

CHAPTER 2.02 DEFINITIONS

2.02.01 Definitions

2.02.01 Definitions

For purposes of this Title and Title 3, the following words are hereby defined:

"Board" shall mean the Glenn County Board of Supervisors.

"Board Action" shall mean action taken by motion, seconded and passed by the required majority of the members of the Board.

"Board Chairman Direction" shall mean a directive by the Chairman.

"Chairman" shall mean the member elected Chairman of the Board of Supervisors, pursuant to the provisions of Chapter 2.08 hereof. Chairman shall also mean the Vice Chairman or other officer presiding in his or her absence.

"Clerk" shall mean the County Clerk as ex officio Clerk of the Board of Supervisors.

"Department Head" shall mean any Glenn County Department Head, elected or appointed.

"Emergency Matter" shall be a matter relating to the immediate preservation of the public peace, health or safety, or a matter which, for the County or public interest, requires Board action prior to the time of the next special or regular meeting of the Board.

"General Consent" shall mean the unanimous affirmation of Board Chairman direction.

"Matter" shall mean an item of business.

"Member" shall mean a member of the Board of Supervisors.

"Minutes" shall mean the official record of Board proceedings.

"Public" shall mean persons including representatives of other governmental agencies other than members or Department Heads.

"Question" shall mean a matter which has been moved, seconded and is ready for the vote of the members of the Board.

"Regular meeting" means a regular meeting of the Board held pursuant to the provisions of the Glenn County Code.

"Special meeting" means a meeting called by the Chairman or a majority of the members of the Board as provided by law, which is restricted to the business for which called.

"Study session" means a meeting of the Board during which no action is scheduled to be taken by the Board and which is held in conjunction with a regular meeting or as a special meeting to facilitate discussion among Board members and county staff members on particular subjects or presentations of particular matters to the Board for its information or future consideration.

"Vice Chairman" shall mean the member elected Vice Chairman of the Board of Supervisors pursuant to the provisions of Chapter 2.08 hereof.

CHAPTER 2.04 AGENDA

- 2.04.01 *Format*
- 2.04.02 *Scheduling Deadlines*
- 2.04.03 *Information Requirements*
- 2.04.04 *Late Items*
- 2.04.05 *Emergency Matters*
- 2.04.06 *Unscheduled Matters*
- 2.04.07 *Requests to Place a Matter on the Board Agenda*
- 2.04.08 *Commercial Solicitations*
- 2.04.09 *Supplemental Information*
- 2.04.10 *Special Instructions to the Clerk of the Board*

2.04.01 Format

The agenda for regular meetings of the Board of Supervisors will be prepared according to the following format:

- A. Call to Order.
 - B. Pledge of Allegiance to the Flag of the United States of America.
 - C. Approval of Minutes.
 - D. Public Input and Non-Agenda Items for discussion only or future scheduling.
 - E. Business Consent shall include non-controversial items for which further discussion may not be required. Some examples of non-controversial items are:
 - 1. Contracts with the State and Federal government that are renewed annually and that have no substantial changes.
 - 2. Requests for increased purchasing authority when the original contract has been approved by the Board and the request is within budget authority.
 - 3. Proclamations and resolutions that will not be presented at the Board meeting.
 - 4. Letters for ratification that meet the policy of additional information on a subject on which the Board has taken action.
 - 5. Items that are considered “information only” and that will not be forwarded to a department for action.
 - 6. Items that request approval to go out for formal bid. Bid awards should not be in Business Consent.
 - 7. Items for approval where the funding source has dictated the method of purchase.
 - 8. Amendments to approved contracts that do not substantially change the contract.
 - F. Business Appointments shall include public hearings and appearances before the Board by any individual or group at a specified time. The agenda shall indicate the time of any study session scheduled to be held in conjunction with a regular meeting.
 - G. Business-No Appointments shall include all items which will require formal Board action for which an appointment has not been set.
- Any Board Member can request that any item on the Consent Agenda be pulled for discussion and action.
- H. Legislation shall be listed on an as needed basis, and shall include necessary information for the Board to make an informed decision.
 - I. Boards, Commissions, Committees and Special Districts (BCCD’s) shall include resignations, appointments/reappointments and vacancies of those BCCD’s in which the Board is the appointing authority.
 - J. All Correspondence received by the Board of Supervisors that will not require formal Board action will be placed in a reading file in the Board Office. Any Board member or department head may place an item of correspondence on the agenda.

