



# Board, Commission, & Committee Orientation Workshop

PRESENTED BY:

MOLLY MACLEAN, ASSISTANT CITY ATTORNEY

DAISY GOMEZ, CITY CLERK

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*"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has."  
Margaret Mead*

# Welcome

DAISY GOMEZ, CITY CLERK

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# Overview of Today's Workshop

## Handbook

Roles & Responsibilities

Brown Act & Conflicts of Interest

Agendas/Minutes

- Basic Procedure for Meetings

Statement of Economic Interests, and Ethics Training Requirements

Wrap-up Q&A

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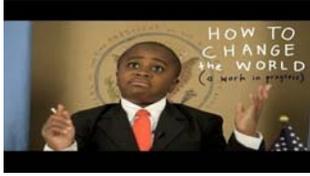
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## Mission, Vision, and Values

**Mission:** To provide high-quality public services and cultivate a vibrant, resilient and livable City

**Vision:** Santa Rosa – Leading the North Bay

**Values:** Excellence, Innovation, Teamwork, Integrity, Inclusiveness, and Transparency

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## Goals

GOAL	ASPIRATION STATEMENT
◆ Ensure financial stability of City government.	Santa Rosa sustains a strong, diversified economic base that continually renews itself, and has a structurally balanced budget with sufficient reserves in all funds to weather economic shifts for long term sustainability of City services.
◆ Effectively implement the recovery and rebuilding of Santa Rosa.	Santa Rosa emerges as an even stronger, more vibrant, resilient and livable community prepared to achieve its vision of leading the North Bay.
◆ Meet housing needs.	Santa Rosa actively supports housing for all, through protection, preservation and production of housing.
◆ Attain functional zero homelessness.	Santa Rosa supports effective strategies that house homeless individuals.
◆ Invest in and sustain infrastructure and transportation.	Santa Rosa regularly invests in its transportation, roads, technology and overall infrastructure to protect and sustain its assets and keep pace with community needs.
◆ Provide for community safety, valued City services and open government.	Santa Rosa is a safe and healthy place and has the right mix of services supported by effective internal services operating within open government practices.
◆ Foster neighborhood partnerships and strengthen cultural assets.	Santa Rosa promotes thriving neighborhoods in preserving its heritage and vibrancy of the community.
◆ Promote environmental sustainability.	Santa Rosa protects and improves the environment through its policies and actions.
◆ Foster a 21 <sup>st</sup> century city and organization.	Santa Rosa leads the North Bay by supporting innovation in service delivery, engaging its employees and striving for high employee morale.
◆ Foster a strong downtown and overall economic development of the community.	In Santa Rosa, a successful downtown is a community wide economic development engine and cultural center where people live and work.

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"We make a living by what we get, but we make a life by what we give."  
Winston Churchill

## Roles & Responsibilities Overview

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## Role of Boards and Commissions

- Policy is adopted by City Council.
- Advisory bodies gain counsel and input from qualified citizens on particular areas of decision-making.
- Members are not selected to represent a business, district, or organization.
- Each member, and the body as a whole, is concerned with the general public good.
- Where personal interest conflicts with the general welfare of the public, the latter must prevail.

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## Your Responsibilities

- Understand role and scope of your Advisory Body
- Properly represent the Advisory Body
- Be concerned with the entire community
- Keep the lines of communication open
- Be conscious of your relationship to the City Council and City Staff
- Establish good working relationships with other members
- Be prepared

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## Do's!

- *Do your homework!*
- **Show up!**
- *Raise questions with staff before the meeting.*
- *Consult with the City Attorney early if you have a potential conflict of interest.*
- *Avoid surprises.*
- *Remember you are a member of the "whole."*
- *Watch out for "bumping" into another advisory body, and resolve it early on if you do.*

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## Do's! (continued)

- *All bodies who might make quasi-judicial bodies, you are required to publicly disclose "special" field visits and applicant contacts.*
- *Actively participate in all advisory body matters, not just the ones of most interest.*
- *In making recommendations to Council, think through long-term and "ripple" effects.*
- *Treat others as you want to be treated.*
- *Participate in training opportunities when available (Building an Inclusive Workplace, AB 1234 (Ethics), and FPCC Form 700)*
- *Advise staff in advance if you know you will be unable to attend a meeting.*

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## Do nots!

