

CONTRA COSTA COUNTY

ADVISORY BODY HANDBOOK

**GUIDELINES & RESOURCES
FOR BOARDS, COMMITTEES, COMMISSIONS, AND
COUNCILS GOVERNED BY THE CONTRA COSTA
COUNTY BOARD OF SUPERVISORS**

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I. WELCOME AND INTRODUCTION

Members of citizens' advisory bodies to the Contra Costa County Board of Supervisors provide an important service to the government of Contra Costa County. They provide citizens' perspectives and community feedback to the Board of Supervisors on a wide variety of services and programs that directly affect the community's quality of life. Advisory bodies provide important forums for citizen input through activities such as gathering data, recommending alternatives, and evaluating the impact of governmental decisions on the public.

The training material that follows will often include references to certain official documents and other County resources. All the relevant information from these resources cannot easily be summarized in a single "handbook" or training session. Advisory body members, as well as County staff who serve as liaisons, should be familiar with all the County resources and policies that have been published over time to guide the administration of the County's advisory bodies. The Advisory Body Handbook has been created to provide easy reference to these important resources.

About the Advisory Body Handbook

The Advisory Body Handbook provides information about the laws, policies, and procedures that apply to the County's boards, commissions, committees, and councils—collectively called advisory bodies. As described in greater detail below, the Board of Supervisors makes appointments to two main types of bodies. Advisory bodies are advisory to and governed by the Board, whereas independent bodies are not governed by the Board. While there are some differences between the administration of the two, they are generally collectively referred to as “advisory bodies” or “committees” in this handbook. A list of advisory bodies is available in Exhibit A of [Resolution 2020/1 \(Appendix 1\)](#) and a list of independent and quasi-independent bodies is available in Exhibit A of [Resolution 2020/2 \(Appendix 2\)](#).

Overview of Roles

Clerk of the Board of Supervisors

The Office of the Clerk of the Board of Supervisors (COB) maintains all official records of the Board of Supervisor's actions and policies pertaining to each County advisory body, such as official rosters and records of all appointments and terms of office.

Each staff liaison should periodically compare the committee's internal data with the public information about the committee that is issued by the Clerk of the Board, especially on the County website. Information that is inconsistent should be brought to the attention of the Clerk of the Board, in order to correct any disparities.

Departmental Staff and Committee Liaisons

All advisory bodies have a designated county employee who serves as a liaison to the committee, either from a department, Supervisor's District Office, or the County Administrator's Office.

Additional assistance on committee matters may be obtained by contacting the county liaison or staff person. Staff support persons are encouraged to seek clarification if needed by contacting the County Administrator's Office or the Clerk of the Board's Office.

II. GOVERNANCE AND SCOPE OF AUTHORITY

The specific role or function of each commission, board, committee, or council in county government depends primarily on the reason (including the legal basis) the body was established. It is very important for each appointee to understand the committee's function, as provided in legislation, and the source of its governing authority.

Types of Boards, Committees, Commissions, and Councils

Discretionary vs. Mandated Bodies

The primary purpose of a citizen's advisory body in Contra Costa County is to assist and advise the Board of Supervisors in its decision-making process. Advisory bodies are established to assess the impact of County services and programs on the community, to identify specific community needs, and to make advisory recommendations to the Board of Supervisors on issues related to each body's assigned purpose or charge.

Many advisory bodies are established solely "at the discretion" of the Board of Supervisors to serve a purpose that is designated by the Board of Supervisors. On the other hand, some committees are not "discretionary" because they are legally required, or "mandated," by federal or state laws. However, most of the mandated committees that are required under state or federal law are still governed by the Board of Supervisors.

Independent Bodies

The Board of Supervisors also makes appointments to certain independent boards, committees, commissions, and councils that serve as independent decision-makers. Some examples of independent boards and commissions include the County Planning Commission, the Assessment Appeals Board, and the Merit Board. Many applicable policies and a list of independent bodies are found in [Resolution 2020/2 \(Appendix 27\)](#).

Municipal Advisory Councils

Municipal Advisory Councils (MACs) are established pursuant to state law ([Government Code § 31010](#)) to advise the Board of Supervisors on the unincorporated areas of the County; in these areas, there is no city government to provide services or address residents' concerns.

Each Municipal Advisory Council (MAC) has a separate establishing resolution of the Board of Supervisors which describes its mandate and purpose. The Board of Supervisors has also adopted policies to ensure consistency among Contra Costa County's MACs. Policies affecting MACs appear in [Appendix 3](#), which may be amended from time to time. County staff liaisons should be attentive to the specific needs and legal requirements of the MACs and contact Clerk of the Board or County Administrator's Office as needed with ongoing questions or problems.

Advisory Body Governance

County advisory bodies may not engage in activities that conflict with federal, state, or local law, or with policies that have been established by the Board of Supervisors. Advisory bodies should seek to fulfill the goals and objectives for which they were created. They should not engage in activities or projects that are not specifically authorized by the Board of Supervisors.

Advisory body members must collaborate with their designated County staff liaisons to ensure compliance with all legal and administrative requirements.

Advisory Body Mandate or Purpose

All advisory body members should become familiar with the establishing ordinance or resolution as approved by the Board of Supervisors. In addition, the body itself will usually produce bylaws that describe its rules and operating procedures, an Annual Report to describe its activities and achievements, and an annual work plan to establish ongoing goals and priorities. These are discussed in more detail below.

Governing Documents

Committee members should become familiar with all of the following documents. Members should strive continually to work collaboratively, based on these documents and guidelines, to achieve the committee's established objectives.

a) *Establishing Ordinance or Resolution*

The Board of Supervisors usually creates a County board, committee, commission, or council by approving the advisory body's "establishing resolution" or "establishing ordinance." This action serves to establish the body's overall purpose, its membership structure, the specific requirements for membership, and related oversight matters.

b) *Bylaws*

Advisory body bylaws are developed by the body and are reviewed and approved by the Board of Supervisors before they take effect. The bylaws provide guidelines about essential organizational matters such as the number of seats, number of meetings, requirements for a quorum, qualifications and/or residency requirements for specific seats, methods of selecting officers, and designation of any subcommittees (and their responsibilities). If possible, the bylaws should provide for the selection of a member to serve as Secretary to coordinate with County staff concerning the advisory body's administrative needs and operating procedures.

Bylaws should be understood and carefully observed by members of advisory bodies and their County liaisons. Advisory body members and their County staff liaisons should contact the County Administrator's Office whenever organizational changes are considered by a committee that could require amendments to its bylaws.

Advisory Body Reports

a) *Annual Report*

Each advisory committee, board, commission, or council established by the Board of Supervisors is required to prepare an Annual Report by December of each year. Some objectives of the Annual Report are to:

- Review past accomplishments related to fulfilling the advisory body's mandate(s).
- Identify new goals as needed in order to focus the advisory body on its mission.
- Communicate to the Board of Supervisors and the public concerning the activities and impact of the advisory body in the community.

All Annual Reports must be submitted to the Board of Supervisors for review and approval. Committee staff should forward the Annual Report before the second Tuesday in December to the County Administrator's Office for placement on the Board of Supervisor's agenda for review. Reports not received by January 31 will be delinquent.

A template for the Annual Report is available in [Appendix 4](#). The Annual Report to the Board of Supervisors should include the following:

- Activities and accomplishments of the year (estimated length: 1 page)
- Work Plan and goals for the coming year (estimated length: 1/2 page)
- Attendance report of advisory body members (estimated length: 1/4 page)
- Advisory Body Records (estimated length: 1/4 page)
- The name of the person responsible for maintaining the advisory body records archive
- Where records are located and how they can be requested
- Copies of training certifications for appointees during the report period

b) [Triennial Sunset Review](#)

The Board of Supervisors conducts a "Triennial Sunset Review" to review the boards, committees, commissions, and councils that it has established. The resolution establishing the Triennial Review and related materials appear in [Appendix 5](#).

Every year the Board of Supervisors will review and evaluate one-third of the board, committees, commissions, and councils that it has established. Therefore, each individual advisory body will be reviewed once every three years. The sunset review enables the Board of Supervisors to evaluate the purpose, scope, and effectiveness of each body, review any legislative or policy changes that may have occurred, and consider proposed changes to areas such as the advisory body's mandate, membership, or long-term goals.

The sunset review process is initiated by the Clerk of the Board of the Supervisors. Survey materials are sent to the selected advisory bodies and responses must be submitted to the Clerk of the Board of Supervisors before December 1. The submitted materials are reviewed by the Internal Operations Committee (IOC) of the Board of Supervisors. The IOC recommendations are then submitted to the full Board of Supervisors for consideration.

[Limits and Scope of Authority](#)

Advisory bodies and other boards, commissions, committees, or councils that have been created by the Board of Supervisors must strictly observe the scope and limits on their authority that are outlined in the advisory body's governing documents. The following section will review some of these restrictions in more detail.

[Scope of Authority](#)

Unless otherwise specified by statute, advisory bodies serve at the pleasure of the Board of Supervisors in an advisory capacity only and have no authority to establish policy, make decisions, or create fiscal or other obligations of the County.

Each advisory body's governing resolution specifies the body's scope of authority and generally describes the expected range of activities the committee is authorized to undertake. Each committee, board, commission, or council must adhere to its defined scope of authority.

Advisory body members must be familiar with the body's adopted bylaws and must abide by these policies, as well as the requirements of the Board of Supervisors that are outlined in the Advisory Body Handbook.

Limits on Authority

Certain activities may not be undertaken by advisory bodies unless expressly provided in their establishing legislation or otherwise authorized by the Board of Supervisors.

a) *Legislative Advocacy*

Members of mandated boards, commissions, committees, and councils should review the Board of Supervisor's policy on "Legislative Advocacy by Mandated Advisory Bodies" that was adopted on October 14, 2008 (Board Order C.31) which appears in [Appendix 6](#). An advisory body may not take any action that would imply the County's support or opposition to proposed legislation in the absence of, or inconsistent with, adopted Board positions. Only the Board of Supervisors can send letters on a piece of legislation. The only exception is when a state or federally mandated advisory body has followed the specified protocol (see Board Order C.31 referenced above).

b) *Other Limits*

Advisory bodies may not engage in any of the following:

- Establishing bank accounts, or cash handling of any kind.
- Expenditure or commitment of County funds (MAC expenditures require prior approval of District Supervisor).
- Contracting for goods or services, of any kind.
- Setting and/or waiving of County fees.
- Personnel actions, including hiring staff or independent contractors.
- Closed meetings of any kind.
- Engaging in any type of legislative or public advocacy as a committee or committee member - except in an advisory capacity to the Board of Supervisors.

III. REQUIREMENTS FOR PARTICIPATION

There are many important legal requirements that must be satisfied by appointees to the County's advisory bodies which are prerequisites to participation. Several of these are described below. Any questions about these requirements should be directed to the advisory body's County staff liaison or the Office of the Clerk of the Board of Supervisors.

Oaths of Office

A formal Oath of Office is required, as provided in California law, for public officials in California. Whether an oath is required for a member of an advisory body or other appointee of the Board of Supervisors depends on the advisory body's specific role in government. However, oaths of office are not required for members of boards, committees, commissions, or councils that have been established by the Board of Supervisors as discretionary advisory committees. Oaths of office usually are required

for members of boards, commissions, committees, and councils that exercise independent decision-making authority (such as the Assessment Appeals Board and the Merit Board). The need for the oath should be determined in consultation with the advisory body's County staff liaison.

In contrast to Board of Supervisor's advisory committees, members of certain "mandated" committees, as well as members of independent boards, commissions, committees, and councils (including those whose local governing authority is the Board of Supervisors) usually are required to execute the Oath of Office for public officials.

For committees, boards, commissions, or councils whose appointees require an Oath of Office, oaths should be taken as soon as possible after the Board of Supervisors approves the appointment. The County staff liaison to the advisory body is responsible for distributing the Oath of Office form to the new appointee, if required. New appointees to such "policy bodies" should contact the chairperson, committee secretary, or staff of the committee to confirm the Oath of Office requirement. Such appointees are required to complete and affirm the Oath of Office before a notary public, or before a Deputy Clerk in the Clerk of the Board of Supervisor's Office. The Oath of Office form appears in [Appendix 7](#).

The original signed and notarized Oath of Office should be retained by the advisory body as an official record for the period of time indicated in the Advisory Body Record Retention Schedule. As soon as it is executed, a copy of the signed and notarized Oath of Office should be sent to the Clerk of the Board of Supervisors as evidence of compliance.

Training Requirements

Members of advisory bodies who are appointed by the Board of Supervisors are required to complete two mandatory trainings within three months of appointment. After completing the trainings, members should complete the training certification form available in [Appendix 8](#). The original training certificates should be retained by the advisory body. A copy of each signed training certificate should be provided to the Clerk of the Board of Supervisors to show compliance, or copies for all newly appointed members may instead be submitted annually with the committee's Annual Report.

Brown Act & Better Government Ordinance Training

All advisory body members must view the "Brown Act and Better Government Ordinance" video (or attend an in-person training) within three months of appointment. The video is available through the County website at <https://www.contracosta.ca.gov/7632/Training-Resources>. Please contact the Clerk of the Board for in-person training opportunities.

Ethics for Local Government Officials (Assembly Bill 1234) Training

All advisory body members must also complete training on public service ethics laws and principles within three months of appointment. Thereafter, only advisory bodies whose members receive compensation, salary, stipends, or expense reimbursements must renew the training every two years, per California law ([AB 1234](#), [Government Code § 53234 et. seq.](#)).

Each appointee should complete the AB 1234 ethics training and provide the original certificate of completion to the advisory body's staff. County advisory body staff must retain the original document for the required retention period (five years under [Government Code § 53235.2\(b\)](#))

Advisory body staff should submit a copy of each AB 1234 training certificate to the Clerk of the Board's Office to confirm compliance. Copies of the certificates should also be included in the advisory body's Annual Report to the Board of Supervisors.

The AB 1234 training program is self-guided and is not provided directly by the County. The program is available on the internet through the California Fair Political Practices Commission:

<http://localethics.fppc.ca.gov/ab1234>

Only members of the following boards and commissions are required to renew the AB 1234 training every two years (see [Appendix 9](#)):

- Advisory Council on Aging
- Assessment Appeals Board
- Economic Opportunity Council
- In-Home Supportive Services Public Authority Advisory Committee
- Contra Costa County Planning Commission
- Contra Costa County Mental Health Commission
- Contra Costa County Merit Board
- Workforce Development Board

IV. ETHICS/ CONFLICT OF INTEREST CODES

State and local conflict of interest laws are complex and should be studied carefully by those to whom they apply. Board of Supervisor's appointees are required to become familiar with state and local ethics requirements by completing the online training, "Ethics for Local Officials", administered by the Fair Political Practices Commission (FPPC). See the "Training Requirements" section for more information.

In addition to the online training provided by the FPPC, the following materials should be reviewed by new appointees and committee staff:

- [Appendix 10](#): Policies Concerning Conflict of Interest and Open Meetings ([Resolution 2002/376](#))
- [Appendix 11](#): Policies Concerning Conflict of Interest ([Resolution 2021/234](#))
- [Appendix 12](#): Guidance on Conflict of Interest Codes

All committee members should avoid the appearance of a conflict of interest even when the committee's decisions are advisory. Committee members should recuse themselves from decisions (i.e. choose not to participate) if they have a financial interest that would be affected by the decision or recommendation. Committee members who participate in making decisions are required to be included in the agency's Conflict of Interest Code and to file a financial disclosure statement (Form 700) annually.

Questions concerning these requirements should be submitted to the committee's staff liaison or (by staff) to the County Counsel's Office. Questions concerning how to complete the Form 700 should be directed to the Fair Political Practices Commission.

Recusal to Avoid a Conflict of Interest

The County Counsel's Office has developed the following guidelines for any committee member who has financial interests that could potentially create a conflict of interest:

- Publicly (orally) identify the financial interest that gives rise to the conflict of interest, or potential conflict of interest, in detail sufficient to be understood by the public. This public identification must be made part of the official public record (i.e. the meeting minutes).
- State each type of economic interest held (e.g. investment, business position, interest in real property, personal financial effect, or the receipt or promise of income or gifts) which is involved in the decision and gives rise to the conflict of interest.
- Recuse yourself from discussing and voting on the matter after public identification of the conflict of interest has been provided. You shall not be counted toward achieving a quorum while the item is discussed.
- Leave the room before the discussion of the item until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters (i.e. it is not necessary to leave the room if the conflict-of-interest item is listed on the Consent calendar).

Local Ethics Requirements

[Resolution 2002/376](#), "Policy for Board Appointees Concerning Conflict of Interest and Open Meetings," ([Appendix 10](#)) describes the Board of Supervisor's policy concerning conflicts of interest and open meeting requirements. One of the most important provisions cited in the resolution is the "common law" principle that all appointees "should so conduct the public business as to avoid even any appearance of conflict of interest."

While some entities are required to develop Conflict of Interest Codes, advisory committees established at the discretion of the Board of Supervisors do not ordinarily have Conflict of Interest Codes, and members of such bodies therefore are not usually required to disclose related financial interests on Form 700s (see the "California Political Reform Act of 1974" section below for more information).

Nonetheless, as a general rule (as stated in [Resolution 2002/376](#)), advisory committee and Municipal Advisory Council members must identify and disclose any of their personal financial interests that could be affected if the Board of Supervisors were to approve the committee's advisory recommendations. Committee members should also elect not to participate (i.e. recuse themselves) if they hold personal financial interests which would be affected by any formal recommendation made by the committee.

State Ethics Requirements

Conflict of Interest Codes

Government officials in California who participate in making decisions (as defined under the law and in related regulations) are required to comply with conflict of interest and financial disclosure requirements that were enacted through the California Political Reform Act of 1974 ([Cal. Gov. Code §§ 87300 - 87314](#)).

Among the requirements of the California Political Reform Act are the following:

- Government officials and employees who have - or may have - a financial interest in an issue may not participate in decisions in which their financial interest could be affected.
- Government officials and employees who make or participate in making decisions, as defined under the law, must file annual financial disclosure statements (called a Form 700) that are

related to the positions in which they serve. The disclosure documents are public records. Information about filing requirements should be addressed to the committee staff.

- The officials or employees who must file financial disclosure statements based on their position and the types of financial interests that each official is required to disclose, are outlined in each agency's "Conflict of Interest Code."
- Every agency having a Conflict of Interest Code must prepare and file a "Biennial Notice" at least once every two years to make any needed changes and bring the Conflict of Interest Code up to date. Any changes must be approved by the Board of Supervisors.

Additional guidance prepared by the County Counsel's Office for managing Conflict of Interest Codes is available in [Appendix 12](#). All committee liaisons should become familiar with the administrative requirements for Conflict of Interest Codes.

Appointee Responsibilities

Board of Supervisor's appointees to boards, commissions, committees, and councils are required to become familiar with the requirements of the California Political Reform Act by completing the Fair Political Practices Commission training, "Ethics for Local Officials".

To ensure compliance with California's Political Reform Act of 1974, each appointee to any board, commission, committee, or council in Contra Costa County should determine in consultation with committee staff whether the committee has a Conflict of Interest Code and whether the committee member is required to file a financial disclosure statement (Form 700).

Staff Responsibilities

One of the most important functions of committee staff is to review the committee's Conflict of Interest Code, if applicable, at least once every two years. This "Biennial Review" is conducted either to identify changes that are needed for the Conflict of Interest Code, or to certify that no changes are necessary. Any proposed changes to the Conflict of Interest Code must be approved by the Board of Supervisors in order to take effect. Committee staff should ensure they are listed as a filing liaison with the Clerk of the Board's Office. The Clerk of the Board's Office will notify all filing liaisons of each Biennial Review deadline (usually October 1 of every even-numbered year).

All staff liaisons to committees that have Conflict of Interest Codes must understand the components of the codes and how to prepare the required Biennial Notice. The administrative requirements for managing the Conflict of Interest Code are summarized in [Appendix 12](#) based on information provided by the County Counsel's Office.

V. CONDUCTING PUBLIC MEETINGS

There are many different policies and laws governing how to conduct public meetings. If you have questions concerning the legal requirements for conducting public meetings that are not addressed either in the Advisory Body Handbook (including County Counsel memoranda in the Appendices) or County training video, you should contact your committee's County staff or District Office liaison.

Meeting Requirements Under The Brown Act and Better Government Ordinance

Meetings of boards, committees, commissions, and councils established by the Board of Supervisors are public meetings. There are many legal requirements that must be met before an advisory body can convene a meeting or conduct public business. All public business must be conducted only during open,

public meetings as defined in the California [Government Code § 54950 et. seq.](#) (the "Brown Act") and the County's [Better Government Ordinance](#) (BGO).