K. Reports and Notices shall include all items of information which will not require formal board action.

2.04.02 Scheduling Deadlines

A. All items to be placed on the agenda shall be presented to the Clerk of the Board not later than 5:00 p.m. on the Tuesday preceding the regular meeting for which the agenda is prepared.

B. Items that require review and approval for personnel, legal, and/or financial matters shall be submitted to the appropriate department head prior to being submitted to the Clerk of the Board. Timelines for such matters are as follows:

- (1) Personnel related matters shall be submitted to the Personnel Director by 12 noon on the Friday preceding the Tuesday agenda deadline;
- (2) Legal related matters, such as Resolutions, Ordinances, and applicable contracts shall be submitted to County Counsel by 4:00 p.m. on the Friday preceding the Tuesday agenda deadline;
- (3) Financial/funding related matters shall be submitted to the Director of Finance by 12 noon on Tuesday, same day as of agenda deadline

C. If that Tuesday is a legal holiday, all items to be placed on the agenda shall be presented to the Clerk of the Board not later than 5:00 p.m. on the preceding Monday.

D. Items not received by the above stated applicable deadline, will be held for the next available agenda.

E. The Clerk of the Board shall prepare a summary of each item on the agenda in sufficient detail to give the members of the Board of Supervisors a general understanding of the nature of the matter to be considered. Items of a similar or related nature shall be grouped on the agenda.

F. Not later than 5:00 P.M., on the Friday preceding the meeting concerned, the Clerk of the Board shall prepare an agenda and provide a copy thereof to each member of the Board of Supervisors and to all local news media. In addition, one copy shall be posted on the Courthouse bulletin board. In the event that Friday is a legal holiday, the Clerk of the Board shall provide and post copies of the agenda not later than 5:00 P.M., on Thursday.

2.04.03 Information Requirements

In submitting items for the agenda, the following requirements should be noted:

A. The original and eight (8) copies of all items and any backup information such as a letter, resolution, proposal, ordinance or any other informational material shall be furnished to the Clerk of the Board by the agenda scheduling deadline.

B. All contracts or agreements, ordinances and Resolutions shall be reviewed and approved as to form by County Counsel before submission to the Clerk of the Board for placement on the agenda. The department responsible for the item shall obtain such review and approval. If a contract has not received such approval, the Department Head shall state in writing the reason for such failure. Unless specifically requested by the Board or Department Head, such review and approval need not be obtained for State of California Form Standard Agreements.

C. All Personnel related items are to be submitted to the Personnel Department for review and recommendation prior to scheduling on the Board's agenda. These include, but are not limited to, the following:

- (1) Requests for new positions;
- (2) Requests for classification studies;
- (3) Advanced step hiring appointments beyond Step C; and
- (4) Exceptions to the standard employment practices.

2.04.04 Late Items

A. The Board of Supervisors discourages the taking of any action or considering items not on the agenda. While the Board realizes that the departments must meet certain deadlines and some items cannot help but be brought up unannounced, it is **emphasized** that sufficient time be allowed for the processing and review of the items prior to Board action.

B. If a department submits subsequent documents to an item listed on the agenda after the posting of the agenda, it will be considered a late item and will be pulled from the agenda and returned to the department. The department may resubmit the item for a future agenda with the documentation revised to reflect the appropriate meeting date.

2.04.05 Emergency Matters

Nothing herein set forth shall prevent the Board of Supervisors, with the consent of a majority of all Board members, from considering emergency matters at any time during a regular meeting.

2.04.06 Unscheduled Matters

A. Any member of the public may address the Board of Supervisors on any topic or matter not on the regular agenda which is within the jurisdiction of the Board during the Unscheduled Matters portion of a regular scheduled meeting. Comments shall be limited to three (3) minutes per speaker. The time limit may be waived at the discretion of the Board.

B. Any member of the public may address the Board of Supervisors on matters that are listed on the agenda, whether to a public hearing or not, only at the prescribed time the matter is scheduled and/or announced by the Chairman of the Board. The same time limit will apply as stated in (A) above.

C. Unless a matter qualifies for an exemption under provisions of Government Code Section 54950.2(b), action or Board discussion cannot be taken on Unscheduled Matters, unless, by a majority vote of all Board members present, that it is determined to be an emergency or urgency matter that requires immediate action, upon identifying the matter prior to discussion and that the need for action came to the attention of the Board subsequent to the agenda being posted.

