Training Requirements & Opportunities

Brown Act & Ethics Training

Within 3 months of appointment, all advisory body appointees and staff must view and certify that they have viewed the two training programs: “The Brown Act and the Better Government Ordinance” and “Ethics Orientation for County Officials.”

These programs are available for viewing at the County’s website: www.co.contra-costa.ca.us, under the Board of Supervisors’ page.

The programs may also be viewed on the local community access TV station, CCTV.

The Training Certification Form is Appendix 8.
The “Brown Act” program is shown on CCTV every first and third Saturday at 3:00 p.m.

The “Ethics Orientation” program is shown on CCTV every second and fourth Saturday at 3:00 p.m.

The Annual Training session is shown on CCTV every first and third Sunday at 3:00 pm.

If Comcast is your cable provider, CCTV is broadcast on Channel 27.

If Astound is your cable provider, CCTV is on Channel 32.

If AT&T U-Verse is your cable provider, CCTV is on Channel 99.
Effective January 1, 2006, AB 1234 requires that local officials that receive compensation, salary, stipends, or expense reimbursements must receive training in public service ethics laws and principles every two years.

The requirement applies not only to the governing body, but also commissions, committees, boards, or other local agency bodies, whether permanent or temporary, decision-making or advisory.

Required to Take AB 1234 Ethics Training

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

AB 1234 Ethics Training Courses

- On-line ethics course available at Fair Political Practices Commission (FPPC):
  http://localethics.fppc.ca.gov/ab1234/

- Other resources available at the Institute for Local Government:
  http://www.ca-ilg.org/
2012 Advisory Body Handbook

I. Introduction
II. Mission and Scope of Authority of Advisory Bodies
III. Role and Responsibilities of Appointees
   - What does an advisory body member do?
   - What does the Chair, Vice Chair, Secretary, Treasurer do?
   - Are there legal requirements I should know about?
   - How do members avoid conflicts of interest?
   - Training Requirements
IV. Communication and Collaboration
V. Roles and Responsibilities staff
   - Staff duties regarding meeting noticing
   - Roster Maintenance
   - Filling Vacancies
   - Incurring Expenses
   - Public Records Request
   - Bylaws
VI. MACs

Appendices
1. MAC Policies (*new*)
3. Brown Act Requirements for Persons with Disabilities
4. Resolution of Board policies on “Conflict of Interest and Open Meetings”
5. FPPC’s “Can I Vote” pamphlet
6. Training Certification Form (*revised*)
7. Resolutions on Appointment procedures and Responsibilities of Advisory Bodies (*new*)
Appendices (cont.)

8. Advisory Body Application (*new)
9. Sample Press Release, Vacancy Board Order, and Appointment Board Order
10. Maddy Book Website examples (*revised)
11. Bylaws sample (*new)
12. List of Bodies Required to Post Agendas on Building and Website (*new)
13. Board Order on Legislative Advocacy (*new)

Scope of Authority

- Unless otherwise specified by statute, advisory bodies serve at the pleasure of the Board of Supervisors in an advisory capacity only, and have no authority to create fiscal or other obligations on behalf of the County.
- Each advisory body’s governing resolution specifies the body’s scope of authority. Each advisory body must adhere to that scope of authority.
- Please familiarize yourself with your advisory body’s governing resolution and adopted Bylaws.

Limits on Authority

- Bank Accounts and spending
- Contracting
- Setting and/or waiving of County fees
- Personnel actions
- Closed session meetings
- Taking positions on bills: legislative advocacy
Legislative Advocacy

- An advisory body may not take any action that would imply the County’s support or opposition to legislation in the absence of, or inconsistent with, adopted Board positions.

- Only the Board of Supervisors can send letters on a particular piece of legislation, unless a state or federally mandated advisory body has followed the specified protocol to do so on their own behalf.

- As individuals, advisory body members may communicate their opinions and advocate for legislation.

Brown Act Requirements
&
The County’s Better Government Ordinance

New Information

- New Brown Act Training Video!

