

Advisory Boards & Commissions: Policies & Procedures Overview

CONTRA COSTA COUNTY
CLERK OF THE BOARD OF SUPERVISORS

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What This Presentation Covers

- ▶ Overview of County Government
- ▶ Roles
- ▶ Main Policies & Procedures
- ▶ Resources



Clerk of the Board

- ▶ **Division of the County Administrator's Office that:**
 - Clerks Board of Supervisors meetings
 - Maintains county records
 - Provides staff support for advisory bodies
- ▶ **Offer support and training to help advisory bodies follow policies, including those that cover:**
 - Open Meeting Requirements
 - Appointment and Resignation Process
 - Context and Scope of Advisory Bodies
 - Updates to bylaws



California Counties



- ▶ Counties are a subdivision of the state.
- ▶ Counties deliver services mandated by the state and federal governments.
- ▶ General Law County
 - Governed by a board of 5 elected Supervisors.

County Services

- ▶ Health
- ▶ Welfare/Social Services
- ▶ Criminal Justice
- ▶ Elections
- ▶ Vital Records
- ▶ Weights & Measures
- ▶ Agricultural Enforcement
- ▶ And more!
 - ▶ California counties are responsible for providing any function of the state that the Legislature chooses to delegate.



Role of Advisory Boards & Commissions



- ▶ Created by the Board of Supervisors.
- ▶ Allows the Supervisors to better understand different viewpoints and needs throughout the county.
- ▶ Encourages community participation in county government.

Role of Advisory Board Members

- ▶ Members serve at the pleasure of the Board of Supervisors.
- ▶ Serve in an advisory capacity to the Board of Supervisors.
- ▶ Responsibilities include:
 - Attending meetings.
 - Participating and sharing your ideas in a respectful manner.
 - Following applicable federal, state, and county policies.



Scope of Authority & Limitations



- ▶ Advisory body members serve in an advisory capacity only and have no authority to:
 - Establish policy.
 - Create fiscal or other obligations.
 - Enter into contracts.
 - Set or waive county fees.
 - Take personnel actions.
 - Take positions on legislation or engage in legislative advocacy.
 - Hold closed meetings.

Layers of Governing Policies

▶ Federal Laws

- Applies to specific bodies mandated by federal law or subject to federal grants.

▶ State Laws

- Brown Act
- Some boards are mandated or created through state law.

▶ Local (County) Ordinances

- Better Government Ordinance (“BGO”)

▶ Local (County) Resolutions

- Specifies the body’s scope of authority.
- Governs specific procedures, such as appointment.

▶ Advisory body’s own rules

- Adopted bylaws (requires the approval of the Board of Supervisors)



Open Meeting Laws & Policies



- ▶ Promote transparency in government operations.
- ▶ Guarantee the public's right to attend and participate in meetings of local legislative bodies.
- ▶ Require specific actions be taken to ensure public notice and participation.
- ▶ Two main open meeting laws:
 - Ralph M. Brown Act (State law)
 - Better Government Ordinance (County law)

Who Open Meeting Laws Apply To

▶ The Brown Act applies to:

- Local legislative bodies, such as the Board of Supervisors.
- Bodies created by formal action of local legislative bodies, such as advisory bodies.

▶ The Better Government Ordinance applies to:

- The Board of Supervisors, its subcommittees, its advisory bodies, and all their subcommittees even if they are only temporary ad hoc bodies.



Meeting Requirements



- ▶ A meeting is a majority of members of the body at the same time and place where they:
 - Hear,
 - Discuss, and/or
 - Deliberate... on any item of business within the subject matter jurisdiction of the body.
- ▶ Meeting locations are generally restricted to:
 - A location within the jurisdictional boundaries of the body.
 - A location that is open to the public.

Teleconferencing Requirements

▶ Traditional Teleconferencing

- Available anytime, as long as a quorum of members are within the jurisdictional boundaries of the body.
- The teleconference location must:
 - Be open to the public.
 - Be listed on the agenda.
 - Provide an opportunity for public comment.
- There is no limitation on the number of uses.

