, although it is unlawful to ask general questions about a disability or questions likely to elicit information about a disability before a job offer is made, it is permissible to inquire whether an applicant can perform the essential functions of the job for which they have applied, with or without reasonable accommodation.¹⁶

B. Qualification Standards, Tests, and other Selection Criteria

In accordance with ADA, the County is prohibited from using *qualification standards*, *employment tests* or other *selection criteria* that screen out or tend to screen out an applicant or employee with a disability or a class of individuals with disabilities, on the basis of disability, unless these items are shown to be job-related for the position in question and are consistent with business necessity.¹⁷ Additionally, the County is prohibited from using any *testing criterion* that discriminates against applicants or employees with disabilities, unless the test score or other selection criterion used is shown to be job-related for the position in question, and an alternative job-related test or criterion that does not discriminate against applicants or employees with disabilities is unavailable or would impose an undue hardship on the County.¹⁸

¹³ 2 CCR § 11070(a)

¹⁴ 2 CCR § 11070(b)(2)

¹⁵ 2 CCR § 11070(b)(3)

¹⁶ *Ibid.*

¹⁷ 2 CCR § 11072(b)(1)

¹⁸ 2 CCR § 11072(b)(3)

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C. Interviews

Upon reasonable notice, the County shall make reasonable accommodation to the needs of applicants with disabilities in interviewing situations (e.g., providing sign language interpreters for individuals with significant hearing impairments, or scheduling the interview in a room accessible to individuals in wheelchairs). These reasonable accommodations must be provided at no cost to the applicant.

In interviews, County staff is prohibited from asking general questions regarding the candidate's disabilities or medical conditions at any time before a job offer is made. Examples of prohibited inquiries include, but are not limited to, the following:

- 1) "Do you have any particular disabilities?"
- 2) "Have you ever had a job-related injury or medical condition?"
- 3) "Have you ever left a job because of any physical or mental limitations?"
- 4) "How much medical leave did you take last year?"

It is permissible in interviews for County staff to inquire whether the candidate can perform the essential functions of the job, with or without reasonable accommodation. If this question is asked, it must be asked of all applicants being interviewed.

D. Medical and Psychological Exams and Inquiries

1. Pre-Offer: Under ADA and FEHA, the County is prohibited from conducting a medical or psychological examination or inquiry of an applicant before an offer of employment is extended to that applicant. **Note: Under ADA and FEHA, a test for illegal drug use is not generally considered to be a medical or psychological examination.**¹⁹²⁰
2. Post-Offer: The County may condition a bona fide offer of employment on the results of a medical or psychological examination or inquiry conducted prior to the applicant's first day on duty in order to determine fitness for the job in question. For a job offer to be bona fide, the County must have either completed all non-medical components of its application process or be able to demonstrate that it could not have reasonably done so before issuing the offer; this narrowly tailored exception is primarily applicable to the hiring and selection of peace officers²¹
3. Withdrawal of Offer: The County may withdraw an offer of employment based on the results of a medical or psychological exam or inquiry only if it is determined that the applicant is unable to perform the essential functions of the job with or without reasonable accommodation, or that the applicant with or without reasonable accommodation would endanger the health or safety of the applicant or others. **Note: Any withdrawal of a job offer for medical reasons must be reviewed by the Human Resources Department prior to issuance.**
4. Medical History Inquiries: Once a conditional job offer has been made, the County may make limited inquiries into the applicant's medical history, provided that the information requested is job-related, consistent with business necessity,

¹⁹ 2 CCR § 11071(a)

²⁰ 29 CFR § 1630.16(c)

²¹ CA Gov. Code § 1031.2

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and requested of all new employees entering the same job class.²² When reviewing this information for the purposes of determining an applicant's medical qualification and ability to perform the essential functions of the job (with or without reasonable accommodation) without endangering the health or safety of the applicant or others, this analysis should be based on a reasonable medical judgment that relies on the most current medical knowledge and/or the best available objective evidence.²³

4. Employment

The County is required to engage in a timely, good faith Interactive Process and provide reasonable accommodation to "qualified individuals" with disabilities. In the County, it is the responsibility of the Human Resources Department to guide and facilitate this process, in partnership with the various County departments. The Interactive Process is required under any of the following circumstances:

- A. When an applicant or employee with a known physical or mental disability or medical condition requests reasonable accommodations.²⁴
 - 1. In general, it is the responsibility of the individual to notify the County of the need for a reasonable accommodation.
 - 2. The request does not have to be in writing or take any particular form.
 - 3. The individual does not have to use "trigger" terms such as "ADA/FEHA" or "reasonable accommodation."
 - 4. The individual only has to use "plain language" and provide enough information to alert the County to the fact that he/she needs an adjustment or change at work because of a medical condition.

- B. When the County otherwise becomes aware of the possible need for an accommodation through a third party or by observation.²⁵ In these circumstances, the County has the affirmative duty to offer the Interactive Process. Examples of these types of situations are listed below:
 - 1. Work restrictions specified by a County medical professional as a result of a post-offer, pre-employment medical exam.
 - 2. Work restrictions prescribed by a Workers' Compensation doctor as a result of a medical exam related to an industrial injury/illness.
 - 3. When an employee exhausts his/her protected leave time under the Family and Medical Leave Act/California Family Rights Act (FMLA/CFRA) and/or the Pregnancy Disability Leave (PDL) provisions of FEHA, and requires additional medical leave due to his/her medical condition.²⁶
 - 4. Work restrictions specified by a medical professional as a result of a Fitness-for-Duty exam.

²² 2 CCR § 11071(d)(1), CA Gov. Code § 12940 (e)(3)

²³ 2 CCR § 11067(e)

²⁴ 2 CCR § 11069(b)(1)

²⁵ 2 CCR § 11069(b)(2)

²⁶ 2 CCR § 11069(b)(3)

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Additionally, the County may be required to initiate the Interactive Process when an employee demonstrates observable, significant behavioral changes and/or deteriorating work not attributable to other causes. Supervisors and managers are encouraged to consult with their Human Resources Services Teams in such circumstances.

It is essential to note that it is unlawful to discriminate or retaliate against a person for requesting reasonable accommodation based on a mental or physical disability, regardless of whether the employer grants the particular request²⁷

The Interactive Process

Under ADA and FEHA, a good faith Interactive Process (IP) is required, which is designed to be a timely, flexible, and interactive exchange of information between the individual and the employer. The purpose of the IP is to determine the precise limitations resulting from the individual's disability and identify potential reasonable accommodations that could overcome those limitations. Under ADA/FEHA, the IP requires an individualized assessment based on the specific needs of the employee, the essential functions of his/her job, and the employer's ability to reasonably accommodate the particular request.

Employers and employees have a reciprocal obligation to participate in the Interactive Process in good faith. Additionally, FEHA regulations specify that both the employer and the employee have the obligation to exchange essential information without delay or obstruction in the process.²⁸

In the County, the Interactive Process is guided and facilitated by Human Resources staff members, in partnership with County Departments. The IP includes the following steps:

- A. Analyze the particular job involved and determine its purpose and essential functions. This analysis, which forms the foundation upon which accommodation decisions are made, is completed by Human Resources staff in partnership with Department Subject Matter Experts.
- B. Consult with the individual to determine the precise job-related limitations imposed by the disability, and how the limitations could be overcome with a reasonable accommodation.
 1. When meeting with the individual, the purpose is to identify potential accommodations, and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position.
 2. When the disability or need for reasonable accommodation is not obvious, the County may require the applicant or employee to provide reasonable medical documentation confirming the existence of the disability and the need for reasonable accommodation.
- C. Taking into account the employee's preference, select and implement the accommodation that is most appropriate for the County and the employee.
- D. Once it has been determined that a reasonable accommodation is available, memorialize the accommodation in writing.

