Advisory Body Handbook

Note: Boards, Committees, Commissions, Councils are paraphrased as “Advisory Bodies” in this Handbook. While not all bodies with members appointed by the Board of Supervisors are “advisory bodies,” for the purpose of this Handbook, they will be referred to as “advisory bodies.”

For questions or comments about this Handbook, please contact the Clerk of the Board of Supervisor’s office by calling (925) 335-1900.
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I. Introduction

Members of citizens’ advisory bodies to the County Board of Supervisors provide an important service to the government of Contra Costa County. They provide citizens’ perspectives and advise the Board of Supervisors on a wide variety of policy issues or programs that directly affect the quality of life in our community.

Contra Costa County government is fortunate to have many community-minded citizens who have special experience and interests and who generously volunteer their time and expertise to serve on County advisory bodies. The complexity of county government and the increasing interest in citizen participation in the decision-making process is reflected in the existence, at the present time, of over 80 such advisory bodies to the Board of Supervisors.

This Handbook is a compilation of reference materials to assist advisory body members and their staff support persons to comply with the laws, policies, and procedures related to the administration and conduct of Board of Supervisors advisory bodies. It contains information about how and why advisory bodies are established, how they are to operate and be maintained, and the roles and responsibilities of both appointees and staff support persons. Staff is encouraged to share materials from this Handbook with advisory body members.

In addition to this Handbook, the Office of the Clerk of the Board maintains records of all Board of Supervisors actions pertaining to each advisory body. Additional assistance on matters discussed in this Handbook may be obtained by contacting your sponsoring County department, or your staff support person. Staff support persons are encouraged to seek clarification if needed by contacting the County Administrator’s Office or the office of the Clerk of the Board.
II. **Advisory Body Mission and Scope of Authority**

Actions by the Board of Supervisors or State or Federal laws establish the purpose and charge of Board advisory bodies. Advisory bodies are empowered to review and make recommendations to the Board of Supervisors on issues related to each body’s assigned purpose or charge.

**Triennial Review Process**

During 2012 the Board of Supervisor's authorized a significant new policy to review the mandate, scope of authority, and ongoing activities of the County's advisory bodies on a regular basis.

The Triennial Review Process was adopted under Board Resolution 2012/261 (6/26/2012, C.138). This policy provides that, each year, one third of all of the advisory bodies formed by the Board of Supervisors shall participate in a review of their mandates, goals and objectives, and activities. Each advisory body will participate in the triennial review process once every three years. The Board of Supervisors will review the mandate and activities of each advisory body and make any determinations as to the committee's future direction that it finds necessary or appropriate.

Each advisory body should carefully review Resolution No. 2012/261 in order to understand this important review procedure. The Resolution appears in Appendix 4 of this Handbook. Any questions may be directed to the Office of Clerk of the Board of Supervisors at 925-335-1900.

**Expenditure Authority**

Sometimes, an advisory body’s activities may involve the expenditure of funds. For example, an advisory body may wish to host a workshop or symposium that requires advertising, facility rental, and possibly speakers’ fees. It is important to note the following with respect to Board advisory bodies:

- Most advisory bodies do not have County-approved budgets, although some raise funds through public donations and grants to support their community activities. In most cases, advisory bodies are NOT authorized to expend County funds.

- All advisory body funds are “public” funds and must be accounted for in the County Treasury. State law or County Board policy requires that any funds accepted by the Board of Supervisors are overseen by the elected Auditor-Controller and Treasurer-Tax Collector. These officials receive, keep safe, invest, disburse, account for and audit such funds as required by laws or policies.
• No advisory bodies have independent authority to procure goods and services, but advisory bodies may do so with prior approval from the Board of Supervisors. All bodies must follow the County’s procurement policies by following County procurement guidelines; these are available from the County Auditor-Controller, County Purchaser, or County Administrator’s Office.

• Advisory bodies may be subject to auditing by County, federal, or state authorities and the County could be penalized if all appropriate laws/guidelines for funds appropriation and expenditures are not followed.

• Advisory bodies that are charged with regulating community centers do not have independent authority to set or waive fees. Only the Board of Supervisors has the authority to increase or decrease fees and only after conducting a noticed public hearing.

III. Roles and Responsibilities of Advisory Body Appointees

The Board of Supervisors recognizes the level of commitment and professionalism required to serve on its advisory bodies. Appointees assist the Board in making Contra Costa County government both effective and responsive to the public.

A. What is the role of an advisory body member?

The primary purpose of an advisory body is to assist the Board of Supervisors in the Board’s decision-making process. Advisory bodies serve as a conduit for citizen input by gathering, analyzing, and recommending options to the Board of Supervisors. Some advisory bodies are mandated by Federal or State statute or established by County ordinance, resolution or Board Order; and others may be established by a Joint Powers Agreement.

Regardless of the establishing mechanism for the advisory body, the Board of Supervisors retains the final responsibility and authority for making policy decisions. The Planning Commission and the Assessment Appeals Board are two exceptions to this rule because they have the legislated authority to take independent actions.

B. What does an advisory body member do?

For most Board advisory bodies, there is typically an establishing ordinance, resolution, Board Order or State law that outlines the scope and function of the body. Every advisory body should also adopt bylaws that are approved by the Board of Supervisors in order for members to have detailed guidelines about how the advisory body functions. Bylaws are useful in orienting members to the advisory body’s activities and purpose, as well as serving as a resource for administrative policy and technical information. Board advisory bodies are also required to have an annual work plan and list of goals and priorities that will guide their work for the year.

The Board of Supervisors has also adopted specific resolutions that establish rules of conduct, application procedures, and the appointment process and procedures (see Appendix 2).
Advisory body support staff support person(s) are referred to these documents to understand Board policies for appointments and the procedures to follow when vacancies occur.

Advisory body members should review the advisory body’s work plan, goals and priorities to develop an understanding of the advisory body’s function, including its authority, activities, and relationship to the Board of Supervisors, County Staff, and other citizens’ advisory bodies. The most productive and effective advisory bodies are those whose members are clearly committed to fulfilling the mission and goals of their advisory body and focused on accomplishing their annual priorities. These concepts are essential to performing the work of your committee.

C. What does the Chair of the Advisory Body do?

The Chair performs the following functions: 1) acts as the head of the advisory body and is the official spokesperson for the body, 2) sets the dates and times of meetings, 3) sets the agenda of items to be discussed, 4) appoints subcommittees, subject to the approval of the body, and 5) serves ex-officio on all subcommittees. The Chair performs other duties as may be imposed by the advisory body consistent with the office, at the pleasure of the advisory body, until replaced by the election of a new chair or until losing membership on the advisory body.

D. What does the Vice Chair of the Advisory Body do?

The Vice-Chair presides in the absence of the Chair. The Vice Chair serves at the pleasure of the advisory body, until replaced by the election of a new Vice Chair or until losing membership on the body.

E. What does the Secretary of the Advisory Body do?

The Secretary performs the following functions: 1) prepares the record of action of the meetings, 2) is responsible for keeping the County training certifications and meeting attendance records, 3) sends and retains copies of correspondences authorized by the advisory body, and 4) maintains the advisory body’s files. The Secretary performs such other duties as are assigned by the advisory body and serves at its pleasure, until replacement by election of a new Secretary or until losing membership on the body.

F. What does the Treasurer of the Advisory Body do?

Most advisory bodies do not have County-approved budgets and would not need a Treasurer. However, for the few advisory bodies with an approved budget, the Treasurer: 1) is responsible for the financial records of the advisory body, 2) provides monthly financial reports to the advisory body, and, 3) tracks the advisory body’s budget.

G. Do Advisory Bodies have employees?

Advisory bodies do not have “employees” and may not take “personnel actions.” Under the County’s Personnel Management Regulations, only the appointing authority of a County employee may take disciplinary action against a County employee. Unless otherwise provided by statute or ordinance, the appointing authority is the County Department Head.
H. Are there legal requirements I should know about?

Yes, there are a number of legal requirements covering advisory body members. One of the first assignments for any advisory body member or staff support person should be to familiarize oneself with the legal requirements relating to the conduct of “public business.” Board advisory body meetings are, by definition, official public bodies that conduct public meetings. As such, you are required to comply with the provisions in the Brown Act, the County Better Government Ordinance, and the Conflict of Interest Code for your body (if one has been adopted).

A summary of the Brown Act and Better Government Ordinance along with key selected provisions are included in Appendix 1. In addition, a video presentation of the Brown Act and the County’s Better Government Ordinance as they apply to advisory bodies is available on the County’s website at: www.co.contra-costa.ca.us and on County community tv, CCTV.

Please note, advisory bodies usually may not meet in closed sessions. As a public body, an advisory body is subject to the Brown Act. Under the Brown Act, a public body may not meet in a closed session unless a special statutory exception applies. One of these exceptions allows public bodies to meet privately to discuss personnel issues, including employment, performance evaluations, dismissal, or discipline. This exception, however, only applies to public bodies that are employers. Generally, since advisory bodies have no employees, they are ineligible to meet in closed session.

In the matter of holding a closed session, you should always consult with your staff support person or County Counsel before conducting such a meeting.

A **Statement of Economic Interest form, Form 700**, may be required of advisory body members. To find out if and when you are required to fill out this form, please contact your staff support person or the Chair of your advisory body, the Fair Political Practices Commission (FPPC) at 1-866-275-3772, or the Clerk of the Board at (925) 335-1900. For additional information regarding this form, please refer to the following website: http://www.fppc.ca.gov/index.php?id=500 or call the FPPC help line at: 1-866-275-3772.

Taking an **Oath of Office** is usually also required of advisory body members. For those advisory bodies whose appointees require an Oath of Office, these oaths must be taken as soon as the Board of Supervisors has named a new member to an advisory body. *The Office of the Clerk of the Board recommends that all advisory committee members who are appointed by the Board of Supervisors take the oath of office prescribed under California law.* For more information, contact your staff support person, the Office of the Clerk of the Board at (925) 335-1900, or the Chair of your committee. An Oath of Office form can be requested from the Clerk of the Board, and should be distributed if possible by the Advisory body Chair or the staff contact to new members. Appointees can be sworn in at the Office of the Clerk of the Board or may affirm the oath before a notary public. The executed Oath of Office form must be sent to the Clerk of the Board of Supervisors, 651 Pine St, Room 106, Martinez CA 94553.
AB 1234

In addition to the above listed requirements, advisory body members who receive compensation, salary, stipend, or expense reimbursement must complete AB 1234 ethics training every two years. This training requirement applies to the following advisory bodies:

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

The AB 1234 ethics training is widely available and can also be taken as an online course at the following web address: http://localethics.fppc.ca.gov/ab1234. Within 30 days of completing the AB 1234 ethics training, you should provide a copy of your certification to your Chair or staff support person and the original should be sent to the Office of the Clerk of the Board, where it will be kept on file.

I. How do advisory body members avoid conflicts of interest or the appearance of conflict of interest?

The Board of Supervisors’ policies concerning conflict of interest for Board appointees can be found in Board Resolution No. 2002/376. A copy of these policies and the Fair Political Practice Commission’s “Can I Vote?” pamphlet are included in Appendices 5 and 6. A video presentation entitled, “Ethics Orientation for County Officials” is available on the County’s website at www.co.contra-cost.ca.us and is also broadcast on County community television, CCTV.

Advisory body members should recuse themselves from acting on or voting in those situations where they may have or it can appear that they have a conflict of interest. Appointees should consult with your staff support person, the Chair of your advisory body, or County Counsel for guidance in such situations.

J. Review of Training Requirements

As an appointee, you are required to view both the “Brown Act and Better Government Ordinance,” and the “Ethics Orientation for Local Officials” videos within three months of your first appointment and submit a copy of the certification of viewing to the Clerk of the Board. The Training Certification form is found in Appendix 8.

The certification for the County’s training course should be retained by the advisory body staff or Chair, if the body is not staffed. If you are required to complete AB 1234 training, the AB 1234 certification form will be provided at the completion of the training.
All training courses must be completed and certified within 90 days of appointment to an advisory body.

Some advisory body members must also complete ethics training under AB 1234 every two years.

IV. Communication and Collaboration

A. How can an advisory body member be most effective in their appointed role?

As with any new assignment, it is important to build and maintain positive working relationships with your fellow advisory body members, local elected officials and their staffs, members of the public, and (if provided) the department staff person(s) who provides administrative and technical support to your advisory body. It is important for advisory body members to exercise an attitude of cooperation in their dealings and display a spirit of tolerance and understanding towards others. This attitude is especially important as tough or contentious issues are being discussed and difficult decisions are considered. Appointees are expected to act in a manner that promotes consensus building amongst the members of the advisory body and to show openness and respect towards the public.

To be the most effective member possible, you will also need to develop and use a sound knowledge of the operating procedures or bylaws that have been adopted by your advisory body and approved by the Board of Supervisors.

B. What is the best way to prepare for advisory body meetings?

Your advisory body support staff or the Chair will prepare and distribute a meeting agenda and a packet of related materials a minimum of ninety-six (96) hours prior to the scheduled meeting date. This timing will allow advisory body members the opportunity to review any background information in preparation for agenda items to be discussed or acted upon at the meeting and for the public to acquaint themselves with items being considered. Advisory body members are advised to stay informed about current matters by reading minutes, staff reports and related materials, and be prepared to ask clarifying questions, invite and consider public input, promote discussion, and make decisions.

C. What should appointees do if they must miss a meeting?

Regular attendance at advisory body meetings and important related events is vital to the overall functioning, success, and effectiveness of the group. Although regular attendance at advisory body meetings is essential to the work program and function of the body, there will be occasions when it is not possible to attend a meeting. In this situation, members should give a courtesy call in advance to their Chair or staff support person, so they will be aware of an absence. Advance communication of your absence can be crucial, especially if other
member absences also occur, since this situation can result in less than a majority (quorum) of members present. Without a quorum, no meeting can occur.

D. What about my point of view?

Although each of us has opinions and preferences, the role of the advisory body member is to consider and represent more than your personal opinion on the topics considered. Broad-based representation can be best achieved by respecting and valuing the perspective of others and inviting and taking into account differing points of views in developing recommendations to the Board of Supervisors. Such behavior will ensure a process that is both open and inclusive. It is the advisory body member’s responsibility to represent the larger public interest by putting the needs, interests, and protection of the residents of the county as his or her primary concern.

E. What are the requirements of the Better Government Ordinance and what effect does it have on communication?

The Better Government Ordinance is a local law, enacted by the Board of Supervisors that applies specifically to Contra Costa County government. Advisory body members and County staff are required to operate within its guidelines. The Ordinance mandates a higher level of transparency and availability of information to the public than does the Brown Act. Refer to Appendix 2 for more specific information about the Better Government Ordinance or consult with your Chair or staff support person with questions. As with other requirements that affect the advisory body members and their actions, any changes made to this Ordinance will be distributed to the advisory body members by the Clerk of the Board’s Office and posted online as revisions to this Handbook.
V. Roles and Responsibilities of Advisory Body Staff

Staff support persons to Board advisory bodies have the unique role of technical and administrative process advisors. Competent and efficient staff support can greatly contribute to the attainment of an advisory body’s goals and objectives. In addition to providing technical support in a specific subject area, staff also may perform the following functions:

- Prepare meeting notices, agendas and packets at the direction of the Chair and in accordance with the provisions of the Brown Act and the County Better Government Ordinance.
- Post meeting notices and agendas as required by law.
- Prepare records of actions taken at meetings.
- Assist the Chair in maintaining the advisory body roster.
- Assist the Chair and the body in recruiting and/or screening applicants to fill vacancies.
- Help update bylaws.
- Maintain committee attendance records and track meeting attendance.
- Conduct background research and prepare reports for the Board of Supervisors or one of the Board’s standing committees.
- Keep track of certificates of training and communicate information on member training to the Clerk of the Board’s office.
- Maintain the body’s public records and document files.
- Coordinate with appropriate County Administrator’s Office staff to list appointment recommendations and/or interviews on Board standing committee agendas.