▶ Emergency Circumstances Teleconferencing

- Applicable when there is a physical or family medical emergency that prevents the member from attending in person.
- Limited number of uses per year.

▶ “Just Cause” Teleconferencing

- Can be used for any of the following reasons:
 - A need to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner.
 - A contagious illness.
 - A need related to a physical or mental disability that is not otherwise accommodated for.
 - Travel while on official business of the body or state or local agency.
- Limited number of uses per year (generally no more than 2).

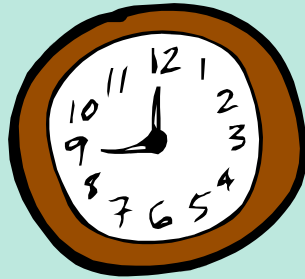


Agenda Requirements

- ▶ An agenda must be created for every meeting, and must include:
 - Date, time, and location of the meeting.
 - Description of all agenda items.
 - How the public can access public records.
 - Disability related modification or accommodations, and how they can be requested.
 - An opportunity for public comment.



Agenda Posting Requirements



▶ Agendas must be posted:

- At the physical meeting location that is fully accessible to the public.
- Online on the County's website.
- Minimum of 96 hours (4 days) before the meeting, according to the Better Government Ordinance.

If there is no posting, there can be no meeting!

Quorum Basics

- ▶ A quorum is the minimum number of members that has to be present in order to hold a meeting.
- ▶ Calculated as the majority of all seats on the body, whether vacant or filled.
 - This number is fixed – it doesn't move or change.

If there is no quorum, there is no meeting!



Closed Meetings & Outside Discussions



- ▶ Doing business outside of a properly noticed meeting is prohibited.
- ▶ In general, advisory bodies may not hold closed sessions.
- ▶ A majority of members may not discuss or transact business outside of a properly noticed meeting.
- ▶ Members may not use any of the following to discuss, deliberate, act on, or receive information about a matter in its jurisdiction:
 - Social Media
 - Phone Conversations
 - Email, Text Messages, or Other Technology
 - In Person
 - Intermediaries (i.e. through staff or “serial meetings”)

Why? Because use of these devices or private conversations avoids transparency and excludes the public from the decision-making process.

Rights of the Public

▶ Right to Observe

- Meetings must be open and public, and all persons must be permitted to attend.

▶ Right to Comment

- Before or during the consideration of every item on the agenda.
- On any issue within the body's subject matter jurisdiction.

▶ Right to Anonymity

- Cannot be required to sign in or otherwise identify themselves.

▶ Right to Record

- Members of the public can film or record.



Penalties & Remedies



- ▶ Removal from role
- ▶ Criminal penalties
- ▶ Civil penalties

Public Service Ethics

- ▶ Ethics laws for public officials in California set a *minimum* standard.
 - Expectations may create a higher standard.
 - Even if an action isn't technically illegal, if it creates the appearance of a conflict of interest or impropriety you shouldn't proceed.
- ▶ Public officials may not use their office for personal gain and should not participate in decisions that pose a conflict of interest. Examples:
 - Receiving a bribe
 - Receiving "kickbacks"
 - Having a financial interest in an agency contract
 - Having a personal interest in an agency decision
- ▶ Transparency and fair processes lead to the best results and public trust.



Required Trainings



▶ **Brown Act Training**

- Video training offered by Contra Costa County Counsel & Clerk of the Board

▶ **Ethics Training**

- Online training module offered by the Fair Political Practices Commission (FPPC)

▶ **Implicit Bias Training**

- Online training module offered by the Kirwan Institute.

Training certification form must be filled out and returned to advisory body staff within the first three months of appointment.

Resources

- ▶ Clerk of the Board Website
 - <https://www.contracosta.ca.gov/129/>
- ▶ Advisory Body Handbook
 - <https://www.contracosta.ca.gov/DocumentCenter/View/29076>
- ▶ Clerk of the Board's Office
 - ClerkoftheBoard@cob.cccounty.us



Questions? Ask Us!



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