Complete information about requirements of the Brown Act and BGO appears in County Counsel guidelines issued March 29, 2012 (see [Appendix 13](#)), and in the training video, "[The Brown Act and the Better Government Ordinance](#)." These resources should be consulted as often as needed to ensure that all applicable legal requirements are met.

Open Meeting Requirements

The term "meeting" includes any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any matter which is under the subject matter jurisdiction of the agency. Under this definition, gatherings of a legislative body in which issues under the subject matter jurisdiction of the body are discussed, decided, or voted upon are meetings subject to the Brown Act.

In 2003 the California Attorney General wrote (in published guidelines) that, ". . . [t]he body need not take any action in order for a gathering to be defined as a meeting. A gathering is a meeting if a majority of the members of the body merely receive information or discuss their views on an issue. A meeting also covers a body's deliberations, including the consideration, analysis or debate of any issue, and any vote which may ultimately be taken."

Prohibition on Serial Meetings

The Brown Act also prohibits "serial meetings." This prohibition must be carefully observed. In 2003 the California Attorney General described serial meetings as follows:

"The Act specifically prohibits any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of a legislative body to develop a collective concurrence as to action to be taken. Most often, this type of meeting is conducted through a series of communications by individual members or less than a quorum groups, ultimately involving a majority of the body's members. These meetings are called serial meetings."

Serial meetings can happen accidentally -- for instance, if a committee member first discusses committee business outside a public meeting with a person (who may or may not be a committee member), who then repeats the information during a later discussion with other committee members, "ultimately involving a majority."

In order to involve the public fully in the committee's deliberations and decisions, the committee members should avoid outside discussion among one another, or with third persons who could become "personal intermediaries," concerning items of committee business. Committee members should also avoid discussing subject matter, outside a public meeting, that may come before the committee as official business in the future.

Quorum Requirement

A quorum must be present before the committee can consider or take any official action. A quorum is defined as the minimum number of members of the advisory body who must be present before a meeting can be held. A quorum is usually calculated as "a majority of all seats on the committee, whether vacant or filled." Any advisory body that uses any other definition of a quorum should obtain approval from the Clerk of the Board of Supervisor's Office.

The definition of the number of members in a quorum, as well as the total number of seats on the body, is usually specified in the committee's bylaws. A quorum is not defined as a majority of "filled" seats.

If the minimum number of members needed to establish a quorum is not present, the meeting cannot be held for lack of a quorum. Similarly, if members in attendance leave a meeting, resulting in the loss of a quorum, then the meeting must be adjourned. In these instances, official notice of cancellation or adjournment of the meeting must be posted to inform the public of the outcome. See details below under "Cancelling a Meeting."

Agenda Preparation and Distribution

Agenda requirements must be strictly observed in order to conduct a public meeting under California law.

Checklist of Agenda Posting Requirements

The following minimum requirements must be observed when an agenda is issued:

- Agendas must be published at least 96 hours before the meeting. The 96-hour requirement under the County Better Government Ordinance is longer than the 72-hour period required under the Brown Act.
- A physical copy must be posted in a location "freely accessible to the public" for 96 hours.
- An electronic copy must be posted on the County website for at least 96 hours. If agendas are not posted in accordance with all the criteria above, no meeting can be held.

[Appendix 14](#) provides more information about physical and online agenda posting requirements.

Posting Electronic Agendas and Minutes on County Website

Committee staff should contact the Clerk of the Board for details and guidance on how to gain access to the AgendaCenter on the county website for posting meeting agendas and minutes. Advisory bodies are required to post agendas to the AgendaCenter, regardless of whether they are also posted on another website. [Appendix 15](#) contains instructions for posting to the AgendaCenter.

Each agenda must:

- List the full name of the advisory body, and the specific time, date, and location of the meeting.
- Provide an opportunity for public comment before an action is taken on each item.
- Describe each item of business to be considered in specific terms. Agenda items cannot be considered if the description on the agenda is not sufficient to identify the subject.
- Contain information about accessibility for the disabled.
- Provide contact information for obtaining all public documents, including staff reports or other briefings, prepared for the meeting.

No changes to the agenda or published supporting documents can be made after the final agenda is published.

Under the Better Government Ordinance staff is required to send an agenda packet to each advisory body member and individuals on the distribution list at least 96 hours in advance of the meeting (i.e. when the agenda is published). This is an important step that enables each member to review materials in order to prepare for the meeting.

No discussion of agenda items can occur among committee members before the meeting. It is a violation of the Brown Act for members to "deliberate" or otherwise communicate about business items, except in a public meeting that satisfies the Brown Act requirements.

Cancelling a Meeting

Notice of cancellation must be issued for any meeting that is cancelled after the agenda has been published, including meetings that convene but do not achieve a quorum.

Checklist for Notices of Adjournment/Cancellation:

- a) Indicate that the meeting scheduled for (date) has been cancelled.
- b) Provide the date, time, and location of the next meeting (if known). Also include contact information so that the public can contact you to obtain more information if needed.
- c) Within 24 hours of adjournment, post the notice at the meeting location.
- d) Distribute the notice to all of the advisory body members, and to all other parties or groups on the agenda subscription list.
- e) Post the Notice of Adjournment/Cancellation on the advisory body's website (if applicable) and on the County's website/AgendaCenter.

Closed Meetings

Certain independent policy-making boards and commissions may hold closed meetings under very limited circumstances and must follow specific procedures. Advisory boards, committees, commissions, and councils that have been established by the Board of Supervisors are not authorized to hold closed meetings.

Special Meetings

Special meetings require 24-hour public notice, and 24-hour notice to members and all public contacts. The agenda must include a general description of matters to be considered or discussed. Advisory bodies to the Board of Supervisors are strongly discouraged from holding special meetings.

Teleconference Meetings

The Brown Act contains strict requirements for teleconference meetings, summarized in [Appendix 16](#). Please note that these guidelines do not account for changes in law as a result of the COVID-19 pandemic. Please contact your County Counsel liaison or the Clerk of the Board's Office for questions on teleconferencing.

Documentation of Committee Actions (Minutes or Record of Action)

Minutes of the previous meeting should be formally reviewed at each of the committee's meetings, revised if substantially incorrect, and approved by a vote of the committee as the official record of its activities. Final minutes of every meeting must be produced and published by every committee in "hard copy" and electronic formats.

A complete physical (printed, paper) copy of the minutes must be retained permanently in the committee's permanent records archive. Electronic copies of the committee's minutes must be posted (like agendas) to the AgendaCenter of the County website.

Format of Meeting Minutes

It is most important that the minutes accurately record the committee's official decisions and actions. Minutes should include a brief description of any motion considered (whether or not it is approved) and must record the vote taken on the motion. Votes must be recorded in the minutes using the format required in California law. Minutes must be prepared using the legally required format—which includes rollcall votes—described in [Appendix 17](#) and [Appendix 18](#).

Attendance, absence, or late arrivals of committee members should be recorded in the minutes. The minutes may include the major points made during the discussion, although not all discussion is recorded. Public visitors are not required to sign in and their presence or absence at the meeting should not be included in the minutes.

Following the meeting, the vote should be made public by posting the adopted minutes or record of actions for each meeting in the same physical location where meeting agendas are posted, and by posting an electronic copy of the minutes on the County's website/AgendaCenter.

IV. EFFECTIVE ADMINISTRATION OF COUNTY ADVISORY BODIES

Responsibilities of Advisory Body Members

Understanding and Contributing to the Committee's Purpose, Priorities, and Goals

Committee members should strive to fulfill the committee's purpose, priorities, and goals. The committee's mandate is reflected in the establishing legislation and in committee bylaws.

Reviewing Agendas and Supporting Documents

Committee members should review all materials, including agendas and supporting documents, in advance of meetings. Be prepared to ask questions as needed and to discuss the items on the agenda as part of committee deliberations. Your active participation is important.

Conduct at Meetings

Committee members should be aware of, and adhere to, appropriate meeting behavior. Members of the County's boards, commissions, committees, and councils should strive at all times to work constructively with other committee members, to respect and consider alternative points of view, and to engage actively in committee business. The following specific guidelines should be observed:

- Be attentive, respectful, and courteous to members of the public and fellow committee members.
- Avoid interrupting persons who are speaking.
- Avoid any personal remarks; focus on the subject matter.

Your professionalism will help the committee gain respect and influence.

Absence from Meetings

Regular attendance at meetings is vital to the overall effectiveness of the committee. Always notify the staff and chairperson of any expected absences.

The most important reason that regular attendance is needed is the requirement for every committee to establish a quorum at each meeting in order to conduct its business. In the absence of a quorum (the minimum number of members), the meeting must be cancelled. If the quorum is not present at the

meeting roll call, the meeting must be cancelled. If one or more members leave during the meeting and a quorum is not present after they leave, the meeting must be adjourned.

Nevertheless, there will be occasions when it is not possible for a member to attend a meeting, or when a member must leave during a meeting. In this situation, the committee member should contact the committee chair or staff person as soon as the absence can be anticipated to advise the committee of the expected absence.

Updating Contact Information

Any change of contact information of a committee member must be sent to the County staff liaison for the committee to ensure continued effective communication.

Responsibilities of County Staff Liaisons

The exact role of a committee's County staff liaison should be agreed upon between the staff liaison, any other departmental representatives with authority over the committee, and the committee itself. The staff liaison role may be revised as circumstances require.

The role of a committee staff liaison usually will include the following activities, but can be adjusted based on the specific needs of each committee:

- Prepare meeting notices, agendas, and supporting documents for timely distribution.
- Post all committee agenda packets and minutes at a physical location (usually where the meeting is held) that is accessible to the public for 96 hours continuously prior to the meeting.
- Post all committee agenda packets and minutes on the County's website/AgendaCenter as soon as they are published; this must occur in addition to any links to other webpages where committee information appears.
- Distribute copies of agenda materials to all members of the committee at the same time the materials are published, as required by the County's Better Government Ordinance.
- Prepare minutes that accurately reflect actions and decisions taken at meetings.
- Manage procedures for appointments, resignations, and vacancies in collaboration with County Administrator and District Office staff and ensure compliance with policies and statutes.
- Assist the committee in conducting ongoing recruitment and outreach to maximize public opportunities to apply for membership as vacancies occur.
- Revise committee bylaws as necessary.
- Administer the committee's Conflict of Interest Code and manage Biennial Notices, if required.
- Maintain committee attendance records.
- Maintain the committee's archive of public records, including permanent copies of agendas and minutes, training certifications, oaths of office, and Form 700s, as required.
- Coordinate administration of oaths of office, if required.
- Collaborate with the County Administrator's Office and Office of the Clerk of the Board to prepare and submit status reports about committee activities to the Board of Supervisors for action or review. These include Annual Reports, the Triennial Sunset Review, and other reports as needed.

Managing Committee Agendas & Minutes

It is important for each committee to assign responsibility either to the staff or to a committee Secretary

(or other member) to prepare and distribute agendas with supporting documents and to create and distribute minutes of meetings in accordance with the provisions of the Brown Act and the County Better Government Ordinance.

A committee, board, commission, or council that does not have dedicated County staff support must nonetheless prepare and distribute its meeting notices, agendas, and minutes as required by the Brown Act and the County Better Government Ordinance.

a) [Electronic Agendas and Minutes on County Website](#)

An electronic copy of every meeting agenda, as well as minutes, must be published by committee staff on the County's website. In order to gain access to the Meeting Agenda Center on the County website, committee staff liaisons should contact the Clerk of the Board's Office. The County website includes a section called the "Public Meetings Agenda Center", often called the "AgendaCenter", for this purpose. Committees may post agendas and minutes on other web pages if they choose, but the documents must also be posted electronically in the County's official AgendaCenter, as required by Resolution No. [2020/1](#) and [2020/2](#). Committee support staff may contact Media Relations/CCTV or the Clerk of the Board's Office for instructions on how to post agendas and official minutes, once approved, to the County website.

b) [Identify and Publish Location of Physical Records](#)

The physical location or contact information where members of the public may request copies of the committee's public records should be included on the committee's agendas, and in the Annual Report.

Records Retention Policies

Permanent Records Archive

Every committee is expected to develop a permanent physical archive for its public records (in particular, "hard copies" of agendas, minutes, and any correspondence addressed to the committee) and to make the public records available upon request, as required by the California Government Code and the County's Better Government Ordinance.

30-Day Communications File Under Better Government Ordinance

Under the County's Better Government Ordinance, all advisory bodies are required to maintain a correspondence file of all communications received over the previous thirty (30) days and to make this file easily available for inspection. California law further requires that all communications addressed to the committee must be retained in the committee's archive for two (2) years.

Records Retention Schedule for Advisory Committees

[Resolution No. 2014/444](#) (see [Appendix 19](#)) requires advisory bodies to maintain their official documents and other records for specified periods of time to comply with legal requirements.

The resolution includes a schedule which indicates the time period that each type of document must be retained by the committee. Once the retention period has expired for each document, it may be destroyed. Some types of documents are permanent, including agendas and minutes, and may not be destroyed.

Public Records Requests

Most advisory bodies will have few records other than agendas and minutes. [Appendix 20](#) provides recommended documents for committee files.

Public records requests should be addressed immediately. Under the Contra Costa County Better Government Ordinance, the County's advisory bodies must respond in writing to any public records request within one (1) business day. This is a much shorter time period for response than the 10-day period that is allowed under the California Public Records Act.

If an advisory body requires further assistance with a request for information under the Public Records Act, the committee's County staff (or District Office liaison) should contact the County Administrator's Office or County Counsel's Office immediately for additional information or assistance. If you have questions about records administration requirements for your committee, please contact your committee's County staff liaison or the Clerk of the Board.

Managing the Advisory Body's Roster

In order to distribute agendas and meeting materials to the correct parties in a timely manner, advisory body staff must maintain accurate rosters and distribution lists. Additionally, rosters are essential for proper committee administration. Rosters can provide information on when to recruit for various seats, on member attendance, and to ensure that member training requirements are met. [Appendix 21](#) provides more information on what to include on rosters and distribution lists.

Types of Seats

The Board makes appointments to two types of committee seats: "District Seats" (nominated by the District Supervisor generally based on District residence) and "At-Large Seats" (usually open to all County residents). Some committee seats have more specific technical or educational requirements based on the needs of the committee. Committee seats are listed in the enabling legislation and in the committee's bylaws as approved by the Board of Supervisors. No changes in seat characteristics may be made except by the Board of Supervisors.

V. APPOINTMENT PROCEDURES

Recruitment

Recruitment should be as widespread and broad based as possible, using all avenues available. Copies of any recruitment announcement issued by the committee should be sent to the Clerk of the Board of Supervisors for posting in the County building (see [Appendix 22](#) for a sample recruitment press release). Suitable recruitment posting locations include public libraries, the County webpage, and public interest announcements in local newspapers or other media. Social media should only be used to recruit applicants provided that an announcement also appears on the County website. [Appendix 23](#) provides information on creating a recruitment calendar and recommended recruitment activities.

Applications

Applications for all seats should be filed initially with the Clerk of the Board's Office, which will distribute applications to the appropriate contact person for the committee. Applications may also be made directly to the committee staff if a copy is provided to the Clerk of the Board immediately. All applications must specify the committee (and if possible, the specific seat) the applicant wishes to be considered for.

Submitting Applications

Applications for advisory boards & commissions may be submitted by either one of two methods:

1. **PDF application** (available [here](#) and in [Appendix 24](#)): Can be submitted by email, mail, or by hand-delivery to the Clerk of the Board of Supervisors.
2. **Online application** (available through Granicus at this link): <https://contra-costa.granicus.com/boards/forms/321/apply/>

If an applicant experiences any issues applying through either method, they should contact the Clerk of the Board of Supervisors at (925) 655-2000 or ClerkOfTheBoard@cob.cccounty.us.

Processing Applications

The Clerk of the Board monitors and processes applications for service daily. Applications are forwarded to the appropriate county staff or nominating authority for review, generally within one to two business days of receipt. When an applicant applies through Granicus, they will receive an automatically generated confirmation email. When an applicant applies using the PDF or emailed application, they will receive a phone call or email from the Clerk of the Board's Office confirming their submission. Additional steps, including arranging interviews and contacting applicants regarding the status of their application after receipt, are the responsibility of the nominating authority or committee staff.

Review of Applications

Applications for seats are initially reviewed either by a standing committee of the Board of Supervisors, by a Supervisor's District Office (for District seats only), or, in some cases, by a subcommittee of the advisory body itself, followed by a formal recommendation of applicant(s) to a standing committee or to the full Board of Supervisors.

Staff to each individual committee, board, commission, or council should be familiar with the specific appointment processing procedure that applies to the seats on that committee, including any requirements for applications to be reviewed by a standing committee prior to consideration by the full Board.

Managing Appointments

Committee staff liaisons must coordinate with the County Administrator's Office to arrange for Board Orders (i.e., recommending appointments) to go before the standing committee (when required) and Board of Supervisors for approval, including submitting complete application materials for review. Sample formats for appointment Board Order documents appear in [Appendix 25](#).

Appointment procedures were adopted by the Board of Supervisors in two separate Resolutions, [Resolution 2020/1](#) (advisory bodies—[Appendix 26](#)) and [Resolution 2020/2](#) (independent bodies—[Appendix 27](#)). They should be consulted for specific guidance concerning the County's appointment procedures. Committee staff should coordinate with the County Administrator's Office and Office of the Clerk of the Board to coordinate the appointment process pursuant to the guidelines that appear in the appropriate Board resolution.

County policy requires that, unless otherwise provided in the law, appointees must reside or work in Contra Costa County.

Advisory Boards or Committees

[Resolution 2020/1](#) governs procedures for appointments to advisory committees, boards, and commissions created by the Board of Supervisors.

Independent Boards or Committees

[Resolution 2020/2](#) describes procedures for appointments to independent boards, committees, commissions, and special districts, including appointments that are first reviewed by a Board Standing Committee(s).

For any questions concerning the resolutions or the procedures to follow to submit applications to the Board of Supervisors for consideration, contact the Clerk of the Board.

Managing Resignations & Vacancies

Some committee members may find it necessary to resign before their term expires. Committee members who wish to resign should notify committee staff as soon as possible. A resignation results in an “unscheduled vacancy” which must be reported to the Board of Supervisors. See the “Unscheduled Vacancies” section below for information on procedures to follow in this case.

There are two types of vacancies. The difference depends on whether the seat term has expired when the vacancy occurs.

Scheduled Vacancies

A scheduled vacancy occurs automatically when the seat term expires. By December 31 of every year, the Clerk of the Board posts a list on the County website showing the scheduled vacancies (including the scheduled seat expiration dates) that will occur during the following calendar year. In addition, the Clerk of the Board updates all the official rosters maintained on the County website weekly to reflect vacancies resulting from expired terms as they occur. Scheduled vacancies do not require a Board Order and will be automatically updated by the Clerk of the Board.

Unscheduled Vacancies

An unscheduled vacancy occurs when a committee member leaves the committee for any reason before the end of the appointed term of office. Unscheduled vacancies must be recognized officially by the Board of Supervisors through a Board Order. State law, [Cal. Gov. Code §54974 \(a\)](#), requires that an official notice of the vacancy must be posted by the Clerk of the Board within twenty (20) days of when the vacancy occurs. The vacancy notice must be posted for at least ten (10) business days before a new appointment can be approved. Committee staff should notify the Clerk of the Board’s Office **as soon as an unscheduled vacancy occurs** to ensure the notice is posted within the statutory time frames.

Committee staff should submit a draft Board Order for unscheduled vacancies to the County Administrator's Office, or other applicable department, to add the required vacancy announcement to the Board of Supervisor's agenda. Unscheduled vacancies cannot be filled until the required 10-day posting is complete following approval of the agenda item. The subsequent appointment to fill the vacated seat requires a separate Board Order. A sample format for Board Orders to announce an unscheduled vacancy is found in [Appendix 25](#).

VII. APPENDICES

Appendices, including source documents and templates, begin on the following page. See the Table of Contents for a full list of appendices.