D. When a member of the public, a County Board, Commission, Committee, District or other private, public or governmental entity brings a problematic matter before the Board of Supervisors, under Unscheduled Matters, the procedure is as follows:

- (1) The Chairman shall direct the matter to the appropriate department (per Government Code Section 54954.2(a)) for possible resolution; if the matter is unable to be resolved and/or requires Board action, the department in which the matter was referred to shall follow the procedure described in Section 2.04.07 (B-E).

2.04.07 Requests to Place a Matter on the Board Agenda

When a member of the public, a County Board, Commission, Committee, District or other private, public or governmental entity requests to place a matter on the Board agenda, the procedure is as follows:

A. The item and all backup documentation shall be referred by the Clerk of the Board to the appropriate department, whereby that department will act as the contact for the person requesting the matter be placed on the agenda; and

B. The department head shall review, evaluate and address the issue administratively, either through administrative action within the department or by presentation to the Board of Supervisors; and

C. If deemed appropriate by the department head to which the item was referred, staff shall prepare an Agenda Item Transmittal (AIT) and a staff report, which provides the following:

- (1) The objective of the person;
- (2) The ability of the county to accomplish the request or project;
- (3) The cost to the county;
- (4) The time estimated to accomplish the request or project;
- (5) A discussion of whether the request or project will interfere with the timetable for completion of another county goal or objective; and
- (6) A recommendation from the department to the Board of Supervisors.

D. Every effort should be made by the department to present the matter to the Board for the next scheduled meeting date, or if necessary, a subsequent agenda; **or**

E. In the event that further research or information is required, the department in which the matter was referred to shall present the matter to the Board within a time period not to exceed six weeks from the date in which the matter was referred.

2.04.08 Commercial Solicitations

Neither Sections 2.04.06 or 2.04.07 shall be utilized for commercial solicitation. This includes prospective vendors and service providers. Such issues will be addressed through proper procurement and contracting procedures currently set within County policy.

2.04.09 Supplemental Information

The Board of Supervisors adopts the following procedures which shall be followed for supplementary agenda information:

A. Items that require backup information shall have the accompanying information supplied at the time of submission.

B. Except for items presented to the Board pursuant to Section 2.04.01(D) and Section 2.04.05, any department head who wishes to appear before the Board on Tuesday must be scheduled to do so on the agenda. To avoid any delays in agenda item approvals, department heads or their representatives should be present when their items are being considered by the Board of Supervisors.

2.04.10 Special Instructions to the Clerk of the Board

Departments are responsible for providing special instructions to the Clerk of the Board to facilitate the proper processing of agreements, contracts, resolutions, and ordinances upon which the Board of Supervisors has acted upon. The following shall be included in the special instructions:

A. Details of the proper disposition and distribution of the matters after Board action, including an address, if necessary. (NOTE: The original copy of all documents shall be filed with the Clerk of the Board.)

B. Details concerning agreements to be signed by another party, including time deadlines and name and address of other party.

C. Pertinent legal description, names and addresses of persons to be noticed, etc., when agenda items or public hearings are to be advertised by the Clerk of the Board.

CHAPTER 2.06

BOARD ASSIGNMENTS AND FOLLOW-UP

2.06.01 Duties of the Clerk

2.06.02 Letters

2.06.03 Resolutions and Ordinances

2.06.01 Duties of the Clerk

Items referred or assigned to departments when the Board directs a report to be made shall be coordinated by the Clerk of the Board. Items referred to the Clerk of the Board may be completed by that office or assigned to the involved county department. All other correspondence and forwarding documents are the responsibility of the Clerk of the Board except when otherwise designated by the Board of Supervisors.

2.06.02 Letters

The preparation of letters directed to be written by the Board shall be performed by the Clerk of the Board unless otherwise indicated.

2.06.03 Resolutions and Ordinances

The preparation of Board resolutions and ordinances directed by the Board to be drafted is the responsibility of the County Counsel's Office and/or the ex-officio Clerk of the Board.

CHAPTER 2.08 CHAIRMAN AND VICE-CHAIRMAN

2.08.01 Elections

2.08.02 Terms

2.08.03 Vacancy

2.08.01 Elections

A Chairman and Vice-Chairman of the Board shall be elected annually by the members thereof. They shall be elected at the first regular meeting held in January.