A. What are staff’s duties regarding meeting notices?

Generally, staff must prepare and distribute meeting agendas and supporting materials at least 96 hours prior to the meeting date/time. The agenda must specify the time and location of the meeting and must be posted in a location freely accessible to members of the public during the entire 96-hour period. Some advisory bodies are required to post their agendas and meeting notices on the internet as well as at the physical posting location (Appendix 12). Detailed instructions regarding meeting noticing and open meeting requirements are included in Appendices 1-6 (and summarized in Appendix 1).

B. What are staff’s duties regarding roster maintenance?

As the staff support person for an advisory body, you should assist the advisory body Chair in identifying scheduled vacancies and assist, as needed, in the recruitment efforts for filling both scheduled and unscheduled vacancies. You should also monitor meeting attendance and apply any bylaws regarding required attendance to ensure maximum representation of all seats at each meeting.
The advisory body may request that the Board of Supervisors remove an appointee who does not attend meetings on a regular basis. If the member is filling a district-specific (Type I) seat, the request for removal should be submitted to the District Supervisor’s office which nominated the committee member; whereas, if the seat is an At Large/Countywide (Type II) seat, the request should be routed to the Board of Supervisors standing committee that originally nominated the appointed member of the body.

C. What is the difference between a scheduled and unscheduled vacancy, and how does it affect the process for filling the vacancy?

Scheduled Vacancy A scheduled vacancy occurs when the seat term expires. Scheduled vacancies may be filled after an open recruitment process, and upon final approval of the appointment by the Board of Supervisors. The Clerk of the Board posts a list every January 1 on the County website, showing the scheduled vacancies (seat expiration dates) that are scheduled to occur during the following year. On the County’s website, click on the “Board of Supervisors” tab and then click the “Appointed Bodies, Committees and Commissions” link to view the current list of Annual Scheduled Vacancies for the current year.

Unscheduled Vacancy An unscheduled vacancy occurs when an incumbent appointee leaves his or her position, for any reason, before the scheduled expiration of the seat term. Unscheduled vacancies must be recognized officially by the Board of Supervisors (through a Board Order); in addition, a notice of the vacancy must be posted by the Clerk of the Board of Supervisors for at least ten business days, before a new appointment can be approved.

It is the duty of the Chair and staff support person of each Board advisory body to report immediately to the Board of Supervisors any unscheduled vacancy by means of a Board Order. Advisory body staff can assist the Chair by preparing a Board Order (see the sample in Appendix 9) recommending that the Board of Supervisors declare a vacancy in the seat so that the Board can officially recognize the vacancy and the Clerk of the Board can post the required notice.

Recruitment of Applicants

It is the responsibility of the advisory body to actively solicit candidates for available vacancies (scheduled or unscheduled), by distributing and advertising notices of any vacancies to the greatest extent possible.
D. How do I go about filling a vacancy on an advisory body?

According to County policy, any nominations to fill vacancies for advisory body seats appointed by the Board of Supervisors should result from an open and competitive process. To facilitate the appointment process, staff is advised to:

- Issue a press release (see sample in Appendix 9) to newspapers throughout the County, local websites or blogs, local libraries, and to CCTV (public television), notifying the public of any vacancies.

- Undertake whatever additional recruitments is needed in order to interest men and women of various racial, ethnic, and economic backgrounds and who are from various geographic areas of the County.

- Where there are specific eligibility criteria that members must meet, review the applications to ensure that each individual meets all of the applicable criteria. County policy requires that, unless otherwise provided in the law, appointees must reside or work in Contra Costa County. All appointees must be electors of the County or district if required by state law. Potential conflicts of interest should be avoided.

With respect to the appointment process, please note that the Board makes appointments to two distinct types of seats: Supervisorial District Appointments and At Large/Countywide Appointments. 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. (See Appendix 7 for an Application).

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.

**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. Whether an advisory body or an independent body conducts interviews, the body’s recommendation will be provided to a Board standing committee for further review. **In all cases, the Board Committee decides which applicants to nominate for full Board action.**

With respect to the interview process, the Board has adopted policies delineating responsibility for conducting interviews of applicants for At Large/Countywide appointments. These policies are contained in Resolutions No. 2011/497 and 2011/498.
A list of the advisory bodies that initially interview applicants for appointment is included as an attachment to Resolution No. 2011/497, Exhibit B, “Bodies that Interview Applicants for At Large/Countywide appointments.” (See Appendix 2.)

A list of the independent bodies (bodies not governed by the Board of Supervisors) that initially interview applicants for appointment is included as an attachment to Resolution No. 2011/498, Exhibit B. (See Appendix 2.)

A list of the Board standing committees that initially interview applicants for appointments is included as an attachment to both Resolutions No. 2011/497 and 2011/498, Exhibit C. (See Appendix 2.) A Board Committee may select a screening committee to assist in interviewing applicants for appointment; membership subcommittees of Board advisory bodies may serve this purpose.

Advisory body members and support staff should refer to Resolution 2011/497 and exhibits (Appendix 2) to determine the appropriate procedures for Supervisorial District, At-Large or Countywide appointments in case of vacancies.

The Board has adopted the following policies with respect to appointments:

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

- 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.

- 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.

- 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.
E. What are the roles of Board of Supervisors’ standing committees and how do they play a part in the advisory body process?

The Board of Supervisors has various standing committees, open to the public, at which they discuss issues and prepare recommendations for action to the Board of Supervisors. Some of these standing committees have been assigned the responsibility of interviewing applicants to advisory bodies. In all cases, a Board standing committee decides which applicants for At Large/Countywide seats are nominated for full Board action.

Currently, the Board of Supervisor’s standing committees are the Family and Human Services Committee, the Internal Operations Committee, the Public Protection Committee, the Airport Committee, the Finance Committee, the Legislation Committee, and the Transportation, Water and Infrastructure Committee. The determination of which standing committee reviews an advisory body matter or application is determined by the subject matter, the nature of the appointments being considered, and, sometimes, by legal requirements.

F. What do I need to do to fill vacancies for seats that are interviewed by a Board standing committee?

The Board of Supervisors has determined that all recommendations to fill At Large/Countywide seats on advisory bodies be reviewed by a Board standing committee, since in all cases, the Board committee decides which applicants to nominate for full Board action. These seats typically represent no specific population in the County (no Supervisorial district, city, agency, region), or they may be District or other seats for which other appointment criteria require a more in-depth level of review than the Board would provide at its regular meetings.

Again, a list of those bodies for which a Board Committee initially interviews applicants for appointment is included as an attachment to Resolutions No. 2011/477 and 2011/478 as Exhibit C, “Bodies for which a Board Committee interviews applicants.” (See Appendix 2.)

To verify if a Board standing committee conducts interviews to fill a particular seat vacancy, you should first reference Appendix 2, then contact the Office of the Clerk of the Board at (925) 335-1900 or the County Administrator’s Office at (925) 335-1085 if there are questions.

Appointment Processing Procedures

To present recommendations for appointment, or to schedule interviews for seats that are reviewed by a Board standing committee, advisory body staff should do the following:

- Prepare a brief memo to the appropriate Board standing committee summarizing your recruitment efforts;
- Attach copies of the applications that have been received from all of the qualifying applicants and a current membership roster for the advisory body;
- If interviews are required pursuant to Appendix 2, then contact the staff person for the appropriate Board standing committee to establish an interview date;
Once an interview date has been established, contact each qualified applicant with interview information;

Forward your nomination memo and attachments to the appropriate standing committee staff at least seven (7) days prior to a Committee meeting date. Committee meeting dates can be found on the Board of Supervisors’ webpage at [http://www.co.contra-cost.ca.us/index.aspx?nid=193](http://www.co.contra-cost.ca.us/index.aspx?nid=193) under the “Board Standing Committees” tab.

Upon Committee approval, Committee staff will forward the appointment nominations to the Board of Supervisors for confirmation.

**G. What do I do if the advisory body wishes to incur expenses?**

Unless the Board of Supervisors has allocated and appropriated an operating budget for an advisory body and/or has specifically authorized meeting stipends or mileage reimbursement, Board advisory bodies are not authorized to incur expenses on behalf of the County.

Some advisory bodies receive donations that can defray the costs of special events or activities it sponsors. However, the Board of Supervisors must sanction those special events or activities in advance of incurring any expenditure. Grants may be sought on behalf of the County upon prior approval by the Board of Supervisors.

Advisory body staff should work through their departments and the Board of Supervisors to obtain advance approval for any expenditures, or to apply for and receive grant funds and donations where applicable.

**H. What should I do if the advisory body receives a request for information under the Public Records Act?**

If an advisory body receives a request for information under the Public Records Act, you should contact the County Counsel’s Office immediately for advice on how and in what time frame and who should respond.

**I. How can I ensure that committee appointees became familiar with their responsibilities and obligations under the law?**

Advisory body support staff can assist new appointees in understanding their responsibilities and obligations by sharing relevant sections of this Handbook with appointees, encouraging members to attend the annual advisory body training, and referring appointees to the Board’s website that includes two video presentations: *The Brown Act and Better Government Ordinance—What You Need to Know as a Commission, Board, or Committee Member* and *Ethics Orientation for County Officials*. Staff should also share copies of the advisory body’s establishing resolution and adopted bylaws, annual report, and goals and priorities with new appointees.
J. What should be included in the advisory body bylaws and how should they be formatted?

Bylaws are created by the advisory body and are developed by using the establishing resolution, member feedback, laws that may govern the advisory body, and input from the public. **Bylaws cannot conflict with the body’s establishing resolution.**

What should be included in all bylaws are: a mission statement, the number of members, the types of seats, designated duties of committee staff, titles of members, if there are subcommittees, purpose of committees/subcommittees, appointment terms for each seat, meeting times and locations, quorum requirements, how bylaws are to be amended, how and when annual reports are to be presented, and where committee records are to be stored. If the advisory body has additional legal requirements that need to be included in the bylaws, these must also be stated. For an example of the bylaws format as used by a current advisory body, refer to Appendix 11.

K. How should Board Orders be written and where can I go for an example of a finalized Board Order?

A Board Order should be written using the Agenda Quick system. Please refer to an Agenda Quick manual or the online guidelines to attain the necessary information to write a Board Order. For additional assistance contact your department liaison or the County Administrator's Office.

L. Where can I locate information on the County web page about advisory bodies?

The Office of the Clerk of the Board maintains official records of appointments and other actions of the Board of Supervisors concerning advisory body activities. Complete information concerning the County's different advisory bodies can be viewed at the County’s web site at: [http://www.cccounty.us/index.aspx?NID=3418](http://www.cccounty.us/index.aspx?NID=3418).

Additional information and links appear on the Board of Supervisor's main webpage at: [http://www.co.contra-cost.ca.us/index.aspx?nid=193](http://www.co.contra-cost.ca.us/index.aspx?nid=193) (on the lower half of this page).

It is important that any official correspondence, such as original applications, adopted or amended by-laws, and correspondence addressed to a quorum of the Board Supervisors or a standing committee of the Board of Supervisors, that may be sent directly to the advisory body, be forwarded to the Office of the Clerk of the Board. These documents should also be kept by the advisory body staff in the advisory body's public records.
VI. Municipal Advisory Councils

In recognition of the need by unincorporated communities for increased input to county boards of supervisors, Municipal Advisory Councils (MACs) 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.

MACs provide recommendations on a variety of topics. They are tasked with gathering input, making recommendations based on that information and relaying it to the appropriate decision-making body such as the Board of Supervisors. The MAC 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. The MAC may also provide input and reports to the Board of Supervisors, County staff or any County hearing body on issues of concern to the community. Among other functions, MACs review development applications that are filed with the County, and advise the County Planning Agency on actions they feel are appropriate. In this capacity, the MACs may conduct their own noticed hearings of development applications.

While the concerns, insight, and discussions relayed by a MAC are key components in the deliberative process, MACs do not make or set policies, ordinances or laws and are not in a position to interpret the county zoning ordinance, the County General Plan or local community plan.

On December 16, 2008, the Board of Supervisors adopted policies for the purpose of improving consistency among Contra Costa County’s Municipal Advisory Councils (MACs). A policy framework for the operating rules and procedures of the MACs will ensure that the MACs are effectively serving their appointed purpose and, in that regard, are accurately representing the concerns and recommendations of the community. The policies adopted by the Board of Supervisors for the activities of MACS appear in Appendix 3 and should be reviewed carefully.

In addition to these policies, fiscal procedures and controls have been developed for the County’s MACs, to govern the receipt, handling and disbursement of, and accounting of funds for the benefit of the MACs and their communities. These fiscal procedures and controls can be found on the County’s website at: http://www.cccounty.us/mac
Appendix 1

Key Provisions of Brown Act, Better Government Ordinance and Agenda Requirements
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 McNutt 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

⁴ Gov. Code, § 54957.1.
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(e)(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).)

B. 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 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.

P. 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 notified 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., §§ 25-2.205 (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 Kenson, Senior Deputy District Attorney
    County Department Heads
Date: February 21, 2012

To: County Boards, Commissions, and Committees

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

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.)

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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
Date: February 13, 2003

To: County Boards, Commissions and Committees and their Administrative Officers and Secretaries

From: Silvano B. Marchesi, County Counsel
By: Mary Ann McNett Mason, Deputy County Counsel

Re: Brown Act Requirements for Assistance for Persons with Disabilities

Effective January 1, 2003, the Brown Act contains requirements designed to ensure that public bodies foster participation by persons with disabilities. (Gov. Code, §§ 54954.1; 54954.2 (a); 54957.5 (b).)

1. New Agenda Requirement

The Brown Act now requires that every advisory body meeting agenda include information regarding how, to who, and when a request for disability-related modification or accommodation, including auxiliary aides or services, may be made by a person with disabilities. (Gov. Code, § 54954.2 (a).) To ensure that your advisory body meets this requirement, you should include the following statement on the front page of your agenda:

"The (insert name of advisory body, or subcommittee of advisory body) will provide reasonable accommodations for persons with disabilities planning to attend (insert name of advisory body or subcommittee) meetings who contact (insert name of chair or, if committee has staff, name of staff to committee) at least 24 hours before the meeting, at (insert telephone number for chair or staff person named above.)"