[Appendix 1: List of Advisory Bodies Per Resolution 2020/1](#)

RESOLUTION NO. 2020/1 EXHIBIT A

List of Applicable Advisory Bodies

Advisory Council on Aging
Agricultural Advisory Task Force
Alamo Municipal Advisory Council
Alcohol and Other Drugs Advisory Board
Arts & Culture Commission of Contra Costa County
Aviation Advisory Committee
Bay Point Municipal Advisory Council
Bethel Island Municipal Advisory Council
Byron Municipal Advisory Council
Commission for Women
Contra Costa County Fire Protection District Fire Advisory Commission*
Contra Costa County Planning Commission*
Council on Homelessness
County Service Area P-2A (Blackhawk Police Services) Citizens Advisory Committee
County Service Area P-2B Citizens Advisory Committee (Alamo Police Services Advisory Committee)
County Service Area P-5 (Roundhill) Citizens Advisory Committee
County Service Area P-6 (Discovery Bay Zones) Citizen Advisory Committee
County Service Area R-10 (Rodeo) Citizens Advisory Committee
Countywide Bicycle Advisory Committee
Crockett-Carquinez Fire Protection District Advisory Fire Commission
Diablo Municipal Advisory Council
East Richmond Heights Municipal Advisory Council
Economic Opportunity Council
El Sobrante Municipal Advisory Council
Emergency Medical Care Committee
Equal Employment Opportunity Advisory Council
Family & Children's Trust Committee
Fish & Wildlife Committee
Hazardous Materials Commission
Historical Landmarks Advisory Committee
Integrated Pest Management Advisory Committee
Iron Horse Corridor Management Program Advisory Committee
Juvenile Justice Coordinating Council
Keller Canyon Mitigation Fund Review Committee
Kensington Municipal Advisory Council
Knightsen Town Advisory Council
Library Commission
Local Planning and Advisory Council for Early Care and Education (LPC)
Managed Care Commission

Mental Health Commission
North Richmond Municipal Advisory Council
Pacheco Municipal Advisory Council
Public Law Library Board of Trustees
Racial Justice Oversight Body
Rodeo Municipal Advisory Council
Sustainability Commission
Treasury Oversight Committee*

Last Updated: January 7, 2020

*Interviews for the Contra Costa County Fire Protection District Fire Advisory Commission, Planning Commission and Treasury Oversight Committee will always be conducted by a Board Committee.

[Appendix 2: List of Independent Bodies Per Resolution 2020/2](#)

RESOLUTION NO. 2020/2

EXHIBIT A

List of Applicable Independent or Quasi-Independent Bodies

A. Decision-Making Bodies

Airport Land Use Commission
Alamo-Lafayette Cemetery District Board of Directors
Assessment Appeals Board
Byron-Brentwood-Knightsen Union Cemetery District Board of Trustees
Contra Costa County Employees' Retirement Association (CCCERA)*
East Contra Costa Fire Protection District Board of Directors
First 5 Contra Costa Children and Families Commission
Housing Authority Board of Commissioners
Merit Board
Mosquito & Vector Control District Board of Trustees (Contra Costa County)
Resource Conservation District Board of Directors (Contra Costa County)
Tri-Delta Transit Authority Board of Directors
Western Contra Costa Transit Authority Board of Directors
Workforce Development Board (Contra Costa County)

B. Advisory to independent bodies

Affordable Housing Finance Committee
Contra Costa Transportation Authority (CCTA) Citizen Advisory Committee
County Connection Citizens Advisory Committee
Countywide Redevelopment Successor Agency Oversight Board*
East Bay Regional Park District Park Advisory Committee
In-Home Supportive Service Public Authority Advisory Committee
Contra Costa Solid Waste Local Enforcement Agency (LEA) Independent Hearing Panel
North Richmond Waste and Recovery Mitigation Fee Committee
Regional Measure 3 (RM3) Independent Oversight Committee*

Last Updated: January 7, 2020

*Interviews for the following will always be conducted by a Board Committee:

- Contra Costa County Employees' Retirement Association (CCCERA),
- Countywide Redevelopment Successor Agency Oversight Board, and
- Regional Measure 3 Independent Oversight Committee.



MUNICIPAL ADVISORY COUNCIL POLICIES

Originally adopted by the

Contra Costa County Board of Supervisors on December 16, 2008

Upon the recommendation of the Ad Hoc MAC Committee

amended by the Board on January 14, 2014 and April 19, 2016

Upon the recommendation of the County Administrator

amended by the Board on July 12, 2016

Upon the recommendation of Supervisor Glover

and amended January 7, 2020

Upon the recommendation of the Internal Operations Committee

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Introduction

In recognition of the need by unincorporated communities for increased influence with their county boards of supervisors, municipal advisory councils have been organized in some counties under authorization of a 1971 legislative statute. Such a council is an advisory body of local citizens appointed by the board of supervisors with the purpose of representing the community to the board. Although a municipal advisory council is a Board of Supervisors-established advisory body, it has no fiscal authority or administrative organization. Because it lacks authority to implement its position directly, it seeks to accomplish its goals through county government. These councils face two ways: toward the county, offering the views of the community; and toward the community, supplying information about county proposals and a place where individuals can air opinions on community problems and perhaps receive assistance and guidance. The councils hold public meetings, survey community opinion and speak for the community to the board of supervisors. The most common subject of activity is land-use planning.

The following policy was adopted for the purpose of improving consistency among the County's Municipal Advisory Councils (MACs). Previously, there had been little consistency in the membership composition, method of member selection, staff support, activities conducted, methods of community outreach, and fiscal resources among the MACs. While some of these variances may have appropriately reflected the inherent differences in the communities served, a policy framework for the operating rules and procedures of the MACs ensure that the MACs are effectively serving their advisory purpose and, in that regard, are accurately representing the concerns and recommendations of the community.

1. MAC Member Appointments

Resolution No. 2020/1 ("Appointments to, Formation of, and Requirements for Board Advisory Bodies") states: "Except for county officers and employees serving in an official capacity, all advisory body members shall have specific terms of appointment as prescribed by statute or as fixed by the Board. Unless otherwise specified, appointees shall serve four-year terms, and terms should be staggered to limit the number of scheduled vacancies at any one time."

MAC members are appointed by the Board of Supervisors, upon nomination by the District Supervisor. Often, after the expiration of a member term, the member continues to serve in the seat until re-appointment or dismissal. Although the continuation of service may seem efficient from the perspective of having a seat filled, it can create the impression that re-appointment is an automatic process.

- a. There should be no automatic re-appointment of MAC members.

- b. At the expiration of the term, the MAC member appointment should be terminated, and the MAC member should not hold over.
- c. The District Supervisor may choose whether to re-nominate an incumbent member or nominate a new member. Any re-nomination or nomination must be approved by the Board of Supervisors.
- d. Effective January 2009, MAC member terms shall be coterminous to the term of office of the District Supervisor nominating the member. Appointments should be made within 60 days of the beginning of the District Supervisor's term.
- e. In the case of newly-elected Supervisors, MAC members can carry over their positions for a period not to exceed 90 days, to allow time for a Supervisor to recruit and make position selections and nominations to the Board of Supervisors.

2. MAC Member Termination

Each appointed member of the MAC serves at the pleasure of the Board of Supervisors and may be removed, at will, by a majority vote of the Board. The rescission of an appointment by the Board is rare. However, policies should be in place in the event that a MAC member acts inappropriately toward other MAC members, staff, or the public; acts outside the authority of the MAC; or has persistent problems with attendance.

- a. MAC members may be removed from their appointments at will upon recommendation by the District Supervisor to the Board of Supervisors.
- b. MAC members should express concerns about any inappropriate behavior by a member to the District Supervisor.
- c. If an issue arises, a District Supervisor may meet with or send a letter to the MAC member and the MAC Chair, advising the member of the concern and indicating that a failure to correct the inappropriate behavior may lead to removal.
- d. The MAC member should receive written notice of a recommendation for removal, of the date and time of the meeting at which the Board will consider the matter, and of the opportunity for public comment to the Board before action on the matter.
- e. If a MAC member or alternate has been absent from two consecutive meetings, the secretary or administrative support staff should advise the member or alternate that absence from three consecutive regular meetings of the MAC may result in a recommendation of termination to the Board of Supervisors.
- f. Where it appears that there will be sufficient members to hold a meeting but at the actual time of the meeting a quorum cannot be reached and the meeting is

canceled, those members or alternates who are absent will have an absence counted against them.

3. MAC Alternate Positions

Alternates can serve a useful purpose by assisting with the achievement of a quorum. However, a policy of automatic appointment of the alternate in the event of a vacancy may discourage other interested individuals from applying for appointment. Moreover, appointments should not be made automatically, in respect of District Supervisor responsibility for member nominations.

- a. Alternate positions do not automatically assume a member position when a vacancy arises. Alternates, however, may be nominated to fill a member vacancy to the Board of Supervisors by the District Supervisor.
- b. The District Supervisor may recommend to the Board establishment of up to two alternate positions for a 5 member MAC and one alternate position for a 7 member MAC.

4. MAC Youth Representative

The District Supervisor may recommend to the Board establishment of one non-voting youth representative position on any MAC. This non-voting position shall not affect quorum requirements.

5. MAC Membership Size

MACs are currently comprised of either 5 or 7 voting members with one, two, or no alternates, and are sized to correlate with the size of the community they represent, and to provide greater consistency among the MACs and equalize administrative support requirements. MACs that represent unincorporated communities whose population is less than 4,000 should have a membership of no more than 5 voting members.

| MAC | District | Current Size |
|----------------------|-----------------|---------------------|
| Alamo | II | 7 |
| Bay Point | V | 7 |
| Bethel Island | III | 5 |
| Byron | III | 5 |
| Diablo | III | 5 |
| El Sobrante | I | 7 |
| Kensington | I | 5&2alts |

| | | |
|-----------------------|-----|-------------|
| Knightsen | III | 5 |
| North Richmond | I | 7 |
| Pacheco | V | 5 & 1 alt.* |
| Rodeo | V | 5 |

5. MAC Committees

Some MACs have established committees (or subcommittees) to address particular subject areas considered by the MAC. However, contrary to requirements, the committees have not always operated in accordance with MAC operating procedures, the Brown Act, and the County’s Better Government Ordinance. Unless these policies and procedures are followed, the MAC, the public and the Board of Supervisors may not be well served by the committees.

- a. MACs may establish a single-purpose committee (or subcommittee) when needed. The committee (or subcommittee) shall be composed solely of less than a quorum of the MAC and chaired by one of its members. Members of the public who are not MAC members may not serve on a committee or subcommittee.
- b. A specific charge or outline of responsibilities shall be established for the committee (or subcommittee) by the MAC in its Board-approved annual work plan. A target date shall be established through the annual Work Plan for report back to the MAC. The maximum life of the committee (or subcommittee) shall be one year, with annual review, and possible extension by the MAC through the annual Work Plan.
- c. The committee (or subcommittee) shall operate in accordance with MAC operating procedures, the Brown Act, and the County’s Better Government Ordinance.
- d. Meeting agendas for committees (or subcommittees) shall be posted and records of action should be maintained and posted as well.

6. MAC Meeting Frequency, Location, Length, Operations

Current policy in the MAC establishing resolutions indicates that MACs “shall hold regular meetings *at least monthly* at an established time and place.” (*Italics added.*) Many MACs meet twice a month, with additional committee meetings. The frequency and length of meetings increase the cost and requirements of administrative support for the MACs. However, MACs should meet as needed to ensure timely and effective input on land use matters.

- a. MACs shall establish a standard meeting schedule for the year as part of its Board of Supervisors-approved annual work plan, making changes in consultation with the District Supervisor’s office.
- b. MAC meetings should be held at a time and place convenient and accessible to MAC members, the community, and administrative support staff.
- c. Generally, MAC meetings should not exceed three (3) hours in length.
- d. MACs shall fully comply with the Board of Supervisors’ policy concerning conflict of interest and open meetings (Resolution No. 2002/376).
- e. The MACs shall agendaize and respond to items that are referred to them in a timely manner (i.e., within 30 days of referral) such that their review does not delay the County consideration of the matter.
- f. Time limits may be imposed in the course of the meeting by the Chair. In general, speakers should be prepared to make their points known within three minutes.
- g. The agenda should reflect and the MAC Chair should remind the public at the start of each meeting that the MAC is an advisory body to the Board of Supervisors.

7. MAC Training Requirements

The staffs of the County Administrator’s Office (CAO), Auditor-Controller and County Counsel annually train advisory body and MAC members on operating procedures, fiscal procedures, the Brown Act, the County’s Better Government Ordinance, and County government in general. Training provides MAC members with resources and knowledge to operate efficiently and effectively.

- a. MAC members must attend a training offered by the CAO staff at least once during the first two years of his/her term, preferably in the first year, and must view the video training “The Brown Act and Better Government Act—What You Need to Know” within 60 days of their appointment by the Board of Supervisors.
- b. MAC members are encouraged to attend the annual advisory body training and should receive an orientation on MAC member duties and responsibilities by District and/or CAO staff before their first meeting. CAO staff will develop and distribute a MAC Handbook to members, as well as a guide to the Brown Act.
- c. Within three months of appointment, each MAC member shall complete the prescribed training on compliance with conflict of interest and open meeting laws and shall certify that he or she has completed such training. Training certificates should be maintained by the District administrative support staff.

- d. MAC chairs and/or treasurers must receive fiscal training offered by the Auditor-Controller's Office and CAO staff before assuming their position.

8. Administrative Staff Support of MACs

Administrative support resources have varied widely among MACs. Some MACs have handled their own administrative matters; others have been supported by District staff or a contractor. To ensure effectiveness, all MACs need some level of administrative support services provided by either District staff or through an independent contractor.

- a. Each District Supervisor should determine if their MACs will receive administrative support services from District staff or an independent contractor retained by the District.
- b. In all cases, District staff should be responsible for fiscal oversight of the MACs.
- c. Administrative support services to the MACs could include some or all of the following:
 - i. MAC agenda preparation, posting, and distribution.
 - ii. Attendance at MAC meetings and arranging for County staff attendance, as needed.
 - iii. Preparing responses to inquiries made during public comment.
 - iv. Preparing responses of requests from MAC members.
 - v. Records of action posting and distribution.
 - vi. Filing and maintaining training certifications.
 - vii. Fiscal oversight of the MAC budget and establishment of Petty Cash fund.

9. MAC Funding

- a. Each District Office should be provided \$3,000 annually per MAC for support of MAC operations. Prior to FY 2014/15, funding was not available for this purpose; however, the Board allocated operations funding for FY 2014/15. Non-General Fund support for MAC operations should be identified during those periods when County General Fund support is unavailable.
- b. Funding will be restricted to the following uses: clerical support, telephone expenses, post office box expenses, postage, print and mailing services, and community meeting expenses. Funding may not be expended on other items not directly related to the functions and activities specified in the Board-approved annual work plan.

- c. MACs are encouraged to seek and apply for funding from other non-County sources to supplement their budget.

10. MAC Operating Procedures--Creating Agendas, Posting Agendas, Records of Action, and File Storage

Not every MAC has consistently operated in adherence with a set of operating rules, the Brown Act, the County's Better Government Ordinance, the Board of Supervisors' policy concerning conflict of interest and open meetings (Resolution No. 2002/376), and the Board's policy governing appointments to boards, committees, and commissions (Resolution 2020/1). Without adherence to policies and rules, public participation and the provision of public information is hampered. In addition, the District Supervisor and Board of Supervisors may not be well served by a lack of timely and accurate information.

- a. The agenda for a MAC meeting should be created by the MAC Chair in consultation with the administrative support staff. The County Administrator's Office will provide an agenda template. The Agenda should include a statement that the MAC is an advisory body to the Board of Supervisors.
- b. The agenda for a MAC meeting shall be posted in accordance with the Brown Act and the County's Better Government Ordinance.
- c. District staff is encouraged to post the agenda and record of actions on the District webpage and must post the agenda in the Public Meetings Agenda Center.
- d. Materials distributed for the meeting must be available for viewing at a specified location that is a public place, accessible during normal business hours, at least 96 hours before a scheduled meeting. In addition, a sufficient number of copies of meeting materials (a minimum of 10) should be available at the meeting for MAC members and the public.
- e. The MAC should keep a record of its actions in a form prescribed by the County's Better Government Ordinance: "Each County body must keep a record of its meeting. Though the record need not be verbatim, i.e., a tape-recording, it must accurately reflect the agenda and the decisions made in the meeting." (Ord. § 25-2.205).
- f. The Record of Actions should be approved by the MAC and submitted to the District Supervisor office no later than one month after their approval. The County Administrator's Office will provide a template for Records of Actions.

- g. Storage space for MAC files should be provided at District Supervisor offices where feasible. For transition purposes, District Supervisors should have access to at least two years of records. If there is insufficient space in the District offices, the County Administrator's Office can assist with the provision of storage space at a centralized location.
- h. MACs will not maintain Conflict of Interest Codes; however, as Board of Supervisors appointees, MAC members are required to follow Resolution No. 2002/376, the Policy for Board Appointees on Conflict of Interest and Open Meetings, which states, "*All Board Appointees should so conduct the public business as to avoid even any appearance of conflict of interest.*"

11. MAC External Communications and Representations

MACs advise the Board of Supervisors on land use and planning matters affecting their communities of interest and may represent their communities before the Board of Supervisors, the Planning Commission and the Zoning Administrator on such issues as land use, planning, and zoning. MACs may also represent the community before the Local Agency Formation Commission on proposed boundary changes affecting the community.

MACs may advise the Board of Supervisors on services which are or may be provided to the community by Contra Costa County or other local government agencies. Such services include, but are not limited to, public health, safety, welfare, public works, and planning. MACs may also provide input and reports to the Board, County staff or any County hearing body on issues of concern to the community.

However, it is understood that the Board of Supervisors is the final decision making authority with respect to issues concerning the community and that the Council shall serve solely in an advisory capacity.

- a. Except as specified, the MAC and its individual members acting on behalf of the MAC, may not represent the community to any federal, state, other county, city, special district or school district, agency or commission, or any other organization on any matter concerning the community.
- b. Individual MAC members cannot represent the MAC's positions unless such representation has been expressly authorized by a vote of the MAC. When an individual member is authorized to represent the MAC's position to the Board of Supervisors, Planning Commission, Zoning Administrator, or LAFCo, that member should speak only to those topics which have been expressly authorized by the MAC and only with respect to the issues MACs are authorized to address.
- c. The MAC may not, as a body, take positions on candidates for any public office or take positions on any legislative matter.

- d. On any business cards, letterhead, or printed material from the MAC, the MAC should be identified as an advisory body to the Board of Supervisors, and the contact information for the District Supervisor should be included.

12. MAC Annual Reports, Including Work Plans

Work Plans had not been regularly submitted by the MACs; however, they are a good planning tool and help focus the MAC's time and attention. With respect to "Responsibilities of Advisory Bodies," Board Resolution 2011/497 states: "Each advisory body shall submit an Annual Report to the Board on its activities, accomplishments, membership attendance, required training/certification (if any), and proposed work plan or objectives for the following year, in December."

- a. In January 2014, the Board expanded the scope of the annual report to include a section on receipt and expenditure of funds, by line item/expenditure category.
- b. Each MAC should be reminded of its annual reporting responsibilities by administrative staff support.
- c. MAC annual reports, including work plans, should be reviewed by the District Supervisor who will recommend appropriate action by the Board of Supervisors.
- d. Each MAC should consult with District staff when developing its annual work plan.
- e. Failure to submit the required annual report and work plan may result in consideration of MAC dissolution.

13. MAC Boundaries

The current MAC boundaries do not necessarily reflect the "community of interest" for every MAC. A few MACs are surrounded by a combination of established boundaries (city or special district boundaries) or natural boundaries. However, others are partially surrounded by cities but may include industrial or agricultural land outside the Urban Limit Line. Others include lesser inhabited rural areas or government-owned areas (such as an airport, special district lands, transitional military bases, etc.).

In addition, there had previously been no apparent common or consistent rationale for the MAC boundaries. There are unique characteristics of each area; however, the boundaries should reflect the true "community of interest" for each MAC. Therefore, the following

criteria are established to redraw the MAC boundaries, as necessary, to achieve this objective.

The area for which the MACs will serve and discharge their duties and powers is the unincorporated area described on the attached maps which reflect the following criteria:

- a. Use of Borders: The unincorporated community of interest may be bounded by established borders such as county and city limit lines, special district boundaries (including, but not limited to, park and water districts), census tracts, geographic features such as highways or waterways, and/or the adopted Urban Limit Line. *Borders are followed to the extent practicable and to the extent that they reflect the generally recognized "community of interest."*
- b. Population Density and Community Affiliation: Population density and recognized population centers should be considered in determining boundaries (where established borders do not exist). The unincorporated community of interest should also include the neighborhoods or residential areas commonly or traditionally affiliated with the name of the community. *Uninhabited or sparsely populated rural or agricultural areas should generally be excluded unless there are known or anticipated matters of public health, safety, welfare, public works, and/or planning.*
- c. Areas of special interest: When an unincorporated community of interest is adjacent to industrial areas or facilities (e.g., refineries, power plants, gas fields), these areas should be included if there are known or anticipated matters of public health, safety, welfare, public works, and/or planning. When an unincorporated community of interest is adjacent to government-owned lands (e.g., airports, special district lands, transitional military bases, etc.), these areas should be included only if there are known or anticipated matters of public health, safety, welfare, public works, and/or planning.