- 30 Day Communications File: All advisory bodies with County staff support that are subject to the BGO must keep a file that contain all letters, memos, etc. sent to a majority of the body for 30 days.
  - If someone asks to see the file, you must make it available.
  - Does not contain privileged communications, magazines, ads.
  - Give name of person responsible for the file to the Clerk of the Board.

- Anticipated Better Government Ordinance changes to increase accessibility to materials
Managing Your Roster:
Vacancies, Recruitment, Appointments

Board Resolutions Governing the Appointment Process

- Reso. 2011-497: Is the Governing Policy for bodies that are Advisory to the Board of Supervisors.
- Reso. 2011-498: Is the Governing Policy for bodies that are Independent from the Board of Supervisors.
- For a list of the bodies defined by these resolutions, please see the attachments to these resolutions.

Apply to both Resolutions

Seat Types:

- **Type I Seat: Supervisory District**—Nominations are made by a **District Supervisor** for a specific seat (e.g., District I seat), then sent to the Board of Supervisors for appointment.

- **Type II Seat: At Large/Countywide**—Nominations made by a Board of Supervisors’ standing committee and sent to the Board of Supervisors for appointment.
Apply to both Resolutions (cont.)

- **Type I Seats**: Applications may be delivered to District Supervisor or Clerk of the Board. If the application is delivered to the District Supervisor, the application should be copied and kept at the District office and the original should be routed to the Clerk of the Board’s office.

- **Type II Seats**: Applications are routed to the Clerk of the Board’s office, then the application is routed to the appropriate interviewer. After a recommendation is made, the nomination goes to the Board of Supervisors for approval.

Differences between Scheduled and Unscheduled Vacancies

- **Scheduled Vacancies** – are a regularly scheduled expiration of a seat on an advisory body and are listed in the local appointive bodies list, located at: http://www.co.contra-costa.ca.us/DocumentView.aspx?DID=6265

- These types of vacancies do not need to be advertised. However, advisory bodies, district staff, or standing committee staff may choose to advertise if they wish to do so.

- For more information about advertisements, refer to the Advisory Body Handbook.

Scheduled Vacancies

Advertisements for this type of vacancy are optional because these type of vacancies are already published on the local appointive bodies list.
Unscheduled Vacancies

- These occur when an appointee leaves his/her seat before the term expires— for any reason.

- When an unscheduled vacancy occurs in a Type I seat, the advisory body staff or Chair should immediately inform the District Supervisor.

- If the unscheduled vacancy is a Type II seat, the advisory body staff or Chair should immediately inform the applicable Board Standing Committee. After this occurs, a Board Order will be created for the Board of Supervisors’ Agenda. This should be done within 20 days after the vacancy occurs.

- After the Board of Supervisors declares the vacancy, the Clerk of the Board records the vacancy, then creates and posts a vacancy notice and Press Release.

- A vacancy cannot be filled until 10 business days (excluding holidays) after the Clerk of the Board posts the vacancy notice.

After an Appointment is Made by the Board of Supervisors

- The Appointment is recorded in the database at the Clerk of the Board’s office.

- The Clerk then puts a hardcopy of the appointment in the advisory body file.

- If an Oath of Office is required, a clerk will send the oath to the member. The member can either have the oath notarized and mailed to the Clerk of the Board’s office or signed in front of a staff person at the Clerk of the Board.
The Maddy Book

- The Maddy Book is what we call the database or collection of information that we have on advisory bodies.
- In order to access Maddy Book information, you can visit the following website: http://contra.napanet.net/maddybook/ (this site is temporary and will be replaced in the near future) or you can also call the Clerk of the Board.
- You can also access the Maddy Book by going to the County homepage, then clicking the Board of Supervisors link at the top left hand corner, then, when on the Board of Supervisors' page, click the ‘Appointed Bodies, Committees, and Commissions’ link at the top left hand corner.