Be sure to include this statement on every meeting agenda, whether the agenda is for a meeting of the advisory body itself, or for a meeting of one of the body’s subcommittees. To ensure that the statement is visible, you may want to print it in bold or italic type, or you may want to enlarge the type.
2. Provision of Documents for Persons With Disabilities on Request

The Brown Act now requires that, upon request, agendas, agenda packets, and other writings distributed to your advisory body be made available in appropriate alternative formats to persons with disabilities as required by the federal Americans with Disabilities Act. (Gov. Code, §§ 54954.1, 54954.2 (a), 54957.5 (b).) For example, a person with a vision problem may contact you and ask for an enlarged copy of the agenda packet. Please note that when responding to such a request, your advisory body may not charge a person with a disability any more than it would charge any other person for providing copies of the documents requested. (Gov. Code, § 54957.5 (c).)

A requestor may make a standing request that the agenda and agenda packets always be made available in an appropriate alternative format. Such request will be good for the entire calendar year in which it is made. (Gov. Code, § 54954.1.)

Please note that an advisory body is only required to provide a document in an appropriate alternative format when there is a request for such modification. Advisory bodies are not required to provide documents in alternative formats in the absence of a request.

3. What To Do if You Receive a Request for Either a Meeting Access Accommodation or a Document in an Alternative Format

If you are an advisory body chair, or staff to an advisory body, and you receive a request for an accommodation to attend a meeting, i.e., for an assistive listening device, a sign language assistant, or wheelchair access, or you receive a request for a document in an alternative format, i.e., large print or braille, you should do the following:

A. Do not ask the requestor about the nature of their disability. Inquire only about the nature of the accommodation needed.

B. Do not ask the requestor to put the request in writing. An oral request is sufficient. Make sure you understand the request.

C. For every request, complete the attached “Disability Access Request Form.” Be sure to get a telephone number where you can contact the requestor. Tell the requestor that you will respond as soon as possible.

D. Immediately call Gina Martin, Chief Clerk, Clerk of the Board at 925-335-1900. Tell her about the access request, and fax a copy of the completed Disability Access Request Form to her at 925-335-1913. Ms. Martin has sources for provision of accommodations and will assist you in identifying an appropriate source for the accommodation.
E. Before the meeting, inform the requestor of the outcome of the request, i.e., that the advisory body will provide the requestor an audio tape of the agenda contents.

F. Complete the “outcome” section of the Disability Access Request Form.

4. What To Do if You Receive a Complaint about Your Response to a Request from a Person with a Disability

If you receive a complaint about your response to a request to assist a person with disabilities, immediately refer the matter to the Assistant Risk Manager/Liability, Sharon Hymes-Offord, at 925-335-1442 or to the County’s Risk Manager, Ron Harvey, at 925-335-1443.

MAM/am

attachment

cc: Members, Board of Supervisors, District Offices
   County Department Heads ✓
   Clerk of the Board
      Attn: Gina Martin, Chief Clerk,
   Ron Harvey, Risk Manager
   Jim Sepulveda, Senior Deputy District Attorney
   Emma Kuevor, Affirmative Action Officer
   Susan Skamser, ADA Coordinator
**DISABILITY ACCESS REQUEST FORM**

**INTAKE FORM**

1. **DATE OF MEETING(S)** If more than one meeting or reoccurring meeting, please list specifics as to dates.

2. **NAME OF MEETING, EVENT AND/OR COMMITTEE** (Include County department).

3. **CONTACT PERSON**

4. **TELEPHONE NUMBER OF CONTACT PERSON**

5. **LOCATION OF EVENT** (Include room number or location)

---

**ACCESS REQUEST**

1. Who made the request for access?

   Contact phone number and/or address

2. What access accommodation was requested?

3. Did the requestor identify a disability?

4. What date was the request received and by what means (phone call, letter, etc.)?

---

**OUTCOME**

1. REQUEST GRANTED ____ Describe access accommodation

   Were any problems encountered?

   Were accommodations successful?

   Were there any comments/complaints from the person receiving the accommodation?

2. Was request for access denied? ______

   Describe reason for denial or alternative offered.

3. Comments/complaints from person requesting access?

4. Suggestions for future accommodations
BETTER GOVERNMENT ORDINANCE

Contra Costa County, California, Ordinance Code >> Title 2 - ADMINISTRATION >> Division 25 - BETTER GOVERNMENT ORDINANCE >> Chapter 25-2 - MEETINGS >>

Chapter 25-2 - MEETINGS

Sections:

   Article 25-2.2. General

   25-2.204 - Meetings to be open and public,
   25-2.205 - Expansion of open meeting requirements.
   25-2.402 - Closed sessions—Pending litigation.
   25-2.404 - Closed sessions—Employee salaries and benefits.
   25-2.602 - Barriers to attendance prohibited.
   25-2.604 - Public testimony at regular and certain special meetings.
   25-2.606 - Public comment by members of policy bodies.


(a) For the purposes of this division a "policy body" means the board of supervisors, or any permanent or temporary board, committee or commission under the authority of the board of supervisors. Policy bodies do not include committees entirely made up of county staff.

(b) A "delegated body" is any private entity which receives a grant of governmental authority, financial support or property, pursuant to action by the board of supervisors; and is governed by a multi-member body, which includes one or more members of a policy body.

(c) "County" includes the county of Contra Costa and all special districts, agencies and authorities of which the board of supervisors is the governing body.

(d) "Permanent advisory committee" means a permanent committee created by the county administrator, or a department head to advise the county administrator or a department head.

(Ord. 95-6).

25-2.204 - Meetings to be open and public.

(a) All meetings of any policy body which is not currently governed by the provisions of the Ralph M. Brown Act (Gov. Code Section 54950 et seq.) shall be held in accordance with Section 25-2.205 of this division.

(b) The governing body of a "delegated body" shall conduct its meetings pursuant to Section 25-2.205 of this division when it deliberates either the expenditure of funds received from the county or any use of governmental authority delegated by the county.

(c) To the extent not inconsistent with state or federal law, any contract between the county and a private entity that owns, operates or manages any real property in which the county has a legal interest, including a mortgage, and on which the entity performs a government function related to the furtherance of health, safety or welfare, shall include a requirement that any meeting of the governing board of the entity to address any matter relating to the property, or its
government related activities on the property, be conducted as provided by Section 25-2.205, except that closed sessions may be conducted as provided for by Article 25-2.4.

(d) The following are considered to be passive access gatherings which the public shall be permitted to attend:
   (1) Meetings of permanent advisory committees;
   (2) Social, recreational or ceremonial occasions sponsored by or for the policy body, to which a majority of the body has been invited.

(e) Such "passive access" gatherings shall be accessible upon inquiry or request to the extent possible consistent with the facilities and the purpose of the gathering. Such gatherings need not be noticed formally, conducted in any particular space open to spectators or provide for comment by spectators.

(f) Such passive access gatherings may exclude the public if their purpose is to discuss information which is privileged by a specific state or federal statute.

(Ord. 95-6).

25-2.205 - Expansion of open meeting requirements.

(a) Policy bodies of the county which would not otherwise be subject to the Ralph M. Brown Act (Gov. Code Section 54950 et seq.) shall hold all meetings in open session. No closed sessions shall be allowed.

(b) No issues which are not included in the agenda may be acted upon or deliberated by the policy body. No urgency items may be added to the agenda.

(c) Public comment must be allowed on each agenda item and during a general comment period.

(d) Records or recordings of the meetings must be kept in a manner which accurately reflects the agenda and decisions made at the meeting. These records do not necessarily need to be verbatim records.

(Ord. 95-6).


(a) Staff material, consisting of agendas of policy body meetings, staff reports and other material prepared or forwarded by staff which provide background information and recommendations regarding agenda items, when distributed to all or to a majority of the members of a policy body in connection with a matter subject to discussion or consideration at a public meeting shall be made available to the public. All such staff material must be distributed to the policy body and be made available to the public ninety-six hours before a scheduled meeting or twenty-four hours prior to a meeting when the agenda item has been added to the agenda at a previous meeting of the policy body not more than seven days prior to the scheduled meeting. However, the policy body may, by a three-fourths vote, waive these time limits when, in its judgment, it is essential to do so, providing that the county administrator, appropriate department head or staff member furnishes to the board of supervisors or other policy body a written explanation as to why the material could not be provided to the board or other policy body and the general public within the above time limits.

(b) Records which are not exempt from disclosure and intended for distribution to the policy body shall be made available for public inspection and copying upon request whether or not actually distributed to or received by the body at the time of the request.

(c) Records which are releasable and which are distributed during a public meeting but prior to commencement of their discussion shall be made available for public inspection prior to and during, their discussion.

(d) A policy body of the county may charge a duplication fee in accordance with Section 25-4.610, for a copy of a public record prepared for consideration at a public meeting. Neither this section
nor the California Public Records Act (Gov. Code § 6250 et seq.) shall be construed to limit or delay the public's right to inspect any record required to be disclosed by this section, whether or not distributed to a policy body.

(Ord. 95-6).

Article 25-2.4. Closed Sessions

25-2.402 - Closed sessions—Pending litigation.

(a) A policy body covered by the Ralph M. Brown Act, based on advice of its legal counsel, may hold a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the county in that litigation.

(b) Litigation shall be considered pending when any of the following circumstances exist:

(1) An adjudicatory proceeding before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator, to which the county, an officer or employee of the county, or an agency of the county is a party, has been initiated formally;

(2) A point has been reached where, in the opinion of the policy body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the county, or the policy body is meeting only to decide whether a closed session is authorized pursuant to that advice;

(3) Based on existing facts and circumstances, the policy body has decided to initiate or is deciding whether to initiate litigation.

(c) Legal advice as to the potential risk of litigation of actions not yet taken, if provided by counsel at a meeting of a policy body, is to be conveyed openly as a matter of public record.

(d) A closed session may not be held under this section to consider the qualifications or engagement of an independent contract attorney or law firm, for litigation services or otherwise.

(e) Prior to holding a closed session pursuant to this section, the policy body shall disclose the justification for its closure either by entries in the appropriate categories on the agenda or, in the case of an item added to the agenda based on a finding of necessity and urgency, by an oral announcement specifying the same information.

(Ord. 95-6).

25-2.404 - Closed sessions—Employee salaries and benefits.

(a) A policy body with authority concerning employee compensation and benefits may hold closed sessions with the county's designated representatives regarding the salaries, salary schedules or compensation paid in the form of fringe benefits to its represented and unrepresented employees. A policy body shall not discuss or negotiate compensation or other contractual matters in closed session with one or more employees directly interested in the outcome of the negotiations except as follows. The board of supervisors may, in closed session, discuss and provide direction to the county administrator or other negotiators representing the county regarding the salary and benefits of unrepresented management employees. The salary and benefits of members of the board of supervisors, the county administrator and department heads will be discussed and acted on separately by the board of supervisors in open session.

(b) In addition to the closed sessions authorized by subdivision (a), a policy body subject to Government Code Section 3501 may hold closed sessions with its designated representatives on mandatory subjects within the scope of representation of its represented employees, as determined pursuant to Government Code Section 3504.

(c) Closed sessions shall be for the purpose of reviewing the county's position and instructing its designated representatives and may take place only prior to and during consultations and
discussions between the county's designated representatives and the representatives of 
employee organizations or the unrepresented employees.

(Ord. 95-6).


(a) After every closed session, a policy body may in its discretion and in the public interest, 
disclose to the public any portion of its discussion the disclosure of which is not prohibited by 
federal or state law. The body shall, by motion and vote in open session, elect either to disclose 
no information or to disclose the information which a majority deems to be in the public interest. 
The disclosure shall be made through the presiding officer of the body or such other person, 
present in the closed session, whom he or she designates to convey the information.

(b) A policy body shall publicly report any final action taken in closed session and the vote or 
abstention of every member present thereon, as follows:

(1) Real Property Negotiations. Direction or approval given to the policy body's negotiator 
concerning real estate negotiations pursuant to Government Code Section 54956.8 shall 
be reported as soon as the agreement is final. If its own approval renders the agreement 
final, the policy body shall report that approval, the substance of the agreement and the 
vote thereon in open session immediately. If final approval rests with the other party to 
the negotiations, the county shall disclose the fact of that approval, the substance of the 
agreement and the policy body's vote or votes thereon upon inquiry by any person, as 
soon as the other party or its agent has informed the county of its approval.

(2) Litigation. Direction or approval given to the policy body's legal counsel to prosecute, 
defend or seek or refrain from seeking appellate review or relief, or to otherwise enter as 
a party, intervenor or amicus curiae in any form of litigation as the result of a consultation 
under Government Code Section 54956.9 shall be reported in open session as soon as 
given, or at the first meeting after the adverse parties have been served if, in the opinion 
of legal counsel, earlier disclosure would jeopardize the county's ability to effectuate 
process of the court or to conclude existing settlement negotiations to its advantage, in a 
manner that identifies the adverse party or parties, any other parties with the county, and 
the substance of the litigation, including the circumstances leading to the dispute.

(3) Settlement. Approval given to the policy body's legal counsel of a settlement of pending 
litigation as defined in Government Code Section 54956.9, at any stage prior to or during 
a judicial or quasi-judicial proceeding, shall be reported as soon as the settlement is 
final. If its own approval renders the settlement final, the policy body shall report that 
approval, the substance of the agreement and the vote thereon in open session 
immediately. If final approval rests with some other party to the litigation, the county shall 
disclose the fact of that approval, the substance of the agreement and the policy body's 
vote or votes thereon upon inquiry by any person, as soon as the settlement is final. The 
county shall neither solicit nor agree to any term in a final settlement which would 
preclude the release of the text and terms of the settlement itself and any related 
documentation communicated to or received from the adverse party or parties, or any 
other materials not originally constituting a confidential communication between the 
county and its counsel. The county shall oppose any request for confidentiality to which it 
is proposed the county would be a party.

(4) Claim Payments. Disposition reached as to claims discussed in closed session pursuant 
to Government Code Section 54956.95 shall be reported as soon as agreed upon by the 
claimant, in a manner that discloses the name of the claimant, the substance of the 
claim, and any monetary amount approved for payment.

(5) Employee Actions. Action taken by a policy body to appoint, employ, dismiss, transfer, 
accept the resignation of or otherwise modify the terms or duration of the employment
contract of a public employee in closed session pursuant to Government Code Section 54957, shall be reported immediately in a manner that names the employee and position affected and specifies any change in compensation, job description, assignment or other contract particulars and, in the case of dismissal for a violation of law or of the policy of the county, the reason for dismissal. "Dismissal" within the meaning of this division includes any termination of employment at the will of the employer rather than of the employee, however characterized, including a resignation tendered as an alternative to involuntary termination. The proposed terms of any separation agreement shall be disclosed, along with its final terms, immediately upon final approval by the policy body. Provided, that the report of a dismissal or the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Collective Bargaining. Approval of a final agreement concluding labor negotiations pursuant to Government Code Section 54957.6 shall be reported as soon as it has been approved and ratified by all parties in a manner that describes the item approved, and identifies the other party or parties to negotiation. Such disclosure shall include all formal offers and counteroffer made over the term of the negotiations.

(c) Reports required to be made immediately may be made orally or in writing, but shall be supported by copies of any contracts, settlement agreements, or other affected documents that were finally approved or adopted by both sides after action in the closed session. These documents shall be provided to any person who requested such copies in a written request submitted within twenty-four hours of the posting of the agenda, or who has made a standing request for all such documentation as part of a request for notice of meetings pursuant to Government Code Sections 54944.1 or 54946.