- *Not show up!*
- *Fail to prepare.*
- *Dominate or pontificate.*
- *Appeal to the audience and/or media.*
- *Cut off or interrupt others.*
- *Use of Technology at Meetings (Policy 000-49, Resolution 28783, Section V (k))*

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## Do nots! (continued)

- *Commit to a position before the meeting.*
- *Communicate with a quorum of your colleagues to take a position before the meeting.*
- *Tell others they are wrong.*
- *Criticize staff in public.*

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**"To give real service you must add something which cannot be bought or measured with money, and that is sincerity and integrity."**  
*Douglas Adams*

## THE BROWN ACT -California's Open Meeting Law

MOLLY MACLEAN, ASSISTANT CITY ATTORNEY

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## Purpose and Scope

The purpose of the Brown Act is to provide open and transparent government and an opportunity for public participation.

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## General Rule

All meetings shall be open and public except when the Brown Act authorizes otherwise.

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## What An Official Needs to Know

The general requirements of the Brown Act in order to comply, protect the work of the City and to avoid criminal penalties and civil injunctions.

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## Legislative Bodies Subject to the Brown Act

- City Council
- Standing Committees
- Advisory Boards and Commissions
- Other Commissions/Committees

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## What Is a Meeting?

Any congregation of a majority of the members at the same time and place (subject to certain limited exemptions).

Activities include: the hearing, discussion or deliberation upon any matter under jurisdiction.

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## Serial Meetings

The Brown Act expressly prohibits serial meetings that are conducted through direct communications, personal intermediaries or technological devices such as e-mail for the purpose of developing a concurrence as to action to be taken.

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## What Is a Serial Meeting?

A series of communications, each of which involves less than a quorum, but when taken as a whole involve a majority of members.



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## Examples of Serial Meetings

- Member A talks to Member B and then Member A talks to Member D about the same topic, etc.
- Member A talks to Member B, who then talks to Member C about the same topic, etc.
- 'Reply All' E-mail messages
- Outside party facilitated – Person A talks to Member A, then Member B, etc.

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## Not a meeting for purposes of the Brown Act

- Conferences
- Meetings of another public agency
- Purely social or ceremonial meetings
- Attending Meetings of another Board or Commission (if attended as an observer) or member of the public

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## Closed Session

- Litigation - Initiation, Threat of, or existing
- Real Estate Negotiations – price and terms
- Personnel and Labor matters

Matters discussed in closed session are confidential

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## Appropriate Communications: Public Comment

### Public Testimony

- Before or during consideration of each agenda item, the public must be given an opportunity to comment on the item.
- When a member of the public raises an issue that is not on the agenda, the item may be briefly discussed to the following extent . . .

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## Responding to Public Comment: Issues Not on the Agenda

- The Chair may briefly respond to statements made or questions asked
- Ask questions for clarification
- Refer the speaker to staff
- Refer the speaker to appropriate reference material
- Request staff to report back at a future meeting or ask if staff wants to respond
- Direct staff to place the matter on a future agenda

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## Information at Meetings

- Information given to a majority of the members of the legislative body in connection with an open meeting must be equally available to members of the public.

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## Information at Meetings (continued)

Documents given to the advisory body before the meeting must be made available for public inspection.

If information is given during the meeting but prior to discussion, the information must be made public prior to and during the discussion.

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## Ex parte Communications

- Information received outside of the public hearing.
- Allows others to present contrary information without an opportunity to refute or correct.
  
- Disclosure of Ex Parte Communications.
- Encourage information to be presented at the public hearing so all decision-makers can benefit.
- Avoids claims of bias or violations of due process.

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## Remedies and Penalties

Penalties and Remedies provided by the Legislature to combat violations of the act include:

- Actions taken in violation of Brown Act may be declared null and void by a court
- Civil injunctive relief
- Award of attorney's fees
- Criminal penalties

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"The supreme quality for leadership is integrity."  
- Dwight D. Eisenhower

# Conflicts of Interest

MOLLY MACLEAN, ASSISTANT CITY ATTORNEY

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## Do you have a conflict of interest?

### Political Reform Act

- Passed by voters in 1974 (Proposition 9)
- Created Fair Political Practices Commission (FPPC)
- Regulations govern financial conflicts

### Government Code 1090

- Contractual conflicts of interest

### Common Law Conflict of Interest

- Personal Interest/Bias

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## Political Reform Act

You have a conflict of interest if it is likely that the outcome of the decision will have a material impact on your economic interests, **and**

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

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## Do I have a financial conflict of interest?

The FPPC regulations apply only to financial conflicts of interest.

Whether you have a conflict of interest that disqualifies you depends on the facts of each governmental decision and your financial interest.

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.