14. Community Service District (CSD) Board Members as MAC Members

The MAC and the CSD are separate bodies and cannot be combined into a single public entity¹. However, the Board of Supervisors can create a MAC and specify that the members of the MAC shall be those persons serving as Directors of the CSD. (This was accomplished in April 2007 for the Diablo MAC.)

¹ At its March 12, 1997 meeting, the Contra Costa Local Agency Formation Commission (LAFCo) passed Resolution 96-19 that addressed termination of the Discovery Bay Municipal Advisory Council and stated that its advisory functions would be assumed by the Discovery Bay CSD Board of Directors. Subsequent to that action, the Board of Supervisors passed Resolution 97-295 terminating the Discovery Bay Municipal Advisory Council effective December 1, 1998 and acknowledging that DBCSD would assume the advisory functions previously performed by the MAC: "In order to create a smooth transition of 'in- progress' advisory functions to the newly created DBCSD, the Discovery Bay Municipal Advisory Council shall be terminated on December 1, 1998, and its advisory responsibilities shall be assumed by the DBCSD Board of Directors."

In April 2009, the Board amended its Better Government Ordinance (BGO) to exempt MACs whose membership composition is the same as the elected members of a CSD in order to eliminate any conflicts in open meeting and operating requirements between the County and a CSD. The exemption relates only to the BGO; MACs whose membership comprises a CSD board must still comply with the Brown Act and Public Records Act.

When the Board of Supervisors designates that a MAC shall have the same membership composition as a CSD Board, the CSD Board can then submit an application to the Local Agency Formation Commission (LAFCo) to activate its latent power to finance the operation of a MAC. After receiving LAFCo's approval, the Board of Directors may, by ordinance, order the exercise of that power. (Gov. Code §§ 61100 (ad); 61106). For such bodies:

- a. The "Membership" provision of the MAC's establishing resolution should be amended to specify that the Council would consist of five members who shall be the current elected members of the CSD, appointed by the Board of Supervisors, upon nomination by the District Supervisor.
- b. The "Term of Office" provision of the MAC's establishing resolution should be amended to specify that a MAC member's term shall be the same as his or her term of office on the CSD Board of Directors. Also, vacancies would not be filled through the Board of Supervisors appointment process. Rather, they would be filled based upon the result of CSD elections.
- c. The "Removal from Office" provision of the MAC's establishing resolution should be deleted, as it would not be consistent with representation by elected CSD Board members serving ex officio as members of the MAC.
- d. The "Quorum and Vote Necessary for Action" provision of the MAC's establishing resolution should be deleted, as it is more efficient for the MAC members to operate pursuant to the quorum and vote requirements of the CSD.
- e. The MAC's "Territorial Area," or boundaries, should be modified to be coterminous with that of the CSD unless there are compelling reasons for separate boundaries owing to the CSD's service requirements or the identification of the MAC's "community of interest."
- f. Notwithstanding the above amendments, the MAC should continue to operate as a County advisory body, subject to the County's operating procedures and policies for MACs and other advisory bodies, including the County's Better Government Ordinance.

[Appendix 4: Template for Annual Report](#)



ADVISORY BODY ANNUAL REPORT

Advisory Body Name: _____
Advisory Body Meeting Time/Location: _____
Chair (during the reporting period): _____
Staff Person (during the reporting period): _____
Reporting Period: _____

I. Activities

(estimated response length: 1/2 page)

Describe the activities for the past year including areas of study, work, special events, collaborations, etc.

II. Accomplishments

(estimated response length: 1/2 page)

Describe the accomplishments for the past year, particularly in reference to your work plan and objectives.

III. Attendance/Representation

(estimated response length: 1/4 page)

Describe your membership in terms of seat vacancies, diversity, level of participation, and frequency of achieving a quorum at meetings.

IV. Training/Certification

(estimated response length: 1/4 page)

Describe any training that was provided or conducted, and any certifications received, either as a requirement or done on an elective basis by members. NOTE: Please forward copies of any training certifications to the Clerk of the Board.

V. Proposed Work Plan/Objectives for Next Year

(estimated response length: 1/2 page)

Describe the advisory body's workplan, including specific objectives to be achieved in the upcoming year.

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 06/26/2012 by the following vote:

AYES: [5] John Gioia, Candace Andersen, Mary N. Piepho, Karen Mitchoff, Federal D. Glover

NOES: []
ABSENT: []
ABSTAIN: []
RECUSE: []



Resolution No. 2012/261

ESTABLISHING A TRIENNIAL REVIEW PROCESS FOR THE EVALUATION OF CERTAIN COUNTY BOARDS, COMMITTEES AND COMMISSIONS

1. Sunset Reviews:

Sunset Review dates shall be applied to all bodies which are formed by the Board of Supervisors by federal or state mandate, County Ordinance, Joint Powers Agreement, Regulatory Code, Board Order, or Board Resolution .

2. Exceptions:

Those bodies, such as Task Forces, where a discontinuance date is included in the establishing authority, and this date is within four (4) calendar years of the establishment of such a body, shall not be subject to sunset review under this policy.

3. Schedule of Sunset Reviews:

Each fiscal year, the Clerk of the Board shall schedule one third of the active bodies for review. Bodies established at the discretion of the Board of Supervisors shall be prioritized for review.

4. Sunset Review Process:

a. The Clerk of the Board shall notify bodies scheduled for review by July 1 that they are subject to Sunset Review. Staff and body Chairs will both be notified.

b. The body shall, by December 1 of that same year, review establishing ordinance, policy, or resolution as scheduled; develop recommendations for continuance, deletion or revisions, and provide a written report (not to exceed 3 pages) to the Clerk of the Board of Supervisors.

c. This report shall include:

- i. An evaluation of the body's level of involvement in County programs relative to the duties and responsibilities defined in their establishing authority;
ii. Actions accomplished or completed on issues assigned to the body by the Board of Supervisors, and/or status of goals set by the body;
iii. The justification for continuance (if recommended), with appropriate goals and timetables for the term of continuance;
iv. Citation of the appropriate government codes mandating the body and its activities (where applicable);
v. A recommendation from the staff of the body (where applicable) regarding revisions and statement of body's effectiveness.
vi. A recommendation from the Department Head regarding continuance or deletion of body.

d. The County Administrator's Office staff with oversight responsibility for the Department under which the body operates will provide a budget analysis of the County cost and the benefit to the County of the body.

e. The Clerk of the Board will package all body, Department, and CAO responses and provide copies to each member of the Board of Supervisors' Internal Operations Committee and the County Administrator.

f. The County Administrator will review body responses, receive input from appropriate departments and agencies, and schedule CAO recommended changes for IO Committee consideration. The IO Committee recommendations for the Board of Supervisors will be provided before or during the next scheduled budget deliberations.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Timothy Ewell, 925-335-1036

ATTESTED: June 26, 2012

David J. Tuck, County Administrator and Clerk of the Board of Supervisors

By: June M. Harlan, Deputy

Handwritten signature of June M. Harlan

cc:

Appendix 6: Limits on Legislative Advocacy and Rules for Mandated Bodies

TO: BOARD OF SUPERVISORS
 FROM: LEGISLATION COMMITTEE
 Supervisor Mary N. Piepho, Chair
 Supervisor Susan A. Bonilla



**Contra
 Costa
 County**

DATE: October 14, 2008

SUBJECT: **Legislative Advocacy by Mandated Advisory Bodies**

ml

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATION:

APPROVE an amendment to the Board-adopted policy on the role of advisory boards and commissions in legislation position development and advocacy to provide for legislative advocacy by mandated advisory bodies in adherence to a specified protocol, as recommended by the Legislation Committee of the Board of Supervisors.

FISCAL IMPACT:

No fiscal impacts associated with this action.

BACKGROUND:

At its February 25, 2008 meeting, the Legislation Committee considered and discussed the County's policies and procedures with regard to "Positions on Bills." These policies and procedures were then adopted by the Board of Supervisors on April 22, 2008 as the County's protocol for bill position development, recommendation, adoption, and advocacy.

Subsequent to the adoption of these policies and procedures, staff was advised of advocacy activity by various advisory boards and commissions that may have been inconsistent with the protocol. The protocol includes the following excerpt with respect to the role of advisory boards and commissions and the communication of County positions. (Areas of concern have been highlighted and italicized for the purposes of this report.)

5. Role of Board Committees and Advisory Boards and Commissions

b. County Advisory Boards and Commissions

Like County departments, County Advisory Board and Commission members possess a high level of knowledge and expertise and can provide detailed impact analyses of issues affecting the County. As advisors, board and commission members are encouraged to alert the Board of Supervisors of relevant issues and bills. To that end, County Advisory Board and Commission members are encouraged to:

CONTINUED ON ATTACHMENT: YES SIGNATURE: *JMA [Signature]*
 _____ RECOMMENDATION OF COUNTY ADMINISTRATOR _____ RECOMMENDATION OF BOARD COMMITTEE
 _____ APPROVE _____ OTHER

SIGNATURE(S): _____
 ACTION OF BOARD ON *October 14 2008* APPROVED AS RECOMMENDED OTHER _____

VOTE OF SUPERVISORS
 UNANIMOUS (ABSENT _____) NOES: _____
 AYES: _____ ABSTAIN: _____
 ABSENT: _____
 Contact: L. DeLaney 5-1097
 Cc: Legislation Committee (Supvs. Piepho & Bonilla)

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON MINUTES OF THE BOARD OF SUPERVISORS ON THE DATE SHOWN.

ATTESTED *October 14 2008*
 DAVID TWA, CLERK OF THE BOARD OF SUPERVISORS

BY: *43 [Signature]*

- Identify and analyze legislative issues of concern to board/commission subject areas. For those issues of importance, the staff person to the board/commission should alert any relevant County department and the CAO's staff (or Transportation Planning staff) about the issue and provide an analysis. **Public opinion and/or advocacy about the issue should not proceed without Board of Supervisors action on the issue.**
- The analyses should briefly describe the issue and consider both programmatic and fiscal impacts to service delivery as well as impacts on those served. Should the CAO's office (or Transportation Planning staff) determine that the issue conforms with a pre-existing Board policy position, the CAO's staff and the board/commission staff will work collaboratively to draft a Board Order and position letter for signature by the Chair of the Board. Should the CAO's staff determine that the issue does not conform with a pre-existing policy, the issue will be placed on the next Legislative Committee, standing committee, or Board agenda, as needed.

6. **Communication of position to legislative delegation and legislative committee members**

It is the primary responsibility of the CAO's legislative staff and Transportation Planning staff, in coordination with the federal and state advocates, to advance the official County position on bills as they progress through the legislative process. However, this advocacy may require and include the participation of Board members, the CAO, Department heads, and other designated County staff as appropriate.

Advocacy activities and communication of official County positions may include direct interaction with members of the Legislature and their staff; Legislative Committees and their staff; the Administration and State and federal agencies; statewide organizations, as well as local or regional governmental bodies.

A Department or Advisory Board/Commission may not take any action that would imply the County's support or opposition to any pending legislation in the absence of, or inconsistent with, adopted Board positions.

Any time a County employee appears before a state, federal or local body to express a personal opinion or make a public comment, that individual must state for the record that they are speaking as a private citizen and not as an employee of the County or a representative of the Department for which they work. Further, written personal opinions shall not appear on County or department stationery/letterhead.

These procedures do not apply to elected officials who have been independently elected to represent the County and its residents. However, elected Department heads are encouraged to continue the best practice of open communication with the Board of Supervisors, CAO and CAO staff on important state and federal issues. In addition, the support of our elected officials on behalf of County policy positions can be a persuasive factor when dealing with state and federal representatives, and efforts to maintain this cooperative spirit will be given high priority by the CAO and CAO's staff.

With regard to written correspondence:

- Following action by the Board of Supervisors on legislative matters, the CAO's staff (or Transportation Planning staff) shall coordinate with the Board Chair and federal/state advocates to forward copies of such action to appropriate state and federal representatives, committees, and agencies.
- Letters of support or opposition to legislation will be prepared and coordinated with departments by the CAO's staff in accordance with Board-adopted positions.
- ***Written correspondence on behalf of the County to elected officials at the federal, state, or local level shall be transmitted over the signature of the Board Chair.***
- ***Only the Board of Supervisors can send position letters on a particular piece of legislation.*** Of course individual Board members and other elected officials have the right to express their positions on bills on behalf of themselves (but not the County).

DISCUSSION:

The amendment would clarify that state or federally mandated advisory boards or commissions may engage in legislation position development and advocacy according to the following protocol:

- Positions may be taken only insofar as they are not inconsistent with Board-adopted policies or positions; Staff of the mandated advisory body must review the position recommendation for consistency with the Board-adopted State/Federal Platforms and advise the board/commission if an inconsistency exists; and
- Positions must be consistent with an adopted advisory body platform that is included in the Board-adopted State and Federal legislative platforms; and
- Positions must be communicated in a manner that clearly states through the use of a disclaimer/disclosure on any stationery and in the body of the letter that the advisory board or commission is advisory to the Board of Supervisors and that any comments, recommendations, opinions, and positions made by the board or commission or its individual members do not represent the official position of the County or any of its officers; and
- Position letters must be distributed by the CAO's staff, who will include in its distribution the Board of Supervisors and any relevant Board committee.

With this amendment to the Board-adopted protocol on position development and advocacy for advisory boards or commissions that are state or federally mandated, these boards or commissions can continue to perform their advocacy efforts in a manner that is consistent with the positions and priorities of the Board of Supervisors and not purporting to represent the positions of the Board of Supervisors or its members.

The state and/or federally mandated advisory bodies to which this protocol would apply include:

| | |
|----|--|
| 1 | Advisory Council on Aging, Contra Costa County |
| 2 | Airport Land Use Commission |
| 3 | Assessment Appeals Board |
| 4 | CCC Law Library Board of Trustees |
| 5 | Economic Opportunity Council |
| 6 | First 5 Contra Costa Children & Families Commission |
| 7 | In-Home Supportive Services Authority Advisory Committee |
| 8 | Local Child Care & Development Planning Council |
| 9 | Mental Health Commission, Contra Costa County |
| 10 | Merit Board |
| 11 | Relocation Appeals Board of Contra Costa County |
| 12 | Workforce Development Board |

With regard to the County's requirements in state law for reporting lobbying or advocacy activities of advisory body members or staff to those advisory bodies/commissions, staff reviewed the matter with its state lobbyist, Nielsen Merksamer. An attorney for the firm provided the following information:

California Government Code 86116 provides that "Every person described in Section 86115 shall file periodic reports containing the following information: . . .

(h) (1) Except as set forth in paragraph (2), the total of all other payments to influence legislative or administrative action including overhead expenses and all payments to employees who spend 10 percent or more of their compensated time in any one month in activities related to influencing legislative or administrative action."

FPPC Regulation 18616 provides further: "(f) Other Payments to Influence Legislative or Administrative Action. All persons who file periodic reports under Government Code section 86116 shall report the total of all other payments to influence legislative or administrative action made by the filer during the reporting period. The total amount reported shall include the following: (1) Compensation of Employees Other Than Lobbyists. This shall include a proportionate share of the compensation paid to employees other than lobbyists who are engaged for 10 percent or more of their compensated time in a calendar month in or in connection with the activities described in subdivision (a)(4) of this regulation. Such employees include those providing research services and those preparing materials to be used by a lobbyist or to be used in direct communication or in soliciting or urging others to engage in direct communication for the primary purpose of influencing legislative or administrative action. Compensation includes gross wages paid plus any benefits which are in lieu of wages such as the granting of stock options or the purchase of annuities. It does not include, however, routine fringe benefits, such as the employer's contribution to health plans, retirement plans, etc., which are made on behalf of all employees nor does it include the payment of the employer's payroll taxes."

Because staff who support the mandated advisory bodies/commissions are not expected to spend 10% or more of their compensated time in any one month in activities related to influencing legislative or administrative action, it is unlikely that there will be reportable expenditures for these advisory body advocacy activities. However, staff will be requested to provide the information if there are reportable expenditures.

Staff also discussed with its lobbyists whether Contra Costa County would be required to report matters lobbied by unpaid volunteer advisory board members on its quarterly lobby report (Form 635). It was not clear from the statute, regulations, or FPPC material, so we called FPPC Technical Assistance, who confirmed the answer was "yes." Therefore, in order for the matters to be reported correctly, the position letters must be distributed through the CAO's office, which coordinates the preparation of the quarterly lobby reports.



CERTIFICATE OF APPOINTMENT AND OATH OF OFFICE

State of California
County of Contra Costa

I, Monica Nino, County Administrator and Clerk of the Board of Supervisors of Contra Costa County, hereby certify in Martinez, in said County, on this ____ day of _____, 20xx, First Name, Last Name, assumed the position of Position to the Department.

IN WITNESS WHEREOF, I hereunto affix my hand and the Seal of said Board of Supervisors this ____ day of _____, 20xx

Monica Nino, Clerk of the Board of Supervisors

By: _____
Deputy Clerk

State of California
County of Contra Costa

I, _____, so solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic, that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California, that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Signature

Subscribed and sworn to before me, this ____ day of _____, 20xx.

Signature

CC: Clerk Recorder (2 copies)

CERTIFICATE OF APPOINTMENT AND OATH OF OFFICE



Training Certification for Members of County Advisory Bodies

Members of Contra Costa County's independent and advisory bodies are required to take two trainings.

Instructions:

1. **Brown Act & Better Government Ordinance Training:** Brown Act and Better Government Ordinance Training must be completed within three months of appointment, and every two years thereafter. This training is available as a video on the Clerk of the Board website, or as an in-person training. Contact the Clerk to find out about opportunities for in-person training.
2. **Ethics Training:** Ethics training, also referred to as AB 1234 Local Government Official Training, is provided by the Fair Political Practices Commission (FPPC). This training is available on their website, and generates a certificate upon completion. Please retain the certificate from the FPPC. Advisory body members who receive compensation, salary, stipend, or expense reimbursement must complete AB 1234 ethics training every two years. All other advisory body members should complete this training once within the first three months of appointment.

Certification

By signing below, I certify that on _____, I have watched or attended the entire training: **"The Brown Act and Better Government Ordinance."**

By signing below, I certify that on _____, I completed the Fair Political Practices Commission (FPPC) training: **"Ethics for Local Government Officials."** I have received the certificate of completion from the FPPC.

(Name of Member)

(Date)

(Name of Advisory Body)

Appendix 9: List of Bodies Required to Complete AB 1234 Training Every Two Years

Boards, Committees, and Commissions Required to Complete AB 1234 Ethics Training Every Two Years

Members of the following bodies are required to renew their AB 1234 ethics training every two years:

- Advisory Council on Aging
- Advisory Housing Commission
- Assessment Appeals Board
- County Planning Commission
- Economic Opportunity Council
- IHSS Public Authority Advisory Committee
- Mental Health Commission
- Merit Board
- Workforce Development Board

The AB 1234 training program is available from the California Fair Political Practices Commission (FPPC), and can be completed by creating an account on their website: <https://localethics.fppc.ca.gov/login.aspx>

To confirm compliance with the AB 1234 training, the appointee should submit the original certificate to committee staff and email or mail a copy of the certificate to:

ClerkoftheBoard@cob.cccounty.us

OR

**Clerk of the Board of Supervisors
1025 Escobar Street, 1st Floor
Martinez, CA 94553**

Appendix 10: Conflict of Interest and Open Meetings Policies

THE BOARD OF SUPERVISORS CONTRA COSTA COUNTY, CALIFORNIA

Adopted this Resolution on JUNE 18, 2002 by the following vote:

AYES: SUPERVISORS VILKEMA, GERBER, DeSAULNIER, GLOVER AND GIOIA
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

SUBJECT: Policy for Board Appointees, concerning) RESOLUTION No. 2002/376
Conflict of Interest & Open Meetings.)

1. Avoid Conflicts of Interest.

A. Statutes on Conflicts. Officials, commissioners, and committee members appointed by this Board shall adhere to the principles and rules of the Political Reform Act of 1974 (Government Code §§ 81000 et. seq.), including the following:

(1) Local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth. (Gov. Code, §81001 (a).)

(2) Public officials should perform their duties in an impartial manner, free from bias caused by financial interests of themselves or their supporters. (Gov. Code, §81001 (b).)

(3) Public officials should disclose assets and income which may be materially affected by their official actions, and in appropriate circumstances they should be disqualified from acting, in order to avoid conflicts of interest. (Gov. Code, §81002 (c).)

B. Common Law Policy on Conflicts. All Board Appointees should so conduct the public business as to avoid even any appearance of conflict of interest. (See, e.g., *Kimura v. Roberts* (1979) 89 Cal.App. 3d 871.)

2. Hold Open Meetings. Officials, commissioners, and committee members appointed by this Board shall conduct their advisory body meetings in an open fashion that fosters public participation.