(Ord. 95-6).

Article 25-2.6. Public Participation

25-2.602 - Barriers to attendance prohibited.

No policy body shall conduct any meeting, conference or other function in any facility that excludes persons on the basis of actual or presumed class identity or characteristics, or which is inaccessible to persons with physical disabilities, or where members of the public may not be present without making a payment or purchase. Whenever the number of spectators at a meeting of the board of supervisors, or a permanent board or commission, or a permanent sub-quorum committee of the board of supervisors, exceeds the legal capacity of the meeting room, any public address system used to amplify sound in the meeting room shall be extended by supplementary speakers to permit the overflow audience to listen to the proceedings in an adjacent room or passageway. If there be no public address system, or if supplementary speakers are not available at the time, the meeting shall be adjourned to a facility with capacity to accommodate all citizens present and wishing to attend.

(Ord. 95-6).

25-2.604 - Public testimony at regular and certain special meetings.

A policy body shall not abridge or prohibit public criticism of the policies, procedures, programs or services of the county, or of any other aspect of its proposals or activities, or of the acts or omissions of the policy body, on any basis other than reasonable and uniformly applied time constraints provided in previously adopted rules.

(Ord. 95-6).

25-2.606 - Public comment by members of policy bodies.
Every member of a policy body retains the full constitutional rights of a citizen to comment publicly on the wisdom or propriety of government actions, including those of the policy body of which he or she is a member. This county shall not sanction, reprove or deprive members of their rights as elected or appointed officials for expressing their judgments or opinions, including those which deal with the perceived inconsistency of nonpublic discussions, communications or actions with the requirements of state or federal law or of this division. The release of factual information made confidential by state or federal law including, but not limited to, the privilege for confidential attorney-client communications, may be the basis for a request for injunctive relief, a complaint to the grand jury seeking an accusation of misconduct, or both.

(Ord. 95-6).
To: Board of Supervisors

From: INTERNAL OPERATIONS COMMITTEE

Date: April 28, 2009

Subject: ADOPTION OF ORDINANCE TO EXEMPT CERTAIN MUNICIPAL ADVISORY COUNCILS FROM THE BETTER GOVERNMENT ORDINANCE

RECOMMENDATION(S):

ADOPT Ordinance No. 2009-11 as introduced on April 21, 2009, amending the County’s Better Government Ordinance (BGO) to exempt Municipal Advisory Councils (MACs) whose membership composition is the same as the elected members of a Community Service District (CSD).

FISCAL IMPACT:

I. 

BACKGROUND:

Effective January 1, 2006, the Community Services District (CSD) law expressly contemplates that members of a CSD board of directors may serve on a municipal advisory council and that the offices of Director and Council member are not incompatible (Gov. Code § 61040 (d)). Therefore, if the Board of Supervisors and the Board of the CSD desire that the members of a MAC be the elected members of a CSD, this can be accomplished by amending the resolution establishing the MAC. (This was accomplished in April 2007 for the Diablo MAC.)

APPROVE 

RECOMMENDATION OF CNTY ADMINISTRATOR 

RECOMMENDATION OF BOARD COMMITTEE 

OTHER 

Action of Board On: 04/28/2009

Clerks Notes:

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: April 28, 2009

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

By: EMY L. SHARP, Deputy

Contact: Julie Enea (925) 335-1077

cc: Internal Operations Committee Staff, Supervisor Piepho’s Office
up entirely of county staff.
(Ords. 2009-11 § 2, 95-6 § 1.)

SECTION III. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the Contra Costa Times, a newspaper published in this County.

PASSED on APRIL 28, 2009, by the following vote:

AYES: SUPERVISORS GIOIA, UILKEMA, PIEPHO, CLOVER AND BONILLA
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

ATTEST: DAVID J. TWA
Clerk of the Board of Supervisors
and County Administrator

[SEAL]

By: Deputy

MAM:
HABRANACT1Oed amending BGO 3-27-09.wpd

ORDINANCE NO. 2009- 11
2
ORDINANCE NO. 2009-11

EXEMPTION FROM BETTER GOVERNMENT ORDINANCE

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION I. SUMMARY. This ordinance amends Section 25-2.202 of the County Ordinance Code to provide that the Better Government Ordinance does not apply to a municipal advisory council whose members are the elected directors of a community services district serving ex officio as the appointed members of the municipal advisory council, by specifying that those types of municipal advisory councils are not included in the definition of "policy body" or "county."

SECTION II. Section 25-2.202 of the County Ordinance Code is amended to read:

25-2.202 Application to policy bodies; definitions.

(a) For the purposes of this ordinance a "policy body" means the board of supervisors, or any permanent or temporary board, committee or commission under the authority of the board of supervisors. A committee entirely made up of county staff is not a "policy body." A municipal advisory council entirely made up of the elected members of the governing board of a community services district, who have been designated by the board of supervisors to serve ex officio as the appointed members of the municipal advisory council, is not a "policy body."

(b) A "delegated body" is any private entity which receives a grant of governmental authority, financial support, or property, pursuant to action by the board of supervisors; and is governed by a multi-member body, which includes one or more members of a policy body.

(c) "County" includes the County of Contra Costa and all special districts, agencies and authorities of which the board of supervisors is the governing body. "County" does not include a municipal advisory council entirely made up of the elected members of the governing board of a community services district, who have been designated by the board of supervisors to serve ex officio as the appointed members of the municipal advisory council.

(d) "Permanent advisory committee" means a permanent committee created by the County Administrator, or a department head to advise the County Administrator, or a department head. "Permanent advisory committee" does not include a committee made
Appendix 2

BOS Resolutions 2011/497 and 2011/498: Advisory Body Appointment Procedures
Resolution 2011-497

Concerning Appointments to and Administration of
Citizens' Advisory Bodies
THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 12/13/2011 by the following vote:

John Gioia
Gayle B. Uilkema
Mary N. Piepho
Karen Mitchoff
Federal D. Glover

AYES: 5

NOES:

ABSENT:

ABSTAIN:

RECUSE:

Resolution No. 2011/497

IN THE MATTER OF ADOPTING POLICY GOVERNING APPOINTMENTS TO, FORMATION OF, AND REQUIREMENT 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; b) at all County Library branches; and c) 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; b) the name of the incumbent, if any; c) the date of appointment for each filled seat; c) d) the necessary qualifications for service in each seat; e) 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. When an advisory 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 list of those advisory bodies that initially interview applicants for appointment is attached hereto as Exhibit B, “Bodies that interview applicants for at large/countywide appointments.” A list of those bodies for which a Board Committee initially interviews applicants for appointment is attached hereto as Exhibit C, “Bodies for which a Board Committee interviews applicants.”

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 his/her seat before his/her term expires. Unscheduled vacancies in seats on advisory bodies which are appointed by the Board will be listed or 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; 2) at all County library branches; and 3) 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.

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. Should the advisory body adopt operating rules (bylaws) that address other topics, these rules shall not be operative until they have been approved by the Board of Supervisors.

5. Shall keep necessary records including agendas and records of action.


7. Shall comply with the Board’s policy against conflict of interest.

8. 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. (The form for the Annual Report is found in the Advisory Body Handbook.)

VI. This Resolution and Resolution 2011/498 supercede Resolution 2002/377 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: Timothy Ewell, 925-335-1036

ATTESTED: December 13, 2011

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

By: June McHuen, Deputy

cc:
RESOLUTION NO. 2011/497

EXHIBIT A

Advisory Bodies

Agricultural 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
Carquinez Bridge Crockett Advisory Committee
Contra Costa County Advisory Council on Aging
Contra Costa County Public Law Library Board of Trustees
Contra Costa Centre Municipal Advisory Council
Contra Costa Commission for Women
Contra Costa County Historical Landmarks Advisory Committee
Contra Costa County Planning Commission
Contra Costa Inter-jurisdictional Council on Homelessness Advisory Board
County Library Commission
County Service Area M-16 Citizens Advisory Committee
County Service Area P-2A Citizens Advisory Committee
County Service Area P-2B Citizens Advisory Committee
County Service Area P-5 Citizens Advisory Committee
County Service Area P-6 Citizen Advisory Committee for Discovery Bay Zones
County Service Area R-10 Citizens Advisory Committee
Countywide Bicycle Advisory Committee
Developmental Disabilities Area Board
Diablo 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
Integrated Pest Management Advisory Committee
Keller Canyon Mitigation Fund Review Committee
Kensington Municipal Advisory Council
Knightsen Town Advisory Council
Local Child Care & Development Planning Council
Managed Care Commission
Mental Health Commission
Mobile Home Advisory Committee
Montalvin Manor Redevelopment Advisory Committee
RESOLUTION NO. 2011/497

EXHIBIT B

Bodies that Interview Applicants for At-Large/Countywide Appointments

Alcohol and Other Drugs Advisory Board
Arts & Culture Commission of Contra Costa County
Aviation Advisory Committee
Contra Costa County Advisory Council on Aging
Contra Costa County Public Law Library Board of Trustees
Contra Costa County Women’s Commission
Contra Costa Inter-jurisdictional Council on Homelessness Advisory Board
Developmental Disabilities Area Board
Emergency Medical Care Committee
Equal Employment Opportunity Advisory Council
Managed Care Commission
Mental Health Commission
Mobile Home Advisory Committee
Public & Environmental Health Advisory Board

Last Updated: December 8, 2011
RESOLUTION NO. 2011/497

EXHIBIT C

Bodies for which a Board Committee Interviews Applicants

Family & Children’s Trust Committee
Fish & Wildlife Committee
Hazardous Materials Commission
Integrated Pest Management Advisory Committee
Local Child Care & Development Planning Council
Contra Costa County Planning Commission
Treasury Oversight Committee

Last updated: December 8, 2011
Resolution 2011-498
Concerning Appointments to and Administration of
Independent Boards and Commissions
THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 12/13/2011 by the following vote:

John Glina
Gayle B. Uilkezma
Mary N. Pleshan
Karen Mitchoff
Federal D. Glover

AYES: 5

NOES:

ABSENT:

ABSTAIN:

REUSE:

Resolution No. 2011/498

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 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; b) at all County Library branches; and c) 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 those two types of seats:

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.
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 list of those bodies that initially interview applicants for appointment is attached hereto as Exhibit B, "Bodies that interview applicants for at large/countywide appointments." A list of those bodies for which a Board Committee initially interviews applicants for appointment is attached hereto as Exhibit C, "Bodies for which a Board Committee interviews applicants."

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 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; 2) at all County Library branches; and 3) on the Contra Costa County website. Additional outreach may be implemented by the Supervisors’ 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.

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.

E. This Resolution and Resolution 2011/497 supersede Resolution 2002/377 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: Timothy Kerrill, 925-335-1636

ATTACHED: December 13, 2011

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

[Signature]

Este: Lisa McIntosh, Deputy
RESOLUTION NO. 2011/498

EXHIBIT A

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 Resource Conservation District Board of Directors
Contra Costa County Employees Retirement Association Board or Trustees
East Contra Costa Fire Protection District Board of Directors
First 5 Contra Costa Children and Families Commission
Housing Authority Board of Commissioners
Merit Board
Contra Costa Mosquito & Vector Control District Board of Trustees
Tri-Delta Transit Authority Board of Directors
Western Contra Costa Transit Authority Board of Directors
Contra Costa County Workforce Development Board

B. Advisory to Independent Bodies

Affordable Housing Finance Committee
Bay Area Library & Information System Advisory Board
Contra Costa County Fire Protection District’s Fire Advisory Commission
Contra Costa Transportation Authority Citizen Advisory Committee
Crockett-Carquinez Fire Protection Commissioners
East Bay Regional Park District Park Advisory Committee
In-Home Supportive Service Public Authority Advisory Committee
North Richmond Waste and Recovery Mitigation Fee Committee

Last Updated: December 8, 2011
RESOLUTION NO. 2011/498

EXHIBIT B

Bodies that Interview Applicants for At-Large/Countywide Appointments

Affordable Housing Finance Committee
Bay Area Library & Information System Advisory Board
Contra Costa County Workforce Development Board

Last Updated: December 8, 2011
RESOLUTION NO. 2011/498

EXHIBIT C

Bodies for which a Board Committee Interviews Applicants for At-Large Seats

Airport Land Use Commission
Contra Costa County Fire Protection District's Advisory Fire Commission
Contra Costa Resource Conservation District Board of Directors
Contra Costa County Employees Retirement Association Board or Trustees
County Connection Citizens Advisory Committee
East Bay Regional Park District Park Advisory Committee
East Contra Costa Fire Protection District Board of Directors
Housing Authority Board of Commissioners
In-Home Supportive Services Public Authority Advisory Committee
Contra Costa Mosquito & Vector Control District Board of Trustees
Tri-Delta Transit Authority Board of Directors
Western Contra Costa Transit Authority Board of Directors

Last Updated: December 8, 2011
Appendix 3

Municipal Advisory Council (MAC) Policies
MUNICIPAL ADVISORY COUNCIL POLICIES

Adopted by the

Contra Costa County Board of Supervisors

Dec. 16, 2008

As Recommended by the Ad Hoc MAC Committee:

Supervisor Mary N. Piepho, District III
Supervisor Federal D. Glover, District V
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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 governing 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 recommendations are made for the purpose of improving consistency among the County’s Municipal Advisory Councils (MACs). Currently, there is 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 appropriately reflect the inherent differences in the communities served, a policy framework for the operating rules and procedures of the MACs will 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 2002/377 ("Board Advisory Body Procedures") states: "Except for committees comprising County staff members, all advisory body members that are appointed by the Board 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."

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.

Recommendations

1. There should be no automatic re-appointment of MAC members.
2. At the expiration of the term, the MAC member appointment should be terminated, and the MAC member should not hold over.

3. 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.

4. 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.

5. 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.

Recommendations

1. MAC members may be removed from their appointments at will upon recommendation by the District Supervisor to the Board of Supervisors.

2. MAC members should express concerns about any inappropriate behavior by a member to the District Supervisor.

3. 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.

4. 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.

5. 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.
6. 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

Alternate positions have been established for 7 of the existing MACs. 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.

Recommendations

1. 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.

2. The establishment of an alternate position (or positions) in the case of a 5 member MAC is at the discretion of the District Supervisor. However, a MAC should not exceed 7 members in total.

4. MAC Membership Size

The size and composition of the MACs in Contra Costa County vary widely. MACs are currently comprised of either 5 or 7 members with one, two, or no alternates. The population of the unincorporated communities range from 861 to 21,534 with no correlation between the size of the MAC and the size of the community. In general, the larger the membership size, the greater the cost and administrative support required by District staff to serve the members. Furthermore, recruiting members to serve is sometimes a challenge for the MACs, which creates problems for achieving a quorum, particularly for the 7 member MACs.