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## Economic Interests “Do’s”

- Notify staff of change of residence address.
- Communicate purchase of new property(ies) within the City of Santa Rosa.
- Complete the Form 700 annually identifying assets and sources of income that could be a source of conflict.

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## Disqualification: When you have a Conflict of Interest

Upon identifying a conflict of interest or a potential conflict of interest you must:

- Publicly 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, except that disclosure of exact street address is not required.
- Recuse yourself from discussing and voting on the matter.

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## Disqualification: When you have a Conflict of Interest

Upon identifying a conflict of interest or a potential conflict of interest you must:

- Do not discuss matter with staff.
- Leave the meeting room until after the discussion, vote, and other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters (consent).

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## Disqualification Cont'd.

- Even if disqualified due to a conflict of interest, a public official may speak on the matter as a private citizen during the time that the general public speaks on the issue.

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## Disqualification, cont'd.

The City Attorney should be consulted as early as possible on matters you think may be a problem.

- Advice from the City Attorney does not protect advisory body members from potential FPPC violations.
- FPPC Advice:
  - 1-866-ASK-FPPC (1-866-275-3772)
  - [advice@fppc.ca.gov](mailto:advice@fppc.ca.gov)

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## Consequences of Violations

- May require administrative decision to be set aside.
- Could result in loss of appointment.
- City could be sued if rises to level of denial of due process.
- The FPPC can investigate and issue penalties to an individual.

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## Common Law Conflict of Interest

### The Right to Fair and Unbiased Decision Makers

- Personal Interest in Decision's Outcome
- People Bias
- Factual Bias

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## Recognizing Bias Issues

- Do you have a personal interest or bias in a decision?
  
- Are you on the board of an organization that may be impacted by your decision or that has taken a position on an issue?
  
- Do you have a personal bias regarding an individual or applicant?

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## Government Code 1090

- You may not have a financial interest in any contract approved by your Board.
- Disqualification of the individual is not enough - the entire Board is disqualified.
- Any such Contract will be void.

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## Council Policy 000-03: Presentations to Boards, Commissions and Council

- No member of any Board, Commission or the City Council shall appear before any other government body of the city of Santa Rosa representing a client or other third party.
- A member may represent him/herself when necessary before a City body.
- Does not apply to a sole practitioner who would be forced to refuse or represent a client or resign his office.

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"History is written by people who attend meetings, stay until the end, and keep the minutes."  
*Unknown*

## Agendas/Minutes and Basic Procedures for Meetings

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## Regular Meetings:

### Notice and Agenda Requirements

- Agenda must contain a brief general description of each item to be discussed or acted upon at the meeting.
  - Must contain brief general description of each action or discussion item
  - Opportunity for public comment
  - Items discussed in closed session must be included – safe harbor provisions
  - Availability of agenda reports & materials
  - Accessibility information

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## Meeting Agendas

- Regular Meetings
  - Posted at least 72 hours prior to the meeting in a location that is accessible to the public 24/7.
- Special Meetings
  - Posted/delivered 24 hours in advance of meeting
- Teleconferenced Meetings
  - Special notice, posting, and voting requirements
- Cancelled Meetings

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## Meeting Minutes

Official record of business transacted

- who, what, where and when

Action Minutes

- Brief summary of the item and a record of the legislative actions
- Does not include summary of discussion or debate.
- Public hearings – includes the names of individuals who spoke and their position.

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## Meeting Minutes (continued)

- Approval of Minutes:
  - Approved at regular meetings of the body and become the official record of its activities.
  - Members do not need to abstain if they didn't attend the meeting minutes.
- Corrections may be made in public meetings, with approval of the majority of the body.
  - Typos are not corrections.
- Documents/emails submitted before or during a meeting becomes part of the "official record"

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"Our goals can only be reached through the vehicle of a plan. There is no other route to success."

- Pablo Picasso

## Meeting Procedure

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## Basic Procedure for Meetings

- 1. Item Agendized.** The item is placed on the agenda.
  - A body's rules of procedure usually say how items get placed on the agenda;
  - The Brown Act open meetings laws forbid off-agenda items from being discussed and acted upon;
- 2. Item Called.** At the appropriate time on the agenda, the presiding officer takes up the item for discussion;
  - Disqualification by recusing
- 3. Presentation.** An agency staff member or other person presents an overview of the item, together with a recommendation to approve or deny the item;

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## Basic Procedure (continued)

**4. Questions.** Members of the decision-making body ask questions to the presenter;

**5. Public Comment**

- Public hearings
- Time limits

**6. Motion.** A member of the decision-making body makes a motion to approve, amend, or deny the item;

- Staff recommended motion
- Focus on the substance of the desired action

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## Basic Procedure Continued