A. Ralph M. Brown Act. California's "open meeting law" is the Ralph M. Brown Act. (Gov. Code, §§ 54950 et. seq.) This statute declares the general public policy of the State as follows:

"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."

"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."(Gov. Code, § 54950.)

This policy is elaborated by requirements that local governmental bodies consider and act on public business in open meetings, which are enforceable by civil remedies and by criminal penalties.

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B. Better Government Ordinance. This County Ordinance extends open meeting requirements to all Board appointed committees, including temporary, ad hoc advisory committees.

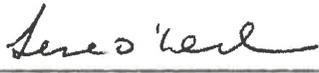
C. Compliance Required. All Board Appointees must comply with the requirements of the Ralph M. Brown Act and Better Government Ordinance applicable to them.

3. **Complete Training Program.** Within three months of appointment, each Board Appointee shall complete the prescribed training on compliance with conflict of interest and open meeting laws and shall certify that he or she has completed such training.

4. This Resolution replaces Resolution 82/574 in its entirety.

I hereby certify that the foregoing is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: John Sweetea, Clerk of the Board of Supervisors and County Administrator

By: 
Deputy

Orig. Dept: County Counsel
cc: County Administrator's Office
County Counsel
District Attorney
All County Departments and
Fire Protection Districts

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Appendix 11: Conflict of Interest Appointment Policies

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 08/03/2021 by the following vote:

AYE:
NO:
ABSENT:
ABSTAIN:
RECUSE:



Resolution No. 2021/234

UPDATING THE POLICY APPLYING TO APPOINTMENTS TO ANY SEATS ON BOARDS, COMMITTEES OR COMMISSIONS FOR WHICH THE BOARD OF SUPERVISORS IS THE APPOINTING AUTHORITY

WHEREAS, appointment to County advisory bodies of family members or others who have a close relationship to a County Supervisor is a matter of policy and within the discretion of the Board of Supervisors; and

WHEREAS the Board of Supervisors wishes to avoid the reality or appearance of improper influence or favoritism; and

WHEREAS the policy adopted by the Board in 2011 made ineligible for appointment some family of Board members whose relationships seem fairly attenuated and do not merit exclusion;

NOW, THEREFORE, BE IT RESOLVED THAT the following modified policy is hereby adopted:

I. SCOPE: This policy applies to appointments to any seats on boards, committees or commissions for which the Contra Costa County Board of Supervisors is the appointing authority.

II. POLICY: A person will not be eligible for appointment if he/she is related to a Board of Supervisors' Member in any of the following relationships:

1. Mother, father, son, and daughter;
 2. Brother, sister, grandmother, grandfather, grandson, and granddaughter;
 3. Husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, and stepdaughter;
 4. Registered domestic partner, pursuant to California Family Code section 297.
 5. The relatives, as defined in 1 and 2 above, for a registered domestic partner.
 6. Any person with whom a Board Member shares a financial interest as defined in the Political Reform Act (Gov't Code §87103, Financial Interest), such as a business partner or business associate.
- Candidates shall identify on the standard County application form any of the above-specified relationships with a Board of Supervisors member.

III. This resolution supersedes and replaces Resolution No. 2011/55 adopted by the Board on February 8, 2011.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Julie DiMaggio Enea (925)
655-2056

ATTESTED: August 3, 2021
Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc: Clerk of the Board

[Appendix 12: Guidance on Conflict of Interest Codes](#)

Guidance on Conflict of Interest Codes

The Political Reform Act requires public agencies (i.e. bodies, boards, and commissions) to adopt a conflict-of-interest code.

Each member occupying a "designated position" on the advisory body or committee is required to disclose any investments, interests in real property, sources of income, or business position that could be affected by a public decision in which the member participates, or create a conflict of interest.

A. Components of the Code

The code must have three (3) components:

- 1) Terms of the code
- 2) Designated positions
- 3) Disclosure categories

Component 1: Terms of the Code

- The "terms" of the code refers to the main body of the code, which describes how to report financial interest and disqualification procedures.
- FPPC Regulation 18730 identifies the type of information required in the main body of the code.

Component 2: Designated Positions

- The code must specify and list all positions within the advisory body that either make or participate in making decisions as designated positions.
- People who hold designated positions are referred to as "code filers" and are required to complete Form 700, the financial disclosure form.

Component 3: Disclosure Categories

- The disclosure category identifies types of:
 - Investments
 - Interests in real property
 - Sources of income, and
 - Business positions...

...Which could be affected by any decision made by the committee. Disclosure are required to avoid "even the appearance" of a conflict of interest.

B. Code Approval

- An agency's code becomes effective upon the approval of the agency's code reviewing body.

Guidance on Conflict of Interest Codes

- The Contra Costa County Board of Supervisors is the code reviewing body for agencies which are wholly within the County or established at the discretion of the Board.
- Agencies which are wholly within the County must submit their code to the Board of Supervisors for approval before it becomes effective.

C. Recusal to Avoid a Conflict of Interest

- Recuse (v.): to disqualify or remove (oneself) from participation to avoid a conflict of interest.
- Any member who has, or may appear to have, a conflict of interest because of financial or other interests in the committee’s decision, should recuse yourself from voting on the matter.

Public Identification of a Conflict-of-Interest: Procedure to Recuse Oneself in a Meeting

Step 1: Publicly (orally) identify the financial interest that gives rise to the conflict of interest, or potential conflict of interest, in enough detail to be understood by the public. This public identification must be made part of the official public record (i.e. the meeting minutes).

Step 2: State each type of economic interest held (i.e. investment, business position, interest in real property, personal financial effect, or the receipt or promise of income or gifts) which is involved in the decision and gives rise to the conflict of interest.

Step 3: Recuse yourself from discussing and voting on the matter after public identification of the conflict of interest has been provided. You shall not be counted toward achieving a quorum while the item is discussed.

Step 4: Leave the room before the discussion of the item until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters (i.e. it is not necessary to leave the room if the conflict of interest item is listed on the Consent calendar).

D. What does the Conflict of Interest Code Mean to Me?

- Members should know if their agency (board, commission, committee, etc.) has a Conflict of Interest Code.
- Members should know if their position is included in the Code’s list of designated positions.
- If a member’s position is included in the code as a designated position, they are required to file a Form 700.
- Members should read and understand your agency’s specific Conflict of Interest Code, since not all positions have the same reporting requirements.

E. Form 700: Statement of Economic Interests

Guidance on Conflict of Interest Codes

What is Form 700?

- Form 700 is a public statement of economic interests: a public disclosure of personal assets and income.
- Form 700 reflects information about sources of income, investments, business positions, real property holdings and gifts.
- Its purpose is to help gauge real or potential conflicts of interest situations that may exist in performing the responsibilities of the public official.
- The information requested on Form 700 and the requirements to file it are mandated by state law, including the Fair Political Practices Act.
 - The Form 700 is created and overseen by the California Fair Political Practices Commission (FPPC).
 - Members of Contra Costa County Commissions will file their Form 700 with the agency designated in their Conflict of Interest Code (often, the County Clerk of the Board).

What Should I Understand the Form 700?

- The public position or positions to which you are appointed might require that you file Form 700.
- If you are serving in such a public position or positions, the state law mandates that you file a Form 700 for each position.

Verifying Your Information

- Each time you fill out or amend Form 700, you will need to sign the form before you file it.
- Your signature means that you attest to the truth of the information your report on Form 700.
- For guidance about the financial disclosures required on Form 700, contact the Fair Political Practices Commission (FPPC), rather than the Clerk of the Board.

Failure to File/Late Filings

- Any person who files a Statement of Economic Interests (Form 700) after the deadline imposed by the Political Reform Act is liable for a late fine pursuant to Government Code Section 91013. Fines issued pursuant to this section shall not exceed \$10 per day to a maximum of \$100.

F. Biennial Notice

The Political Reform Act requires every local government agency to review its conflict-of-interest code biennially (every two years; generally conducted in even-numbered years).

Committee support staff should be familiar with this requirement if it applies.

Guidance on Conflict of Interest Codes

- The Contra Costa County Board of Supervisors is the code reviewing body for County agencies and any other local government agency whose jurisdiction is solely within the county.
- By October 1st every other year (biennially), each local government agency is required to submit a notice, indicating whether or not an amendment to their agency conflict-of-interest code is required.

What if an amendment is required?

- If amendments to an agency's conflict-of-interest code are necessary, committee support staff must provide the following documents:
 - 1) The amended code showing tracked changes, and
 - 2) A clean copy of the revised code must be forwarded to the Contra Costa County Board of Supervisors for approval within 90 days of October 1st.
- Draft amended Conflict of Interest Codes should be submitted to the County Administrator's Office by July 1.
- An agency's amended code is not effective until it has been approved by the Board of Supervisors.

Appendix 13: Selected Brown Act/Better Government Ordinance Provisions

Office of the County Counsel
651 Pine Street, 9th Floor
Martinez, CA 94553

Contra Costa County
Phone: (925) 335-1800
Fax: (925) 646-1078

Date: March 29, 2012
To: County Boards, Commissions and Committees and their
Administrative Officers and Secretaries
From: Sharon L. Anderson, County Counsel
By: Mary Ann McNett Mason, Assistant County Counsel *M. A. M.*
Re: Selected Brown Act and Better Government Ordinance Provisions

County advisory bodies are subject to both the Ralph M. Brown Act (Government Code, sections 54950 et. seq.) and the County's expanded open meeting law, the Better Government Ordinance (Contra Costa County Code, Chapter 25-2.) For your information, we provide this summary of the critical provisions of these open meeting laws.

A. *Open Meetings.* The Brown Act and Better Government Ordinance generally require that all County Board, commission and committee ("County body") meetings be open for public attendance, that all interested persons be permitted to attend and participate, and that meetings be held on noticed dates at fixed times and places and in accordance with posted agendas. Most county bodies provide for regular fixed times and places for meetings. Meetings generally must be held within the jurisdictional limits of the Board of Supervisors and at locations accessible to the public, including disabled persons. (Gov. Code, §§ 54950, 54954(a),(b), 54961; Ord. § 25-2.602.)

B. *County Bodies Subject to Open Meeting Laws.* The Brown Act applies to all "legislative bodies" of a local agency, i.e., the County. Legislative bodies include: 1) the governing body of the local agency, (e.g., the Board of Supervisors); 2) committees created by statute; 3) committees created by formal action of the Board, whether composed of lay persons or a combination of lay persons and board members; 4) standing committees composed solely of members of the Board which have a continuing subject matter jurisdiction (e.g., permanent subcommittees such as the "Internal Operations" committee); 5) standing committees created by a Board appointed committee and composed solely of members of that body (e.g., a Mental Health Commission subcommittee). (Gov. Code, § 54952 (a), (b).)

The Better Government Ordinance applies to all County bodies subject to the Brown Act *and* to all other Board or committee created County bodies, including temporary, ad hoc advisory committees composed solely of Board members or committee members and appointed to deal with a single topic for only one meeting or a small number of unscheduled meetings. (Ord. § 25-2.202(a), 25-2.204(a), 25-2.205.) County bodies that are not subject to the Brown Act nevertheless must comply with comparable provisions under the Ordinance. (Ord. § 25-2.202(a), 25-2.204(a), 25-2.205.) We caution that very few committees will be exempt from both the Act

and the Ordinance and that the safer course of action is to assume that both open meeting laws apply.

Bodies subject to the Brown Act and the Ordinance do not include advisory committees to a single individual which are formed by the unilateral action of that individual, e.g., a committee to assist the County Administrator or a single Supervisor and do not include committees made up entirely of County staff. (56 Ops.Cal.Atty.Gen. 14 (1973); Ord. § 25-2.202.) However, unless composed entirely of County staff, a permanent advisory committee created by the County Administrator or a department head must permit the public to attend its meetings upon request to the extent possible consistent with the facilities and the purpose of the gathering. Meetings of these committees need not be formally noticed or provide for public comment. (Ord. § 25-2.204 (d), (e).)

C. Definition of "Meeting". "Meetings" include:

* Any congregation of a majority of members of a County body at the same place and location (including teleconference locations) to hear, discuss, deliberate or take action on any item within the body's subject matter jurisdiction. (Gov. Code, 54952.2 (a).)

* Any serial use of communication, personal intermediaries, or technological devices through which a majority of the body's members discuss, deliberate, or take action on an item. (For example, for a five person body, such an illegal "serial" meeting could occur where committee member A e-mails committee member B about his position on a committee issue and B forwards A's e-mail to committee member C.) A mere series of e-mails or telephone calls by a majority of the body about one of its business items violates the Brown Act. (Gov. Code, § 54952.2 (b).)

D. Social and Ceremonial Occasions. Meetings generally do not include social or ceremonial occasions, provided that a majority of the members do not discuss among themselves business within the subject matter jurisdiction of the legislative body of the local agency. (Gov. Code, § 54952.2(c)(5).) However, when a County body, as a body, sponsors a social, recreational or ceremonial occasion, such as a holiday party, and a majority of the body is invited to attend, the occasion must be accessible to the public upon request, to the extent possible consistent with the facilities and the purpose of the gathering. The occasion need not be noticed formally, conducted at a particular location or provide for public comment. (Ord. § 25-2.204 (d) (2), (e).)

E. Regular Meetings- Agenda Posting Requirements and Related Provisions.

1. Enhanced Agenda Notice Requirement. Under the Brown Act, agendas must be posted at least 72 hours before each scheduled regular meeting. (Gov. Code, § 54954.2

(a.) However, the Better Government Ordinance extends this posting period an additional day. (Ord. § 25.2-206 (a).) Thus, at least 96 hours before each scheduled regular meeting, an agenda containing a brief general description of each item of business to be transacted at the public body's meeting, including items to be discussed in closed session, must be posted. The description generally need not exceed 20 words. The agenda must specify the time and location of the regular meeting.

The agenda must be physically posted in a location freely accessible to members of the public during the entire 96 hour period. (Gov. Code, § 54954.2(a); Ord. § 25.2-206 (a); 78 Ops.Cal.Atty.Gen.328 (1995).) In addition, certain bodies must *also* post their agendas on the their website, or arrange for posting on the County's website 96 hours in advance of the meeting. (Gov. Code, § 54951, 54954.2 (d); see attached memorandum, **Internet and Physical Agenda Posting Required for Certain Bodies.**)

If an item is not specified on the agenda, the County body may not act on or discuss that item, or add that item to the agenda as an urgency item, except as set forth below in subsections 3 and 4. (Gov. Code, § 54954.2 (a), (b); Ord. § 25.2-205.)

2. Deadline for Staff Materials. At least 96 hours in advance of a regular scheduled meeting, all staff reports and other materials prepared or forwarded by staff that provide background information and recommendations on agenda items must be made available to the public and to members of the body. (Ord. § 25-2.206 (a).) In the case of items that are placed on the agenda for a scheduled meeting at a prior meeting occurring not more than seven days before the scheduled meeting, supporting written staff materials may be made available 24 hours before the scheduled meeting. (Ord. § 25-2.206 (a).)

3. Exceptions to the Better Government Ordinance 96 hour agenda notice and staff material deadline. Under limited circumstances, the County body may waive the requirement that an agenda and supporting staff reports must be made available to the public and to members of the body at least 96 hours before the meeting. Upon a determination by *three-fourths* vote of the body that it is essential to waive the time limits *and* after receiving from staff a written explanation as to why the agenda and/or staff reports could not be made available 96 hours in advance, the body may waive the time limits. (Ord. § 25-2.206 (a).) *Notwithstanding a waiver of the Better Government Ordinance requirements, the 72 hour agenda notice requirements and exceptions thereto of the Brown Act continue to apply to all County bodies covered by the Act.*

4. Exceptions to Brown Act 72 hour agenda notice.

a. "Brief Response" to Public Comment: Reference to Staff. (Gov. Code, § 54954.2 (a).) A County body may engage in certain limited activities that are not discussion of

or action on, non-agenda items. If an item not on the agenda is raised by a member of the public during the “public comment” portion of the meeting, members of the County body may “briefly respond.” Until a court has construed “briefly respond,” we recommend that County bodies interpret the right to respond narrowly, and keep responses limited. On any matter, either in response to questions posed by members of the public or on their own initiative, members of County bodies may ask questions for clarification. In addition, subject to the body’s rules or procedures, members of County bodies may provide a reference to staff or other resources for factual information, may request that staff report back at a subsequent meeting on a matter, or may request that staff place a matter on a future agenda. (Gov. Code, § 54954.2 (a).)

b. Limits on Discussion and Action on Non-Agenda Items. (Gov. Code, § 54954.2 (b). Discussion may occur and action may be taken on items which are not set forth on the posted agenda where, prior to discussion or action, the body publicly identifies the item and:

(1) The majority of members of the body vote and find that an emergency exists which involves a work stoppage or other activity which severely impairs public health, safety or both or a crippling disaster which severely impairs public health and safety or both, or

(2) Upon a determination by a two-thirds vote of the body (or, if less than two-thirds of the members are present, a unanimous vote of the members present) that there is a need to take immediate action and that the need for action *came to the attention of the local agency after the agenda was posted*, or

(3) The item was posted for a prior meeting, but action on the item was continued to the present meeting, which is not more than five calendar days after the meeting for which the item was posted. (Gov. Code, § 54954.2 (b).)

We caution that these exceptions will rarely apply in the case of County advisory bodies.

F. Special Meeting Notice Requirements. The Brown Act law requires that notice of a special meeting be provided by 24 hour advance written notice to each member of the public body (unless notice has been appropriately waived) and to each local newspaper, radio or television station which had requested notice in writing. Notice may be given by personal delivery or *by any other means* (i.e., facsimile or e-mail). In addition, the call and notice of the special meeting must be physically posted at least 24 hours prior to the meeting in a location that is freely accessible to members of the public. Bodies subject to the internet posting requirement must also simultaneously post the special meeting agenda on their website, or if they don’t have a website, on the County’s website. The notice must identify the time and place of the meeting and the business to be transacted. Only the business set forth in the notice may be transacted at the

meeting. (Gov. Code, § 54956.)

1. Public Input. The notice for the special meeting must provide an opportunity for public comment on the item which is the subject of the special meeting before the public body acts on that item. (Gov. Code, § 54956.)

G. Emergency Meeting Notice Requirements. The Brown Act allows the calling of emergency meetings in specified circumstances (work stoppages, crippling disasters, or other activities which will severely impair public health, safety or both, as determined by a majority of the public body) without complying with the special meeting 24 hour notice or 24 hour posting requirements. If telephone services are functioning, each newspaper and radio or television station that has filed a request for special notice must be noticed by telephone at least one hour prior to the emergency meeting. (Gov. Code, § 54956.5 (a) (1), (b).)

In the case of dire emergencies (crippling disaster, mass destruction, terrorist act, threatened terrorist act that poses immediate and significant peril as determined by a majority of the public body), even the one hour notice to media outlets is eliminated. If telephone services are functioning, telephone notice of the meeting must be given to the media outlets at or near the time that the chair notifies members of the body of the meeting. (Gov. Code, § 54956.5 (a) (2), (b).)

As to any emergency meeting, if telephone services are not functioning, as soon after the meeting as possible, newspapers and radio or television stations must be notified of the meeting, of its purpose, and of any action taken at it. In addition, as soon after the meeting as possible, the minutes of the emergency meeting must be posted for a minimum of 10 days in a public place. (Gov. Code, § 54956.5 (e).)

H. Public Input.

1. Provide Opportunity to Comment. Every agenda must provide an opportunity for members of the public to directly address the body on 1) items that are within the subject matter jurisdiction of the body, even if they are not on the agenda and 2) items on the agenda. The opportunity to comment on agenda items must be afforded *before or during* the body's consideration of the item. (Gov. Code, § 54954.3(a); Ord. § 25-2.205 (c).) To ensure that the public is not denied the opportunity to comment on specific agenda items, and to enhance the flow of the meeting, we suggest that the public comment period as to all items usually be scheduled for the beginning of the meeting.

If a member of the public addresses an item not appearing on the posted agenda, no response, discussion, or action on that item may occur except as set forth in section E,

subparts 3 and 4 above.

2. No Prohibition of Criticism. During a meeting, the County body may not abridge or prohibit public criticism of the County's policies, procedures, programs, or services, and may not abridge or prohibit public criticism of acts or omissions of the body. However, the body may apply its adopted rules of procedure concerning time per speaker. (Gov. Code, § 54954.3 (a); Ord. § 25-2.604.)

3. Overflow Capacity. If the number of spectators at a meeting of the Board of Supervisors, or of a permanent board or commission, or of a permanent subcommittee of the Board, exceeds the legal capacity of the meeting room, the public address system must broadcast into an adjacent area to permit the overflow audience to hear the meeting. If this is not possible, the meeting must be adjourned to a facility with sufficient capacity to accommodate the entire audience. (Ord. § 25-2.602.)