The current size of the MACs and the 2000 Census population estimates for their respective communities are as follows:

<table>
<thead>
<tr>
<th>MAC</th>
<th>District</th>
<th>Current Size</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bay Point</td>
<td>V</td>
<td>7</td>
<td>21,534</td>
</tr>
<tr>
<td>Bethel Island</td>
<td>V</td>
<td>5 &amp; 1 alternate</td>
<td>2,312</td>
</tr>
<tr>
<td>Byron</td>
<td>III</td>
<td>7 &amp; 1 alternate</td>
<td>916</td>
</tr>
<tr>
<td>Contra Costa Centre</td>
<td>IV</td>
<td>7</td>
<td>5,133</td>
</tr>
</tbody>
</table>

1/30/2009
<table>
<thead>
<tr>
<th>MAC</th>
<th>District</th>
<th>Current Size</th>
<th>Proposed Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diablo</td>
<td>III</td>
<td>5</td>
<td>988</td>
</tr>
<tr>
<td>El Sobrante</td>
<td>I</td>
<td>7 &amp; 2 alternates</td>
<td>12,260</td>
</tr>
<tr>
<td>Kensington</td>
<td>I</td>
<td>5 &amp; 2 alternates</td>
<td>4,936</td>
</tr>
<tr>
<td>Knightsen</td>
<td>III</td>
<td>5 &amp; 2 alternates</td>
<td>861</td>
</tr>
<tr>
<td>North Richmond</td>
<td>I</td>
<td>7</td>
<td>4,076</td>
</tr>
<tr>
<td>Pacheco</td>
<td>IV</td>
<td>7 &amp; 1 alternate</td>
<td>3,562</td>
</tr>
<tr>
<td>Rodeo</td>
<td>II</td>
<td>7 &amp; 1 alternate</td>
<td>8,717</td>
</tr>
</tbody>
</table>

**Recommendations**

To better align the size of the MAC with the size of the community, to provide greater consistency among the MACs, and to equalize administrative support requirements, the size of the MAC should be 5 members for small communities and 7 members for large communities.

1. MACs that represent unincorporated communities whose population is less than 4,000 should have a membership of no more than 5 members.

2. The term of current members should not be renewed and appointments should not be made for vacant seats, as necessary, to achieve the recommended MAC size.

**MAC**

<table>
<thead>
<tr>
<th>MAC</th>
<th>District</th>
<th>Current Size</th>
<th>Proposed Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bay Point</td>
<td>V</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Bethel Island</td>
<td>V</td>
<td>5 &amp; 1 alternate</td>
<td>5</td>
</tr>
<tr>
<td>Byron</td>
<td>III</td>
<td>7 &amp; 1 alternate</td>
<td>5</td>
</tr>
<tr>
<td>Contra Costa Centre</td>
<td>IV</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Diablo</td>
<td>III</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>El Sobrante</td>
<td>I</td>
<td>7 &amp; 2 alternates</td>
<td>7</td>
</tr>
<tr>
<td>Kensington</td>
<td>I</td>
<td>5 &amp; 2 alternates</td>
<td>5 &amp; 2 alts.*</td>
</tr>
<tr>
<td>Knightsen</td>
<td>III</td>
<td>5 &amp; 2 alternates</td>
<td>5</td>
</tr>
<tr>
<td>North Richmond</td>
<td>I</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Pacheco</td>
<td>IV</td>
<td>5 &amp; 1 alternate</td>
<td>5 &amp; 1 alt.*</td>
</tr>
<tr>
<td>Rodeo</td>
<td>II</td>
<td>7 &amp; 1 alternate</td>
<td>7</td>
</tr>
</tbody>
</table>

*As recommended by the District Supervisor.

**5. MAC Committees**

Some MACs have established committees (or subcommittees) to address particular subject areas considered by the MAC. However, contrary to requirements, the

*The members of this MAC are Community Service District (CSD) board members.*
committees do not always operate 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.

Recommendations

1. MACs may establish a single-purpose committees (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.

2. 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.

3. The committee (or subcommittee) shall operate in accordance with MAC operating procedures, the Brown Act, and the County's Better Government Ordinance.

4. 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.

Recommendations

1. 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.

2. MAC meetings should be held at a time and place convenient and accessible to MAC members, the community, and administrative support staff.

3. Generally, MAC meetings should not exceed three (3) hours in length.
4. MACs shall fully comply with the Board of Supervisors’ policy concerning conflict of interest and open meetings (Resolution No. 2002/376).

5. The MACs shall agendize 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.

6. 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.

7. 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.

Recommendations

1. 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.

2. 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.

3. 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.

4. 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

Currently, administrative support resources vary widely among MACs. Some MACs handle their own administrative matters; others are 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.

Recommendations

1. Each District Supervisor should determine if their MACs will receive administrative support services from District staff or an independent contractor retained by the District.

2. In all cases, District staff should be responsible for fiscal oversight of the MACs.

3. Administrative support services to the MACs could include some or all of the following:
   a) MAC agenda preparation, posting, and distribution.
   b) Attendance at MAC meetings and arranging for County staff attendance, as needed.
   c) Preparing responses to inquiries made during public comment.
   d) Preparing responses of requests from MAC members.
   e) Records of action posting and distribution.
   f) Filing and maintaining training certifications.
   g) Fiscal oversight of the MAC budget and establishment of Petty Cash fund.

9. MAC Funding

The current MAC establishing resolutions state that no funding will be provided by the Board for MAC operations: “The Board shall provide no ongoing professional or clerical staff support to the Council or provide funds to pay for any of the Council’s operating costs. However, County staff will provide the Council with information and reports on matters of interest to the Council.”

The few MACs that have budgets are funded with special revenues or donations. Funding MACs would be a change in County policy. However, financial support would provide a baseline budget for such things as postage, post office box fees, telephone charges, printing and postage costs, and clerical support. Non-General Fund support for MAC operations should be identified until the County budget situation allows for General Fund support.
Recommendations

1. Each District Office should be provided $3,000 annually per MAC for support of MAC operations. As of 2008, there is no funding available.

2. 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.

3. 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 consistently operates 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 2002/377). 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.

Recommendations

1. 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. (See Attachment A.) The Agenda should include a statement that the MAC is an advisory body to the Board of Supervisors.

2. The agenda for a MAC meeting shall be posted in accordance with the Brown Act and the County’s Better Government Ordinance.

3. District staff is encouraged to post the agenda and record of actions on the District webpage.

4. 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.
5. 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).

6. 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. (See Attachment B.)

7. 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.

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.

Recommendations

1. 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.

2. 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.

3. The MAC may not, as a body, take positions on candidates for any public office or take positions on any legislative matter.

4. 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

With respect to “Responsibilities related to Advisory Bodies,” Board Resolution 2002/377 states: “Each advisory body shall keep necessary records and submit an annual report, in accordance with the report format and time schedule set forth in Section IV of this resolution.” Section IV of the resolution specifies that the report must contain information on activities, accomplishments, membership attendance, required training, and proposed work plan or objectives for the following year. Work Plans have not been regularly submitted by the MACs; however, they are a good planning tool and would help focus the MAC’s time and attention.

Recommendations

1. Each MAC shall annually report to the Board of Supervisors, in writing, on its prior year activities, accomplishments, membership attendance, and required training, as well as its proposed work plan or objectives for the year, by the second Tuesday of each February. Each MAC should be reminded of its annual reporting responsibilities by administrative staff support.

2. MAC annual reports, including work plans, should be reviewed by the District Supervisor who will recommend appropriate action by the Board of Supervisors.

3. Each MAC should consult with District staff when developing its annual work plan.

4. 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 does not seem to be a common or consistent rationale for the current boundaries. There are unique characteristics of each area; however, the boundaries should reflect the true "community of interest" for each MAC. Therefore, criteria should be developed to redraw the MAC boundaries, as necessary, to achieve this objective.

Recommendations

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:

1. 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."

2. 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.

3. 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 entity\(^1\). 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.)

Unless or until there is an amendment to the County’s Better Government Ordinance with respect to a MAC with the same membership composition as a CSD Board, such MACs would operate as other County advisory bodies do, subject to the County’s policies for advisory bodies and to the Better Government Ordinance\(^2\). The MAC could hold its meetings on the same night and in the same location where the CSD Board of Directors meets.

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).

**Recommendations**

1. The “Membership” provision of the MAC’s establishing resolution would 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.

2. The “Term of Office” provision of the MAC’s establishing resolution would 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.

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\(^1\) 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.”

\(^2\) The Ad Hoc MAC Committee has requested that the Internal Operations Committee of the Board consider an amendment to the County’s Better Government Ordinance with respect to the definition of "policy body" under the BGO such that it would exclude any MAC whose members are the directors of a CSD serving *ex officio* as members of a MAC.
3. The “Removal from Office” provision of the MAC’s establishing resolution would be deleted, as it would not be consistent with representation by elected CSD Board members serving ex officio as members of the MAC.

4. The “Quorum and Vote Necessary for Action” provision of the MAC’s establishing resolution would be deleted, as it is more efficient for the MAC members to operate pursuant to the quorum and vote requirements of the CSD.

5. The MAC’s “Territorial Area,” or boundaries, would 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.”

6. Notwithstanding the above amendments, the MAC would 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

Advisory Body Sunset Review: Triennial Review Process
THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

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

John Gioia
Candace Andersen
Mary N. Plepho
Karen Mitchell
Fernando D. Glover

AYES: [signature]

NOES: [signature]

ABSENT: [signature]

ABSTAIN: [signature]

RECEIVED: [signature]

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:

1. An evaluation of the body's level of involvement in County programs relative to the duties and responsibilities defined in their establishing authority;

2. Actions accomplished or completed on issues assigned to the body by the Board of Supervisors, and/or status of goals set by the body;

3. The justification for continuance (if recommended), with appropriate goals and timetables for the term of continuance;

4. Citation of the appropriate government codes mandating the body and its activities (where applicable);

5. A recommendation from the staff of the body (where applicable) regarding revisions and statement of body's effectiveness.

6. 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.

[Signature]

ATTESTED: June 26, 2012
David I. Troy, County Administrator and Clerk of the Board of Supervisors

[Signature]

[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 06/26/2012 by the following vote:

AYES:   
NOES:    
ABSENT:  
ABSTAIN: 
RECEIVE: 

Resolution No. 2012/261

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

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2. Exceptions:
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   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 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.

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

Contact: Timothy Ewell, 925-335-1036
ATTESED: June 26, 2012
David J. Tow, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:
Appendix 5

Resolution No. 2002/376: Board Policies Concerning Conflicts of Interest and Open Meeting Requirements
THE BOARD OF SUPERVISORS
CONTRA COSTA COUNTY, CALIFORNIA

Adopted this Resolution on __________________________ by the
following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

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.

2002/376
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 Sweeten, Clerk of the Board of Supervisors and County Administrator

By: [Signature]
Deputy

**Orig. Dept:** County Counsel  
**cc:** County Administrator’s Office  
County Counsel  
District Attorney  
All County Departments and  
Fire Protection Districts
Appendix 5

Fair Political Practices Commission's "Can I vote?" Pamphlet
Can I vote?

A Basic Overview
Of Public Officials' Obligations Under the
Political Reform Act's Conflict-of-Interest Rules

California Fair Political Practices Commission
➢ Know the purpose of the law, which is to prevent biases, actual and apparent, which result from the financial interests of the decision-makers.

➢ Learn to spot potential trouble early. Understand which of your economic interests could give rise to a conflict of interest.

➢ Understand the “big picture” of the rules. For example, know why the rules distinguish between directly and indirectly involved interests, and why the public generally exception exists.

➢ Realize the importance of the facts. Deciding whether you have a disqualifying conflict of interest depends just as much — if not more — on the facts of your particular situation as it does on the law.

➢ Don’t try to memorize all of the specific conflict-of-interest rules. The rules are complex, and the penalties for violating them are significant. Learn to understand the “big picture.” You’ll then be able to look up or ask about the particular rules you need to apply to any given case.

➢ Don’t be afraid to ask for advice. It is available from your agency’s legal counsel and from the FPPC.
ments of the general population with which you may compare your economic interest, and specific rules for deciding whether the financial impact is substantially similar. Again, contact your agency counsel, the FPPC and the specific rules for advice and details. The regulations outlining the steps to apply the “public generally” exception can be found on the FPPC website at http://www.fppc.ca.gov under regulations 18707-18707.9.

**Are you required to participate?**

**Step Eight — Even if you have a disqualifying conflict of interest, is your participation legally required?**

In certain rare circumstances, you may be called upon to take part in a decision despite the fact that you have a disqualifying conflict of interest. This “legally required participation” rule applies only in certain very specific circumstances in which your government agency would be paralyzed, unable to act. You are most strongly encouraged to seek advice from your agency legal counsel or the FPPC before you act under this rule.

**Conclusion**

Generally speaking, here are the keys to meeting your obligations under the Political Reform Act’s conflict-of-interest laws:
met. Therefore, you should always look at your economic interest and how it fits into the entire factual picture surrounding the decision.

"Public Generally" Exception

Step Seven — If you have a conflict of interest, does the "public generally" exception apply?

Now that you have determined that you will have a conflict of interest for a particular decision, you should see if the exceptions in Step 7 and Step 8 permit you to participate anyway. Not all conflicts of interest prevent you from lawfully taking part in the government decision at hand. Even if you otherwise have a conflict of interest, you are not disqualified from the decision if the "public generally" exception applies.

This exception exists because you are less likely to be biased by a financial impact when a significant part of the community has economic interests that are substantially likely to feel essentially the same impact from a governmental decision that your economic interests are likely to feel. If you can show that a significant segment of your jurisdiction has an economic interest that feels a financial impact which is substantially similar to the impact on your economic interest, then the exception applies.

The "public generally" exception must be considered with care. You may not just assume that it applies. There are specific rules for identifying the specific seg-
distinguish between large and small businesses, between real property which is close or far from property which is the subject of the decision.

**Does a Conflict of Interest Result?**

**Step Six — Is it substantially likely that the governmental decision will result in one or more of the materiality standards being met for one or more of your economic interests?**

As already mentioned in the introduction, the heart of the matter is deciding whether it is sufficiently likely that the outcome of the decision will have an important impact on your economic interests.

What does “sufficiently likely” mean? Put another way, how “likely” is “likely enough?” The Political Reform Act uses the words “reasonably foreseeable.” The FPPC has interpreted these words to mean “substantially likely.” Generally speaking, the likelihood need not be a certainty, but it must be more than merely possible.

A concrete way to think about this is to ask yourself the following question: Is it substantially likely that one of the materiality standards I identified in step five will be met as a result of the government decision? Step six calls for a factual determination, not necessarily a legal one. Also, an agency may sometimes segment (break down into separate decisions) a decision to allow participation by an official if certain conditions are
agency counsel or the FPPC. However, to understand the rules at a “big picture” level, remember these facts:

➢ If the economic interest is directly involved in the governmental decision, the standard or threshold for deeming a financial impact to be material is stricter (i.e. lower). This is because an economic interest that is directly involved in a governmental decision presents a bigger conflict-of-interest risk for the public official who holds the interest.

➢ On the other hand, if the economic interest is not directly involved, the materiality standard is more lenient because the indirectly involved interest presents a lesser danger of a conflict of interest.

➢ There are different sets of standards for the different types of economic interests. That is, there is one set of materiality standards for business entities, another set for real property interests, and so on.

