



ADMINISTRATIVE MEMORANDUM COUNTY OF SAN MATEO

NUMBER: B-4

SUBJECT: Board Agenda Procedures

RESPONSIBLE DEPARTMENT: County Executive/Clerk of the Board

APPROVED: Michael P. Callagy, County Executive **DATE:** 4/13/2022

PURPOSE

The purpose of this Administrative Memorandum is to set forth the policies and procedures related to the process for preparing Board agenda items. These procedures standardize the agenda process. Any questions or requests for exceptions to these guidelines should be directed to your assigned County Executive Analyst. This memorandum replaces Administrative Memorandum B-4 dated September 1, 2020. The revisions set forth in this memorandum include updates to the titles of positions included in the Board agenda process.

This memorandum is divided into two sections. The first section provides a brief overview of the agenda process. The second section outlines the procedures and requirements for preparing and submitting agenda items including Board memoranda, ordinances, resolutions, proclamations, honorary resolutions, reports, agreements, and ATRs.

I. AGENDA PROCESS

The Board of Supervisors (the "Board") usually meets twice a month on Tuesday mornings at 9:00 a.m. The Board's annual regular meeting schedule is prepared and distributed to the public and County departments prior to the beginning of each calendar year. The meeting schedule is also posted on the Board's website.

The Board's meeting agendas are prepared and posted to the Board of Supervisors' website through a cloud-based application called Legistar. The following is an overview of the agenda process:

- The Legistar application provides standardized templates for Board memoranda. The templates for County agreements are available on the County's intranet website, and templates for resolutions, ATRs, proclamations, and honorary resolutions, are available on the SharePoint Legistar website:

<https://smcgov.sharepoint.com/teams/CMO/Legistar/Templates/Forms/AllItems.aspx>

- Legistar is an agenda management and approval tracking system used to record the approval of agenda items by Department Heads, Department Attorneys, County Executive Analysts, Agenda Administrators, and the County Executive.
- The contents of the agenda packets vary depending on the action being taken and are explained in detail in Section II. County departments including the County Attorney's Office, Controller, Risk Management, Real Property Services, and Information Services may be required to review agenda items before submission and approve items in the Legistar system.
- The entire agenda packet (including memoranda, resolutions, executive summaries, ordinances, ATRs, proclamations, honorary resolutions, agreements, exhibits, Request for Proposals (RFP) matrices, and any other attachments) must be submitted through Legistar.

The timeline for the preparation and publication of the agenda is as follows:

- Two Thursdays before the distribution of the draft agenda packet for the Agenda Review meeting (*i.e.*, approximately 25 days prior to the Board meeting date), staff must complete Board agenda items in Legistar and start the approval sequence process.
- The Agenda Administrators in the County Executive's/Clerk of the Board's Office review the completed agenda items in Legistar and prepare the draft agenda, which lists all the items scheduled for the Board meeting.
- Any items that are not entered into Legistar two Thursdays before Agenda Review will not be included on the agenda. Exceptions to this rule must be approved by the Deputy County Executive assigned to the department with respect to department items, or the County Executive for any other items. If a late item is submitted by Board legislative staff, then the item must be approved by the County Executive. If approved for inclusion in the agenda, staff should email the Agenda Administrators to confirm the addition and cc the Deputy County Executive and Department Head, as applicable.
- On the Monday before Agenda Review, the Agenda Review Committee (comprised of the County Executive, Deputy County Executives, County Executive Analysts, County Attorney's Office Management Attorneys, and other department representative(s)) receives the draft agenda via email from the Agenda Administrators.