I. Teleconferencing. A body may hold meetings by "teleconference," that is, a meeting of a body whose members are in different locations, connected electronically through audio and/or video. During the teleconference, at least a quorum of the members of the body must participate from locations within the boundaries of the body. Teleconferencing may be used for all purposes in connection with a public meeting, including voting. All votes taken during a teleconferenced meeting must be by roll call. Each teleconference location must be identified in the agenda for the meeting, and each teleconference location must be accessible to the public. The agenda must permit members of the public to address the body directly at each teleconference location. Agendas must be posted at all teleconference locations. (Gov. Code, § 54953 (b).)

J. Record of Meetings. Each County body must keep a record of its meetings. Though the record need not be verbatim, i.e., a tape-recording, it must accurately reflect the agenda and the decisions made in the meeting. (Ord. § 25-2.205 (d).)

K. Assistance for Persons with Disabilities on Request. Upon request, agendas, agenda packets, and other writings distributed to the public body must be made available in appropriate alternative formats to persons with disabilities as required by the federal Americans with Disabilities Act. In addition, every public body agenda, including all subcommittee agendas, must include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aides or services, may be made by a person with a disability who requires a modification or accommodation to participate in a meeting. (Gov. Code, §§ 54954.1; 54954.2 (a); 54957.5 (b).)

L. Distributed Materials as Public Records. Except for certain writings exempt

from disclosure under the California Public Records Act, documents distributed to the County body by staff or any other person for consideration at a public meeting are public records. If presented during a meeting during discussion on an agenda item, such records must be immediately available for public inspection. If presented during a meeting prior to commencement of discussion on the agenda item to which the records relate, such non-exempt documents must be made available to the public for inspection before and during discussion on the agenda item. (Gov. Code, § 54957.5(a),(c); Ord. § 25-2.206 (c).)

Before a meeting, except for records that are exempt by law from disclosure, any county record that is intended for distribution to the body, even if not yet distributed to the body, must be available for public inspection and copying upon request. (Ord. § 25-2.206 (b).)

M. Provision of Agenda Materials Required.

1. Written Request for Packet. The Brown Act permits a member of the public to place a standing request that copies of the agenda or of the agenda packet be mailed to him. Such request must be made in writing and will apply for the entire calendar year in which it is filed. The body must mail the requested materials at the time the agenda is posted, or upon distribution to a majority of the members of the County body, whichever is first. Thus, if the agenda packet is mailed to members of the county body a week before the meeting, the packet must be mailed simultaneously to a requestor. (Gov. Code, § 54954.1.)

2. Materials Distributed Less Than 72 Hours Before Meeting. If a document related to an open session agenda item on a regular meeting agenda is distributed to a majority of the body less than 72 hours before the meeting, the document must be made available to the public at a specified location at the same time it is provided to the body. Each meeting agenda must specify the location where such documents will be available for public inspection. (Gov. Code, § 54957.5 (b) (2).) Inasmuch as the County's Better Government Ordinance requires that the agenda and supporting staff reports be made available to the public and members of the body at least 96 hours before a regular meeting, there should be few occasions on which a document is distributed less than 72 hours before a meeting.

Please note that these two State law requirements apply, even if a legislative body subject to the Better Government Ordinance acts by a three-fourths vote to waive ordinance requirements that the agenda and supporting staff reports must be made available to the public 96 hours in advance of the meeting. (Ord. § 25-2.206 (a).)

2. Fees for Provision of Packet. The County body may establish a fee for provision of agenda packets. (Gov. Code, § 54954.1.) However, the Better Government Ordinance imposes a limitation on fees for duplication of agendas and related materials. Bodies considering establishment of a fee for mailing of the agenda or agenda packet should be sure

such fee conforms to these limitations. While a body may charge actual mailing costs, a body may not charge for copying meeting agendas and related materials that are twenty or fewer pages per document. A fee of one cent per page may be charged for a copy of agendas and related materials that contain more than twenty pages per document. (Ord., §§ 25-2.206 (d); 25-4.610.)

N. Closed Sessions. There are a number of express grounds (to receive legal advice concerning threatened or pending litigation, etc.) authorizing adjournment of a County body from a public meeting to a closed session. However, this office envisions only the rarest of situations arising in which the public bodies that it advises other than the Board of Supervisors or legislative special district bodies would be permitted to go into closed session. For this reason, we suggest that if the County body feels a closed session may be justified the body should authorize its chairperson or staff to contact this office to discuss whether a closed session is appropriate, how it should be noticed, and how action taken should be reported out.

1. Agenda Notice Requirements. Regular meeting agendas and special meeting notices must include a brief, general description of the matters to be discussed in closed session. (Gov. Code, §§ 54954.2, 54956.) The Brown Act provides agenda descriptions for each of the various closed session topics. While the Act does not require use of these descriptions, their use provides a “safe harbor” against challenges to the adequacy of the notice. (Gov. Code, § 54954.5.)

2. Announcing and Reporting Out. Before conducting a closed session, the body must announce in open session the items to be discussed. Disclosure may be made by reference to the agenda item number or letter. (Gov. Code, § 54957.7(a).) After completing closed session, the public body must reconvene in open session and make a public report of certain specified actions. The content of the report depends upon the nature of the closed session. Generally, in addition to other matters, where action is taken the County body must report out the vote or abstention of every member present. (Gov. Code, §§ 54957.1.)

3. Closed Session Prohibited for Temporary Bodies. A County body subject to the Better Government Ordinance, but not otherwise subject to the Brown Act, (i.e., a temporary ad hoc committee composed solely of members of the county body) may not hold a closed session. It must conduct all meetings in open session. (Ord., § 25-2.205 (a).)

O. Procedure to Void Actions Taken in Violation of the Brown Act’s Requirements. The Brown Act sets forth a procedure for invalidating actions of a covered public body taken in violation of that Act. (Gov. Code, § 54960.1.) The procedure provides that before any interested person may initiate legal action to obtain a judicial determination of whether the public body has violated the Act and that any action taken is null and void, the person must make a written demand on the public body to cure the alleged defect. If your body received such a demand, it

immediately should be brought to the attention of the County Counsel's Office.

Should the interested party file and succeed in litigation, the court can award costs and reasonable attorneys fees against the County body. (Gov. Code, § 54960.5.)

P. *Criminal Penalty for Unlawful Meeting*. Each member of a body who attends a meeting of that body where action is taken in violation of any provision of the Brown Act, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under the Brown Act, is guilty of a misdemeanor. (Gov. Code, § 54959.)

Conclusion. As can be seen from the foregoing, it is very important that your County body properly prepare agendas and provide required notice of its meetings. If these procedural matters are not done correctly, interested parties may use legal process to void actions taken at an improperly noticed meeting. If your body has any particular questions concerning these requirements, please have your chairperson or administrative staff contact this office for clarification.

MAM/am

attachment

cc: Members, Board of Supervisors, District Offices
County Administrator
Clerk of the Board
Thomas Kensok, Senior Deputy District Attorney
County Department Heads

H:\BRNACT\selected brown act provisions 2012.wpd

Appendix 14: Physical & Online Agenda Posting Requirements

Office of the County Counsel
651 Pine Street, 9th Floor
Martinez, CA 94553

Contra Costa County
Phone: (925) 335-1800
Fax: (925) 646-1078

Date: February 21, 2012
To: County Boards, Commissions, and Committees
From: Sharon L. Anderson, County Counsel
By: Mary Ann McNett Mason, Assistant County Counsel *M. A. M.*
Re: **Internet and Physical Agenda Posting Required for Certain Bodies**

For your information, we summarize a recent amendment to the Ralph M. Brown Act, the open meeting law.

PHYSICAL AND INTERNET AGENDA POSTING REQUIRED

Effective January 1, 2012, State law requires that certain public bodies post regular and special meeting agendas on their websites. **This is not a substitute for physically posting the agenda. Agendas must be posted both on the website and on the building.** (Gov. Code, §§ 54954.2, 54956.) County bodies must post regular meeting agendas at least 96 hours before the regular meeting and must post special meeting agendas at least 24 hours before the special meeting. The same time limits apply to both physical and internet posting.

This new internet posting requirement applies to governing bodies of local agencies such as the Board of Supervisors or a joint powers agency governing board. Additionally, the new requirement applies to statutory bodies such as the County Planning Commission and Municipal Advisory Councils, and to certain bodies whose membership is compensated for service *and* includes a Supervisor or other member of a statutory body, such as the Internal Operations Committee. (Gov. Code, §§ 54951, 54954.2 (d), 54956 (c).) A comprehensive list of County bodies subject to the new internet posting requirement is attached. (See list, **Bodies That Must Post Agendas Physically and on Website.**)

If a listed body does *not* have its own website, it must arrange to have its agenda posted on the County's website 96 hours before regular meetings and 24 hours before special meetings. A body without a website must deliver a hard copy of its agenda to the Clerk of the Board, attention Arsenio Escadero, Senior Management Analyst, **at least one full business day** before the required posting deadline. Bodies that have websites should forward links for their websites to the Clerk of the Board who will create a master index of such websites on the County's website.

NO POSTING, NO MEETING

If a body on the attached list fails to timely post its agenda physically in a location

that is freely accessible to the public *and* on its website (or the County's website,) the body may not hold its meeting. (Gov. Code, §§ 54954.2 , 54956 .)

H:\BRNACT\2-12update.wpd

MAM/am

attachment

cc: Members, Board of Supervisors
County Administrator
Attn: Terry Speiker, Chief Assistant County Administrator
Attn: Lara Delaney, Senior Management Analyst
Department Heads and Fire Chiefs
Executive Director, Housing Authority

2020 Clerk’s Addendum

All advisory bodies listed in Resolution no. 2020/1 are required to post online in the County’s Public Meetings Agenda Center site by Res. 2020/1 in addition to the bodies that are listed below.

All independent and governing bodies are also required to post online by state law.

Bodies That Must Post Agendas Physically and on Website:

| |
|---|
| Advisory Council on Aging |
| Airport Land Use Commission |
| Airports Committee |
| Alamo Municipal Advisory Council |
| Assessment Appeals Board |
| Bay Point Municipal Advisory Council |
| Bethel Island Municipal Advisory Council |
| Board of Directors Contra Costa County Fire Protection District |
| Board of Directors Crockett-Carquinez Fire Protection District |
| Board of Supervisors |
| Byron Municipal Advisory Council |
| Contra Costa Centre Municipal Advisory Council |
| Contra Costa County Flood Control and Water Conservation District Governing Board |
| Contra Costa County Housing Authority Board of Commissioners |
| Contra Costa County In-home Supportive Services Public Authority |
| Contra Costa County Mental Health Commission |
| Contra Costa County Merit Board |
| Contra Costa County Planning Commission |
| Contra Costa County Public Financing Authority Governing Board |
| Contra Costa County Public Law library Board of Trustees |
| Contra Costa County Redevelopment Successor Agency Oversight Board |
| Contra Costa County Workforce Development Board |
| Contra Costa Health Plan Joint Conference Committee |
| Contra Costa Health Plan Oversight Committee |
| Diablo Municipal Advisory Council |
| Dougherty Valley Oversight Committee |
| East Contra Costa County Habitat Conservancy, Governing Board |
| Economic Opportunity Council |
| El Sobrante Municipal Advisory Council |
| Family and Human Services Committee |
| Finance Committee |
| First 5 Contra Costa Children and Families Commission |
| Hazardous Materials Commission |
| Internal Operations Committee |
| Keller Canyon Mitigation Fund Review Committee |
| Kensington Municipal Advisory Council |
| Knightsen Town Advisory Council |
| Legislation Committee |
| Local Child Care & Development Planning Council |
| Medical Services Joint Conference Committee |

| |
|---|
| North Richmond Municipal Advisory Council |
| North Richmond Waste and Recovery Mitigation Fee Committee |
| Open Space/Parks & East Bay Regional Parks District Liaison Committee |
| Pacheco Municipal Advisory Council |
| Public Protection Committee |
| Relocation Appeals Board of Contra Costa County |
| Rodeo Municipal Advisory Council |
| Transportation, Water, and Infrastructure Committee |
| Treasury Oversight Committee |

[Appendix 15: Instructions for Posting to the County's Website "Agenda Center"](#)

[Uploading Agendas to the County Website](#)

1. The County's Public website includes a centralized page where all advisory body agendas can be posted, called the "Public Meetings Agenda Center": <https://www.contracosta.ca.gov/AgendaCenter>
2. Beginning in March 2020, all advisory boards & commissions listed in Resolution 2020/1 will be required to post their meeting agendas to the Public Meetings Agenda Center at least 96 hours ahead of their meetings, in addition to the existing physical posting and distribution requirements.

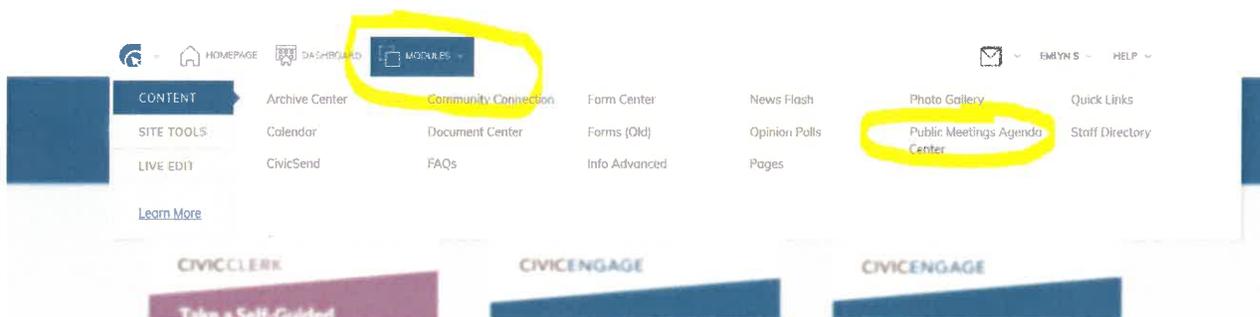
[Signed Resolution No. 2020/1](#)

[List of Applicable Boards & commissions \(Bodies\)](#)

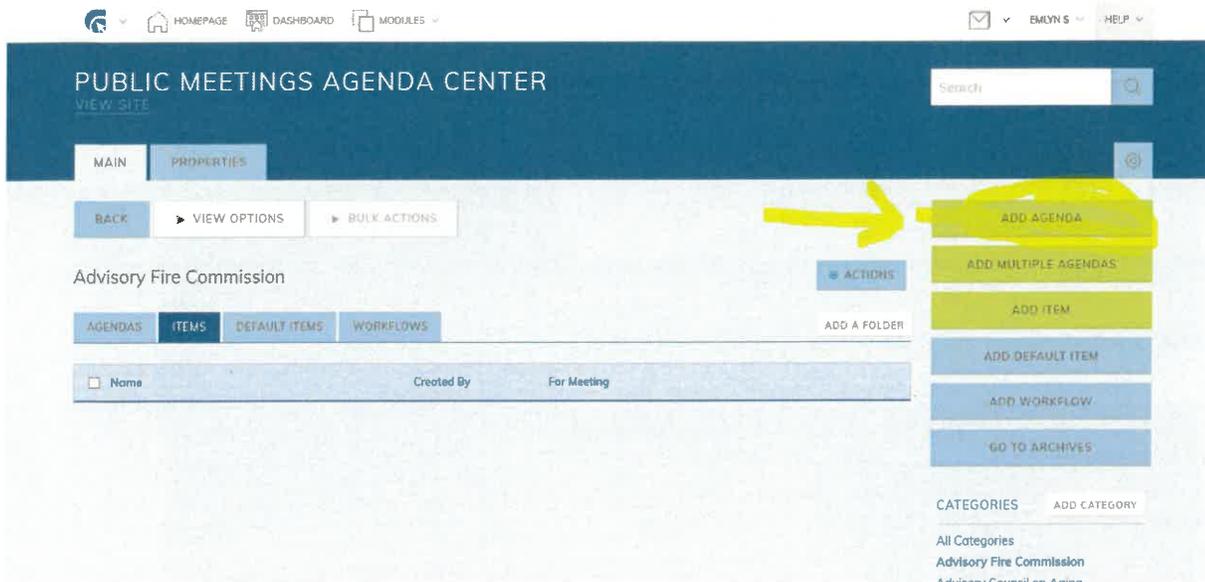
3. Clerk of the Board of Supervisors has created this handout and a video to assist advisory body staff persons with the process of uploading their agendas to the Public Meetings Agenda Center.

You can also view the step-by-step instructions in the following [Instructional Video](#).

4. To post the advisory body's agenda on the County's webpage, you—or your designated departmental webmaster--will first need to log in: <https://www.contracosta.ca.gov/admin>
5. Click the "Modules" icon in the banner menu, and then "Public Meetings Agenda Center". Note that you will not be able to see the Public Meetings Agenda Center Module if you do not have access. Your departmental PIO or the Office of Communications and Media can assist you in configuring your permissions.

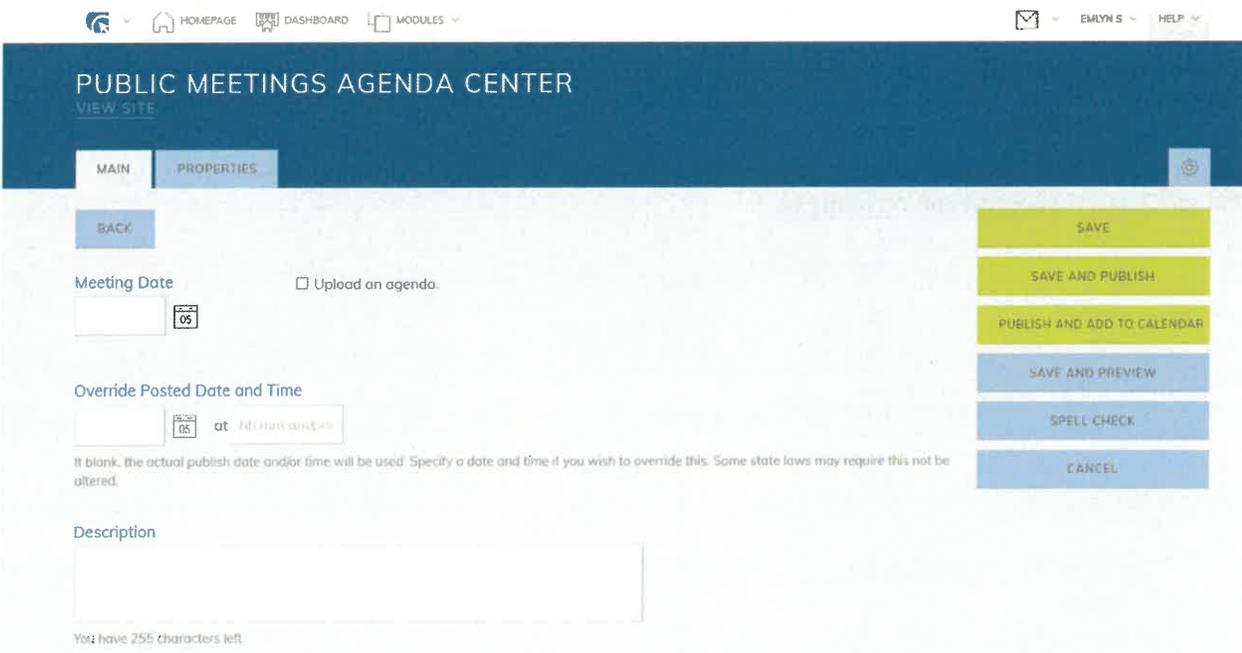


6. In the Public Meetings Agenda Center, click on the Advisory Body's name.
7. Then, Click "ADD AGENDA" button on the righthand side of the page.



8. Now, complete the fields with the following basic information:

- **Meeting Date**
- **Upload an agenda:** Check the box for “Upload an agenda.”
- **Write a description:** A recommended format is to include the document type (agenda or agenda and materials packet), meeting date, and the name of the advisory body.
 - Example: “Agenda and materials packet for the January 1, 2020 meeting of the Advisory Fire Commission of the Contra Costa County Fire Protection District”.



9. Scroll down the page to Upload File – For Agenda. Click “Browse...”. Follow the prompts to upload your file. Ensure that you check the “Convert to PDF” box if your file is not already saved as a PDF. Create a compatible file name for your document, such as ADVISORY BODY NAME AGENDA (PDF).

Description

You have 255 characters left.

Link to Media (Optional)

If you have uploaded media online (e.g. Media Center, YouTube, Vimeo, etc...), paste the link here.

Open in new window

Media Type

Video

Audio

This determines the icon used to link to the media.

Upload File - For Agenda

No file selected.

Convert to PDF

Upload File - For Minutes

No file selected.