➢ The rules vary by the size and situation of the economic interest. For example, a moment's thought will tell you that a $20,000 impact resulting from a governmental decision may be crucial to a small business, but may be a drop in the bucket for a big corporation. For example, the materiality standards
if you have questions as each case arises. Note also that the next step in the analysis — applying the right standard to determine whether an impact is material — depends in part on whether the interest is directly or indirectly involved. The regulations — Sections 18704 through 18704.5 — and other helpful information can be found on the FPPC’s web site, http://www.fppc.ca.gov.

**Materiality (Importance)**

**Step Five — What kinds of financial impacts on your economic interests are considered important enough to trigger a conflict of interest?**

At the heart of deciding whether you have a conflict of interest is a prediction: Is it sufficiently likely that the governmental decision will have a material financial effect on your economic interests? As used here, the word “material” is akin to the term “important.” You will have a conflict of interest only if it is reasonably foreseeable that the governmental decision will have an important impact on your economic interests.

The FPPC has adopted rules for deciding what kinds of financial effects are important enough to trigger a conflict of interest. These rules are called “materiality standards,” that is, they are the standards that should be used for judging what kinds of financial impacts resulting from governmental decisions are considered material or important.

There are too many of these rules to review in detail in this booklet. Again, you can seek advice for your
Directly or Indirectly Involved?

Step Four — Are your economic interests directly or indirectly involved in the governmental decision?

An economic interest which is directly involved in — and therefore directly affected by — a governmental decision creates a bigger risk of a conflict of interest than does an economic interest which is only indirectly involved in the decision. As a result, the FPPC’s conflict-of-interest regulations distinguish between economic interests that are directly involved and interests that are indirectly involved.

Once you have identified your economic interests, you must next decide if they are directly involved in the governmental decision about which you are concerned. The FPPC has established specific rules for determining whether each kind of economic interest is directly or indirectly involved in a governmental decision.

The details of these rules are beyond the scope of this guide. In general, however, an economic interest is directly involved if it is the subject of the governmental decision. For example, if the interest is real property, and the decision is about building a donut shop down the block from the property, then the interest is directly involved. If the interest is a business, and the decision is whether to grant a license for which the business has applied, the interest is directly involved.

These are just examples; you should contact your agency counsel, the FPPC and the specific regulations...
given you gifts which total $390 or more within 12 months prior to the decision about which you are concerned.

- **Personal Financial Effect.** You have an economic interest in your personal expenses, income, assets, or liabilities, as well as those of your immediate family. This is known as the “personal financial effects” rule. If these expenses, income, assets or liabilities are likely to go up or down by $250 or more in a 12-month period as a result of the governmental decision, then the decision has a “personal financial effect” on you.

On the Statement of Economic Interests (Form 700) you file each year, you disclose many of the economic interests that could cause a conflict of interest for you. However, be aware that not all of the economic interests that may cause a conflict of interest are listed on the Form 700. A good example is your home. It is common for a personal residence to be the economic interest that triggers a conflict of interest even though you are not required to disclose your home on the Form 700.
➢ **Real Property.** You have an economic interest in real property in which you, your spouse, your registered domestic partner, or your dependent children or anyone acting on your behalf has invested $2,000 or more, and also in certain leasehold interests.

➢ **Sources of Income.** You have an economic interest in anyone, whether an individual or an organization, from whom you have received (or from whom you have been promised) $500 or more in income within 12 months prior to the decision about which you are concerned. When thinking about sources of income, keep in mind that you have a community property interest in your spouse’s or registered domestic partner’s income — a person from whom your spouse or registered domestic partner receives income may also be a source of a conflict of interest to you. Also keep in mind that if you, your spouse, your registered domestic partner or your dependent children own 10 percent or more of a business, you are considered to be receiving “pass-through” income from the business’s clients. In other words, the business’s clients may be considered sources of income to you.

➢ **Gifts.** You have an economic interest in anyone, whether an individual or an organization, who has
ject of a disciplinary matter in a closed session of the Board of Supervisors. During the open session prior to adjourning to closed session, Supervisor Robertson announces that he must recuse himself from participating in the closed session but does not disclose that the reason for his recusal is a source of income nor does he name the county employee that is the source of income to him. He may not attend the closed session or obtain any non-public information from the closed session.

Economic Interests

Step Three — What are your economic interests? That is, what are the possible sources of a financial conflict of interest?

From a practical point of view, this third step is the most important part of the law for you. The Act's conflict-of-interest provisions apply only to conflicts of interest arising from economic interests. There are six kinds of such economic interests from which conflicts of interest can arise:

➢ Business Investment. You have an economic interest in a business entity in which you, your spouse, your registered domestic partner, or your dependent children or anyone acting on your behalf has invested $2,000 or more.

➢ Business Employment or Management. You have an economic interest in a business entity for which you are a director, officer, partner, trustee, employee, or hold any position of management.
• A public official may speak as a member of the general public only when the economic interest that is the basis for the conflict is a personal economic interest, for example, his or her personal residence or wholly owned business. The official must leave the dais to speak from the same area as the members of the public and may listen to the public discussion of the matter.

Examples:

— The Arroyo City Council is considering widening the street in front of council member Smith’s personal residence, which he solely owns. Council member Smith must disclose on the record that his home creates a conflict of interest preventing him from participating in the vote. He must leave the dais but can sit in the public area, speak on the matter as it applies to him and listen to the public discussion.

— Planning Commissioner Garcia is a greater than 10% partner in an engineering firm. The firm represents a client who is an applicant on a project pending before the planning commission. Commissioner Garcia must publicly disclose that the applicant is a source of income to her requiring her recusal. Commissioner Garcia must step down from the dais and leave the room. Since this is not a personal interest that is the basis for the conflict, she may not sit in the public area and listen to the discussion.

— Supervisor Robertson rents a home to a county employee. The county employee is the sub-
licly identify in detail the economic interest that creates the conflict, step down from the dais and must then leave the room. This identification must be following the announcement of the agenda item to be discussed or voted upon, but before either the discussion or vote commences.

Additionally, the disqualified official may not be counted toward achieving a quorum while the item is being discussed.

The identification of the conflict and economic interest must be made orally and shall be made part of the public record.

*Exceptions:*

- If the decision is to take place during a closed session, the identification of the economic interest must be made during the public meeting prior to the closed session but is limited to a declaration that the official has a conflict of interest. The economic interest that is the basis for the conflict need not be disclosed. The official may not be present during consideration of the closed session item and may not obtain or review any non-public information regarding the decision.

- A public official is not required to leave the room for an agenda item on the consent calendar provided that the official recuses himself or herself and publicly discloses the economic interest as described above.
conflict-of-interest rules. The Act's conflict-of-interest rules apply when you:

➢ **Make** a governmental decision (for example, by voting or making an appointment).

➢ **Participate** in making a governmental decision (for example, by giving advice or making recommendations to the decision-maker).

➢ **Influence** a governmental decision (for example, by communicating with the decision-maker).

A good rule of thumb for deciding whether your actions constitute making, participating in making, or influencing a governmental decision is to ask yourself if you are exercising discretion or judgment with regard to the decision. If the answer is "yes," then your conduct with regard to the decision is very probably covered.

**When you have a conflict — Regulation 18702.5 (special rule for section 87200 public officials)**

Government Code section 87105 and regulation 18702.5 outline a procedure that public officials specified in section 87200 must follow for disclosure of economic interests when they have a conflict of interest at a public meeting. The full text of this law and regulation may be viewed in the Library and Publications section of the FPPC's website at http://www.fppc.ca.gov.

Public officials specified in section 87200 of the Government Code, such as council members, planning commissioners, and boards of supervisors, must pub-
Next, here is a non-technical explanation of each:

**Public Official**

**Step One — Are you a “public official,” within the meaning of the rules?**

The Act’s conflict-of-interest rules apply to “public officials” as defined in the law. This first step in the analysis is usually a formality — you are probably a public official covered by the rules. If you are an elected official or an employee of a state or local government agency who is designated in your agency’s conflict-of-interest code, you are a “public official.” If you file a Statement of Economic Interests (Form 700) each year, you are a “public official” under the Act (even if you are not required to file a Form 700, in some cases you may still be considered a public official because the definition covers more than specifically designated employees). The cases that are tougher to determine typically involve consultants, investment managers and advisers, and public-private partnerships. If you have any doubts, contact your agency’s legal counsel or the FPPC.

**Governmental Decision**

**Step Two — Are you making, participating in making, or influencing a governmental decision?**

The second step in the process is deciding if you are engaging in the kind of conduct regulated by the
Eight steps to help you decide

Step One: Are you a "public official" within the meaning of the rules?

Step Two: Are you making, participating in making, or influencing a governmental decision?

Step Three: What are your economic interests? That is, what are the possible sources of a financial conflict of interest?

Step Four: Are your economic interests directly or indirectly involved in the governmental decision?

Step Five: What kinds of financial impacts on your economic interests are considered important enough to trigger a conflict of interest?

Step Six: The important question: Is it substantially likely that the governmental decision will result in one or more of the materiality standards being met for one or more of your economic interests?

Step Seven: If you have a conflict of interest, does the "public generally" exception apply?

Step Eight: Even if you have a disqualifying conflict of interest, is your participation legally required?
If you learn to understand these interests and to spot potential problems, the battle is mostly won because you can then seek help on the more technical details of the law from your agency's legal counsel or from the California Fair Political Practices Commission. The Commission's toll-free advice line is 1-866-ASK-FPPC (1-866-275-3772).

Under rules adopted by the FPPC, deciding whether you have a financial conflict of interest under the Political Reform Act is an eight-step process. If you methodically think through the steps whenever there may be a problem, you can avoid most — if not all — mistakes. These steps are spelled out and explained in general terms in this booklet.

If you learn nothing else from this booklet, remember these things:

➢ This law applies only to financial conflicts of interest; that is, conflicts of interest arising from economic interests.

➢ Whether you have a conflict of interest that disqualifies you depends heavily on the facts of each governmental decision.

➢ The most important proactive step you can take to avoid conflict of interest problems is learning to recognize the economic interests from which conflicts of interest can arise.

On the next page are the eight steps:
the outcome of the decision will have an important impact on your economic interests, and

➢ a significant portion of your jurisdiction does not also feel the important impact on their economic interests.

The voters who enacted the Political Reform Act by ballot measure in 1974 judged such circumstances to be enough to influence, or to appear to others to influence, your judgment with regard to that decision.

The most important thing you can do to comply with this law is to learn to recognize the economic interests from which a conflict of interest can arise. No one ever has a conflict of interest under the Act "on general principles" or because of personal bias regarding a person or subject. A conflict of interest can only arise from particular kinds of economic interests, which are explained in non-technical terms later in this booklet.

An important note...

You should not rely solely on this booklet to ensure compliance with the Political Reform Act, but should also consult the Act and Commission regulations. The Political Reform Act is set forth at Cal. Gov. Code §§81000-91014, and the Fair Political Practices Commission regulations are contained in Title 2, Division 6 of the California Code of Regulations. Both the Act and regulations are available on the FPPC’s website, http://www.fppc.ca.gov. Persons with obligations under the Act or their authorized representatives are also encouraged to call the FPPC toll-free advice line — 1-866-ASK-FPPC — as far in advance as possible.
"My home is near the proposed new shopping mall. Can I vote on the issue at next month’s Planning Commission meeting?"

Many of you may have been confronted with such questions. This booklet is offered by the FPPC as a general overview of your obligations under the Political Reform Act’s conflict-of-interest rules. Using non-technical terms, the booklet is aimed at helping you understand your obligations at the “big picture” level and to help guide you to more detailed resources.

Stripped of legal jargon:

➢ You have a conflict of interest with regard to a particular government decision if it is sufficiently likely that
How To Contact Us:

Mail:
Fair Political Practices Commission
428 J Street, Suite 620
Sacramento, CA 95814

Website:
www.fppc.ca.gov

Telephone:
Toll-free advice line:
1-866-ASK-FPPC
(1-866-275-3772)
Regular line: 1-916-322-5660
Enforcement hot-line:
1-800-564-1861

Fair Political Practices Commission
Appendix 7

Citizens Advisory Bodies Application Form
BOARDS, COMMITTEES, AND COMMISSIONS APPLICATION

MAIL OR DELIVER TO:
Contra Costa County
CLERK OF THE BOARD
651 Pine Street, Rm. 106
Martinez, California 94553-1232
PLEASE TYPE OR PRINT IN INK
(Each Position Requires a Separate Application)

BOARD, COMMITTEE OR COMMISSION NAME AND SEAT TITLE YOU ARE APPLYING FOR:

PRINT EXACT NAME OF BOARD, COMMITTEE, OR COMMISSION

PRINT EXACT SEAT NAME (if applicable)

1. Name:
   (Last Name)   (First Name)   (Middle Name)

2. Address:
   (No.)   (Street)   (Apt.)   (City)   (State)   (Zip Code)

3. Phones:
   (Home No.)   (Work No.)   (Cell No.)

4. Email Address:

5. EDUCATION: Check appropriate box if you possess one of the following:

   Give Highest Grade or Educational Level Achieved:

<table>
<thead>
<tr>
<th>Names of colleges / universities attended</th>
<th>Course of Study / Major</th>
<th>Degree Awarded</th>
<th>Units Completed</th>
<th>Degree Type</th>
<th>Date Degree Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>A)</td>
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<tr>
<td>C)</td>
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<tr>
<td>D) Other schools / training completed:</td>
<td></td>
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</tr>
</tbody>
</table>

THIS FORM IS A PUBLIC DOCUMENT
6. PLEASE FILL OUT THE FOLLOWING SECTION COMPLETELY. List experience that relates to the qualifications needed to serve on the local appointive body. Begin with your most recent experience. A resume or other supporting documentation may be attached but it may not be used as a substitute for completing this section.

<table>
<thead>
<tr>
<th>A) Dates (Month, Day, Year)</th>
<th>Title</th>
<th>Duties Performed</th>
</tr>
</thead>
<tbody>
<tr>
<td>From</td>
<td></td>
<td></td>
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<tr>
<td>To</td>
<td></td>
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<tr>
<td>Total: Yrs.</td>
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<tr>
<td>Mos.</td>
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</tr>
<tr>
<td>Hrs. per week</td>
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</tr>
<tr>
<td>Volunteer ☐</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Employer's Name and Address |

<table>
<thead>
<tr>
<th>B) Dates (Month, Day, Year)</th>
<th>Title</th>
<th>Duties Performed</th>
</tr>
</thead>
<tbody>
<tr>
<td>From</td>
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<td>Total: Yrs.</td>
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<td>Hrs. per week</td>
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<tr>
<td>Volunteer ☐</td>
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</table>

| Employer's Name and Address |

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<thead>
<tr>
<th>C) Dates (Month, Day, Year)</th>
<th>Title</th>
<th>Duties Performed</th>
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<td>Total: Yrs.</td>
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<td>Hrs. per week</td>
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<tr>
<td>Volunteer ☐</td>
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</tr>
</tbody>
</table>

| Employer's Name and Address |

<table>
<thead>
<tr>
<th>D) Dates (Month, Day, Year)</th>
<th>Title</th>
<th>Duties Performed</th>
</tr>
</thead>
<tbody>
<tr>
<td>From</td>
<td></td>
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<tr>
<td>To</td>
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<tr>
<td>Total: Yrs.</td>
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<tr>
<td>Mos.</td>
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<td></td>
</tr>
<tr>
<td>Hrs. per week</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Volunteer ☐</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Employer's Name and Address |

THIS FORM IS A PUBLIC DOCUMENT
7. How did you learn about this vacancy?