**7. Second.** Another member of the decision-making body "seconds" the motion;

**8. Discussion.** Members of the decision-making body discuss the item;

**9. Vote.** The body votes; and

- Abstentions

**10. Announcement.** The chairperson or secretary announces the result of the vote.

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## Procedures for Meetings

### Rules of procedure

- to guide discussions and decision-making
- so that business can be handled in a smooth and fair manner
- that everyone understands

Rosenberg's Rules of Order



Rosenberg's Rules of Order  
AMERICAN LEGISLATIVE EDUCATION CENTER

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## Types of Motions

- **Basic Motion:** *"I move that we approve the Smith project as recommended in the staff report."*
- **Amendment to Motion:** *"I amend the motion to add the requirement that the applicant incorporate the design features recommended by the neighborhood group." (**change the basic motion**)*
- **Substitute Motion:** *"I move to make a substitute motion that we reject staff's recommendation and accept the developer's proposal as presented to us originally (**replace the basic or amended motion**)"*

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## Voting

- City ordinance requires a majority of the entire body.
- Voting options: yes, no, recuse, and abstain.
  - Recuse vs. Abstain
- If one member is absent, recuses or abstains, and the vote is tied 2-2, the motion fails.
- Simple majority vote, super-majority vote.
- Roll call vote, consensus voting.

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## Chairing Meetings

- Calls the meeting to order
- Manages public testimony
- Facilitates deliberations
- Maintains order
- Applies to the rules
- Draws out reason for a decision
- Addresses disruptions at meetings

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## Statement of Economic Interests Form 700

### Who must file – Conflict of Interest Code

- Art in Public Places Committee
- Board of Building Regulation Appeals (Limited)
- Board of Public Utilities
- Community Advisory Board
- Cultural Heritage Board
- Design Review Board
- Housing Authority
- Planning Commission (87200)

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## Statement of Economic Interests Form 700

### Disclosure Categories

- Limited Disclosure (BOBRA)
- Full Disclosure

### Where to file

- City Clerk's Office / NetFile

### When to file

- Assuming Office (30 days)
- Annual (April 1<sup>st</sup>)
- Leaving Office (30 days)

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## AB 1234 Ethics Training

AB 1234 requires that if a local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of a member of its **'legislative body'** (as that term is defined in California Government Code Section 54952), that local agency's officials must receive training in ethics.

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## AB 1234 Ethics Training

### Legislative Body

- A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body.

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## AB 1234 Ethics Training

### Training Requirements

- Two hours of training
- Within one year of assuming office
- Every two years thereafter

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## AB 1234 Ethics Training

### Training Resources

- In-person – ILG/City of Santa Rosa
- Online - <http://localethics.fppc.ca.gov/login.aspx>
- Self-study - <http://www.ca-ilg.org/post/ethics-training-self-study-and-online-options>

### File certificate with City Clerk's Office

- Public Record

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## SB 1343 Sexual Harassment Prevention

SB 1343 requires that an employee with five or more employees provide two hours of classroom or interactive training and education regarding sexual harassment (Government Code 12950.1)

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## SB 1343 Sexual Harassment Prevention

### Training Requirements

- Two hours of training
- Within six months of assuming office
- Every two years thereafter

### Training Resources

- Online – Department of Fair Employment and Housing is currently developing online training course.
  - File certificate with City Clerk's Office

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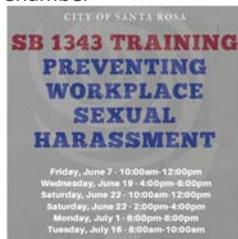
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## SB 1343 Sexual Harassment Prevention

- In-person – City of Santa Rosa – See Sign In Sheets at top of Chamber



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## Current Board Vacancies



### BICYCLE AND PEDESTRIAN ADVISORY BOARD

One (1) At-Large  
One (1) Disabled Community Representative



### BOARD OF BUILDING REGULATION APPEALS

Two (2) At-Large



### COMMUNITY ADVISORY BOARD

One (1) Northwest Area – Appointed by John Sawyer



### MEASURE "O" CITIZENS OVERSIGHT COMMITTEE

One (1) At-Large – Appointed by John Sawyer



### PERSONNEL BOARD

Three (3) At-Large  
Two (2) Labor Representative

[www.srcity.org/boards](http://www.srcity.org/boards)

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## Wrap Up



Email all your questions to [caoffice@srcity.org](mailto:caoffice@srcity.org).

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*Thank you!*

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