²⁷ 2 CCR § 11068(k)

²⁸ 2 CCR §11069(a)

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The Interactive Process may involve meeting with the employee several times and may involve a number of stakeholders including Human Resources staff, Department supervisory/managerial staff, and others as applicable. Regulations require that medical information and/or records obtained during the Interactive Process be maintained on separate forms, and in medical files separate from the employee's personnel file, and that this information be kept confidential, subject to certain exceptions in the law.²⁹

It is important to note that under FEHA, employers are specifically prohibited from retaliating against employees for requesting a reasonable accommodation. Also under FEHA, the failure to engage in an Interactive Process to determine effective reasonable accommodations with a qualified individual with a disability can be a separate and distinct basis for a finding of unlawful discrimination.³⁰

Once the accommodation has been agreed upon and implemented, the Interactive Process can still be reopened if needed (e.g., if it appears that the accommodation is not effective or that circumstances have changed, warranting a review of the accommodation).

Reasonable Accommodation

A reasonable accommodation is a modification or adjustment to a job, the work environment, and/or the way things are usually done, that enables a qualified individual with a disability to perform the essential functions of the job at the required level. Some basic principles of reasonable accommodation include the following:

- A. The accommodation must be effective. An effective accommodation must provide an opportunity for the individual with a disability to perform the essential functions of the job, and in doing so, achieve the same level of performance or enjoy equal benefits or privileges of employment, as an average, similarly situated, person without a disability.
- B. The accommodation does not have to be the best accommodation or the one preferred by the individual with a disability.
- C. In general, the employer is not required to provide an accommodation that is primarily for the employee's personal use (e.g., eyeglasses, hearing aids, wheelchairs, etc.).

Leave of Absence as a Reasonable Accommodation

A temporary leave of absence can be considered a reasonable accommodation as long as it is effective in enabling the individual's medical condition to improve such that they can return to work and perform their essential job functions at the required level. Although a leave of absence may initially be provided as a reasonable accommodation, continued leave can become unreasonable if any of the following occur:

- A. The time off work does not enable the employee's medical condition to improve and/or appears to become indefinite in nature.
- B. The employee's off work status or restrictions (that cannot be reasonably accommodated) become permanent.

²⁹ 2 CCR 11069(g)

³⁰ CA Gov. Code §12940(n)

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Numerous ADA/FEHA court cases have held that employers are not allowed to have uniformly enforced rules regarding allowable length of medical leave.³¹ Instead, the determination as to whether an additional medical leave of absence is reasonable requires a case-by-case, fact-specific analysis. Human Resources staff members perform a key role in conducting this analysis, with input from the County department.

Reassignment as a Reasonable Accommodation

If through the Interactive Process, it is determined that an individual cannot be reasonably accommodated in his/her own position, but is otherwise qualified and able to perform the essential functions of another position, both ADA and FEHA require the County to reassign the individual to another County job as a reasonable accommodation, provided that the following conditions are met:

- A. The reassignment is to a current, open position, or a position that will become available within a reasonable amount of time (the County is not required to create a new position or bump another employee to create an open position).
- B. The reassignment is to an equivalent level of classification (the County is not required to promote an employee in order to reassign them).
- C. The employee meets the required qualifications for the position.

It should be noted that when exploring a reassignment opportunity as a reasonable accommodation, an employee with a disability is entitled to preferential consideration to an open position over other applicants and existing employees.³² This is unlike a typical recruitment process in which multiple candidates compete for the job and the most qualified candidate is selected. When considering reassignment as a reasonable accommodation, the employee with a disability need not be the most qualified individual for the job as long as they meet the position's required qualifications.

Reassignment is not available to applicants. An applicant for a position must be qualified for, and able to perform the essential functions of, the position sought, with or without reasonable accommodation.

"Assistive Animals" as a Reasonable Accommodation

An "assistive animal" is defined as a dog or other animal that is necessary as a reasonable accommodation for a person with a disability. Specific examples include, but are not limited to:

- A. A guide dog trained to guide a blind or visually impaired person;
- B. A service dog individually trained to the requirements of a person with a disability; and
- C. A support dog that provides emotional or other support to an individual with a cognitive or mental disability, such as traumatic brain injury or major depression.³³

Under FEHA, an "assistive animal" can be a reasonable accommodation in the workplace. As in other situations, what constitutes a reasonable accommodation requires an individualized

³¹ For example, see EEOC v. Sears Roebuck & Co., N.D. Ill. No. 04 C 7282

³² 2 CCR § 11068(d)(5)

³³ 2 CCR § 11065(a)

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analysis reached through the Interactive Process. The County may require that any "assistive animal" meet the following minimum standards:

- A. That the animal is free from offensive odors and displays habits appropriate to the work environment, for example, the elimination of urine and feces;
- B. That the animal does not engage in behavior that endangers the health or safety of the individual with a disability or others in the workplace; and
- C. That the animal is trained to provide assistance for the employee's disability.
- D. If an employee requests permission to bring an assistive animal into the workplace as a reasonable accommodation, prior to allowing the animal in the workplace, the employer may require that the employee supply a letter from the employee's health care provider stating that the employee has a disability and explaining why the employee requires the presence of the assistive animal in the workplace (e.g., why the animal is necessary as an accommodation to allow the employee to perform the essential functions of the job).³⁴

Exceptions to Reasonable Accommodation

There are some exceptions to the requirement that employers reasonably accommodate qualified employees with disabilities. These exceptions, which require an individualized assessment and analysis, include the following:

- A. The accommodation poses an undue hardship, taking into account the nature and cost of the accommodation as well as the overall financial resources of the employer.
- B. The individual cannot perform the essential functions of the job, even with the accommodation. **It should be noted that the County may not deny reasonable accommodation on the sole ground that an employee with a known disability can no longer perform the essential functions of the job, but must consider whether a reasonable accommodation would enable them to do so.**
- C. The accommodation conflicts with other statutory requirements (e.g., the national Occupational Safety and Health Act).
- D. The accommodation endangers the health or safety of the individual with a disability or others because the job imposes an imminent and substantial degree of risk that cannot be eliminated by reasonable accommodation.³⁵ Factors to be considered when determining the merits of this exception include, but are not limited to the following:
 1. the duration of the risk;
 2. the nature and severity of the potential harm;
 3. the likelihood that potential harm will occur
 4. the imminence of the potential harm; and
 5. consideration of relevant information about an employee's past work history.
- E. Any other exceptions or defenses as may be provided by law.