- Two Thursdays before the scheduled Board meeting (*i.e.*, 12 calendar days prior to the Board meeting), the Agenda Review Committee meets and reviews the draft agenda and may suggest changes to items.
- At the Agenda Review meeting, the County Executive determines whether items will be scheduled on the Regular Agenda or Consent Agenda. Regular Agenda items are recognized and voted on individually by the Board. Consent Agenda items are a group of items approved by the Board in one vote.
 - As a general matter, contracts or other items exceeding \$1,000,000 will be placed on the Regular Agenda.
 - If revisions to an item are requested during Agenda Review, staff attending the Agenda Review meeting will make note of the necessary revisions. Additionally, the Agenda Administrators may contact the appropriate staff to notify them of the requested changes.
 - Items to be revised will be returned to staff by the Agenda Administrators in Legistar. Staff will then have access to their item in Legistar to make the necessary revisions and should work with their County Executive Analyst with respect to such changes.
 - Once the revisions have been made, staff will route the item back to the appropriate County Executive Analyst for review before uploading the item to Legistar for approval.
- As a general rule, staff must return the revised agenda items to the Agenda Administrator through Legistar by no later than 5:00 p.m. on the day after Agenda Review (*i.e.*, 11 calendar days prior to the Board meeting). If staff is unable to return the revised agenda item to the Agenda Administrators by 5:00 p.m. on the day after Agenda Review, then the County Executive may move the item to a subsequent Board meeting date.
- As early as 5:00 pm on Wednesday before a regular meeting, which is six calendar days before the scheduled meeting, the Agenda Administrator publishes the agenda to the County's Legistar publishing website.

The dates above are subject to accelerated deadlines based on holidays as noted in the Legistar Approval Workflow Schedule, which can be obtained from the County Legistar website or by contacting the Agenda Administrators.

II. PREPARING AND SUBMITTING AGENDA PACKETS

The contents of each type of agenda packet and the specific requirements for each type of submission are presented below. Contact the Agenda Administrators with questions.

The following general requirements should guide the preparation of agenda packets:

A. Board Memoranda

A memorandum (sometimes referred to as the “Board Memo”) is required for all items presented to the Board of Supervisors. The Legistar Board memorandum template must be used and should not contain any headers or footers.

General Style Notes

- Brevity and clarity should guide the drafting of Board memoranda as well as staff reports and other attachments. Board memoranda in particular should use clear and concise language, avoid the use of jargon, and explain the item in a manner that would adequately inform an unfamiliar reader.
- In most cases, Board memoranda should not include statements such as “refer to . . .” or “see the attached . . .” In instances where it is necessary to reference other documents, those referenced items must also be uploaded as attachments to the memorandum in Legistar.
- Resolutions and agreements should be included in the “Attachments” tab of the item in Legistar.
- The words “resolution,” “ordinance,” “agreement,” and “amendment” should be lowercase unless referencing a specific number (e.g., Resolution No. 012345 or Ordinance No. 1234).
- References to the Board or past Board actions should reference “the Board” or “this Board.” Additionally, references to the County of San Mateo should read “the County.”
- Acronym use is acceptable so long as the acronym is used more than once and the full name or phrase from which the acronym is derived is explained in connection with its first use.
- “Person First” language should be used in Board documents. For example, “people experiencing homelessness” should be used instead of “homeless people” or “the homeless.”

- The use of gendered pronouns in Board documents should be avoided. For example, when referring to a position and designee, the proper phrasing is “The Director of Department X or the Director’s designee,” as opposed to “The Director of Department X or his/her designee.”

The Board memorandum format includes ten sections: Heading, Notice and Vote Requirements, To, From, Subject, Recommendation, Background, Discussion, Performance Measures (as applicable), and Fiscal Impact. It is important to follow the established format and content.

All memoranda should be approved by the department head (or a division head via the department head) through the Legistar approval tracking system. Staff should use the standard memorandum template provided in Legistar.

Below is an outline of the contents of the Board memorandum template:

SPECIAL NOTICE/HEARING: [Type Here]
VOTE REQUIRED: [Type Here]

TO: Honorable Board of Supervisors

FROM: [Department Head name, Title]

SUBJECT: The subject line should be a brief, one-line statement on the action requested. It is not a word-for-word match of the recommendation.