2.08.02 Terms

The terms of Chairman and Vice-Chairman shall be for one year or until the election of their successors, whichever occurs later.

2.08.03 Vacancy

Should a vacancy occur in the office of Chairman, the Vice-Chairman shall fill that office for the remainder of the one year term.

CHAPTER 2.10 BOARD PROCEDURE

- 2.10.01 *Quorum*
- 2.10.02 *Chairman Control*
- 2.10.03 *Opposing Delegations*
- 2.10.04 *Continuances*
- 2.10.05 *Action*
- 2.10.06 *Reading of Motion*
- 2.10.07 *Voting*
- 2.10.08 *Grouping Items*
- 2.10.09 *Committee Appointments*
- 2.10.10 *Recesses*
- 2.10.11 *Chairman Directions*
- 2.10.12 *Approval of Minutes*
- 2.10.13 *Adjournments*
- 2.10.14 *Presentations Made to Board of Supervisors*
- 2.10.16 *Transfer of Funds*
- 2.10.17 *Letters or Resolutions in Support of or Opposition to Legislation*

2.10.01 Quorum

A quorum of the Board shall consist of not less than three (3) members of the Board.

2.10.02 Chairman Control

The Chairman shall preside and maintain order at all meetings, and, subject to the consent of the majority of all members of the Board, shall control the order of consideration of agenda items. The Chairman shall designate the item, or items, on the agenda to be considered, and the matter shall then be open for consideration.

2.10.03 Opposing Delegations

When opposing delegations appear on any matter under consideration, the proponents shall have the privilege of being heard first, opponents second. The proponents shall have the privilege of rebuttal and the opponents surrebuttal. The length of debate or appearance by any party may be reasonably limited by Board Chairman direction.

2.10.04 Continuances

Any member of the Board may request and receive a continuance to the next regular meeting on any item appearing on the agenda for the first time.

2.10.05 Action

Unless otherwise required by law, business shall be conducted either by Board action or Board Chairman direction.

2.10.06 Reading of Motion

Upon request to the Chairman, the Clerk of the Board may be directed to read the motion prior to the vote.

2.10.07 Voting

Voting shall proceed as follows:

A. Members of the Board shall vote viva voce (by the voice). Each member shall audibly indicate his or her position on any motion before the Board in the following manner:

"Aye" shall signify an affirmative vote;

"No" shall signify a negative vote;

"I abstain" shall signify that the member is refraining from voting.

B. To be carried, a question must receive the affirmative vote of a majority of all members of the Board, or such majority as is otherwise specifically provided by law. Abstentions shall not be counted as either an affirmative or negative vote.

C. The names of Supervisors making and seconding motions shall be recorded and the Clerk of the Board shall enter into the minutes the vote of each member on any question. If the vote was unanimous, the entry need only indicate that the question was unanimously carried, and such an entry shall be prima-facie (*adequate at first instance*) evidence that the question was so carried.

D. A motion may be amended by the motion maker, and must receive concurrence from member making the second, in order for the original motion to be changed. An amendment may override or supplement the original motion.

E. If a member makes a motion and there is no second to the motion, the motion “dies” and thereby no action will be taken for “lack of second” and shall be recorded in the Minutes as such.

F. Following each vote, the Chairman shall declare the vote of the several members of the Board, and unless objection shall be made at such time, the vote so declared shall be considered as correct.

G. Following the declaration of the vote by the Chairman, upon request of any member of the Board, or of the public, the Clerk shall poll the members by name in alphabetical order with the exception of the Chairman who shall be polled last, and each individual vote shall be duly recorded in the minutes.

H. The Chairman shall be entitled to make or second a motion from the Chair. He or she shall vote on all questions in the manner set forth in Paragraph A of this section.

I. The Clerk of the Board shall record in the minutes all appearances, presentations and actions taken relative to appointments and business.

2.10.08 Grouping Items

As deemed necessary by the Clerk of the Board, communications and reports may be entered in the minutes under a single group entry without designation of their individual nature, unless subject individually to Board action or Board Chairman direction.

2.10.09 Committee Appointments

Board committee appointments shall be made by Board Chairman direction, subject to the provisions of Section 2.10.11.