³⁴ 2 CCR § 11069(e)

³⁵ 42 USC § 12111(3); CA Gov. Code § 12940(a)(1),(2)

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5. Public Services

The County is required to ensure that its programs, services, and activities are fully accessible to and usable by members of the public with disabilities as required under the Americans with Disabilities Act, as amended (ADA). Equal access to County programs, services and activities can be accomplished in several ways:

- A. Physical Access: Some examples of physical access include, but are not limited to, making existing facilities accessible through wheelchair ramps, elevators, escalators, electronic doors, etc.
- B. Communications Access: Access through communications includes providing auxiliary aids and services, where reasonable. Some examples of auxiliary aids and services can include the following:
 - 1. Qualified sign language interpreters on-site or through video remote interpreting (VRI) services; notetakers; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive learning systems; text telephones (TTY); closed caption decoders; open and closed captioning, etc.
 - 2. Qualified readers; taped texts; audio recordings; Braille materials and displays; large print materials, accessible electronic and information technology, etc.
 - 3. Providing websites in a format that is accessible to individuals with vision and/or hearing impairments.
- C. Access through Policies and Procedures: Access to programs, services and activities can also be provided through development and/or changes to County policies, work rules or practices. Some examples may include the following:
 - 1. Modifying a "no food or drink" policy to allow a constituent with Type I Diabetes to attend bring a snack to a meeting or hearing, where food or drink is not otherwise permitted.
 - 2. Modifying a dress code policy to allow an employee recovering from foot surgery to temporarily wear athletic shoes to work that would otherwise be in violation of said policy.
- D. Service Animals: The County must permit the use of a service animal by an individual with a disability in all areas of the County's facilities where members of the public or participants in County services, programs or activities are allowed to go.³⁶

For the purposes of this section, a service animal is defined under ADA as any dog that is individually trained to work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work tasks performed by a service animal or miniature horse (see below) must be directly related to the individual's disability.

³⁶ 28 CFR § 35.136(a-g)

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject:	<u>Number</u>	<u>Page</u>
REASONABLE ACCOMMODATION AND EQUAL ACCESS FOR INDIVIDUALS WITH DISABILITIES	A-74	12 of 14

ADA limits the type of questions an organization may ask of individuals with service animals, and prohibits inquiries about the nature or extent of a person's disability. However, employers such as the County are allowed to make the following two inquiries to determine whether an animal qualifies as a service animal:

1. Is the animal is required because of a disability?
2. What work or task the animal is trained to perform?

Note: The County may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

The County may ask an individual with a disability to remove a service animal from the premises under any of the following conditions:

1. The animal is out of control and the animal's handler does not take effective action to control it.
2. The animal is not housebroken.

Note: Even if an animal is properly excluded, the person with a disability may still participate in the service, program, or activity without the service animal on the premises.³⁷

- E. Miniature Horses: The County is required to make reasonable modifications in policies, practices or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.³⁸ In determining whether reasonable modifications to policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the County may consider the following:
1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
 2. Whether the handler has sufficient control of the miniature horse;
 3. Whether the miniature horse is housebroken; and
 4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

The above requirements that apply to inquiries regarding service animals, also apply to miniature horses.

- F. Exceptions: The County is not required to provide reasonable accommodation under the following conditions:
1. Providing the accommodation would pose a "direct threat" to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids and services.³⁹

³⁷ 28 CFR § 35.136

³⁸ 28 CFR § 35.136(i)

³⁹ 28 CFR § 35.139(a)

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

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2. Providing the accommodation would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.⁴⁰

Note: In general, the County may impose legitimate safety requirements necessary for the safe operation of its services, programs or activities. However, the County must ensure that its safety requirements are based on actual risks, not on mere speculation, stereotypes, or generalizations about individuals with disabilities.

- G. Retaliation or Coercion: Pursuant to ADA, Title II, the County is prohibited from retaliation or coercion against members of the public for exercising their rights under the Act. Regulations specify that no private or public entity shall discriminate against any individual because that individual opposed any act or practice made unlawful by these regulations, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under the Act.⁴¹

Additionally, no private or public entity shall coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by the Act.⁴²

6. Required Training

Disability Awareness and Sensitivity

Staff training is an essential step in preventing unlawful discrimination and mitigating any potential liability. Accordingly, the County currently has in place a requirement that all County staff attend Disability Awareness and Sensitivity Training.⁴³ The purpose of the training is to inform the County workforce of the basic legal requirements under ADA and FEHA, discuss the causes of myths and stereotypes towards individuals with disabilities, and provide tips that may be useful to employees in easing their comfort level when assisting members of the public with disabilities. This training is currently offered in a self-paced, online format and is available through the Human Resources Department, COR Learning website.

ADA/FEHA for Managers and Supervisors

In addition to the required Disability Awareness and Sensitivity training, all managers and supervisors are required to take training on the employment requirements of ADA and FEHA.⁴⁴ The purpose of this training is to inform managers and supervisors of the County's obligations to employees and job candidates with disabilities under these laws, including requirements to conduct a good faith Interactive Process and to reasonably accommodate qualified individuals with disabilities. This training is also available through the Human Resources Department, COR

⁴⁰ 28 CFR § 35.164

⁴¹ 28 CFR § 35.134(a)

⁴² 28 CFR § 35.134(b)

⁴³ As required by Riverside County Board of Supervisors Agenda Item 3.59, dated August 9, 2005

⁴⁴ As required by Riverside County Board of Supervisors Agenda Item 3.59, dated August 9, 2005

**COUNTY OF RIVERSIDE, CALIFORNIA
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Learning website.

7. Posting Requirement

Under ADA Title II, the County is required to make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of the ADA and its applicability to the services, programs or activities of the County.⁴⁵ This information must also include the designation of at least one employee to coordinate its efforts to comply with and carry out the requirements of ADA, along with adoption and publication of grievance procedure providing for prompt and equitable resolution of complaints of disability discrimination (addressed in the following section).

In an effort to meet this requirement, all departments are required to ensure that the County's Disability Access and Nondiscrimination Notice is posted in all areas of the County where the public is served. This notice is available through the Human Resources Department, Disability Access and Leave Management Office website.

8. ADA Complaint Resolution Procedure

In compliance with ADA Title II, the County has adopted and published grievance procedures for equitable resolution of complaints of disability discrimination. The County of Riverside ADA Complaint Resolution Procedure is available through the Human Resources Department, Disability Access and Leave Management Office website. The ADA Complaint Resolution Procedure is available to members of the public, applicants and employees who wish to file a written complaint of disability discrimination. Once received, resolution of their complaint will be coordinated with the appropriate department.

In addition, any employee who wishes to file a written complaint of harassment and/or discrimination based on disability or any other protected classification or activity under the law may do so pursuant to County of Riverside Board Policy C-25, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure.

⁴⁵ 28 CFR § 35.106

**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS POLICY**

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Policy:

1. ~~4.~~ **SUBMITTAL**

~~Aa.~~ Aa. Items may be placed on the Board of Supervisors' agenda only by a member of the Board or the County Executive Officer, or the Clerk of the Board after ~~coordinating~~ will coordinate with the County Executive Office for submittal of agenda items.

B. Of necessity, there are two deadlines for a Form 11 to be placed on an agenda:

1. County Executive Office: The deadline is noon on Monday of the week prior to the Board's Tuesday Agenda.

2. Clerk of the Board: The County Executive Office must submit all items to the Clerk of the Board on Wednesday, 1:00 pm of the week prior to the Board's Tuesday Agenda.

3. The Clerk of the Board and the County Executive Office will adjust the above deadlines whenever a holiday impacts the regular schedule.