☐ CCC Homepage ☐ Walk-In ☐ Newspaper Advertisement ☐ District Supervisor ☐ Other ________________

8. Do you have a Familial or Financial Relationship with a member of the Board of Supervisors? (Please see Board Resolution no. 2011/55, attached): No [ ] Yes [ ]

If Yes, please identify the nature of the relationship: ______________________________________

9. Do you have any financial relationships with the County such as grants, contracts, or other economic relations?

No [ ] Yes [ ]

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 publically accessible. I understand and agree that misstatements / omissions of material fact may cause forfeiture of my rights to serve on a Board, Committee, or Commission in Contra Costa County.

Sign Name: ___________________________ Date: ___________________________

Important Information

1. This application is a public document and is subject to the California Public Records Act (CA Gov. Code §6250-6270).

2. Send the completed paper application to the Office of the Clerk of the Board at: 651 Pine Street, Room 106, Martinez, CA 94553.

3. A résumé or other relevant information may be submitted with this application.

4. All members are required to take the following training: 1) The Brown Act, 2) The Better Government Ordinance, and 3) Ethics Training.

5. Members of 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.

6. Advisory body meetings may be held in various locations and some locations may not be accessible by public transportation.

7. Meeting dates and times are subject to change and may occur up to two days per month.

8. Some boards, committees, or commissions may assign members to subcommittees or work groups which may require an additional commitment of time.

THIS FORM IS A PUBLIC DOCUMENT
THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA and for Special Districts, Agencies and Authorities Governed by the Board Adopted Resolution no. 2011/55 on 2/08/2011 as follows:

IN THE MATTER OF ADOPTING A POLICY MAKING FAMILY MEMBERS OF THE BOARD OF SUPERVISORS INELIGIBLE FOR APPOINTMENT TO BOARDS, COMMITTEES OR COMMISSIONS FOR WHICH THE BOARD OF SUPERVISORS IS THE APPOINTING AUTHORITY

WHEREAS the Board of Supervisors wishes to avoid the reality or appearance of improper influence or favoritism;
NOW, THEREFORE, BE IT RESOLVED THAT the following 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. Great-grandfather, great-grandmother, aunt, uncle, nephew, niece, great-grandson, and great-granddaughter;
4. First cousin;
5. Husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, and stepdaughter;
6. Sister-in-law (brother’s spouse or spouse’s sister), brother-in-law (sister’s spouse or spouse’s brother), spouse’s grandmother, spouse’s grandfather, spouse’s granddaughter, and spouse’s grandson;
7. Registered domestic partner, pursuant to California Family Code section 297.
8. The relatives, as defined in 5 and 6 above, for a registered domestic partner.
9. 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 8

Training Certification and Oath of Office forms
Training Certification
For
Members of a County Advisory Body

By signing below, I certify that on ___________, I watched the entire Brown Act and Better Government Ordinance video, which is available on: 1) the Contra Costa County website, 2) CCTV, or 3) by requesting a copy from the County Administrator’s Office.

By signing below, I certify that on ___________, I watched the entire Ethics Orientation for County officials video which is available on: 1) the Contra Costa County website, 2) CCTV, or 3) by requesting a copy from the County Administrator’s Office.

__________________________  _______________________
(Name of Member)            (Date)

__________________________  _______________________
(Name of Advisory Body)      (Member’s Seat Name)

Return this certification to the chair or staff of your advisory body. The advisory body staff should keep the original and send a copy to the Clerk of the Board of Supervisors. This certification should be included in your advisory body’s annual report to the Board of Supervisors. All newly appointed members have 90 days to complete this training, and, it is recommended that the training be reviewed at two year intervals.
CERTIFICATE OF APPOINTMENT AND OATH OF OFFICE

State of California }  
County of Contra Costa }  

I, David Twa, County Administrator and Clerk of the Board of Supervisors of Contra Costa County, hereby certify that at a meeting of said Board of Supervisors, held in Martinez, in said County, on the ____ day of ________, ________________________, was appointed to the office of ______________________ as appears from the records of said Board of Supervisors now in my custody.

IN WITNESS WHEREOF, I hereunto affix my hand and the Seal of said Board of Supervisors this____ day of ______________, 2013.

David Twa, 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

_______________________________
Address

Subscribed and sworn to before me, this____ day of ______________, 2013.

________________________________

CC: County Clerk  
Auditor  
Clerk of the Board of Supervisors

CERTIFICATE OF APPOINTMENT AND OATH OF OFFICE
Appendix 9

Samples: Press Release; Vacancy Announcement; (Re)Appointment Board Order.
PRESS RELEASE

FOR IMMEDIATE RELEASE

Interested in Participating in Government?
The County is interested in motivated residents to serve on several Contra Costa County citizen advisory boards. These voluntary boards usually meet monthly and advise the Board of Supervisors on a variety of issues. They play a vital role in county government.

Applications are currently being accepted from residents of Contra Costa County for the following advisory bodies:

<table>
<thead>
<tr>
<th>Board, Commission, or Committee</th>
<th>Seat Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>P-5 Advisory Committee</td>
<td>2nd Alternate</td>
</tr>
<tr>
<td>R-10 Advisory Committee</td>
<td>Appointee 4</td>
</tr>
<tr>
<td>Contra Costa County Mental Health Commission</td>
<td>District II Member at Large</td>
</tr>
</tbody>
</table>

For more information about each board, go to the Contra Costa County website (www.co.contra-cost.ca.us) click on Board of Supervisors, then on Appointed Bodies, Committees, and Commissions.

You'll find a scroll-down list with specifics on all County Advisory Boards, including a staff contact person.

You can download an application using the following link: http://www.co.contra-cost.ca.us/DocumentView.aspx?DID=6433

Thank you and we look forward to your service.
To:        Board of Supervisors

From: Mary N. Piepho, District III Supervisor

Date: December 14, 2010

Subject: DECLARE VACANCIES ON COUNTY SERVICE AREA, P-2B CITIZEN ADVISORY COMMITTEE

RECOMMENDATION(S):
DECLARE vacant the District III Appointee 9 and Appointee 5 seats on the County Service Area, P-2B Citizen Advisory Committee previously held by Brian Hill and Jess Erickson, due to resignation; and DIRECT the Clerk of the Board to post the vacancy as recommended by Supervisor Mary Nejedly Piepho.

FISCAL IMPACT:
None.

BACKGROUND:
Brian Hill notified Supervisor Piepho's office of his resignation to County Service Area P-2B, Citizen Advisory Committee effective December 31, 2010.

Jess Erickson notified Supervisor Piepho's office of his resignation to County Service Area P-2B, Citizen Advisory Committee effective December 31, 2010.

CONSEQUENCE OF NEGATIVE ACTION:

☐ APPROVE ☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: 01/11/2011 ☑ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

<table>
<thead>
<tr>
<th>AYES</th>
<th>NOES</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
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<table>
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<tr>
<th>ABSENT</th>
<th>ABSTAIN</th>
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<tr>
<th>RECUSE</th>
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</table>

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: January 11, 2011

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

By: KATHERINE SINCLAIR, Deputy
To: Board of Supervisors

From: Internal Operations Committee

Date: December 15, 2010

Subject: Appointment to Advisory Council on Equal Employment Opportunity

RECOMMENDATION(S):

APPOINT the following individual to the Community Representative #1 seat on the Advisory Council on Equal Employment Opportunity, as recommended by the Internal Operations Committee:

Elizabeth Williams 3910 Alta Vista Cr.
Pittsburg, CA 94565

FISCAL IMPACT:

No fiscal impact to the County from this action.

BACKGROUND:

The Advisory Council on Equal Employment Opportunity was established in July 1991 to serve as an advisory committee to the Board of Supervisors regarding the implementation of the County's Affirmative Action Plan, to review the Affirmative Action Program and to recommend actions to facilitate attainment of the County's goal for affirmative action.

☑ APPROVE ☐ OTHER

☑ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: 01/11/2011 ☑ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES 4 NOES ☐
ABSENT ☐ ABSTAIN ☐
RECUSE ☐

Contact: L. DeLaney, 925-335-1097

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: January 11, 2011
David J. Twa, County Administrator
and Clerk of the Board of Supervisors

By: KATHERINE SINCLAIR, Deputy
BACKGROUND: (CONT'D)

The Council is composed of 11 members, and the IOC reviews nominations to all seats except those designated for County managers and labor unions. Terms of office for seats reviewed by the IOC are three years.

At its December 6, 2010 meeting, the Internal Operations Committee reviewed and approved the nomination of Elizabeth Williams to the Community Representative #1 seat on the Council to complete an unexpired term ending November 30, 2012, vacated by Yazmin Llamas-Morales.

CONSEQUENCE OF NEGATIVE ACTION:

If this appointment is not made, there will be a lack of representation on the Advisory Council.

CHILDREN'S IMPACT STATEMENT:

None.
To: Board of Supervisors

From: Mary N. Piepho, District III Supervisor

Date: December 16, 2010

Subject: REAPPOINTMENT TO THE BYRON-BRENTWOOD-KNIGHTSEN UNION CEMETERY DISTRICT

RECOMMENDATION(S):

REAPPOINT Sharon Marsh to the Trustee 1 seat on the Byron-Brentwood-Knightsen Union Cemetery District to a term expiring December 31, 2014, as recommended by Supervisor Mary Nejedly Piepho.

Trustee 1 Sharon Marsh
Byron, CA 94514

FISCAL IMPACT:

None.

APPROVE

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: 01/11/2011

APPROVED AS RECOMMENDED

OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES 4

NOES

ABSENT

ABSTAIN

RECUSE

Contact: LEA CASTLEBERRY, (925) 820-8683

cc:
BACKGROUND:

Sharon Marsh's term expired December 31, 2010 on the Byron-Brentwood-Knighten Union Cemetery District. Ms. Marsh contacted Supervisor Piepho's office and requested reappointment. Supervisor Piepho approved the request.

There are no additional seats on the Union Cemetery District to fill at this time.

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:
Appendix 10

County Website Information
About Advisory Bodies
Please reference the Maddy Book web page at http://contra.napanet.net/maddybook/ for up to date information.

Displayed below is the Napanet Maddy book webpage, the only links that are current is the information from the drop down menus and the corresponding reports that open by choosing from the menus:

Choose the “Advisory Body Index “drop down menu and choose an advisory body:
Once you have chosen the advisory body, you can select several different options from the “View” drop down menu:

For information about the advisory body, choose “Information”, this option shows many facts about the advisory body:

<table>
<thead>
<tr>
<th>Functions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The KMAC shall advise the Board of Supervisors on land-use planning matters affecting the Kensington community, such as land-use designations, master-plan amendments, environmental-impact reports, negative declarations, and zoning-variance applications. The KMAC shall also represent the community before the County Planning Commission, the Zoning Administrator, and the County Board of Supervisors on such land use, planning and zoning matters. It is understood that the Board of Supervisors is the final decision making authority with respect to issues concerning the Kensington community and that the KMAC shall serve solely in an advisory capacity. In addition, the KMAC may: Advise the Board of Supervisors on local government services as requested by the Board; provide input and reports to the Board, County staff or any County hearing body on issues of concern to the community; serve as liaison between the community and the County Supervisor representing Kensington.</td>
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<table>
<thead>
<tr>
<th>Established:</th>
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<table>
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<tr>
<th>SunsetDate:</th>
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<table>
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<tr>
<th>LegalAuthority:</th>
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<tbody>
<tr>
<td>Resolution No. 89/257 adopted on April 18, 1989.</td>
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<table>
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<tr>
<th>ReportsTo:</th>
</tr>
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<tbody>
<tr>
<td>The Board of Supervisors.</td>
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<table>
<thead>
<tr>
<th>Membership:</th>
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</thead>
<tbody>
<tr>
<td>Five, with two alternates. The members shall be residents of the Kensington Community who have resided in the Kensington community for at least three years. The alternate can sit and vote for any of the 5 members of the Council, and if a vacancy occurs, the alternate will automatically assume a vacant seat.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OfficeTerm:</th>
</tr>
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<tbody>
<tr>
<td>Effective January 2009, MAC member terms shall be coterminal to the term of the nominating District Supervisor.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TermLimits:</th>
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<tbody>
<tr>
<td>There shall be no automatic re-appointments of MAC members and the District Supervisor may choose whether to re-nominate an incumbent member or nominate a new member. Any re-nominations shall be approved by the Board of Supervisors.</td>
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<table>
<thead>
<tr>
<th>MeetingTime:</th>
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<tbody>
<tr>
<td>Last Tuesday of Every Month at 7pm. Location: Kensington Community Center Conference Room. 59 Arlington Ave., Kensington CA 94707.</td>
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<table>
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<tr>
<th>Compensation:</th>
</tr>
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<tbody>
<tr>
<td>None</td>
</tr>
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<table>
<thead>
<tr>
<th>For Information Contact:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rauch Kate, Phone: (510) 374-3231, Division:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Website:</th>
</tr>
</thead>
</table>
To find out which seats are filled or vacant, which members are sitting on an advisory body, etc. then choose “Roster” from the “View” drop down menu:

<table>
<thead>
<tr>
<th>Seat Title</th>
<th>Appointment Date</th>
<th>Term Expiration</th>
<th>Resignation Date</th>
<th>Status</th>
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<tbody>
<tr>
<td>Appointee 1</td>
<td>03/13/2012</td>
<td>12/31/2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Representatives</td>
<td>Zvi Kim</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Appointee 2</td>
<td>01/25/2011</td>
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<td>Representatives</td>
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<tr>
<td>Representatives</td>
<td>Gillian Walter</td>
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</table>

To only see which seats are vacant, choose the “Current Vacancies” option from the “View” drop down menu:

<table>
<thead>
<tr>
<th>Committee Name</th>
<th>Seat Title</th>
<th>Vacancy Date</th>
<th>Staff Contact</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1st Alternate</td>
<td></td>
<td>Kate Rauch</td>
<td>(510) 374.3231</td>
</tr>
</tbody>
</table>
To find other current information on Advisory Bodies, go to the Board of Supervisor’s webpage located at http://www.co.contra-costa.ca.us/index.aspx?nid=193 then scroll to the bottom of the page to the section called “Information related to Appointed Bodies, Committees, and Commissions to the Board of Supervisors”:

**Board of Supervisors**

**Meetings**

The Board of Supervisors holds regular weekly meetings at 9:30 am on Tuesday mornings at the County Administration Building located at:

651 Pine St.
Room 107
Martinez, CA 94553

All meetings are open to the public, and the public is encouraged to attend.