Convert to PDF

10. Scroll back up and click the “SAVE AND PUBLISH” button. Follow the prompts to publish your agenda.
11. Be sure to share and post your agenda as you normally would, in addition to the web posting you have just completed.
12. Questions or concerns? Please contact Lauren Hull in the Clerk of the Board of Supervisors at (925) 655-2000 or ClerkoftheBoard@cob.cccounty.us.

Basic Requirements for Teleconferencing a Meeting

Teleconference meetings must be conducted in accordance with the procedures set forth in Government Code §54953(b). All other teleconference meetings are prohibited

What is a Teleconference meeting?

- One or more of the *members* of the body attend the meeting from a remote location via electronic means. Members may be connected by audio or by both audio and video.

What are the main requirements of holding a teleconference meeting?

The main requirements of Government Code §54953(b) include:

- At least a quorum of members must participate from public locations within County or the geographic boundaries of the advisory body.
- For each meeting location (including *all* teleconference locations):
 - The address of each meeting location must be listed in the meeting notice and agenda.
 - An agenda must be posted at each meeting location (including all teleconference sites).
 - Each location must be fully accessible to the public.
 - Each location must be Americans with Disabilities Act (ADA)-compliant.
 - The public's right to testify (make public comments) at each location must be ensured.
 - All votes taken must be conducted by roll call.

Can I teleconference from my car?

A member cannot participate via teleconference from their car. A member's car is not an acceptable teleconference meeting location because it does not meet the requirements of Government Code §54953(b). Among other problems, a car is generally not ADA-compliant, open to the public, with an address that can be listed on the agenda and meeting notice.

Can I teleconference my home?

A member only can only participate from locations that meet the requirements of Government Code §54953(b). The location must be open to the public, listed on the agenda, ADA-compliant, and members of the public must be ensured the right to make public comments from the teleconference meeting location. For these reasons, teleconferencing from the member's home is inadvisable.

Please contact the Clerk of the Board or County Counsel prior to planning a teleconference meeting so that we can help you ensure that all the necessary legal requirements are met.

[Appendix 17: Legally Required Format for Recording Committee Votes](#)

Format and Basics of Recording Votes in the Minutes (Record of Action)

Legally Required Format for Recording Committee Votes

Under California law, committees are **required to use the following format** (in the committee minutes) to record committee votes:

Votes must be publicly reported by law

The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action. (Government Code Sec. 54953(c)(2)). See memo from County Counsel dated January 15, 2014 for additional information.

Votes on each action must be recorded for every member

For each vote on an agenda item, the minutes or record of actions must state how each individual board or committee member voted.

A Roll-Call format is required

Use the following format to record all committee votes:

AYES: (list last names of member voting 'aye')

NOES: (list last names of members voting 'no')

ABSENT: (list last names of members absent)

ABSTAIN (list last names of members who abstained)"

Example: (Washington, Kim, Madison, Garcia)

AYES: (Kennedy)

NOES: none

ABSENT: none

ABSTAIN: none

Votes must be recorded and the Minutes must be posted

Make the vote public by posting the adopted minutes or record of actions for each meeting in the same physical location where meeting agendas are posted, and by posting an electronic copy of the Minutes on the County's web page (in the "Public Meetings Agenda Center").

Minutes are a permanent, public record

Minutes must be kept in your committee files in perpetuity and must be made available to the public upon request.

Appendix 18: How to Prepare Minutes

Office of the County Counsel
651 Pine Street, 9th Floor
Martinez, CA 94553

Contra Costa County
Phone: (925) 335-1800
Fax: (925) 646-1078

Date: January 15, 2014

To: David W. Twa, County Administrator,
Attn: Tiffany Lennear, Chief Clerk of the Board of Supervisors,
County Boards, Commissions, and Committees and their Administrative
Officers and Secretaries

From: Sharon L. Anderson, County Counsel
By: Mary Ann McNett Mason, Assistant County Counsel

Re: **Ralph M. Brown Act Amendment Requires Detailed Public Report of
Individual Votes**

For your information, we discuss a recent amendment to the Ralph M. Brown Act, the open meeting law, Statutes of 2013, Chapter 257, effective January 1, 2014. Government Code section 54953, subsection (c) (2) now provides:

“The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.”

Previously, the law prohibited public bodies from voting by secret ballot, but did not expressly require that individual votes be reported on open session items, unless the meeting involved a teleconference location.¹ Thus, some agencies would state in their minutes that an item passed, without specifying how the various board members voted. This made it hard for members of the public either not attending the meeting, or watching the meeting of a very large body, to know with certainty how individual members voted on any given item. Government Code section 54953 (c) (2) was added to improve public accountability by requiring agencies to clearly report the vote or abstention of each member present at the meeting.²

A. Specificity in Minutes/Record of Actions Now Required

To comply with this new public reporting requirement, each time a board, committee, or commission votes on an agenda item, the minutes or record of actions must

¹ Gov. Code, § 54953 (b) (2).

² Senate Floor, Bill Analysis, SB 751 (5/28/13); Assembly Committee on Appropriations, Bill Analysis, SB 751 (7/3/13).

state how each individual board or committee member voted. If the member did not vote, the minutes/record of actions must specify whether the member was absent or abstained. To do this, include the following information in the minutes/record of actions for every vote:

AYES: (list names of members voting aye)
NOES: (list names of members voting no)
ABSENT: (list names of members absent)
ABSTAIN: (list names of members who abstained)

A written record of the body's actions must be made available for public review. This is usually done by posting approved minutes or a record of actions.

If bodies pass resolutions or otherwise reflect their actions by annotating individual board orders, these documents must detail the vote in the form shown above. A simple statement of the number of votes pro and con on a resolution or an annotated board order will not suffice. Each board member's name and vote, absence, or abstention also must be listed on the resolutions or board orders.

B. Enhancing Transparency in Open Session

Sometimes when a vote taken in open session is not unanimous, it can be difficult for members of the public attending the meeting to follow. To enhance transparency in this circumstance, it is a good practice to publicly announce the vote immediately after it occurs. After a vote in open session that either is not unanimous or from which a member abstains, the chair may summarize the vote and action taken as follows:

“The motion passes 3-2, with Smith and Jones dissenting. Item x is approved.” or
“The motion passes 4-0, with Smith abstaining. Item x is approved.”
“The motion fails 3-2, with Smith, Jones, and Black voting against. Item x is not approved.”

C. Report of Vote following Closed Session

Not all boards, committees, and commissions are authorized by the Brown Act to meet in closed session. Legal counsel must always be consulted before listing a closed

session item on an agenda. When a closed session is authorized, and the body reports an action taken in closed session in the minutes/record of actions or other written document, the same format described in Section A above must be used to describe the vote.³

In an oral report of action taken or direction given in a closed session, the vote or abstention of every member present for the closed session must be reported. This applies even if

the vote is unanimous.⁴ For example, the chair or counsel may state:

“In closed session, the board voted unanimously to seek appellate review in the case of *Green v. Miller*.” or

“In closed session, the board voted 3-2, to seek appellate review in the case of *Green v. Miller*, with Smith, Jones, and Black voting aye, and White and Rose dissenting.” or

“In closed session, the board voted unanimously to seek appellate review in the case of *Green v. Miller*, with Black abstaining.

MAM/am

cc: Members, Board of Supervisors
County Administrator
Attn: Terry Speiker, Chief Assistant County Administrator
Julie Enea, Senior Deputy County Administrator
Department Heads
Steven Moawad, Senior Deputy District Attorney

³ Gov. Code, §§ 54953, 54957.1.

⁴ Gov. Code, § 54957.1.

Appendix 19: Records Retention Policy for County Advisory Committees

C.128

To: Board of Supervisors
From: INTERNAL OPERATIONS COMMITTEE
Date: December 2, 2014



Contra
Costa
County

Subject: BOARD ADVISORY BODY RECORDS RETENTION AND DESTRUCTION POLICY & SCHEDULE

RECOMMENDATION(S):

ADOPT Resolution No. 2014/444 authorizing the destruction of certain Advisory Body records, as recommended by the Internal Operations Committee.

FISCAL IMPACT:

None.

BACKGROUND:

To efficiently manage the volume of records generated and received, advisory bodies must dispose of unnecessary records and documents that have no apparent historical significance or further administrative value, are not required to be maintained by state or federal law, and are no longer necessary for their purposes pursuant to Government Code section 26202. Government Code section 26202 allows the Board of Supervisors to authorize the destruction of any record more than two years old without being photographed microfilmed or otherwise reproduced if it is not required by state statute or county charter to be prepared or received, or if it is prepared or received pursuant to state statute or county charter but it is not expressly required by law to be filed or preserved.

CONSEQUENCE OF NEGATIVE ACTION:

If the Resolution is not approved, the Board's advisory bodies would continue to lack formal guidance on the retention and destruction of its records.

CHILDREN'S IMPACT STATEMENT:

Not applicable.

APPROVE

OTHER

RECOMMENDATION OF CNTY
ADMINISTRATOR

RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: 12/02/2014

APPROVED AS
RECOMMENDED

OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II
Supervisor
Mary N. Piepho, District III
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 2, 2014

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy 78

[Return to Table of Contents](#)

Contact: VICKY MEAD
925.885.1007

ATTACHMENTS

Resolution No. 2014/444

Attachment "A" to Resolution No. 2014/444: Advisory Body Records Retention
Schedule

**Records Retention Schedule for Advisory Bodies
Attachment "A" to Resolution No. 2014/444**

| Record Type | Retention Period |
|--|--|
| Meeting agendas | For the life of the committee, plus two (2) years |
| Meeting minutes | For the life of the committee, plus two (2) years |
| Special meeting notices | For the life of the committee, plus two (2) years |
| Historical records | Permanent |
| Annual report | Two years |
| Training certificates of committee members | Two years after a new certificate is issued |
| Committee applications | Two years after the appointee's term on the committee; for all other applications, two years |
| Correspondence | Two years |
| Annual Budget | For lifetime of the committee plus two additional years |
| Ledger of expenditures | Two years |
| Expense reimbursements and supporting documents | Two years |
| Policies and procedures | As long as the policy or procedure is in effect, plus two additional years |
| Public Records Act requests | Two years |
| Form 700 | Retain during year for which the form was filed, then retain for an additional seven (7) years |

[Appendix 20: Recommended Documents for Committee Files](#)

Recommended Documents for Committee Files

As a committee staff person, maintaining the necessary governing documents and meeting records in your committee files will allow you to readily comply with County policies and respond to public records requests.

The list below is intended to guide you in setting up your files and considering other documents that may be helpful to keep on hand. **Please refer to Resolution 2012/444 for reference on which files must be maintained and for how long.**

Recommended documents to keep in your working files include:

Governing Documents

- Copy of the **establishing resolution or ordinance**, along with resolutions or ordinances that modify the establishing document
- **Bylaws**, if they exist, along with the Board Order and supporting documents that indicate when the documents went to the Board of Supervisors for approval
- **Conflict of Interest Code**, if one exists for the board, commission, or committee

Membership and Distribution Information

- **Current Roster** with *current contact information* and *attendance* for all members
- **Distribution List** of any staff, press, and members of the public who have requested your agendas and meeting materials in the past calendar year
- Recommended:
 - Copies of **appointment board orders** (can be found on the BOS agenda site: AgendaQuick) for the current terms and any unscheduled vacancies in the past term
- Original **training certifications** for members (keep two years beyond the end of their term)

Meeting Records

- **Agendas and records of action** (minutes) from each meeting (*to be kept in perpetuity*)

Work Products

- Copies of annual reports, along with the dates that the reports were approved by the Board of Supervisors
- Copies of reports, recommendations, or other work products sent to the Board of Supervisors, a BOS Standing Committee, or a County Department

Other Documents and Reference Materials

- Advisory Body Handbook
- Any other documents that are routinely accessed in the course of committee business

[Appendix 21: Information to Include on Rosters and Distribution Lists](#)

Rosters and Distributions Lists: What Information to Maintain

In order to distribute agendas and meeting materials to the correct parties in a timely manner, advisory body staff must maintain accurate rosters and distribution lists. Additionally, rosters are essential for proper committee administration. Rosters can provide information on when to recruit for various seats, on member attendance, and to ensure that member training requirements are met.

The information below provides guidance on information to be included in your Rosters and Distribution Lists.

Committee Rosters

The Committee Roster lists current members and other pertinent information, as outlined below. The Committee Roster can be maintained in Word, Excel, or other format of your choosing.

- Appointee Name
- Appointee Seat
- Seat term start date
- Appointee start date (date appointed by BOS)
- Meeting dates and attendance
- Term End Date—recommend that you create a calendar with term end dates. Plan to post vacancies 3-months prior to the term expiration dates in order to conduct a recruitment and go through the appointments process without undue delays.
- Appointee contact information:
 - Appointee Phone
 - Email
 - Home address
- If applicable: qualifications for the seat (indicate possession of a required professional license, residency in a district, or other qualification for service in the seat)

Distribution Lists

The Distribution List is list of all individuals who should receive your meeting materials. The Distribution List includes your members, as well as anyone who has requested meeting materials in the past year. Parties on the distribution list must be sent meeting materials at least 96 hours prior to any meeting per the Better Government Ordinance, by the requested method (either email or mail).

- Parties/individuals who have requested your meeting agendas/packets in the past calendar year
 - Name, if provided
 - Date request was made, and the date the request will expire (if applicable)
 - Email or mail address for distributed materials: Either email or mailing address. Email is encouraged as the primary distribution method due to timeliness.
- Other notes on Distribution Lists:
 - All members (appointees) must receive your distributed meeting materials
 - The Distribution List may be updated once annually (or upon the request of a party to be added or removed)



Contra Costa County

County Administrator's Office • 1025 Escobar Street • Martinez, CA 94553 • www.contracosta.ca.gov

NEWS RELEASE
Month DD, YEAR

Contact: Contact Name, (925)-XXX-XXX
workemail@contracosta.ca.gov

LETTERHEAD: Use your department's or committee's letterhead

DATE: Date the press release will be distributed **Commented**

CONTACT INFORMATION: Include contact name, telephone, and email (usually the committee staff person).

WOULD YOU LIKE TO SERVE ON THE

Census 2020 Complete County Steering Committee?

COMMITTEE NAME: Add committee name here

On December 18, 2018 the Contra Costa County Board of Supervisors created the Census 2020 Complete Count Steering Committee to increase awareness and motivate residents to respond to the 2020 Census. The Complete Count Steering Committee will serve as local "census ambassadors" to ensure a complete and accurate count of the community in the 2020 Census.

PARAGRAPH 1: Provide background on committee and committee purpose

Complete Count Steering Committee members should represent the diversity within Contra Costa County, in particular Hard to Count populations. Examples of Hard to Count populations include immigrants and refugees, minority communities, households living in poverty, youth between the age of 0-5 and 18-24, rural residents, seniors/older adults, people with disabilities, LGBTQ, veterans, homeless individuals and families, areas with limited internet access, and households with limited English proficiency. The Complete Count Steering Committee may include representatives from government agencies, community-based organizations, business community, and the faith-based community.

PARAGRAPH 2: Provide membership qualifications and/or information on seats

Complete Count Committee members should be able to think strategically about how to engage residents within Hard to Count populations, help organize community events, communicate through their networks, and make presentations to community groups. They must be able and willing to commit the time required (estimated to be 5-10 hours/month) and regularly attend Complete Count Committee meetings, which will be held monthly in the afternoons. Periodic meetings will be held in the evening or weekends.

PARAGRAPH 3: Provide requirements of service, time commitments, and other qualifications.

Application forms can be obtained from the Clerk of the Board of Supervisors by calling (925) 655-2000 or visiting the County webpage at <https://www.contracosta.ca.gov/3418>. Applications should be returned to the Clerk of the Board of Supervisors, 1025 Escobar Street, 1st Floor, Martinez, CA 94553 or emailed to ClerkoftheBoard@cob.cccounty.us no later than close of business at 5:00 PM on January 23, 2019. Applications will be reviewed, and selection of the Census 2020 Complete Count Steering Committee members will be made by the Board of Supervisors.

APPLICATION DEADLINE: Add the deadline for applications to be received by.

SELECTION PROCESS: Include information on the interview and selection process for your committee.

###

[Appendix 23: Creating a Recruitment Calendar and Recommended Recruitment Activities](#)

Suggested Recruitment Activities and Timelines:

Advice for Advisory Body Staff

While the Clerk of the Board helps to ensure that the basic legal posting requirements for scheduled and unscheduled vacancies are met, advisory body staff, members, and nominating authorities are encouraged to conduct additional outreach and recruitment efforts.

One recommended tool you can use to help ensure seats are filled in a timely fashion is a recruitment calendar.

A recruitment calendar indicates when your seats expire, and when you need to conduct related recruitment activities in order to fill seats in a timely fashion. You can use any format you choose: Word, Excel, or even a paper wall calendar. Ultimately, you should integrate this information into your advisory body's meeting calendar for planning purposes.

Creating a Recruitment Calendar

- First, list out seats and their expiration dates, chronologically.
- Next, review the appointments process for the seats that are scheduled to become vacant:
 - Which groups conduct interviews?
 - Do the interviews need to be conducted by a Board Standing Committee?
 - Who possesses the nominating authority? Generally, the nominating authority will be either a Board Standing Committee, the Board or Commission itself, or a District Supervisors office. Contact Clerk of the Board or your CAO liaison with any questions.
- Then, denote a recruitment starting point for each seat that is three to four months prior to any expiration.
- For each seat, add dates for the activities 1 through 7 outlined below:

Activities to conduct 3-4 Months ahead of the Scheduled Vacancy

- 1) At the recruitment starting point, plan to conduct the following activities:
 - a. Create a press release, with an application period that closes approximately 2 months prior to the term expiration.
 - b. Distribute the press release to everyone on the distribution list, as well as local press, and groups that may have overlapping interests (such as a professional group, club, or other organization). Contact Clerk of the Board or your department's public information officer for additional assistance.

Activities to conduct 1-2 Months ahead of the Scheduled Vacancy

- 2) 1-2 months ahead of the vacancy, once the recruitment is closed, forward all applications received to the appropriate nominating authority.
- 3) Ensure that interviews are scheduled at an upcoming open, public meeting of the nominating authority (either the advisory body or a Board Standing Committee).

Activities to conduct 1 month ahead of the Scheduled Vacancy

- 4) Ensure that the nominating Board Order has been submitted to AgendaQuick. Monitor the submitted Board Order and track the date that the appointment will go to the Board of Supervisors.

Activities to Conduct Following Board of Supervisors Approval of the Appointment

- 5) Save a copy of the appointment Board Order in your working committee files.
- 6) Update your roster and distribution list for agendas/materials.
- 7) Reach out to the member to inform them of their appointment, and to share with them the requirements of their appointment:
 - a. Send them the meeting calendar
 - b. County Training Requirements
 - i. Brown Act Video
 - ii. Ethics for Local Officials
 - c. Administer Oath of Office (if applicable)



Contra Costa County

Appendix 24: Application Form

Print Form

Please return completed applications to:
Clerk of the Board of Supervisors
1025 Escobar Street, 1st Floor
Martinez, CA 94553
or email to: ClerkofTheBoard@cob.cccounty.us

BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

First Name Middle Initial Last Name
 Home Address - Street City State Postal Code
 Primary Phone (best number to reach you) Email Address
 Resident of Supervisorial District (if out of County, please enter N/A): [District Locator Tool](#)
 Do you work in Contra Costa County? Yes No If Yes, in which District do you work?
 Current Employer Job Title Length of Employment
 How long have you lived or worked in Contra Costa County?

Board, Committee, or Commission Seat Name
 Have you ever attended a meeting of the advisory board for which you are applying?
 Please check one: Yes No If Yes, how many?

EDUCATION

Check appropriate box if you possess one of the following:

High School Diploma CA High School Proficiency Certificate G.E.D. Certificate

| Colleges or Universities Attended | Degree Type/ Course of Study/Major | Degree Awarded | |
|-----------------------------------|------------------------------------|------------------------------|-----------------------------|
| | | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| | | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| | | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Occupational Licenses Completed:

Other Trainings Completed:
 Certificate Awarded for Training?
 Yes No
 Yes No

Do you have any obligations that might affect your attendance at scheduled meetings? Yes No

If Yes, please explain:

Would you like to be considered for appointment to other advisory bodies for which you may be qualified? Yes No

Are you a veteran of the U.S. Armed Forces? Yes No

Please explain why you would like to serve on this particular board, committee, or commission.

Describe your qualifications for this appointment. (NOTE: you may also include a copy of your resume).

I am including my resume with this application:

Please check one: Yes No

Are you currently or have you ever been appointed to a Contra Costa County advisory board?

Please check one: Yes No

If Yes, please list the Contra Costa County advisory board(s) on which you are **currently** serving:

If Yes, please also list the Contra Costa County advisory board(s) on which you have **previously** served:

List any volunteer and community experience, including any boards on which you have served.