~~Cbb.~~ Cbb. All Supervisor-generated policy proposals shall be reviewed by the County Executive Office to determine potential costs or savings of implementation or to provide a cost/benefit analysis where appropriate. The financial information should include a thorough evaluation of the pros and cons of the proposed change(s) and where appropriate, provide its anticipated short-term and long-term impacts. ~~To protect the independence of the Board, the information will be provided without a recommendation for or against the proposal. -This provision does not apply to Board appointments or CID grant awards.~~

~~Dceb.~~ Dceb. In accordance with Ordinance 442.3, dDepartments must route all requests for Board action through the County Executive Office for review and/or recommendation.

~~E.Dde.~~ E.Dde. It is the responsibility of the department submitting a request to ensure all pertinent information is included. ~~Departments should follow the attached ATTACHMENT I - "GUIDELINES AND CHECKLIST FOR~~

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**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS POLICY**

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PREPARATION OF BOARD OF SUPERVISORS AGENDA ITEMS,
adhere to the policy below, and ensure that all necessary signatures
approvals have been obtained.

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Eed. It is the responsibility of the County Executive Office to ensure that all items placed on the agenda are complete, accurate, and conform to county policy. -The County Executive Office will identify the policy impacts, verify the financial data, and make other recommendations as deemed necessary regarding proposed Board actions.

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2. AGENDA REQUEST FORM AND COPIES

— The Form 11 shall be used for all requests where practical. A default agenda item is available in Minute-Trag. The form is, available through the county intranet (<http://intranet.co.riverside.ca.us/tech/depts.asp>). Other facsimiles of the Form 11 may be used if they are acceptable to the Clerk of the Board. The font type in the template is Arial, and should be used. Form 11 font size shall be no less than 10 point, with 11 point as the preferred size.

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The initiating department shall be responsible for submitting copies to departments affected by the recommended actions.

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The County Executive Office will review and recommend action on the item, and forward the final version ~~the original~~ to the Clerk of the Board.

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3. Prior Approvals

— Prior to submitting items to the County Executive Office, the agenda item must be complete with all attachments and routed for comment, review, approval as to form, and/or recommendation as may be appropriate by other departments. The reviewing departments' signature (s) should appear on the left margin in the finalized Form 11. The typed/printed name of the individual signing for each approval must appear beneath the signature. The following is a list of possible signatory departments and the rationale for the review and approval by same:

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County Counsel

All items involving contracts, agreements, ordinances, resolutions, or any legal matter. In addition to the margin, counsel signature shall should appear on the signature page of each copy of a finalized contract, or agreement, ordinance, or resolution. Memos from counsel confirming review are not sufficient, since they may too easily become

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**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS POLICY**

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~~detached and proof of legal review and sign-off lost. All contracts and agreements must have the signature of the vendor or contractor before the item is placed on the agenda for approval. An exception may be made if the other party to the agreement is a federal, state or local agency;~~

~~— Human Resources Director~~

~~All items involving personnel such as positions and classifications;~~

~~Auditor/Controller~~

~~Any item adjusting estimated revenues and/or appropriations, revolving funds, establishing revolving funds, or recommending new or revised rates and fees;~~

~~— Capital Improvement Program Team~~

~~All capital improvement items, leases, and real property transactions as specified in Board Policy B-22;~~

~~Purchasing~~

~~Items or services for which either Purchasing has conducted a competitive bid process or has approved the process utilized by the requesting department (includes sole source). All contracts and agreements must have the signature of the vendor or contractor before the item is placed on the agenda for approval;~~

~~— Information Technology~~

~~All computer and communication systems or equipment, etc.~~

~~4. Agenda Deadline~~

~~a. Regular Meetings — Pursuant to section 1 (a) of Board Policy A-2, the Board of Supervisors generally holds regular meetings each Tuesday. The Executive Office reviews items on Monday a week prior to the regular meeting; items submitted for regularly scheduled meetings shall be submitted to the County Executive Office no later than noon on Thursday prior to the Monday review. All routine items needing review and approval by County Counsel shall be submitted ten days prior to the Executive Office deadline. However, any accompanying Form 11 may be submitted for review and approval five days prior to the Executive Office deadline.~~

~~b. Workshops — Pursuant to section 19b) of Board Policy A-2, when necessary, workshops with the Board are generally held the third Monday of each month, except when the Monday is a county holiday. Items submitted for workshops shall be submitted to the County Executive Office no later than noon on Monday of the week prior to the scheduled Monday workshop.~~

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**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS POLICY**

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~~These deadlines will be advanced when a holiday(s) occurs during the week. It is the responsibility of those submitting items to the Executive Office for inclusion on the Board agenda to be aware of Board meeting dates and plan accordingly.~~

~~The Board of Supervisors may choose in advance to alter the regular schedule during the summer months or when a quorum is not expected. The Board calendar should be monitored by departments when submitting time sensitive requests.~~

~~No action shall be taken by the Board on any item not appearing on the posted agenda at least 72 hours before a regular Board meeting except under the following conditions:~~

~~a. Upon a determination by a majority vote of the Board that an emergency situation exists, as defined in Government Code Section 54956.5 as follows:~~

~~(1) Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.~~

~~(2) Crippling disaster, which severely impairs public health, safety, or both as determined by a majority of the members of the legislative body.~~

~~b. Upon a determination by a 2/3 vote of the Board (4 votes), or if less than 2/3 of the members are present, by unanimous vote of those members present (minimum 3 votes), that there is a need to take immediate action and that a need to take action arose after the agenda had been posted by the Clerk of the Board. (Gov. Code 54954.2)~~

~~c. The Board may hear any item that was posted on the agenda for a prior meeting of the Board occurring not more than five calendar days before, if at the prior meeting the item was continued to the meeting at which the Board acts on the item. (Gov. Code 54954.2)~~

~~d. Attachment B shall be completed and shall accompany the Form 11 where practicable given the need to act quickly.~~

5. Form 11 Review by the County Executive Office:

~~a. Routine Requests It is the intent of the County Executive Office to facilitate placing routine Forms 11 on the Board's agenda provided:~~

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**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS POLICY**

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1. They are submitted by the appropriate deadline,
2. Departmental recommendations and justifications are adequate,
3. Are in compliance with Board policy,
4. Include all attachments,
5. And have the required sign-off of affected departments.

b. Policy Requests

Certain policy issues may require more detailed analysis, conferring with affected department heads and/or coordination with outside agencies. Departments generally recognize which items potentially require this level of review. In these instances, department heads are requested to forward a draft Form 11 to the County Executive Office at least two weeks prior to the desired Board agenda.

Every effort should be made to communicate openly with the County Executive Office analyst. If these policy requests will take more than two weeks to formulate a recommendation, the department head will be notified with the reasons for requiring additional information and the expected date it will appear on the Board's agenda. If the department head disagrees with the need for more time, the County Executive Office will place the matter on the Board's agenda the following week with an appropriate recommendation.

In accordance with Board Policy A-29, the recommendation from the County Executive Office shall be the basis for Board action, unless otherwise indicated by the Board at the time the motion is made.