**Duties and Responsibilities**

As defined by general law, the duties of the Board of Supervisors include:

- Appointing most County department heads, except elected officials, and providing for the appointment of all other County employees
- Providing for the compensation of all County officials and employees
- Creating officers, boards and commissions as needed, appointing members and fixing the terms of office
- Awarding all contracts for Public Works and all other contracts exceeding $25,000
- Adopting an annual budget
- Sponsoring an annual audit made of all County accounts, books, and records
- Supervising the operations of departments and exercising executive and administrative authority through the County government and County Administrator
- Serving as the appellate body for Planning and Zoning issues
- Serving as the County Board of Equalization (the Board has created an Assessment Appeals Board to perform this function)

**Information related to Appointed Bodies, Committees, and Commissions to the Board of Supervisors**

- Boards, Committees, and Commissions Application
- Boards, Committees, and Commissions Annual Scheduled Vacancies
- Vacant Seats on Boards, Committees, and Commissions
- Brown Act and Better Government Ordinance Training Video
- Ethics In Government Video
- Annual County BGO and Brown Act Training Part 1
- Annual County BGO and Brown Act Training Part 2
- Annual County BGO and Brown Act Training Part 3
- Advisory Body Handbook, 2007
Appendix 11

Sample Bylaws
BY-LAWS
of
KENSINGTON MUNICIPAL ADVISORY COUNCIL

ARTICLE 1
Name of the Council
The name of the council shall be the Kensington Municipal Advisory Council
(hereinafter referred to as ‘KMAC’).

ARTICLE 2
Duties and Powers

Section 1. KMAC shall advise the Board of Supervisors on land use planning
matters affecting the Kensington community (hereinafter referred to as ‘the Community’)
such as land use designations, General Plan amendments, environmental impact reports,
negative declarations and entitlement applications such as development plans filed
pursuant to County Code Chapter 84-74 and requests for variances.

Section 2. KMAC shall also represent the Community before the County
Planning Commission, the Zoning Administrator, and the County Board of Supervisors
on such land use, planning and zoning matters. In addition, KMAC may: advise the
Board of Supervisors on local government services as requested by the Board; provide
input and reports to the Board, County staff or any County hearing body on issues of
concern to the community; and serve as liaison between the Community and the County
Supervisor representing Kensington.

Section 3. It is understood that the Board of Supervisors is the final decision
making authority with respect to issues concerning the Community and that KMAC shall
serve solely in an advisory capacity. Except as specified above, KMAC may not
represent the Community to any state, county, city, special district or school district,
agency or commission, or any other organization on any matter concerning the
community. In addition, KMAC may not, as a body, take positions on candidates for
any public office.
ARTICLE 3

Membership

Section 1. KMAC shall consist of five (5) members ("authorized positions") and two (2) alternates (a First Alternate and a Second Alternate), who shall be residents of the Community, shall have resided there for at least three (3) years prior to assuming office, and who shall be selected and appointed by the Board of Supervisors upon nomination of the Supervisor representing Kensington from lists of nominees submitted by the Kensington Improvement Club, Kensington Property Owners’ Association, and KMAC. Each organization shall only nominate residents having the above-listed qualifications.

Section 2. The First Alternate member shall fill in for any regular member who is absent from all or part of a meeting. The Second Alternate member shall fill in when the First Alternate member is not available or when two regular members are absent.

Section 3. Members shall serve four (4) year terms. Their terms shall be coterminous with the term of office of the Supervisor nominating the Members to the KMAC.

ARTICLE 4

Officers

Section 1. The officers of KMAC shall be the Chair, Vice-Chair and Secretary.

Section 2. The Chair shall conduct meetings, develop and distribute agendas, interact with the public and represent the KMAC at hearings of the Zoning Administrator and Planning Commission.

Section 3. The Vice-Chair shall act for the Chair in his or her absence.

Section 4. The Secretary shall record, produce and distribute minutes of the meetings.

ARTICLE 5

Meetings and Notice

Section 1. Open public meetings shall be conducted in accordance with the provisions of the "Brown Act" (Government Code Secs. 54950 ff.) including the pre-
meeting posting of the agenda, and the Better Government Ordinance, (Ordinance Code Division 25, commencing with the Section 25-2.202).

Section 2. The regular meetings of KMAC shall be held on the last Tuesday of every month from January through November. An additional Regular meeting shall be held on the first Tuesday of January.

Section 3. The regular meetings shall be held at the Kensington Community Center at 7:00 O’clock in the evening.

Section 4. A quorum shall be a majority of the total number of authorized positions on KMAC, not a majority of the total number of filled positions. KMAC may only take action by a majority vote of the total number of authorized positions, not by a majority vote of the quorum.

Section 5. At meetings KMAC shall act upon complete applications for discretionary land use projects such as requests for variances, or development plan reviews for which a hearing is required under either County Code Section 84-74.1006 (a) (1) or Section 84-74.1006 (a) (2). In the event that the number of applications exceeds that which can reasonably be considered during a meeting, some applications may be deferred until the next meeting of KMAC for consideration. Applications will be considered in the order received.

Section 6. Agendas for each meeting shall be posted at a minimum of three (3) public locations: on the kiosk in front of 299 Arlington Avenue, on the bulletin board in front of the Public Safety Building and in the Kensington Public Library. Agendas shall be posted at least ninety-six (96) hours before each regular meeting.

Section 7. All applications for land-use entitlements referred to KMAC for recommendation may, at the discretion of KMAC, be specially noticed to adjacent properties. Such noticing may include all properties potentially impacted by the requested construction but need not extend a distance greater than three-hundred (300) feet from the subject property.

Section 8. KMAC shall hold special meetings as necessary to ensure timely and effective input on land use matters or for other urgent matters. Special meetings may be called by the Chair or by a majority of KMAC members, but a quorum is required for
any meeting to proceed. Agendas shall be posted at least twenty-four (24) hours before each special meeting.

**Section 9.** A regular meeting may be rescheduled by any two Officers of KMAC if necessary to insure attendance by either the Chair or Vice-Chair.

**Section 10.** A regular meeting may be cancelled by the Chair or Vice-Chair.

**ARTICLE 6**

**Conflicts with County Policies**

**Section 1.** To the extent there are any inconsistencies between these bylaws and the resolutions creating KMAC or countywide MAC policies, the resolutions and countywide MAC policies will govern.

**ARTICLE 7**

**Adoption of By-Laws**

**Section 1.** By-Laws and by-law amendments shall be recommended by KMAC and be effective upon approval by the Board of Supervisors of Contra Costa County.

RECOMMENDATION TO THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS:

The Kensington Municipal Advisory Council recommends adoption of these By-Laws by the following vote. Ayes____ Noes____

__________________________  ________________________
Chair  Date
Appendix 12

List of Bodies Required to Post Agendas, Meeting Notices, etc. on Building and on Website
Date: February 21, 2012

To: County Boards, Commissions, and Committees

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

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
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
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
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<td>North Richmond Municipal Advisory Council</td>
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<tr>
<td>North Richmond Waste and Recovery Mitigation Fee Committee</td>
</tr>
<tr>
<td>Open Space/Parks &amp; East Bay Regional Parks District Liaison Committee</td>
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<tr>
<td>Pacheco Municipal Advisory Council</td>
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<td>Public Protection Committee</td>
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<td>Relocation Appeals Board of Contra Costa County</td>
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<tr>
<td>Rodeo Municipal Advisory Council</td>
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<tr>
<td>Transportation, Water, and Infrastructure Committee</td>
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<td>Treasury Oversight Committee</td>
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Appendix 13

Limits of Legislative Advocacy and Rules for Mandated Bodies
TO: BOARD OF SUPERVISORS
FROM: LEGISLATION COMMITTEE
      Supervisor Mary N. Piepho, Chair
      Supervisor Susan A. Bonilla
DATE: October 14, 2008

SUBJECT: Legislative Advocacy by Mandated Advisory Bodies

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:

RECOMMENDATION OF COUNTY ADMINISTRATOR X RECOMMENDATION OF BOARD COMMITTEE
APPROVE OTHER

SIGNATURE(S):

ACTION OF BOARD ON APPROVED AS RECOMMENDED OTHER

VOTE OF SUPERVISORS

____ UNANIMOUS (ABSENT ___________ AYES: ___________ NOES: ___________ ) ABSENT: ___________ ABSTAIN: ___________

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: DAVID TWAI, CLERK OF THE BOARD OF SUPERVISORS

BY: _________________________________, DEPUTY
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:

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<tr>
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<th>Advisory Council on Aging, Contra Costa County</th>
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<tr>
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<tr>
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<td>Assessment Appeals Board</td>
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<tr>
<td>4</td>
<td>CCC Law Library Board of Trustees</td>
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<td>5</td>
<td>Economic Opportunity Council</td>
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<tr>
<td>6</td>
<td>First 5 Contra Costa Children &amp; Families Commission</td>
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<tr>
<td>7</td>
<td>In-Home Supportive Services Authority Advisory Committee</td>
</tr>
<tr>
<td>8</td>
<td>Local Child Care &amp; Development Planning Council</td>
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<tr>
<td>9</td>
<td>Mental Health Commission, Contra Costa County</td>
</tr>
<tr>
<td>10</td>
<td>Merit Board</td>
</tr>
<tr>
<td>11</td>
<td>Relocation Appeals Board of Contra Costa County</td>
</tr>
<tr>
<td>12</td>
<td>Workforce Development Board</td>
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</table>

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.
Appendix 14

Example of Annual Report
I. **Activities**

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

II. **Accomplishments**

*Describe your accomplishments for the past year, particularly in reference to your work plan and objectives.*
III. **Attendance/Representation**

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

IV. **Training/Certification**

*Describe any training that was provided/conducted and/or any certifications received either as a requirement or on an elective basis by committee members. Attach copies of training certifications.*

V. **Proposed Work Plan/Objectives for Next Year**

*Describe your work plan, including specific objectives to be achieved for the following year.*
Appendix 15

Realignment (Decennial Census) Resolution No. 2012/122
REALIGNMENT OF NOMINATING JURISDICTIONS FOR BOARDS, COMMITTEES, AND COMMISSION TO NEW SUPERVISORIAL DISTRICT BOUNDARIES.

WHEREAS, each District Supervisor nominates members to boards, committees, and commissions that have District seats (hereafter “Type I seats”); and

WHEREAS, each District Supervisor’s nominating jurisdiction to Type I seats may be impacted during the decennial redistricting process required by California Elections Code § 21500; and

WHEREAS, the Contra Costa County Board of Supervisors approved a redistricting plan on July 27, 2011 (Ordinance No. 2011-15); and

WHEREAS, nominating authority and jurisdiction for Type I seats must be realigned in order to correlate with newly drawn Supervisorial District boundaries;

NOW, THEREFORE, BE IT RESOLVED that:

I. The establishing resolutions for the following boards, committees, and commissions are amended as follows:

   a) Alamo Municipal Advisory Council: Established August 11, 2009 by Resolution No. 2009/398. Resolution 2009/398, is hereby amended by the following action:

      i. Delete language in Section 3, titled “Membership”, that refers to nomination of members by the District III Supervisor and replace with the following: “The Council shall consist of seven (7) members, who shall be residents of the unincorporated Alamo community and who shall be appointed by the Board of Supervisors, upon nomination by the District Supervisor who represents the territorial area of the Alamo Municipal Advisory Council.”

   b) Bethel Island Municipal Advisory Council: Established May 3, 1994 by Resolution No. 94/316, and most recently replaced pursuant to Resolution No. 2009/382. Resolution 2009/382 is hereby amended by the following action:

      i. Delete language in Section 3, titled “Membership”, that refers to nomination of members by the District V Supervisor and replace with the following: “The Council shall consist of five (5) members, who shall be residents of the Bethel Island community and who shall be appointed by the Board of Supervisors, upon nomination by the District Supervisor who represents the territorial area of the Bethel Island Municipal Advisory Council.”

   c) Pacheco Municipal Advisory Council: Established September 10, 1991 by Resolution No. 91/639, and most recently replaced pursuant to Resolution No. 2009/384. The Pacheco Municipal Advisory Council (“Council”) Establishing Resolution No. 2009/384 is hereby amended by the following action:

      i. Delete language in Section 3, titled “Membership”, and replace with the following: “The Council shall consist of five (5) members and one (1) alternate member, who shall be residents of the unincorporated Pacheco community and who shall be appointed by the Board of Supervisors, upon nomination by the District Supervisor who represents the territorial area of the Pacheco Municipal Advisory Council.”

   d) Rodeo Municipal Advisory Council: Established February 15, 1994 by Resolution No. 94/94, and most recently replaced pursuant to Resolution No. 2009/388. The Rodeo Municipal Advisory Council (“Council”), Establishing No. Resolution 2009/388 is hereby amended by the following action:
i. Delete language in Section 3, titled “Membership”, and replace with the following: “The Council shall consist of seven (7) members, who shall be residents of Rodeo and who shall be selected and appointed by the Board of Supervisors, upon nomination by the Supervisor who represents the territorial area of the Rodeo Municipal Advisory Council.”

e) Crockett-Carquinez Fire Protection District’s Fire Advisory Commission: Established November 30, 1965, by Resolution 4622, and amended pursuant to Board Order C.26 on August 5, 1997, to include one (1) Alternate seat. The Crockett-Carquinez Fire Protection District’s Fire Advisory Commission Board Order C. 26, is hereby amended by the following action:

i. Delete Paragraph 3, and replace with the following language: “The District Supervisor who represents the territorial area of the Crockett-Carquinez Fire Protection District’s Fire Advisory Commission shall nominate the Alternate Seat member.”

II. ACKNOWLEDGE the elimination of the following bodies from the Local Appointments List:

a) Carquinez Bridge Crockett Advisory Committee:

Established on December 16, 1997, by Agenda Item C.138, for the sole purpose of addressing the local construction impacts on the community surrounding the Carquinez Bridge Crockett bridge replacement and seismic retrofit project. This project has been completed, and, therefore, this committee is dissolved upon recommendation of the District Supervisor.

b) Hap Magee Ranch Joint Planning Committee:

Pursuant to Section 2 of the attached Joint Exercise of Powers Agreement titled, “Joint Exercise Powers Agreement for the Operation and Maintenance of Hap Magee Ranch Park,” approved by the Board of Supervisors on August 16, 2011 (Agenda Item No. C.16), “This Agreement supersedes and replaces in its entirety the 1987 Joint Powers Agreement. The parties mutually agree that the 1987 Joint Powers Agreement is hereby terminated.” The 1987 Joint Powers Agreement, which established this committee, has been terminated, and therefore, this committee has been dissolved.

c) Montalvin Manor Redevelopment Advisory Committee:

Pursuant to California Assembly Bill IX 26 passed on June 29, 2011, and upheld by the California Supreme Court, all Redevelopment Agencies in California have been dissolved. The Montalvin Manor Redevelopment Advisory Committee was an advisory body to the Contra Costa County Redevelopment Agency, and therefore, this committee has been dissolved by operation of law.

III. DECLARE for the remaining boards, committees, and commissions:

a) The nominating authority for Type I seats on various boards, committees, and commissions located in a certain geographic area within a specific Supervisorial District shall automatically realign, in concert with each decennial redistricting ordinance approved by the Board of Supervisors, acting in its various capacities, to the District Supervisor representing that geographic area as described in the most current decennial redistricting ordinance.

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: Arsenio Escudero, 925-335-1907

ATTESTED: April 3, 2012

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

By: , Deputy

cc: