

County of San Mateo

Boards, Commissions and Committees Responsibilities Manual



**Prepared by:
The Board of Supervisors Office**



County of San Mateo

The San Mateo County Boards, Commissions, and Committees' mission is to advise governmental bodies in their decision-making process through direct citizen participation

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WELCOME *ONBOARD*

To begin, thank you for your interest in your community, your curiosity for finding out how you might serve San Mateo County and your perseverance to proceed through the application, interview and acceptance process.

To that end, this booklet has been compiled to help you learn some of the general things that will be expected of you and what your responsibilities will be on a board, committee or commission.





County of San Mateo

Basic Elements of Commission Membership

“You make a living by what you get, but you make a life by what you give.”

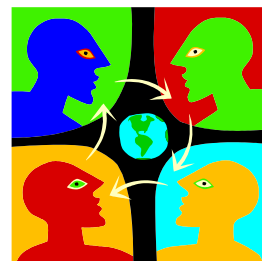
Winston Churchill

Volunteerism has been a way of life for the American people since the very beginning days of Puritan settlements. Records show that as early as 1620, residents dedicated time and consideration in unpaid service to town meetings. This dedication has continued through the years. It is a dedication that was expressed in 1808 by John Adams when he said, “Our obligations to our country never cease, but with our lives.”

*More contemporarily, it was stated by John Kennedy in his inauguration speech when he called upon the American people to “...ask not what your country can do for you, but what you can do for your country.” These words today continue to have significant meaning when we examine the role of boards, committees and commissions (referred to collectively as commissions) in local government. **A “primary purpose of commissions is to provide advice” that will aid governmental bodies in their decision-making process.** (SMH) Commissions “serve as a conduit for citizen input – a way of gathering, analyzing and recommending options” to the Board of Supervisors, “which has the final responsibility for making policy decisions.” (SC)*

There are four basic elements that are common to all commission members – ROCK:

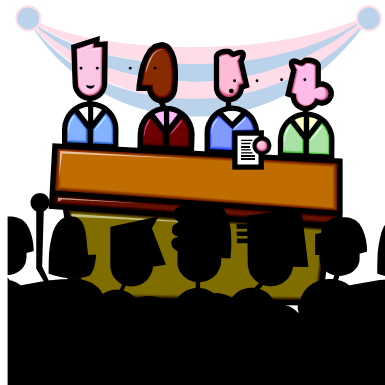
- **Role and Responsibility**
- **Overall Public Good**
- **Communication**
- **Knowledge**



ROLE AND RESPONSIBILITY

What does a commission member do?

- “Understand the function of the commission on which you have chosen to serve;” especially its authority, its work programs and its relationship to the Board of Supervisors, county staff and other commissions. (SMH) Regularly attend commission meetings and important related meetings. Realize that being a commission member is not an honorary assignment; but rather, an assignment of honor.
- “Demonstrate concern for the proper use of county assets (including personnel, time, property, equipment, funds) and follow established procedures” by acting fiscally responsible. (SC)
- Since progressive policies are needed, “exhibit proactive, innovative approaches to setting goals and conducting business” in order to forward San Mateo County’s services and its visioning agenda. (SC)
- Familiarize yourself with the [Brown Act](#) and the [Public Records Act](#). Commission meetings are, generally, open to the public. California law requires that public meetings follow the rules laid down in the Brown Act.



OVERALL PUBLIC GOOD

Who does a commission member represent?

- Governance at its best has protection of the public interest as its focal point. And, as a result, it must be a position that is service oriented.
- Public input should be sought, valued and taken into consideration when making any decision. Be “attuned to, and care about, the needs and issues of citizens.” (SC)
- As a commission member know that you represent your whole community, “not the exclusive point of view of a sole group or interest.” (SMH) Remember that your decisions need to be based on the consideration of overall public benefit.
- Because you represent the public, strive to be honest and open-minded. Familiarize yourself with the [Conflict of Interest Code](#). You may need to file a Statement of Economic Interests form with the state.



COMMUNICATION

How does a commission member accomplish the goal of being effective?

- Work on building relationships that promote consensus. “Establish a good working relationship with fellow commission members,” local elected officials and their staffs by acting in a cooperative manner with a spirit of tolerance and understanding. (SMH)

- “Keep all lines of communication open” and act as a liaison between the community and the government agency to which your commission is attached. (SMH) Convey the county’s care for and commitment to its citizens.



- “Engage in effective two-way communication, by listening carefully, asking questions, and determining appropriate responses that add value to conversations.” (SC) Understand and respect confidentiality issues.
- Have a working knowledge of [Roberts Rules of Order](#). Although not all meetings are entirely formal, it is a useful tool for making sure all communication has an opportunity to be aired.

KNOWLEDGE

Where does a commission member gather information?

- Be familiar with the “physical, social and economic make-up” of San Mateo County. Have “an active interest and involvement in the community.” (SC) Access the resource desk at your local library and locate county, regional and state websites.
- Come to know and appreciate your resources. Information and assistance can be received from commission staff, Board of Supervisor’s staff and liaisons, county and city departments and community organizations.
- Be aware of specific issues addressed by your commission, as well as far reaching ones that will impact all sectors of county programs and services. Be acquainted with the Board of Supervisors priorities and interests. The Board of Supervisors meetings are televised on local cable stations and agendas can be obtained through the County Manager’s office.
- “Do your homework” so that you can be prepared to discuss and act on matters scheduled for consideration. (SMH) Stay informed about commission matters and prepare for meetings by reading minutes and handouts, consider and ask clarifying questions, promote discussion and be prepared to make decisions. Become familiar with [San Mateo County’s Mission Statement](#) to help with the decision-making process.



“Always do right. This will gratify some people and astonish the rest.”

Mark Twain

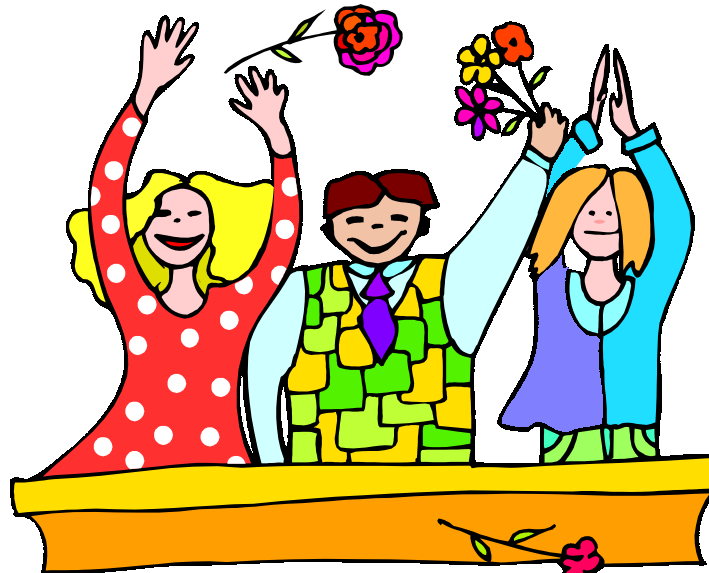
Role and Responsibility

Overall Public Good

Communication

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With these four common sense abilities, you can “**ROCK**” as a commission member. And in return, you will learn new skills, enhance your leadership capabilities, expand networks, and serve your community. The individuals who serve on San Mateo County boards, committees and commissions are among the most respected and appreciated volunteers in the community.





County of San Mateo

**What are
Boards and
Commissions?**

What are Boards and Commissions?

What are Boards and Commissions?

Boards and Commissions are organizations of knowledgeable local citizens that study a specific area of concern. Some committees are mandated by State statute, some are established by the County Charter, ordinance or resolution and some are established Joint Powers Agreements. These committees vary in legal status, some have advisory capacity, and some make legally binding decision.

Why are they important to the County?

Elected officials need to keep in touch with community concerns. Advisory committees are a repository of experience and wisdom to be utilized for enhancing public services. These committees receive community input, develop decisions, and refine action to be taken before advising an elected body on a specific item.

Why are they important to the citizens?

These committees anchor the public programs in grass roots. Service on a committee allows citizens to make a contribution to the community while expanding personal leadership skills.

How does one apply?

Press releases of openings are provided for local newspapers and a notice is posted on the public bulletin board at 400 County Center, Redwood City. Additionally, depending on the type of vacancies, notices will be sent to various community organizations. Interested applicants may either call or write for applications from the office of the Board of Supervisors.

What are the requirements?

Applicants shall be residents of San Mateo County (County Charter section 414).

Public members are appointed by the Board of Supervisors. These members may serve on only one Board or Commission to ensure broad-base participation. The only exception is a liaison-voting member between two Boards and Commissions. (Example: A Commission on Aging member serves as liaison on the Community Development Committee.)

Further requirements for specific committees are detailed under "Membership" or "Qualifications" in the press releases or in the Roster of Boards and Commissions.

Policy and Procedures

Statements Regarding Appointments to County Boards, Commissions and Advisory Committees

A. Application

This policy is adopted in conformity with the provisions of section 54970 et seq. of the Government Code and applies to all boards, commissions and advisory committees required by federal or state law, County Charter, ordinance or resolution, or as desired by the San Mateo County Board of Supervisors. If this policy is in conflict with any existing law or County ordinance, then such law or ordinance will supersede this policy.

B. Creation

All boards, commissions and advisory committees that are not otherwise provided for by law shall be created and officially charged through a resolution or ordinance adopted by the Board of Supervisors. (County Charter section 414)

C. Appointment Procedures

1. On or before January 31 of each year, the Clerk of the Board of Supervisors shall prepare a list of all regular and ongoing boards, commissions and committees which are appointed by the Board. This list shall contain the names of the incumbents thereon, the dates of their appointments, the dates their terms expire, together with the necessary qualifications for such positions. Such list shall be made available to members of the public for a reasonable fee. (Government Code 54972)
2. Applications for membership on County boards, commissions and advisory committees shall remain the confidential information of the Board of Supervisors. Names and addresses of applicants may be released to persons having a need for this information with the consent of the President of the Board of Supervisors.
3. Applicants are retained on file for 3 months.
4. Members of the Board of Supervisors may directly place names of individuals in the district for which the vacancy is being filled into nomination for appointments to the Civil Service Commission, Parks and Recreation Commission and Planning Commission.
5. A subcommittee of the Board of Supervisors, appointed by the President shall interview applicants for appointment(s). However, when more than 12 applicants are received for a particular position,

a paper screening of qualifications may ensue in order to provide the most qualified applicants to be interviewed.

6. Subcommittee members are generally selected on a rotational basis, unless a Supervisor has a particular interest in a Commission or indicates to the Clerk that he or she wishes to be a part of the subcommittee. However, the President has the discretion of making the final appointment.
7. The Board of Supervisors shall approve all appointments and re-appointments at a regular or special meeting of the Board.
8. Vacancies and re-appointments:
Vacancies:
 - a. Notification of pending appointment shall be sent to all County newspapers unless otherwise determined by the Board of Supervisors. A press release to newspapers need not be distributed when a sufficient number of applications of qualified candidates are already on file.
 - b. A notice shall be posted in the office of the Board of Supervisors within 20 days of the occurrence of an unscheduled vacancy. Final appointment shall not be made for at least 10 working days after the posting of the notice. (Government Code section 57974)
 - c. If, in the opinion of the Board of Supervisors, an emergency is found to exist, the unscheduled vacancy may be filled immediately. Persons so appointed to fill such a vacancy shall serve only on an acting basis pending final appointments. (Government Code section 57974)

Re-appointments:

- a. Upon expiration of the term of a member of a Board or Commission, the staff person for the commission shall notify the Clerk of the Board of Supervisors of the pending vacancy and if the incumbent is eligible for and wishes to be re-appointed.
- b. When a vacancy occurs in which the incumbent wishes re-appointment, the name of the incumbent is circulated to Board members. The normal interview process will take place only at the request of a Board member. If no Board member requests an interview,

a memo from the Clerk of the Board will be placed on the Board Supervisors agenda with a recommendation for re-appointment.

- c. Upon the expiration of the term of an eligible incumbent who represents a particular supervisorial district, the Clerk of the Board will consult the District Supervisor to determine whether the Supervisor wishes to recommend re-appointment of the individual.

D. Membership

1. Appointment members are required to be residents of San Mateo County. (County Charter section 414)
2. County employees will be permitted to serve, provided there is no conflict of interest.
3. Membership of any individual should be limited to service on one board, commission or advisory committee at any one time unless serving as a liaison between two boards or commissions.
4. The Board of Supervisors shall retain discretion to rescind an appointment.
5. All individuals shall serve without compensation, unless otherwise specified by law or by action of the Board of Supervisors.

E. Terms

1. Unless specific exception is made by the Board of Supervisors or state law, no appointed member of a board, commission, committee or advisory body may be appointed to serve more than three complete terms.
2. Members of boards and commissions whose terms have expired may continue to serve until they are re-appointed or the Board of Supervisors appoints a replacement.

F. After the Board of Supervisors has acted:

1. The Boards and Commission Roster file is updated.
2. Individual members are notified of appointment or reappointment and expiration of term. One copy of the notification is sent to the contact person and one copy is placed in the central file.

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3. The board or commission staff person is also notified of the appointment through a copy of the appointment letter and application.

Types of Boards and Commissions

There are many county boards, commissions, advisory bodies and bodies on which citizens and board members serve.

Boards and commissions are created in a variety of different ways. The requirements that apply to any particular board or commission may depend on whether the body was created by county ordinance, resolution, charter, or by state or federal laws which may or may not specify the terms for which the members serve.

The list of boards and commissions changes as the county's needs change, and as state and federal laws change. The following list divides the **current** county boards and commissions into their sources of authority, and shows which were created by county action, and that were created by state or federal law. As to those that were created by state or federal law, the list also indicates whether the enabling legislation specifies a fixed term.

A. Boards and Commissions Established by County Action (Resolution, Ordinance, or Contract).

1. Commission on Aging
2. Agricultural Advisory Committee
3. Association of Bay Area Governments (ABAG) Executive Council
4. Board of Building Permit Appeals
5. City/County Association of Governments (CCAG)
6. Community Action Agency
7. Design Review Committee
8. Commission on Disabilities
9. Domestic Violence Council
10. Emergency MediCal Care Committee
11. Expo. Center Board of Directors
12. Health Commission

13. Joint Powers Financing Authority Board of Directors
14. Midcoast Municipal Advisory Council
15. MidPeninsula Access Corporation
16. North Fair Oaks Municipal Advisory Council
17. Parks and Recreation Commission
18. Peninsula Corridor Joint Powers Board
19. Pescadero Municipal Advisory Council
20. Planning Commission
21. Commission on the Status of Women
22. Youth Commission

B. Boards and Commissions Created by State or Federal Law With Fixed Terms.

23. Assessment Appeals Board-- 3 years, R&T §1623.
24. Bay Area Air Quality Management District-- 2 and 4 year terms, H&S §40222.
25. Developmental Disabilities Board, Area V-- 3 year terms, W&I §4575.
26. Colma Creek Flood Control District-- Board of Supervisors acts as Flood Control District Board of Directors.
27. Juvenile Justice Commission-- 4 year terms, W&I §225.
28. Law Library Board of Trustees-- Members appointed by board of supervisors serve 1 year terms. B&P §632.
29. LAFCO-- 4 year terms per Government Code §56344.
30. Mental Health Board-- 4 year terms, W&I §66504.
31. Metropolitan Transportation Commission-- 4 year terms, Govt. Code §66504.