Other Locations for Advisory Body Information

- You can find an advisory body application, annual scheduled vacancies report, all vacancies (schedules and unscheduled), training videos, and the Advisory Body Handbook; by going to: http://www.co.contra-costa.ca.us/index.aspx?nid=193
- You can also go to the County homepage, click on the Board of Supervisors link at the top left hand corner, then scroll down until you see the materials listed on the previous bullet.

Special Notes

- The expiration date is attached to the seat—not the person being appointed.
- You cannot switch members from seats unless proper procedure is followed. Remember that vacating a seat before it expires is an unscheduled vacancy and must be posted for at least 10 business days before an appointment can be made.
- If staff contact information changes, immediately inform the Clerk of the Board.
- If any discrepancies are seen for your advisory body while reviewing the Maddy Book website, immediately report them to the Clerk of the Board.
For Additional Information on the Appointment Process

Please call: Arsenio Escudero at 925-335-1907 or the Clerk of the Board’s main office line at 925-335-1900.

Advisory Body Administration:

Agendas, Meeting Conduct, Quorums, Annual Reports, Sunset Review Process

Agenda Requirements

- Publish at least 96 hours before the meeting. For those bodies required to also post on Internet, no posting means NO meeting.
- Must list name of body, time, date, and location of meeting.
- Must provide an opportunity for public comment.
- Must describe each item of business to be considered.
- Must contain information about accessibility for the disabled.
- Must contain information about public access to records.
Proper Meeting Conduct

- Be attentive and courteous to members of the public.
- Avoid cell phones, eating, chatting, reading, wandering.
- Be respectful and courteous to fellow commissioners.
- Avoid interrupting and personal remarks.
- Professionalism helps body gain respect and influence.

What is a Quorum?

A quorum is the number of members of the body who must be present for a lawful meeting.

Are “Moving Quorums” okay? No!

The Internal Operations Committee has directed that a Quorum is the majority of the total number of authorized seats on the body, not the majority of the total number of filled seats.
**What to Do If There is No Quorum**

- Body cannot meet unless a quorum is present.
- If no quorum, members cannot take any action except to adjourn to a later date.
- Within 24 hours of adjournment, post notice of adjournment indicating the date, time, and location of the next meeting.
- Post Notice on meeting room door and send to advisory body members and media outlets on agenda subscription list.

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**Annual Reports**

- A Board of Supervisors requirement.
- The self-evaluation of prior-year activities and the establishment of new goals helps to focus the advisory body on its mission.
- An opportunity to communicate to the Board of Supervisors the accomplishments and future goals of your advisory body and justify its continuation.
- Provides public exposure to your mission and accomplishments via Board agenda and Clerk binder.

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**Annual Report Requirement**

- Two-page report on the second Tuesday of each December (due date each December 1).
- Generally agendized as a Consent Calendar item.
- Report to be maintained for public inspection in a binder by the Clerk of the Board.
Annual Report Format

- Activities and accomplishments of the year. (1 page)
- Attendance of membership (1/4 page)
- Video training certification (1/4 page)
- Work Plan and goals for the coming year (1/2 page)

Sunset Review Process

- Policy concept approved by the Board of Supervisors in 2009.
- Establishes a process where 1/3 of the advisory bodies are reviewed annually.
- Incorporates self-evaluation by advisory bodies.
- Final policy anticipated at IO Committee by July 2012.

* CONFLICT-OF-INTEREST CODE
* FORM 700
* BIENNIAL NOTICE

Regulations and requirements all advisory body members must know.

Contra Costa County
2012 Advisory Body Training
What is a Conflict-of-Interest Code?
The Political Reform Act requires public agencies to adopt conflict-of-interest code (code) to disclose those types of investments, interests in real property, sources of income and business positions that designated positions may effect in their decision-making.

Components of the Code
The code must have three (3) components:
1) Terms of the code
2) Designated positions
3) Disclosure categories
Component 1: Terms of the Code

- The terms of the code is the main body of the code which includes the manner to report financial interest and describes disqualification procedures.
- FPPC Regulation 18730 identifies the type of information required in the main body of the code.