2.10.10 Recesses

Recesses shall be taken by Board Chairman direction. Any member's departure and return shall be entered in the minutes.

2.10.11 Chairman Directions

All Board directions by the Chairman of the Board shall be subject to objection by any member of the Board. A Board Chairman direction shall be presumed to reflect general consent unless objected to at the time it is made. In the event of an objection, the business shall be subject to Board action.

2.10.12 Approval of Minutes

The minutes of each session of the Board shall be approved by Board action. Approval shall be prima-facie (adequate at first instance) evidence of the accuracy and correctness of said minutes.

2.10.13 Adjournments

Adjournments may be by Board Chairman direction. Any meeting may be adjourned to a specified date, subject to the provisions of Section 54955.1 of the Government Code. An adjourned meeting shall be considered to be a continuation of the meeting from which adjourned, and subject to the limitations imposed upon said meeting. The Board shall not adjourn sine die (indefinitely).

2.10.14 Presentations Made to Board of Supervisors

A. It shall be the policy of the Board of Supervisors to limit the presentations made at its meeting by members of the public to items, the discussions of which will promote the public interest of the County. As a general rule, members of the public may not use Board meetings as a forum to advance private interests unless such pertain to an issue currently pending before the Board. Any question as to whether the discussion of an item will promote the public interest of the County shall be resolved by vote of the Board.

B. Members of the public may appear before the Board of Supervisors and present evidence or make comments concerning any county business. If the matter is not on the agenda such comments shall be presented at the public input portion of the agenda. If the matter concerns an item on the agenda the comments may be made at the time the agenda item is considered by the Board of Supervisors. If comments concern an item on the agenda which does not require a public hearing, such comments may be limited to one minute in order for others to present their views within the time available. Additional comments may be submitted in writing.

The purpose of this procedure is to allow members of the public to provide information to the Board. If members of the public are seeking information, such information should be obtained outside the meeting.

2.10.16 Transfer of Funds

A Department Head shall appear before the Board of Supervisors when requesting a transfer of funds from Contingency in excess of \$100. Such request will include a report from the Department of Finance either recommending the use of Contingency as requested, or recommending denial of the use of Contingency and the reasons for the denial.

2.10.17 Letters or Resolutions in Support of or Opposition to Legislation

Upon Board approval, the Chairman is authorized to direct and sign a letter or resolution in support of or opposition to legislation, or, upon request, the Chairman may sign a second letter in support or opposition of legislation unless that legislation is amended from that previously reviewed by the Board. Additional correspondence shall be presented to the Board for ratification at the next regular meeting of the Board.

CHAPTER 2.12 COMMEMORATIVE REQUESTS AND MONETARY DONATIONS

- 2.12.01 Purpose*
- 2.12.02 Types of Requests*
- 2.12.03 Implementation*
- 2.12.04 Clerk of the Board Responsibilities*
- 2.12.05 Departmental Responsibilities*
- 2.12.06 Document Format*
- 2.12.07 Request Procedures*

2.12.01 Purpose

The purpose of this policy is to set criteria and standards for evaluating, approving, and denying requests for the commemoration of individuals or for a specific purpose, project or service.

2.12.02 Types of Requests

A. Recognition Resolutions

- (1) For County employees describing their years of County service, if retiring or deceased
- (2) For providing service to a County Committee, Commission, Board, and/or Special District
- (3) For a community service to the County
- (4) For a community project on behalf of the County

B. Proclamations - Proclamations are appropriate when proclaiming a special event or group on a certain day, week or month (i.e. Proclaiming California Poppy Day; Proclaiming Hunger Awareness Week; Proclaiming Older Americans Month).

C. Certificates of Appreciation/Recognition - Certificates are appropriate when an individual is recognized for a certain accomplishment or volunteer service provided to a County department or within the Community (i.e. Certificate of Appreciation to Honor Community Action Volunteers of the Year; Recognition Certificate for the Achieved Rank as Eagle Scout in Boy Scouts of Willows; Certificate of Appreciation to Troops in Iraq).

D. Commemorative Requests

- (1) To plant a tree
- (2) To place a bench
- (3) To hang a plaque

E. Monetary Donations – Donations made to the County may be used for any purpose the County deems appropriate, to better serve its citizens, if no specific project/purpose is requested.