6. Instructions for Completing Form 11

All Board submittals must include the following items: (Consult "Guidelines for Preparation of Board of Supervisors Agenda Items" for needed details and procedures.)

a. Subject - Identify the subject matter. This description will be printed in the Board agenda. The action to be taken must be clear to the public and follow the requirements of the Brown Act;

b. Recommended Motion - The recommendation should take the form of a legislative motion. This section is extremely important to Board members as they review many

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BOARD OF SUPERVISORS POLICY**

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agenda items and to the Clerk of the Board in order to prepare the agenda and minute order following Board action;

~~c. **Background** The information in this section should be concise yet consistent with a clear explanation of the request and pertinent background information on previous Board actions related to the issue. If more space is needed, use a plain sheet of paper for the second sheet. Background information should discuss the requested action's relevancy to past or present Board policy; and,~~

~~d. **Financial Data** The availability and source of funds must be indicated such as specific revenue sources, grants, state and federal resources, bond issues, retained earnings, contingency, designated fund balance, etc. All ongoing costs should be clearly stated in the background. Financial data must relate to the motion. Amendments to contracts should address only the difference between the originally approved contract and the amended amount.~~

~~Departments shall use the Financial Data section for informational purposes only. Figures in this section do not replace the need to secure formal Board approval (through recommended motions) of project funding.~~

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AGENDA ITEMS REQUIRING MORE THAN THREE VOTES
3.

GUIDELINES FOR PREPARATION OF
BOARD OF SUPERVISORS AGENDA ITEMS

GENERAL USE OF FORM 11: Board of Supervisors' Policy No. A-5 requires the use of Form 11, where practical, to submit items for the Board of

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**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS POLICY**

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Supervisors. All items, including resolutions, ordinances, and public correspondence, will use a Form 11 as a cover and specify a recommended motion.

NUMBER OF COPIES/DISSEMINATION: Submit the original MinuteTraq item to the County Executive Office for final review. It is the department head's responsibility to provide and distribute copies to other departments having an interest in the subject matter.

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FORM 11 ATTACHMENTS: Submit eight (8) copies of attachments, reports, and/or handouts with the Form 11. Attach all final documents to the F11 in pdf format. Each item should not exceed 10 MB.

SPECIFIC INSTRUCTIONS FOR COMPLETION OF A FORM 11:

1. FROM: This should be the name of the department, agency, or office submitting the item. Large departments might need further identification in which case the upper left corner inside the left margin of the form may be used for departmental identification.

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2. SUBMITTAL DATE: The date the department head signs the form for submittal to the County Executive Office.

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3. SUBJECT: Include in this section a few words to identify the subject matter. Be concise, but ensure that a reader can readily identify and understand the subject matter. If the Form 11 impacts a specific geographic area of the County, the area shall be named in the subject line. If the Form 11 involves a project subject to CEQA, then the CEQA action must be included in the subject line. Examples include: "Certification of Environmental Impact Report", "Adoption of (Mitigated) Negative Declaration", or "CEQA Exempt".

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4. RECOMMENDED MOTION: The request or recommendation must be specific. It should take the form of a legislative motion, which is a statement of formal legislative action; therefore, the clarity and completeness of this section is extremely important. If the Board approves the item as recommended, the Clerk of the Board uses the recommended motion verbatim to prepare the minute order that permanently documents the Board's action. Examples of some common motions follow in the format preferred:

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**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS POLICY**

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For approval and execution of a contract:

~~Approve the attached lease with XYZ Corporation for office space for the Community Health Agency in the City of Riverside and authorize the Chairman of the Board to sign the agreement.~~

~~For adoption of an ordinance not requiring a public hearing:~~

~~Introduce, adopt on successive weeks, and waive further reading of Ordinance No. _____.~~

~~For adoption of a resolution:~~

~~Adopt Resolution No. _____.~~

For budget adjustments:

~~Approve and direct the Auditor-Controller to make the budget adjustments shown on Schedule A, attached.~~

~~Note: Schedule A should list the budget adjustments referenced for approval in the motion. These entries should be complete and self-balancing, and should be grouped in the following order: fund, type of action (examples: "Increase Estimated Revenues" or "Decrease Appropriations"), department identification (Dept ID), and account. For example, if a set of budget adjustments arranges a transfer between funds, all of the adjusting entries for one fund are grouped together, and all the adjusting entries for the other fund are grouped together. This enables quick and easy verification that all of the entries balance within each fund.~~

~~Next, within adjusting entries grouped by fund, like types of actions are grouped together. The four most commonly used types of actions are: increases in estimated revenue, decreases in estimated revenue, increases in appropriations, and decreases in appropriations. In addition, increases or decreases in designations or reserves of fund balance are also used. This grouping enables quick and easy verification of totals for increases and decreases in estimated revenues and appropriations, which are then in turn easily totaled to verify that the set of transactions balance. Within each of these groups, adjusting entries are grouped in ascending order by department identification (ID) number and account, for easy reference.~~

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**COUNTY OF RIVERSIDE
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It is recommended that departments prepare Schedule A in a spreadsheet to better ensure the accuracy of the totals and balances. Following are examples of various configurations of adjusting budget entries. Note that in each case the net sum of all the adjusting entries within each example is zero, indicating that they balance.

Adjusting revenues and appropriations:

Increase Estimated Revenues:

XXXXX-XXXXXXXXXX-XXXXXX Description of Revenue Account \$75,000

Increase Appropriations:

XXXXX-XXXXXXXXXX-XXXXXX Description of Expense Account 75,000

Adjusting entries involving Contingency:

Decrease Estimated Revenues:

XXXXX-XXXXXXXXXX-XXXXXX Description of Revenue Account \$500,000

XXXXX-XXXXXXXXXX-XXXXXX Description of Revenue Account 155,000

XXXXX-XXXXXXXXXX-XXXXXX Description of Revenue Account 45,000

700,000

Increase Appropriations:

XXXXX-XXXXXXXXXX-XXXXXX Description of Expense Account 100,000

XXXXX-XXXXXXXXXX-XXXXXX Description of Expense Account 200,000

300,000

Decrease Appropriations:

10000-1109000000-581000 Appropriations for Contingency 1,000,000

Adjusting appropriations between funds:

Decrease Appropriations:

10000-2500200000-510040 Regular Salaries \$1,000,000

Increase Appropriations:

10000-1101000000-551100 Contributions to Other Funds 1,000,000

Increase Estimated Revenues:

4XXXX-XXXXXXXXXX-781540 Contribution from Other Funds 1,000,000

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**COUNTY OF RIVERSIDE
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Increase Appropriations:
4XXXX XXXXXXXXXXXX-XXXXXX Description of Expense Account 1,000,000

5. BACKGROUND: The information included in this section should be brief and concise, yet consistent with a clear explanation of the request. If more space is necessary, use supplemental plain sheets. The following information in a Form 11 is mandatory:

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a. If the request is for approval of an agreement or contract, basic features of the document such as purpose, cost and term shall be included. It is not practical for the Clerk of the Board to provide each Board member with a copy of all documents attached to your request.

If the request is for authorization of the issuance of certain bonds, all information required by Senate Bill No. 450 should be disclosed.

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cb. Note any previous Board actions relating to the item. The previous agenda references on the bottom of the Form 11 must be completed.

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dc. Discuss relevance to current policy; i.e. Is it consistent with past actions, does it require an exception to Board policy, or is it a new issue before the Board?

6. FINANCIAL DATA: The financial data section must be completed for all fiscal matters. Following is a brief description of each field in this section:

Current Fiscal Year Total Cost - The expense that will be incurred in the current fiscal year as a result of approval of the motion;

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Current Fiscal Year Net County Cost - The net cost to the county general fund that will be incurred in the current fiscal year as a result of approval of the motion.

Annual Net County Cost - The net cost (impact on the general fund) that will be incurred annually in future fiscal years as a result of approval of the motion.

In Current Year Budget - Indicates whether the costs indicated are already included in current year appropriations.

**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS POLICY**

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Budget Adjustment— Indicates whether the costs indicated require budget adjustments to amend appropriations. If budget adjustments are required, this should be included in the motion and adjusting entries attached on Schedule A.

For FY— Indicates to which fiscal year the costs apply.

Source of Funds— Describes or names the funding sources with which the cost will be covered. Examples include references to specific revenue sources, grants, state and federal resources, bond issues, retained earnings, contingency, designated fund balance, etc. Where multiple sources are listed, include the percentage of the cost each source covers (the total of the percentages should equal 100%). When describing a fund, it is only necessary to list the formal fund name as described by the Auditor-Controller's Office. It is not necessary to list the fund number.

7. ADDITIONAL INFORMATION: All Form 11's should include:

a. Original signature(s) of department head(s). In the event that the Form 11 is signed by other than the department head, the name and title of the signatory must be listed along with the statement "for (name of) department head."

b. When applicable, reference date(s) and agenda number(s) under "Prev. Agn. Ref."

c. Note affected Supervisorial District under "Dist." (i.e., 1, 2, 3, ALL, 2 & 3, 1/3).

d. Indicate in the left margin whether the item should be considered for the consent calendar or policy calendar. Consent items include, but are not limited to:

1. Proclamations;
2. Agreements between County departments and districts governed by the Board of Supervisors;
3. Canvass of Elections returns;
4. Requests to conduct/consolidate special elections;
5. Monthly Investment Transaction reports;
6. Quarterly Portfolio Disclosure reports;
7. Monthly Fund Statement reports;
8. Newspaper contracts for annual publication of published delinquent list;
9. Approval of public auction tax sale of tax defaulted property;

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**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS POLICY**

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- 10. Reports of cash overages/shortages in county funds
- 11. Appointment/reappointment of at-large members to advisory committees;
- 12. Approval for installation of traffic control devices, parking restrictions/prohibitions, curb loading zones, golf cart crossings, mid-block crosswalks, restriction of through trucks on local residential roads;
- 13. Adoption of 348 Ordinances relating to zone changes tentatively approved by the Board at a public hearing;
- 14. Approval of Findings of Facts for the abatement of nuisance cases approved by the Board at a public hearing;

e. Proper grammar, punctuation, capitalization and spelling. Substance is most critical, but style enhances readability and can save processing time. Use the active voice, avoid jargon, and consult the AP Stylebook for standard usage of capitalization, acronyms, abbreviations and usage. Thorough proofreading reflects well on the submitting department.

COMMENTS AND/OR CHANGES ON AGENDA ITEMS:

1. If the County Executive Office recommendation differs from the departmental request, the County Executive Office analyst for the department will review the differences with the department head and/or his/her representative.

2. As soon as possible, the department head will be given copies of all agenda items in which:

a. The County Executive Office recommendation is different from the departmental request, and/or;

b. The County Executive Office staff has added substantive written comments after consultation with the department.

AGENDA DEADLINES:

Of necessity, there are two deadlines:

1. County Executive Office: The deadline is noon on Monday of the week prior to the Board's Tuesday Agenda. (Note Board of Supervisors Policy A-5, Section 3). All items submitted must be complete, original copies, with all necessary sign offs and attachments.

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**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS POLICY**

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2. Clerk of the Board: The County Executive Office must submit all items to the Clerk of the Board on Wednesday, 1:00 p.m., of the week prior to the Board's Tuesday Agenda.

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The Clerk of the Board and the County Executive Office will adjust the above deadlines whenever a holiday impacts the regular schedule.

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AGENDA ITEMS REQUIRING MORE THAN THREE VOTES

A. 4. Certain actions by the Board of Supervisors require more than three votes to pass. It is the responsibility of the Executive Office to be alert to such items and ensure that the Form 11 reflects that the item requires at least 4/5th's or unanimous vote to pass.

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B. 2. ATTACHMENT *attachment II* – "VOTING REQUIREMENTS FOR THE BOARD OF SUPERVISORS" is a list prepared by County Counsel of those matters requiring more than three votes for approval. It should be noted that where a statute requires a two-thirds vote, only a four-fifths vote satisfies this requirement with a five-member board. Use this list as a guide when reviewing agenda items. County Counsel is authorized and directed to periodically update this list as necessary and appropriate.

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4. UPDATES TO ATTACHMENTS AND EXHIBITS

The County Executive Office will be responsible for updating the following attachments and exhibits as they pertain to Board of Supervisors Policy A-5. Any updates or revisions to these documents will not require the discretion of the Board of Supervisors.

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CHECK LIST FOR PROCESSING AGENDA ITEMS

CATEGORY	CHECK FOR:
GENERAL:	
Recommended motion	<input type="checkbox"/> Worded sufficiently as a legislative motion with clear and direct meaning and intent
Background	<input type="checkbox"/> Clearly and specifically outlines the justification

**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS POLICY**

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and background information supporting the motion

Multiple departments

- Signature of concurrence from affected department
- Signatures contained in the left hand margin on the Form 11

**HUMAN RESOURCES
MATTERS:**

Increase in number of authorized positions

- Human Resources Department approval regarding classification
- Availability and source of funds
- Statement regarding space availability and location

Change in classification

- Human Resources Department approval
- Availability and source of funds

Employment of private counsel to assist County Counsel

- REQUIRES 4/5 VOTE**

Reimbursement for damaged or personal property

- Compliance with Board Policy C-5

Reimbursement for employee training

- Compliance with Board Policy C-7
- Compliance with Board Policy D-4

FISCAL MATTERS:

All

- Auditor-Controller's Office approval

Financial data

- Consistent throughout documents

Adjustments of appropriations or estimated revenues

- Accuracy & validity of accounting strings
- Validity of adjustments
- Net balance of adjusting entries

**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS POLICY**

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- | | |
|--|---|
| Establishing revolving funds | <input type="checkbox"/> Availability of resources
<input type="checkbox"/> Legal or administrative necessity of establishing fund
<input type="checkbox"/> Validity of fund number |
| Rates and fees | <input type="checkbox"/> Soundness of data and assumptions on which rates and/or fees are based
<input type="checkbox"/> Formulation as part of budgetary and/or business plan
<input type="checkbox"/> Validity and conformance of method of deriving rates and fees with generally accepted accounting standards and industry methodologies |
| Contracts & agreements | <input type="checkbox"/> Contract amounts are accurately calculated based on stated fees and rates for services
<input type="checkbox"/> Contract amounts accurately match financial information on Form 11
<input type="checkbox"/> <u>County Counsel approval as to form</u> |
| Grant applications and approvals | <input type="checkbox"/> Compliance with Board Policy A-30
<input type="checkbox"/> County Counsel approval as to form |
| CONSTRUCTION CONTRACTS: | |
| General | <input type="checkbox"/> Competitively bid (if over \$10,000)
<input type="checkbox"/> Environmental assessment, if required
<input type="checkbox"/> State of availability and source of funds
<input type="checkbox"/> Compliance with Board Policy B-11
<input type="checkbox"/> <u>County Counsel approval as to form</u> |
| Sign-off of plans & specifications, as appropriate | <input type="checkbox"/> County Counsel
<input type="checkbox"/> User department(s)
<input type="checkbox"/> Facilities Management
<input type="checkbox"/> Information Technology |
| Alterations of building plans which increase costs, after adoption of plans & Specifications | <input type="checkbox"/> All of the above, as appropriate
<input type="checkbox"/> REQUIRES 4/5TH'S VOTE TO PASS
(unless the construction contract specifies that changes may be accomplished by three (3) votes) |

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BOARD OF SUPERVISORS POLICY**

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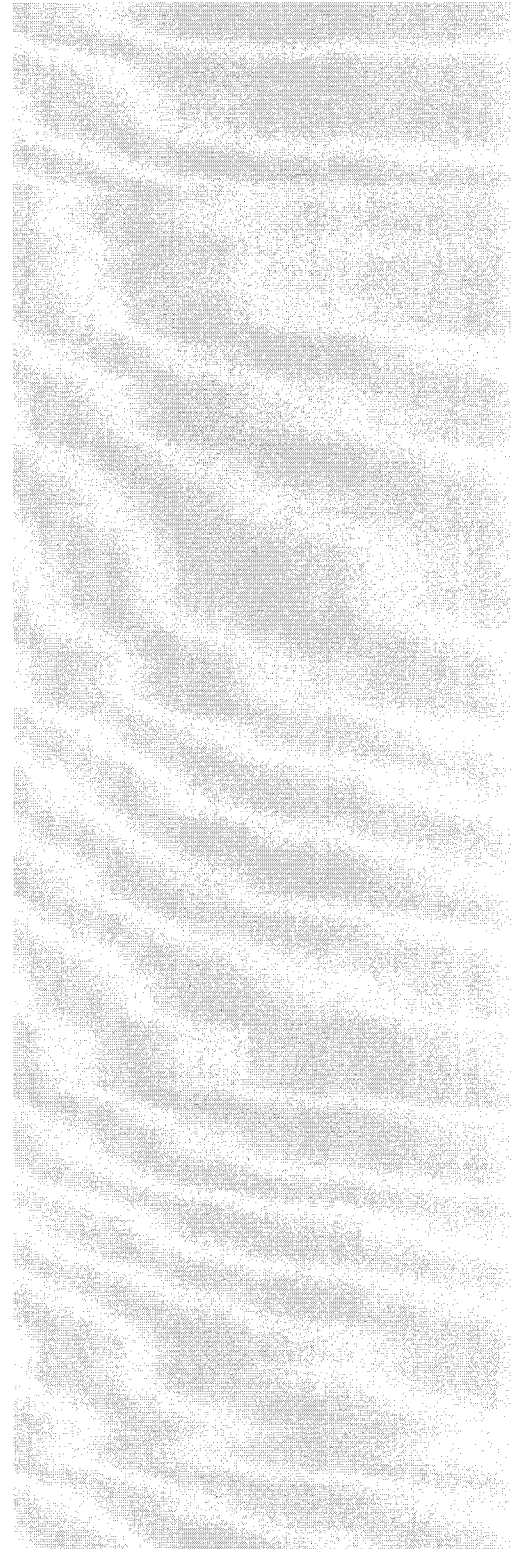
**REAL PROPERTY
AGREEMENTS:**

- | | |
|---|---|
| Acquisition of real property | <input type="checkbox"/> Preliminary title report
<input type="checkbox"/> Environmental assessment
<input type="checkbox"/> General Plan conformity
<input type="checkbox"/> Appraisal
<input type="checkbox"/> Relocation assistance
<input type="checkbox"/> Terms
<input type="checkbox"/> Deed
<input type="checkbox"/> County Counsel approval and/or preparation of documents
<input type="checkbox"/> Availability and source of funds |
| Sale, exchange or other transfer of County-owned real property or interests therein | <input type="checkbox"/> Public Notices
<input type="checkbox"/> Resolution of Intention to Sell or Lease
<input type="checkbox"/> Environmental Assessment, Appraisal, if necessary
<input type="checkbox"/> County Counsel approval or preparation of transfer agreement
<input type="checkbox"/> Public bid required, except as follows:
(1) Majority vote to approve if property no longer is necessary for county purposes, and value of property does not exceed \$10,000; or
(2) Four-fifth's (4/5th's) vote to approve if property is to be transferred to public entity or public corporation and not required for county use; or
(3) Majority vote to approve if property is to be transferred to public entity or public utility and interest in property is to be conveyed by easement and conveyance is in public interest and will not conflict with county's use of the property; or
(4) Four-fifth's (4/5th's) vote to approve exchange of property in order to remove defects in title or where property to be exchanged by county is not required and property to be acquired is required for county use. |

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BOARD OF SUPERVISORS POLICY**

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- | | |
|--|--|
| Lease, license or permit to use real property (owned by another party) | <input type="checkbox"/> County Counsel approval or preparation of lease, license or permit
Background to include:
<input type="checkbox"/> Names of parties
<input type="checkbox"/> Proposed use or activity
<input type="checkbox"/> Term (length of lease)
<input type="checkbox"/> Cost per square foot
<input type="checkbox"/> Monthly and annual cost
<input type="checkbox"/> Location
<input type="checkbox"/> Services provided
<input type="checkbox"/> Availability and source of funds
<input type="checkbox"/> Number of employee parking spaces
<input type="checkbox"/> Negotiation complies with Board Policy B-8 |
| Lease/license of County owned real property | <input type="checkbox"/> Environmental Assessment
<input type="checkbox"/> Appraisal
<input type="checkbox"/> County Counsel approval or preparation of lease or license
<input type="checkbox"/> Public bid required, except as follows:
(1) Four fifths (4/5th's) vote to approve lease of property devoted to or held for airport, vehicle parking fairground, park, amusement, recreation, employee cafeteria purposes, or industrial or commercial development incidental thereto or not inconsistent therewith; or,
(2) Majority vote to approve lease of property to a public agency, nonprofit corporation or nonprofit association if property will not be needed for county purposes, will be used to carry out a program (established or funded by county to meet social needs of county) that will serve public purposes and will be in the best interests of county and general public; or
(3) Unanimous vote to approve if property has monthly rental value of less than \$75.00; or
(4) Compliance with Board Policy B-8, B-9, B-10 and J-5 as appropriate. |
| EQUIPMENT:
Lease – Purchase | <input type="checkbox"/> Purchasing Agent approval
<input type="checkbox"/> County Counsel approval |



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BOARD OF SUPERVISORS POLICY**

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- Preferred source
- Compliance with Board Policy B-7, if cost exceeds \$1,000 and/or there is a buy-back option
 - Availability and source of funds
 - Purchasing Agent approval
 - County Counsel approval
- Heavy electrical load and/or heat-generating equipment
- Availability and source of funds
 - Compliance with Board Policy H-8
- Data Processing
Word Processing,
Communications
equipment
- Information Technology Director's approval
 - Compliance with Board Policy H-11

OTHER CONTRACTS & AGREEMENTS:

- Contracts and agreements other than construction, acquisition or lease of real property, and lease of equipment
- County Counsel preparation of documents or approval as to form
- Background to include:
- Names of parties to contract
 - Contract term
 - Contract amount
 - Availability and source of funds
 - If start date has passed, give reason
 - Compliance as appropriate with Board Policy A-18, H-7 and H-11
 - If over \$25,000, agreement must be approved by Board of Supervisors

ATTACHMENTS:

- Attachment I - Guidelines for Preparation of Board of Supervisors Agenda Items
 - Exhibit A - Examples of Budget Motion & Adjustments
 - Exhibit B - Examples of Purchasing Motions
 - Exhibit C - Other Sample Motions
 - Exhibit D - Findings and Determinations That an Item May Be Subsequently Added to the Agenda of the Board of Supervisors
- Attachment II - Voting Requirements for the Board of Supervisors

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**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS POLICY**

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AGENDA ITEMS REQUIRING MORE THAN THREE VOTES

1. ~~Certain actions by the Board of Supervisors require more than three votes to pass. It is the responsibility of the Executive Office to be alert to such items and, where appropriate, place on the request to the Board a notation (or stamp) that the item requires at least 4/5th's or unanimous vote to pass.~~
2. ~~Attached as "Attachment A" to Policy No. A-5 is a Below is a partial list prepared by County Counsel of those matters requiring more than three votes for approval. It should be noted that where a statute requires a two-thirds vote, only a four-fifths vote satisfies this requirement with a five-member board. Use this list as a guide when reviewing agenda items. County Counsel is authorized and directed to periodically update this list as necessary and appropriate.~~

A. Appropriation (Budget) Transfers

- ~~(1) Transfers from Contingency (Gov. Code 29130)~~
- ~~(2) Transfers of unanticipated revenue (Gov. Code 29130)~~
- ~~(3) Appropriations for an emergency (Gov. Code 29127)~~
- ~~(4) Exceeding budget in emergencies (Gov. Code 53792)~~

B. Board Agenda

- ~~(1) To consider an item not on the aAgenda, the Board must make findings that the need to take action arose after the aAgenda was posted. The vote on the matter requires at least four votes if five members are present; three votes if four are present and three votes if three are present. (Gov. Code 54954.2(b)(2)).~~
- ~~(2) To waive reading of text of an e Ordinance after reading its title-- unanimous vote of the members present (Gov. Code 25131)~~

C. Planning Matters

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**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS POLICY**

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(1) ~~Adoption of interim zoning ordinance as urgency measure (Gov. Code 65858)~~

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D. General Matters

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(1) ~~Contracts, changes or alterations which increase costs over the maximum allowed without advertising but are less than 10% of the original contracts (Pub. Contract Code 20137)~~

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(2) ~~Plans and specifications, for public buildings or structures, when changes increase costs (Pub. Contract Code 20135)~~

(3) ~~Bridge construction contracts, modification of contract or plans (Pub. Contract Code 20405)~~

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(4) ~~Cooperation with cities in road work (Sts. & Hy. Code 1680)~~

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(5) ~~City Streets - designation as a cCounty highway (Sts. & Hy. Code 1700)~~

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(6) ~~County roads, improvement through use of the gGeneral fFund monies (Sts. & Hy. Code 1070)~~

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(7) ~~Private roads, improvement and repair with cCounty funds (Sts. & Hy. Code 969.5)~~

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(8) ~~Road equipment, leasing of (Sts. & Hy. Code 942)~~

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(9) ~~Rights of Way Revolving Fund, establishment of (Sts. & Hy. Code 1627)~~

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(10) ~~Sale or lease of cCounty owned real property, adoption of resolution of intention to (Gov. Code 25526)~~

(11) ~~Lease of cCounty owned real property devoted to or held for airport, vehicle parking, fairgrounds, park, amusement, recreation (Gov. Code 25536)~~

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(12) ~~Transfer of cCounty owned property to a public entity or exchange of cCounty owned real property with public or private party (Gov. Code 25365)~~

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**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS POLICY**

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(13) ~~Condemnation Proceeding, adoption of resolution of necessity for (Gov. Code 1245.240)~~

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(14)* ~~County owned real property restricted by dedication or deed to park purposes, resolution of intention to abandon all or part of (Gov. Code 25583)~~

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(15)* ~~County property, conveyance to cities for park purposes without reimbursement unanimous vote of members present, (Gov. Code 25550 and 25550.5); cCounty aid to cities for park purposes "four-fifths vote of all its members" (Gov. Code 25553); dDedication of unused parklands "four-fifths vote of all its members" (Gov. Code 25560.4)~~

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(16)* ~~Cash sale or lease of any property, not required for public use, at a noticed public auction, four-fifths vote; sale or lease at an unadvertised, private sale can be authorized by simple majority, but only after the Board unanimously finds that the value of property does not exceed \$500, monthly rental value is less than \$75.00, or it is a product of a cCounty farm (Gov. Code 25363)~~

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(17) ~~Property acquisition for airport purposes by purchase, condemnation or lease; Resolution for cCounty aid (Gov. Code 26021)~~

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(18) ~~Airports, contribution of funds to U.S. Government (Gov. Code 26026)~~

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(19) ~~Special Assessment District, exceptions to proceedings relating to sanitary projects (Sts. & Hy. Code 2808)~~

(20) ~~1911 Act, mMajority pProtest, over ruling of protest (Sts. & Hy. Code 5222)~~

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(21) ~~County sanitation, maintenance and flood control district loans, establishment of revolving fund (Gov. Code 23014)~~

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(22) ~~County Service Area Loans, establishment of revolving fund for making loans (Gov. Code 25210.9c)~~

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(23) ~~County Service Area, extension of period for repayment of loans (Gov. Code 25210.9b)~~

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**COUNTY OF RIVERSIDE
BOARD OF SUPERVISORS POLICY**

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- ~~(24) Records, destruction of public records more than two years old, prepared and received pursuant to sState law, and otherwise required to be kept, when found to be no longer required to be preserved (Gov. Code 26202)~~
- ~~(25) Delinquent Accounts aAssignment to a collection agency (Gov. Code 26220)~~
- ~~(26) Emergency oOrdinance for preservation of public peace, health or safety to become effective immediately (normally requires 30 days for ordinance to become effective) (Gov. Code 25123 and Election Code 3754)~~
- ~~(27) Destruction of records exposed to asbestos (Gov. Code 26202.5)~~
- ~~(28) Adopt or amend a general plan element, zoning ordinance, building regulation or airport master plan that has been found by the Airport Land Use Commission to be inconsistent with the adopted Airport Land Use Plan (Pub. Util. Code 21676)~~
- ~~(29)* Replacement of annual sSpecial aAudit with a biennial audit for sSpecial dDistricts. Requires unanimous request of governing board, and unanimous approval of the Board of Supervisors (Gov. Code 26902(e))~~
- ~~(30) Employ counsel to assist District Attorney, County Counsel or other counsel for the cCounty (Gov. Code 25203)~~
- ~~(31)* Conveyance of real property to Hospital District - 5 votes; Grant of capital outlay fund to Hospital District - 4 votes (Gov. Code 25368)~~
- ~~(32) Resolution negating public bidding (Pub. Contract code 20150.10)~~
- ~~(33) Designation of wWildflower reserves (Gov. Code 25600); Abolition of Board of Forestry (Gov. Code 25638)~~
- ~~(34) Conveyance to Agricultural Association for fairground (Gov. Code 50332)~~

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