Component 2: Designated Positions

- The code must specify and list any positions as designated positions within the advisory body that either make or participate in making decisions.
- Generally these designated positions are posts which are responsible for voting on matters, negotiating contacts, or making recommendations for purchases without substantive review. In consideration of the level of responsibility and authority required of these positions, these posts must be included in the code.

Component 3: Disclosure Categories

The disclosure category identifies types of:
- Investments
- Interests in real property
- Sources of income, and
- Business positions which may affect decision-making.
Code Approval

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

- The Contra Costa County Board of Supervisors is the code reviewing body for agencies which are wholly within the County.

- Agencies which are wholly within the County must submit their code to the Board of Supervisors for approval before it becomes effective.

Recusal to Avoid a Conflict of Interest

- Recuse (v.): to disqualify or remove (oneself) from participation to avoid a conflict of interest.

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

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

State each type of economic interest held (i.e. investment, business position, interest in real property, personal financial effect, or the receipt or promise of income or gifts) which is involved in the decision and gives rise to the conflict of interest.
Public Identification of a Conflict-of-Interest: Procedure to Recuse Oneself (cont.)

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

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

FORM 700: STATEMENT OF ECONOMIC INTERESTS

Contra Costa County
2012 Advisory Body Training

What is Form 700?

- It is a public statement of economic interests (a public disclosure of personal assets and income).
- The information requested on Form 700 and the requirements to file it are mandated by state law.
- Form 700 reflects information about sources of income, investments, business positions, real property holdings and gifts.
- Its purpose is to help gauge real or potential conflicts of interest situations that may exist in performing the responsibilities of the public official.
Why Should I Understand the Form 700?

- You should read and understand your agency's specific conflict-of-interest code, since not all positions have the same reporting requirements.
- The public position or positions to which you are appointed might require that you file Form 700.
- If you are serving in such a public position or positions, the state law mandates that you file a Form 700 for each position.

When Should I File Form 700?

- Within 30 calendar days of the date I am newly appointed to a position or employed in a job covered by a conflict-of-interest code.
- Each year, by April 1st, that I serve on such a public body or remain in such a job.
- Within 30 calendar days of the date when I leave the job(s) or appointed public body(bodies) and am no longer required to file Form 700.
To File a Form 700:

- Each year you will be sent a new Form 700 by your agency filing official.
- You should complete all sections of the form, sign it, and return the original signed form to your agency filing official.
- The Form must be postmarked by April 1st to be filed on time. However, it may be amended at any time during the year if your economic situation changes.

If you need to file a new Form 700, an amended Form 700, or if you have questions as you are filling out the Form, contact the Commission for assistance through the FPPC website [http://www.fppc.ca.gov/index.php?id=500](http://www.fppc.ca.gov/index.php?id=500) or call 1-866-ASK-FPPC.

The Form 700 Cover Page is a Five-Part Document

- Part 1: Office, Agency or Court
- Part 2: Jurisdiction of Office
- Part 3: Type of Statement
- Part 4: Schedule Summary
- Part 5: Verification

Part 1: Office, Agency or Court
Part 2: Jurisdiction of Office

2. Jurisdiction of Office (true or not true)
   - [ ] True
   - [ ] False
   - [ ] Other

Part 3: Type of Statement

3. Type of Statement (true or not true)
   - [ ] True
   - [ ] False

Part 4: Schedule Summary

4. Schedule Summary
   - [ ] Schedule A1 - Jurisdiction - schedule attached
   - [ ] Schedule A2 - Jurisdiction - schedule detached
   - [ ] Schedule B1 - Jurisdiction - schedule attached
   - [ ] Schedule B2 - Jurisdiction - schedule detached
   - [ ] Schedule C1 - Jurisdiction - schedule attached
   - [ ] Schedule C2 - Jurisdiction - schedule detached
   - [ ] Schedule D1 - Jurisdiction - schedule attached
   - [ ] Schedule D2 - Jurisdiction - schedule detached

   Note: An applicable interest on any schedule

   Total number of pages including this cover page
Part 5: Verification

Verifying Your Information

- Each time you fill out or amend Form 700, you will need to sign the form before you file it.
- Your signature means that you attest to the truth of what you report and the Form’s contents.
- You may contact the Fair Political Practices Commission (FPPC) for specific and personal guidance with your questions.