2.12.03 Implementation

A. Information Needed in Request - All requests to the Board of Supervisors seeking commemoration of an individual must be in writing to the Clerk of the Board or to the appropriate department associated with the individual/group, and shall include the following:

- (1) Indicate type of request
- (2) Reason(s) for request
- (3) Description of circumstances surrounding the request
- (4) Brief profile of the nominee
- (5) A commitment from the applicant that they will cover all costs incurred to implement and maintain the request.

B. Criteria for Evaluating Request - In evaluating the request the County will consider recognition of individuals/organizations, which have:

- (1) Demonstrated social and moral responsibility and exemplary actions that inspire others.
- (2) Made significant contributions of time, talent and/or financial support to an important part of the County's and/or State's history.
- (3) Had major historical significance.

C. Criteria for Denying Request - The County will deny any request that:

- (1) Carries as a condition the brand name, corporate name or family name of a fire arm, alcohol or tobacco product; or is capable of confusion with a trade mark, copyright, brand name or existing landmark, without proper consent of the lawful owners of same.
- (2) Are deemed to be in poor taste; and
- (3) That does not meet the conditions expressed under Section B above.

2.12.04 Clerk of the Board Responsibilities

If a request is presented or referred to the Clerk of the Board, the Clerk shall use the evaluating criteria as set forth above, and determine and prepare the appropriate document. The requestor shall provide all the necessary information for the preparation of the document. The Clerk will then place the request on the Board's agenda for consideration.

2.12.05 Departmental Responsibilities

If a request is submitted by a County department, that department is responsible to prepare an Agenda Item Transmittal, determine and prepare the appropriate document, and schedule an appearance time before the Board of Supervisors, if applicable. Departments shall follow the criteria for implementation as described above. If departments are unsure of the type of document that is appropriate, they shall consult with the Clerk of the Board.

2.12.06 Document Format

There shall be no "attest" signature line for the Clerk of the Board or "approved as to form" signature line for County Counsel. Resolutions may have the Board Chairman or all Board members signatures, as appropriate. The Board Chairman will be the only signer of Proclamations and Certificates of Appreciation, unless the Clerk is directed otherwise.

2.12.07 Request Procedures

A. Any special requests made in memory of an individual (i.e., a request to hang a plaque, place a bench, or plant a tree) shall be forwarded from the Clerk of the Board to the Glenn County Facilities Planning Committee. Each request will be reviewed and determined on a case-by-case basis. If the request can be accommodated, the Committee Secretary shall prepare and forward an Agenda Item Transmittal that includes an estimate of all costs, implementation and future maintenance, to the Board of Supervisors for their consideration.

B. For requests to name or rename a County facility/building, the following criteria must apply:

- (1) A County facility/building may be named or renamed after a private individual if that individual contributed a majority of the funding used to construct or that individual donated and/or acquired the land upon which the facility is situated; and
- (2) A County facility/building may not be named after a public official while the employee and/or official remains in public office or is employed by the County.

C. Requests received by the Clerk of the Board, for placement of an engraved plate or plaque or for monetary donations, shall be forwarded from the Clerk of the Board to the appropriate Commission, Committee, or Department.

D. If the Historical Records Commission receives a donation request, the requestor shall be given the option to be a sponsor in the "Preservation of Glenn County History" project, whereby the donation would be used to preserve and/or restore historical documents, maps, or for other preservation purposes. The individual would then be recognized by the placement of a plate or plaque, as deemed appropriate by the Commission's guidelines. All approved plates or plaques shall be placed in a wall display case near the Board of Supervisors Chambers at the Memorial Hall. Requestors may also choose to make a donation for a specific project or service program provided by the County.

E. All monetary contributions shall be placed on the Board of Supervisors agenda for acceptance, pursuant to Government Code Section 25355. Those that make a donation shall, at a minimum, receive a letter from the Board of Supervisors recognizing their generous donation made to Glenn County.

F. Upon the acceptance of a donation by the Board of Supervisors, the Board may refer the donation to the appropriate department or committee for review and then make recommendation back to the Board with an appropriate use defined.

CHAPTER 2.14 EXCEPTIONS

2.14.01 Other Laws

2.14.01 Other Laws

Any of the foregoing rules which may be contrary or in contravention with any applicable state or federal law, statute, rule or regulation shall be inapplicable, and the federal or state law, statute, rule or regulation shall prevail, but all of the remaining rules shall remain in full force and effect.