Do you have a familial relationship with a member of the Board of Supervisors? (Please refer to the relationships listed under the "Important Information" section on page 3 of this application or Resolution No. 2021/234).

Please check one: Yes No

If Yes, please identify the nature of the relationship:

Do you have any financial relationships with the county, such as grants, contracts, or other economic relationships?

Please check one: Yes No

If Yes, please identify the nature of the relationship:

I CERTIFY that the statements made by me in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge and understand that all information in this application is publicly accessible. I understand and agree that misstatements and/or omissions of material fact may cause forfeiture of my rights to serve on a board, committee, or commission in Contra Costa County.

Signed:

Date:

Submit this application to: ClerkofTheBoard@cob.cccounty.us **OR** Clerk of the Board
1025 Escobar Street, 1st Floor
Martinez, CA 94553

*Questions about this application? Contact the Clerk of the Board at (925) 655-2000 or by email at
ClerkofTheBoard@cob.cccounty.us*

Important Information

1. This application and any attachments you provide to it is a public document and is subject to the California Public Records Act (CA Government Code §6250-6270).
2. All members of appointed bodies are required to take the advisory body training provided by Contra Costa County.
3. Members of certain boards, commissions, and committees may be required to: 1) file a Statement of Economic Interest Form also known as a Form 700, and 2) complete the State Ethics Training Course as required by AB 1234.
4. Meetings may be held in various locations and some locations may not be accessible by public transportation.
5. Meeting dates and times are subject to change and may occur up to two (2) days per month.
6. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.
7. As indicated in Board Resolution 2021/234, a person will not be eligible for appointment if he/she is related to a Board of Supervisors' member in any of the following relationships: (1) Mother, father, son, and daughter; (2) Brother, sister, grandmother, grandfather, grandson, and granddaughter; (3) Husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, and stepdaughter; (4) Registered domestic partner, pursuant to California Family Code section 297; (5) The relatives, as defined in 1 and 2 above, for a registered domestic partner; (6) Any person with whom a Board Member shares a financial interest as defined in the Political Reform Act (Gov't Code §87103, Financial Interest), such as a business partner or business associate.

Appendix 25: Samples Board Orders for Appointments, Reappointments, and Vacancies

Board Orders for Appointments, Reappointments, and Vacancies

In AgendaQuick:

1. Select "Create/Edit Agenda Items" under the "Agenda Items" menu on the left-hand panel
2. Select "Board of Supervisors" under the "Meeting Type" drop-down
3. Select the desired meeting date under the "Meeting Date" drop-down
4. Select "Board Order for Advisory Body Appt/Resignation" under the "Template" drop-down
5. Hit "Go" once your settings are ready

Complete required information in the top section. Then hit save and proceed.

Suggested Language for Unscheduled Vacancy Board Order

Subject (Title): Declare vacant the seat name on the advisory body name

Recommendations: ACCEPT the resignation of appointee's name, DECLARE a vacancy in the seat name on the advisory body name for a term ending on term ending date, and DIRECT the Clerk of the Board to post the vacancy.

Fiscal Impact: None.

Background: ****Include a brief description of the advisory body. Describe the composition of seats and terms.****

Suggested Agenda Description: ACCEPT the resignation of appointee's name, DECLARE a vacancy in the seat name on the advisory body name for a term ending on term ending date, and DIRECT the Clerk of the Board to post the vacancy.

Suggested Language for an Appointment/Reappointment Board Order

Subject (Title): Appointment(s) to the advisory body name

Recommendations: APPOINT appointee's name to the seat name on the advisory body name, for a term ending on term end date, as recommended by nominating authority.

Fiscal Impact: None.

Background: ****Include a brief description of the advisory body. Describe the composition of seats and terms. Briefly describe the recruitment and selection process undertaken.****

Suggested Agenda Description: APPOINT appointee's name to the seat name on the advisory body name, for a term ending on term end date, as recommended by nominating authority.

Note: For reappointments, change the term "appointments" to "reappointments" and the term "APPOINT" to "REAPPOINT"

Personal Information and Applications attached to Board Orders

- Avoid including personal information in the Board Order as it is published on the internet.
- All applications of appointees should be on file with the Clerk of the Board of Supervisors.
- If you choose to attach an application, please be sure to redact personal information, including the following information:
 - Home address
 - Personal or home phone numbers
 - Personal or home emails
 - Signature

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 01/07/2020 by the following vote:

| | | |
|-----------------|--------------------------------|--------------------------|
| | | John Gioia |
| | | Candace Andersen |
| AYE: | <input type="text" value="5"/> | Diane Burgis |
| | | Karen Mitchoff |
| | | Federal D. Glover |
| NO: | <input type="text" value="/"/> | |
| ABSENT: | <input type="text" value="/"/> | |
| ABSTAIN: | <input type="text" value="/"/> | |
| RECUSE: | <input type="text" value="/"/> | |



Resolution No. 2020/1

IN THE MATTER OF ADOPTING POLICY GOVERNING APPOINTMENTS TO, FORMATION OF, AND REQUIREMENTS OF BOARDS, COMMITTEES, AND COMMISSIONS THAT ARE ADVISORY TO THE BOARD OF SUPERVISORS

WHEREAS, the Board of Supervisors appoints citizens to boards, committees, and commissions that are advisory to and governed by the Board; and

WHEREAS, the Board of Supervisors wishes to encourage participation of interested citizens in the course of decisions affecting this County; and

WHEREAS, a broad representation of existing concerns and views is desired; and

WHEREAS, the Board of Supervisors finds the appointment of citizens to advisory boards, commissions, or committees to be of value in promoting civic participation;

NOW, THEREFORE, BE IT RESOLVED that the following procedures governing the formation of, and appointments to, boards, commissions, and committees that are advisory to the Board of Supervisors (hereafter "advisory bodies") are adopted:

I. APPLICATION

A. The advisory bodies to which this Resolution applies are listed on Exhibit A, "Advisory Bodies" attached hereto.

II. LOCAL APPOINTMENTS LIST

A. In accordance with the Maddy Local Appointive List Act of 1975 (Government Code Section 54970 et seq.), the Board of Supervisors (hereinafter the "Board") will include in the Local Appointments List prepared by December 31st of every year, a list of all regular and ongoing advisory bodies that have members appointed by the Board.

1. The Local Appointments List will be made available at the following locations: a) in a conspicuous place at the Office of the Clerk of the Board; and b) on the Contra Costa County website.

2. The Local Appointments List will include a) a list of all appointive terms that will expire during the next calendar year; b) a list of all advisory bodies whose members serve at the pleasure of the Board; c) the name of the incumbent, if any; d) the date of appointment for each filled seat; e) the necessary qualifications for service in each seat; f) the date on which the term for the seat expires, if any.

III. APPOINTMENT PROCEDURE

A. The Board makes appointments to two distinct types of seats on its advisory bodies. The following process will be followed for appointments to these two types of seats:

Type 1: Supervisorial District Appointments Applications may be delivered to either the Clerk of the Board or to the District Supervisor's office. Applications received by a Supervisor's office are to be sent to the Clerk of the Board, and a copy is to be

retained by the Supervisor's office. The Clerk of the Board will ensure that the Supervisor has a copy of all applications originally filed with the Clerk of the Board.

Type 2: At Large/Countywide Appointments Applications are sent to the Clerk of the Board. The Clerk of the Board will distribute the applications to the appropriate interviewer. With the exception of the Planning Commission and the Treasury Oversight Committee, bodies may generally conduct their own interviews of applicants, unless provided direction by a Board Committee. When an advisory body conducts interviews, the body's recommendation will be provided to a Board Committee for further review, along with all applications received for the applicable seat. In all cases, the Board Committee decides which applicants to nominate for full Board action.

B. A Board Committee or an individual Supervisor may select a screening committee to assist in interviewing applicants for appointment. Membership subcommittees of Board advisory bodies may serve this purpose.

C. The Board shall strive to maintain an ethnic, economic, and geographic balance to the membership of advisory bodies.

D. Except where federal, State, or County statutes or regulations dictate otherwise, or in exceptional circumstances, the following applicants generally should not be appointed: 1. An applicant who has a family member already serving on the same advisory body. 2. An applicant who would be repeatedly required to recuse himself from the body's business due to a conflict of interest.

E. Except for county officers and employees serving in an official capacity, all advisory body members shall have specific terms of appointment as prescribed by statute or as fixed by the Board. Unless otherwise specified, appointees shall serve four-year terms, and terms should be staggered to limit the number of scheduled vacancies at any one time.

F. All Board appointees to advisory bodies serve at the pleasure of the Board and may be removed during their terms of office by a majority vote of the Board at its pleasure, provided that such action is consistent with conditions imposed by law.

G. An unscheduled vacancy occurs when an appointee leaves or becomes ineligible for his/her seat before his/her term expires. Unscheduled vacancies in seats on advisory bodies which are appointed by the Board will be listed on the Board's agenda within 20 days after the vacancy occurs. The Board will declare the positions vacant and instruct the Clerk of the Board to post the unscheduled vacancies. The Clerk of the Board will create and post the unscheduled vacancy notice within one business day of being instructed to do so by the Board. The notice will be posted at the following locations: 1) in a conspicuous location at the Office of the Clerk of the Board; and 2) on the Contra Costa County website. Additional outreach may be implemented by the Supervisorial District offices, and/or the advisory body. Pursuant to Government Code §54974(a), the Board will not make a final appointment for a minimum of ten working days after the Clerk has posted the unscheduled vacancy notice. If the Board finds an emergency exists, it may fill the unscheduled vacancy immediately, but the appointee will only serve on an acting basis until the final appointment is made.

IV. FORMATION AND DISSOLUTION OF ADVISORY BODIES

A. The Board of Supervisors may form an advisory body for the purpose of rendering advice or recommendations to the Board on issues of importance. The Board of Supervisors may dissolve an advisory body at the Board's discretion, consistent with conditions imposed by law. Commencing July 1, 2012, each advisory body shall be reviewed at least once every three years pursuant to a procedure established by the Board in Resolution 2012/261 or its successor.

B. When the Board creates an advisory body, the Board may determine whether or not the body should adopt a conflict of interest code.

V. RESPONSIBILITIES OF ADVISORY BODIES

A. Each advisory body:

1. Shall operate within its mandate as defined in the Board Order, Resolution, or Ordinance creating the body and any applicable law, and may establish specifically defined objectives consistent with its mandate.
2. Shall elect a chairperson and notify the Clerk of the Board of said selection.
3. Shall establish regularly scheduled meeting times and inform the Clerk of the Board of such schedule.
4. Subject to limitations resulting from statutory requirements, may adopt a set of operating rules (bylaws) addressing attendance requirements for continuing membership, the election of officers, and the establishment of subcommittees composed solely of current members of the advisory body. The operating rules (bylaws) shall not be operative until they have been approved by the Board of Supervisors.
5. Shall maintain necessary records including agendas and meeting minutes (records of action) and ensure that these documents

are made available to the public upon request.

6. Shall comply with by the Ralph M. Brown Act (Gov. Code, §54950, et. Seq.) and the County's Better Government Ordinance (County Ordinance Code Division 25).

7. Shall post meeting agendas on the County's webpage, in addition to the physical posting requirements specified in the Brown Act and Better Government Ordinance, at least 96 hours ahead of any regular meeting, beginning on March 2, 2020.

8. Shall comply with the Board's policy against conflict of interest, as required by state law and County policies, including but not limited to Resolution No. 2002/376 and Resolution 2011/55, or their successors.

9. Shall submit an Annual Report to the Board in December on its activities, accomplishments, membership attendance, required training/certification, and proposed work plan or objectives for the following year, in December. A suggested template for the Annual Report can be found in the Advisory Body Handbook or can be obtained by contacting the Clerk of the Board.

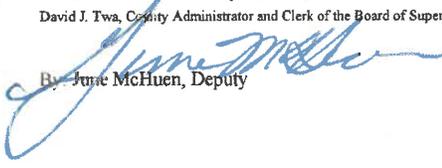
VI. This Resolution supersedes Resolution 2011/497 in its entirety.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Emlyn Struthers, 925-335-1919

ATTESTED: January 7, 2020

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By:  June McHuen, Deputy

cc:

RESOLUTION NO. 2020/1
EXHIBIT A

List of Applicable Advisory Bodies

Advisory Council on Aging
Agricultural Advisory Task Force
Alamo Municipal Advisory Council
Alcohol and Other Drugs Advisory Board
Arts & Culture Commission of Contra Costa County
Aviation Advisory Committee
Bay Point Municipal Advisory Council
Bethel Island Municipal Advisory Council
Byron Municipal Advisory Council
Commission for Women
Contra Costa County Fire Protection District Fire Advisory Commission*
Contra Costa County Planning Commission*
Council on Homelessness
County Service Area P-2A (Blackhawk Police Services) Citizens Advisory Committee
County Service Area P-2B Citizens Advisory Committee (Alamo Police Services Advisory Committee)
County Service Area P-5 (Roundhill) Citizens Advisory Committee
County Service Area P-6 (Discovery Bay Zones) Citizen Advisory Committee
County Service Area R-10 (Rodeo) Citizens Advisory Committee
Countywide Bicycle Advisory Committee
Crockett-Carquinez Fire Protection District Advisory Fire Commission
Diablo Municipal Advisory Council
East Richmond Heights Municipal Advisory Council
Economic Opportunity Council
El Sobrante Municipal Advisory Council
Emergency Medical Care Committee
Equal Employment Opportunity Advisory Council
Family & Children's Trust Committee
Fish & Wildlife Committee
Hazardous Materials Commission
Historical Landmarks Advisory Committee
Integrated Pest Management Advisory Committee
Iron Horse Corridor Management Program Advisory Committee
Juvenile Justice Coordinating Council
Keller Canyon Mitigation Fund Review Committee
Kensington Municipal Advisory Council
Knightsen Town Advisory Council
Library Commission
Local Planning and Advisory Council for Early Care and Education (LPC)
Managed Care Commission

Mental Health Commission
North Richmond Municipal Advisory Council
Pacheco Municipal Advisory Council
Public Law Library Board of Trustees
Racial Justice Oversight Body
Rodeo Municipal Advisory Council
Sustainability Commission
Treasury Oversight Committee*

Last Updated: January 7, 2020

*Interviews for the Contra Costa County Fire Protection District Fire Advisory Commission, Planning Commission and Treasury Oversight Committee will always be conducted by a Board Committee.

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 01/07/2020 by the following vote:

AYE: 5 John Gioia
Candace Andersen
Diane Burgis
Karen Mitchoff
Federal D. Glover
NO: /
ABSENT: /
ABSTAIN: /
RECUSE: /



Resolution No. 2020/2

IN THE MATTER OF ADOPTING POLICY GOVERNING APPOINTMENTS TO INDEPENDENT BOARDS, COMMITTEES, AND COMMISSIONS, AND SPECIAL DISTRICTS

WHEREAS, the Board of Supervisors makes appointments to independent bodies not governed by the Board of Supervisors; and WHEREAS the Board of Supervisors wishes to encourage participation of interested citizens in decisions affecting residents of this County;

NOW, THEREFORE, BE IT RESOLVED that the following procedures governing appointments to independent special districts, boards, commissions, and committees that are not governed by the Board of Supervisors (hereafter collectively referred to as "independent bodies") are adopted:

I. APPLICATION A. The independent bodies to which this Resolution applies are listed on Exhibit A, "Independent and Quasi-Independent Bodies" attached hereto.

II. LOCAL APPOINTMENTS LIST A. In accordance with the Maddy Local Appointive List Act of 1975 (Government Code section 54970 et seq.), the Board of Supervisors (hereafter "Board") will include in the Local Appointments List prepared by December 31st of each year, a list of all regular and ongoing independent bodies that have members appointed by the Board.

1. The Local Appointments List will be made available at the following locations: a) in a conspicuous place at the Office of the Clerk of the Board; and b) on the Contra Costa County website.

2. The Local Appointments List will include a) a list of all appointive terms that will expire during the next calendar year; b) a list of all boards, commissions and committees whose members serve at the pleasure of the Board; c) the name of the incumbent, if any; d) the date of appointment for each filled seat; e) the necessary qualifications for service in each seat; f) the date on which the term for the seat expires, if any.

III. APPOINTMENT PROCEDURE A. The Board makes appointments to two distinct types of seats on independent bodies, Supervisorial District Seats and At Large/ Countywide Seats. The following process will be followed for appointments to these two types of seats:

Type 1: Supervisorial District Seats Applications may be delivered to either the Clerk of the Board or to the District Supervisor's office. Applications received by a Supervisor's office are to be sent to the Clerk of the Board, and a copy is to be retained by the Supervisor's office. The Clerk of the Board will ensure that the Supervisor has a copy of all applications originally filed with the Clerk of the Board.

Type 2: At Large/Countywide Seats Applications are sent to the Clerk of the Board. The Clerk of the Board will distribute the applications to the appropriate interviewer. When an independent body conducts interviews, the body's recommendation will be provided to a Board Committee for further review. In all cases, the Board Committee decides which applicants to nominate for full Board action.

A Board Committee or an individual Supervisor may select a screening committee to assist in interviewing the applicants for appointment. A membership subcommittee of an independent body may serve this purpose.

B. An unscheduled vacancy occurs when an appointee leaves or becomes ineligible for his/her seat before his/her term expires. Unscheduled vacancies in seats on independent bodies which are appointed by the Board will be listed on the Board's agenda within 20 days after the vacancy occurs. The Board will declare the positions vacant and instruct the Clerk of the Board to post the unscheduled vacancies. The Clerk of the Board will create and post the unscheduled vacancy notice within one business day of being instructed to do so by the Board. The notice will be placed at the following locations: 1) in a conspicuous place at the Office of the Clerk of the Board; and 2) on the Contra Costa County website. Additional outreach may be implemented by the Supervisorial District offices and/or the independent body. Pursuant to Government Code §54974(a), the Board will not make a final appointment for a minimum of ten working days after the Clerk has posted the unscheduled vacancy notice. If the Board finds an emergency exists, it may fill the unscheduled vacancy immediately, but the appointee will only serve on an acting basis until the final appointment is made.

C. Except where federal, State, or County statutes or regulations dictate otherwise, or in exceptional circumstances, the following applicants generally should not be appointed:

1. An applicant who has a family member already serving on the same independent body; 2. An applicant who would be repeatedly required to recuse himself from the body's business due to a conflict of interest. 3. An applicant with any of the conflicts of interest listed in Resolution 2011/55.

D. Board of Supervisors representatives on independent bodies serve at the pleasure of the Board and may be removed during their terms of office by a majority vote of the Board at its pleasure, provided such action is consistent with conditions imposed by law.

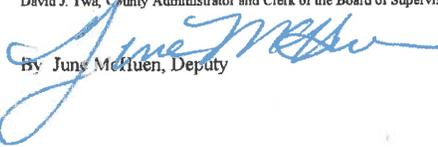
IV. This Resolution supersedes Resolution 2011/498 in its entirety.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Emlyn Struthers, 925-335-1919

ATTESTED: January 7, 2020

David J. Twa, County Administrator and Clerk of the Board of Supervisors


By June McHuen, Deputy

cc:

RESOLUTION NO. 2020/2
EXHIBIT A

List of Applicable Independent or Quasi-Independent Bodies

A. Decision-Making Bodies

Airport Land Use Commission
Alamo-Lafayette Cemetery District Board of Directors
Assessment Appeals Board
Byron-Brentwood-Knighten Union Cemetery District Board of Trustees
Contra Costa County Employees' Retirement Association (CCCERA)*
East Contra Costa Fire Protection District Board of Directors
First 5 Contra Costa Children and Families Commission
Housing Authority Board of Commissioners
Merit Board
Mosquito & Vector Control District Board of Trustees (Contra Costa County)
Resource Conservation District Board of Directors (Contra Costa County)
Tri-Delta Transit Authority Board of Directors
Western Contra Costa Transit Authority Board of Directors
Workforce Development Board (Contra Costa County)

B. Advisory to independent bodies

Affordable Housing Finance Committee
Contra Costa Transportation Authority (CCTA) Citizen Advisory Committee
County Connection Citizens Advisory Committee
Countywide Redevelopment Successor Agency Oversight Board*
East Bay Regional Park District Park Advisory Committee
In-Home Supportive Service Public Authority Advisory Committee
Contra Costa Solid Waste Local Enforcement Agency (LEA) Independent Hearing Panel
North Richmond Waste and Recovery Mitigation Fee Committee
Regional Measure 3 (RM3) Independent Oversight Committee*

Last Updated: January 7, 2020

*Interviews for the following will always be conducted by a Board Committee:

- Contra Costa County Employees' Retirement Association (CCCERA),
- Countywide Redevelopment Successor Agency Oversight Board, and
- Regional Measure 3 Independent Oversight Committee.