Failure to File/Late Filings

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

- The Political Reform Act requires every local government agency to review its conflict-of-interest code biennially.

- The **Contra Costa County Board of Supervisors** is the code reviewing body for County agencies and any other local government agency whose jurisdiction is solely within the county.

- By **October 1** every other year (biennially), each local government agency is required to submit a notice, indicating whether or not an amendment to their agency conflict-of-interest code is required. **This year the due date is 10/1/2012!**

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**Sample Local Agency Biennial Notice Form**

[Sample Form Image]

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What if an amendment is required?

- If amendments to an agency’s conflict-of-interest code are necessary, 1) the amended code showing tracked changes, and 2) a clean copy of the revised code must be forwarded to the **Contra Costa County Board of Supervisors** for approval within 90 days of October 1st.

- An agency’s amended code is not effective until it has been approved by the Board of Supervisors.

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**Example of Tracked Changes**

<table>
<thead>
<tr>
<th>Agency must review...</th>
<th>To be submitted to the Board of Supervisors...</th>
<th>To be submitted to the Board of Supervisors...</th>
</tr>
</thead>
<tbody>
<tr>
<td>A copy of the Original Document (the code).</td>
<td>A copy of the Original Document with the changes tracked highlighted in red font.</td>
<td>A Clean and Revised Copy of the Document with the changes accepted.</td>
</tr>
<tr>
<td><strong>SAMPLE OF TRACKED CHANGES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Director</td>
<td>Assistant Dir.</td>
<td>1. Director</td>
</tr>
<tr>
<td>2. Assistant Dir.</td>
<td>Manager</td>
<td>2. Manager</td>
</tr>
<tr>
<td>3. Manager</td>
<td>Admin. Assist.</td>
<td>3. Admin. Assist. II</td>
</tr>
<tr>
<td>5. Clerk</td>
<td>Clerk</td>
<td>5. Clerk</td>
</tr>
</tbody>
</table>

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**Contact Information for Questions Regarding the...**

<table>
<thead>
<tr>
<th>Agency Name</th>
<th>Conflict-of-Interest Code</th>
<th>Form 700</th>
<th>Biennial Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-866-ASK-FPPC (1-866-275-3772)</td>
<td>1-866-ASK-FPPC (1-866-275-3772)</td>
<td>1-866-ASK-FPPC (1-866-275-3772)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Agency Phone Number</th>
<th>Agency Business Hours</th>
<th>Agency Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-866-ASK-FPPC (1-866-275-3772)</td>
<td>Mon-Thurs 9:00am-11:30am &amp; 1:30pm-3:30pm</td>
<td><a href="http://www.fppc.ca.gov/">http://www.fppc.ca.gov/</a></td>
</tr>
<tr>
<td>1-866-ASK-FPPC (1-866-275-3772)</td>
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</tr>
</tbody>
</table>
Key Points to Remember...

- With few exceptions, advisory bodies serve solely at the pleasure of the Board of Supervisors.
- Primary purpose of an advisory body is to provide citizens an opportunity to actively participate in their government and provide input and advice to the Board.
- If you need additional information related to advisory body policies or procedures, consult the 2012 Advisory Body Handbook or your staff.
- Meetings must be adequately and publicly noticed, and open and accessible to the public.
- Appointees must recuse themselves if a conflict exists.
- Find out if you are required to submit a Form 700.

Q&A and Evaluation of Training

For further assistance, contact:

Arsenio Escudero, 335-1907
Arsenio.Escudero@cao.cccounty.us