Special Notice/Hearing: “Special Notice/Hearing” will read “None” for items requiring the standard notice, which consists of posting the agenda 72 hours prior to the meeting. If other notice or a hearing is required, such as “10-Day Notice, Public Hearing,” it should be stated here. The Department is responsible for ensuring such special notice has been provided and that this section is properly filled out.

Vote Required: “Vote Required” should be indicated as “Majority” in Legistar unless a special vote requirement is applicable to the item presented. If a special vote is required, such as a “four-fifths vote,” it should be indicated on the Board memorandum in Legistar. Examples of when a four-fifths vote is required include, but are not limited to, the establishment of a revolving fund for use by certain districts; certain emergency action items; ATRs adding to the adopted budget; rejecting a construction bid to declare that the project can be performed more economically by the employees of the County; the assignment of delinquent bills for collection; certain transfers of real property; and any ordinance to preserve peace, health or safety to make it effective immediately

instead of in 30 days. Departments should check with their assigned Deputy County Attorney if they have questions about the vote requirements for a proposed Board action.

Recommendation: Concisely and specifically states the recommended Board action. For proposed contracts, this should include the service provided, the term, and the amount. The recommendation should contain the same language as the title of the resolution, where applicable, and begin with an action verb (*e.g.*, approve, adopt, accept). **Measure K** items should include, in bold font, “**Measure K:**” before the recommendation title.

Examples:

- Adopt a resolution authorizing the execution of an agreement with (*name of company*) to provide (*what services*), for the term of (*start and end date of agreement*), in an amount not to exceed \$000,000.
- Introduce an ordinance (*describe what the ordinance is for*) and waive reading of the ordinance in its entirety.
- Adopt an ordinance (*describe what the ordinance is for*), previously introduced on (*enter Board meeting date of the first reading*) and waive reading of the ordinance in its entirety.
- Adopt an amendment to the Salary Resolution...
- Approve an Appropriation Transfer Request (ATR) in the amount of \$000,000 from (*what Category/Expenditure*) to (*what Category/Expenditure*) for (*the reason for the transfer*).
- Accept a report on (*briefly describe topic*).

Background: A brief history of the proposed action, along with any prior Board action related to the proposal. This includes Board dates, resolution numbers, financial history, and original contracts, including any related amendments, change orders, or like documents.

Discussion: A brief description of the recommended Board action. When applicable, the following points should be covered:

- Clearly state the objective of the proposed action and how the proposed action will meet the stated objective.

- Describe the change in current activities or new activity that the proposed action will create. The specific activity and proposed action must be clearly discussed in non-technical terms. Any service impacts should be explained.
- Alternatives to the proposed action should be briefly discussed with an indication as to why those alternatives are not recommended.
- Whenever an RFP process is used in awarding an agreement, the RFP matrix must be included as an attachment to the Board memorandum. If an RFP waiver is requested, departments should discuss why it is in the best interest of the County to grant the waiver. Examples of such rationale for RFP waivers may be found in Administrative Memorandum B-1.
- Discuss any waivers or modifications to the Living Wage Ordinance, Contractor Employee Jury Service Ordinance, or non-discrimination clause.

Describe the involvement of other departments in developing the recommendation for the proposed action, including review by the County Attorney's Office, Risk Management, Real Property Services (for items involving County owned property, the use of real property by County staff, or facilities leased by the County), Information Services (for all information technology initiatives), the Procurement Manager, and other County officials. Example of approval language: The County Attorney's Office (*or insert applicable department or title*) has reviewed and approved the resolution and agreement (*or insert applicable document*) as to form.

Performance Measures: All memoranda that involve the use of Measure K funds must include the performance measure section. Include a narrative regarding expected performance and anticipated outcomes and one or two quality ("how well is it done?") or outcome ("is anyone better off?") performance measures. For other types of contracts, Performance Measures should be included consistent with the County Executive's guidance.

- Quality measures reflect how well a service is being provided. These types of measures focus on satisfaction, completeness, compliance, cost, efficiency, and timeliness of the service being provided.
- Outcome measures demonstrate the effect the service had on a given program area or population. For example, improvement in skills, attitudes, behaviors, or circumstances.

If Performance Measures are required, staff can either include performance measures that are part of the agreement or develop specific measures taken from the scope of work.

Example:

Measure	<i>(Insert 1 year prior)</i> Actual	<i>(Insert current year)</i> Estimate	<i>(Insert contract term FY)</i> Target
Average Customer Service Rating for the County Veterans Service Office	98%	94%	95%

Other examples of performance measures include:

Quality (“How Well Is It Done?”) Measures:

- Percent of *(customers/patients/clients)* indicating satisfaction with *(describe treatment/procedure/service)*.
- Percent of *(describe activity/work)* completed on schedule *(describe timeline)* and within *(describe budget/cost)*.
- Number and percent of *(customers/patients/clients)* requesting *(describe service)* and receiving it.
- Percent of *(describe activity)* in compliance with *(describe standards)*.

Outcome (“Is Anyone Better Off?”) Measures:

- Percent of *(customers/patients/clients)* with improved condition within *(define timeline)* following *(describe treatment/procedure/service)*.
- Number and percent of *(customers/patients/clients)* showing progress in *(describe treatment/procedure/service)*.
- Percent of *(describe project goals)* that are met.

Fiscal Impact: This section must include the cost of the recommended action and the source of financing for the recommendation. The following points should be covered:

- Discuss the cost implications of the proposed action, including both gross cost and Net County Cost. If there is no Net County Cost associated with the proposal, specifically state there is no Net County Cost.
- State whether funding for the proposed action is included in the current or upcoming budget (see Exhibit A attached to this Administrative Memorandum), or, if it is not, how the activity will be financed. If funding is included in the current or upcoming budget, reference relevant amounts and programs as they are described in the budget as well as the specific budget cycle as shown in Exhibit A.
- Identify any revenue associated with the proposed action.
- Describe the time period covered by the proposed action, including specific agreement terms and any potential or actual commitments beyond those dates.

Example:

The term of this agreement is from July 1, 2020 through June 30, 2021 for an amount not to exceed \$150,000. This agreement is funded entirely through the Community Development Block Grant (CDBG). Funds have been included in the FY 2020-21 Recommended Budget. There is no Net County Cost.

B. Ordinances

- An ordinance in its usual sense means a local law. It is a formal legislative enactment of the Board that generally prescribes some permanent rule of conduct or government that remains in force until the ordinance is repealed.
- Ordinances and their amendments have specific public notice requirements. It is the department's responsibility to ensure that proper notification occurs. Ordinances involving the setting or amending of fees, for example, usually require public notice prior to the Board's introduction of the ordinance. Staff should consult with the County Attorney's Office for guidance regarding public notice requirements.
- Ordinances generally require a first reading to "Introduce" and a second reading to "Adopt." The Board may adopt the ordinance with the second reading, and the ordinance will become effective 30 days after adoption. (Urgency ordinances follow a different process; consult the County Attorney's Office for guidance.) The Agenda Administrators will automatically place the first reading of an ordinance on the regular agenda and will include ordinances on the agenda for a second reading at the Board meeting following the first reading unless the Board requests that it be moved to another Board meeting date. A new Board memorandum and associated documents is not necessary for the second reading unless requested by the Board.
- Staff is required to submit all ordinances to the Agenda Administrators through Legistar.
- Following adoption of an ordinance, certain publication requirements may apply. Consult the County Attorney's Office and the Agenda Administrators with respect to such publication issues.

C. Resolutions

- A resolution is one of several ways the Board can take official action on behalf of the County. In contrast with ordinances, which are the equivalent of local laws or statutes, resolutions may also be used for actions that are less formal.
- Resolutions such as those involving the setting or amending of fees usually require public notice prior to the Board's consideration of the resolution.

- Do not submit the signature page on resolutions. The Clerk of the Board affixes signatures after adoption.
- The title of the resolution should be exactly the same as the language included in the recommendation of the Board memorandum and should not contain acronyms.
- When amending an item (such as an agreement) which was approved in a prior resolution, the resolution approving the amendment should reference the original resolution number. See the example below:

WHEREAS, on August 3, 2003, the Board of Supervisors, by Resolution No. 066514, approved an Agreement in an amount not to exceed \$200,000, for the term of August 15, 2003 to August 15, 2004, with Unisys Corporation to provide the Human Services Agency with design and installation of data/voice wiring at Quarry Road; and

- For resolutions authorizing the execution of a contract, the resolution should include a recital that briefly specifies the services to be provided, the contract term, and the 'not to exceed' amount set by the contract. See the example below:

WHEREAS, both parties now wish to enter into an agreement, to provide *(describe additional services)* for the period of *(contract start date)* to *(contract end date)*, for an amount not to exceed \$ _____; and

- For resolutions authorizing the execution of a contract amendment increasing the contract amount, the resolution should include a recital that describes, where applicable, the additional services, the amount the contract is being increased, the revised total contract 'not to exceed' amount, and the revised contract term. See the example below:

WHEREAS, both parties now wish to amend the Agreement, to provide *(describe additional services)* for the period of *(contract start date)* to *(contract end date)* and to increase the amount by \$ _____, for a total obligation not to exceed \$ _____; and

- If an RFP waiver is requested, the resolution should also include a waiver of the RFP process. The recitals should describe the reasons why the waiver is in the best interest of the County, and the approval of the waiver of the RFP process should be stated in the "Now Therefore It Is Hereby Determined and Ordered" section of the resolution.
- Departments should consult their assigned Deputy County Attorney for guidance on the resolution.

- Other style notes for resolutions:
 - Refer to Section II.A. of this Administrative Memorandum for direction on referencing the Board and/or County, gendered pronouns, and acronyms.
 - Each recital paragraph should be a single sentence, ending in a semicolon followed by “and,” with the exception of the final clause of the proposed action.
 - Numbers should not be spelled out but are also not contracted. For example, “\$1,000,000” is correct, while “\$1 million” and “\$1M” are incorrect.
 - The Fiscal Impact section should not be included in a resolution.

D. Agreements

- All agreements and amendments must be accompanied by a resolution in Legistar.
- The agreement should be signed by the contractor (with the exception of some state, federal, or other county or city contracts) before uploading the item to Legistar.
- Agreements must include a signature line for the President of the Board. Agreements that are presented to the Board for approval should not be prepared for signature by a County department head. The approved signature block format is:

COUNTY OF SAN MATEO

By: _____
[Type President’s Name]
President, Board of Supervisors, San Mateo County

Date: _____

ATTEST:

By: _____
Clerk of Said Board

- The agreement must include the Board-approved language for the enforcement of the County’s non-discrimination clause. If modifications to this language are made or a waiver requested, County Executive approval must be obtained prior to submittal of the agenda item to the Clerk of the Board’s Office. Any waiver or modification to

the non-discrimination clause must be addressed in the discussion section of the Board memorandum.

- If contractor is not in compliance with the County's Living Wage Ordinance or the Contractor Employee Jury Service Ordinance, a waiver must be obtained from the County Executive. The approved waiver form must be included in the agenda packet. Departments should address the waiver in the discussion section of the Board memorandum.
- Departments requiring additional information on preparing agreements should refer to Administrative Memorandum B-1: Selection of Independent Contractors and any additional guidance promulgated by the County Executive or Procurement Manager. A Board memorandum template for agreements can be found on the Agenda Administrators' SharePoint website.

E. Appropriation Transfer Requests (ATRs)

- All ATRs requiring Board approval must be approved by the Controller and the County Executive and included in the agenda packet submitted to the Clerk of the Board through Legistar.
- ATRs Requiring Board Approval: See Administrative Memorandum B-15 for guidance regarding which ATRs requiring Board approval and whether a simple majority or supermajority approval of the Board is required.

Before the Board meeting, departments must submit the ATR to the Controller for signature, and then to the County Executive's Office for signature through DocuSign. Once signed, the ATR will be returned to the submitting department through DocuSign. It is the responsibility of the department to upload the fully signed ATR into Legistar.

- For agenda items which only recommend approval of an ATR and contain no other recommendations, a separate resolution is not required because the ATR form itself includes a resolution.

F. Proclamations, Honorary Resolutions, and Commendations

- These requests should be submitted directly to the President of the Board of Supervisors for review and pre-approval prior to processing and placement on an agenda.

G. Time-Certain Items

- Time-certain items include:

- Items for which a public notice included a specific time; or
- Other items deemed appropriate by the County Executive or Board President.
- Time-certain items and any other items requiring notice are the responsibility of the departments.
- Staff should email the Agenda Administrators separately identifying any time-certain items when the item is entered into Legistar.

H. Measure K District-Discretionary Board Items

- For district-discretionary Measure K grants, Board staff are responsible for drafting the Board memorandum and resolution, obtaining review from the County Attorney's Office and the County Executive's Office, and uploading the items into Legistar using the templates provided on the SharePoint Legistar website.
- Each District shall designate one approver as well as one alternate for agenda items. It is important that staff adhere to the Legistar agenda schedule deadlines in order to meet the requested Board meeting date. Refer to the SharePoint Legistar website for additional guidance including Board-approved guidelines for district-discretionary Board items.

I. Other Document Processes

- All agreements, ordinances, resolutions, and other legal documents must be reviewed and approved by the County Attorney's Office as part of the workflow review process. When a request for revision to the content of the item is made at Agenda Review or at the Board hearing, these revised legal documents must be reviewed and approved by the County Attorney's Office again and returned to the Agenda Administrators through Legistar for final approval.
- All items submitted for inclusion on the Board's agenda must include relevant ATRs (already approved by the Controller and County Executive) and/or Salary Resolutions. Departments should coordinate with Human Resources and the Controller's Office to ensure that Salary Resolutions and ATRs are completed in time to be submitted with the appropriate agenda items. In the case of new positions or departmental reorganizations, departments should request Human Resources to prepare a Salary Resolution amendment and send it to the department to be included in the agenda item.
- Items concerning new positions or departmental reorganizations, which contain amendments to the Master Salary Resolution, should be addressed by the

department requesting the action, not from Human Resources. However, Human Resources will continue to prepare the Board memorandum and Salary Resolution for reclassifications.

J. Labeling of Documents in Legistar

- When uploading your agenda item's documents into Legistar, each document type should be labeled in a specific way in order for the system to identify document types and assign enactment numbers appropriately. Documents that are not properly labeled may not be identified for enactment numbers (e.g., resolution numbers).

- Below are the naming conventions for each document type:

Resolution: "YYYYMMDD_r_Item Title"
e.g. 20191231_r_Housing Budget

Ordinance: "YYYYMMDD_o_Item Title"
e.g. 20191231_o_Housing Budget

Introduction of ordinance: "YYYYMMDD_io_Item Title"
e.g. 20191231_io_Housing Budget

Agreement: "YYYYMMDD_a_Item Title"
e.g. 20191231_a_Housing Budget

Proclamation: "YYYYMMDD_p_Item Title"
e.g. 20191231_p_Housing Budget

Honorary Resolution: "YYYYMMDD_hr_Item Title"
e.g. 20191231_hr_Housing Budget

Appropriations Transfer Request (ATR): "YYYYMMDD_atr_Item Title"
e.g. 20191231_atr_Housing Budget

RFP Matrix: YYYYMMDD_att_RFP Matrix
e.g. 20191231_att_RFP Matrix

For ANY attachment not listed above such as pictures or PowerPoint or other presentation materials: "YYYYMMDD_att_Item Title"
e.g. 20170411_att_Housing Budget

- Memoranda do not need naming conventions in Legistar, as they are generated from within the system in the "Agenda Memo" tab.

Exhibit A

TWO YEAR BUDGET - FISCAL IMPACT TERMINOLOGY