- 32. Mosquito Abatement District Board-- 4 year terms, H&S §2245.
- 33. Peninsula Library System Advisory Board-- 2 year terms, Ed. Code §18749, which will be repealed upon implementation of §18870.
- 34. Retirement Board-- 3 year terms, Government Code §31520 et seq.
- 35. SamTrans-- 4 year terms, Public Utilities Code §103108.
- 36. Transportation Authority-- 2 year terms, Public Utilities Code §131241.
- 37. Children and Families First Commission

C. Boards and Commissions Created by State or Federal Law Without Fixed Terms.

- 38. Workforce Investment Board (WIB) 29 USC §1832
- 39. Bay Conservation and Development Commission-- Govt. Code §62222.
- 40. California ID System (CALRAN ID Board) -- PC §11112.4.
- 41. Drug and Alcohol Advisory Board.
- 42. Community Development Committee.
- 43. Home Program Review Committee.
- 44. In-home Supportive Services Advisory Committee.
- 45. Supplemental Law Enforcement Oversight Committee.
- 46. Treasury Oversight Committee.
- 47. Local TANF Planning Council. (W&I §18225).

D. Boards and Commissions with Specific and Unique Requirements.

- 48. The Civil Service Commission is created by County Charter, Art V, §504, which provides that Board of Supervisors may remove commissioners for cause, or without cause on a 4/5 vote.
- 49. The Hospital Board of Directors is created in part by the accreditation requirements of the Joint Commission on Hospital Accreditation, which will need to be reviewed to see if they address the terms of members.

50. The Criminal Justice Council is subject to membership requirements imposed by the California Council on Criminal Justice, which will need to be reviewed to see whether they address the members' terms.

Thomas F. Casey, III, County Counsel

By: Deborah Penny Bennett

RESOLUTION NO. _____62607_____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

RESOLUTION SPECIFYING STANDING RULES FOR COUNTY BOARDS, COMMISSIONS, AND ADVISORY COMMITTEES

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, the governance of the County of San Mateo depends on many boards, commissions, and advisory committees to conduct the public business and to comply with applicable statutory mandates, and

WHEREAS, as a matter of public interest, this Board of Supervisors deems it advisable to establish and clarify standing rules for those boards, commissions, and advisory committees, and the members of those bodies, which standing rules should be the same as those that apply to the Board of Supervisors,

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as follows:

1. Boards, commissions, and advisory committees which are responsible for conducting public business for the County of San Mateo are subject to all provisions of the Ralph M. Brown Act, California Government Code §54950 et seq., which Act mandates open meetings for local legislative bodies.
2. Boards, commissions, and advisory committees which are responsible for conducting public business for the County of San Mateo are subject to all applicable county policies regarding non-discrimination.
3. Boards, commissions, and advisory committees which are responsible for conducting public business for the County of San Mateo are required to comply with the disclosure requirements of the Political Reform Act of 1974, and must complete all necessary documents in connection therewith.
4. Members of boards, commissions, and advisory committees which are responsible for conducting public business for the County of San Mateo are subject to applicable California laws regarding conflicts of interests.

5. Members of boards, commissions, and advisory committees which are responsible for conducting public business for the County of San Mateo shall avoid impropriety and the appearance of impropriety, and shall not use their position to further their own pecuniary gain or for any other purpose not directly related to the governmental function which they have been appointed to perform.
6. The Board of Supervisors shall adopt a process for the appointment and selection of the members of county boards, commissions, and advisory bodies. The Board of Supervisors may in its sole discretion, choose to delegate the appointment and/or selection functions to another county officer, department, or employee.
7. Unless specific exception is made by the Board of Supervisors or state law, no appointed member of a board, commission, committee or advisory body may be appointed to serve more than three complete terms.
8. All board members, commissioners and members of advisory bodies serve at the pleasure of the Board of Supervisors unless their terms are specified by law.
9. On or before December 31 of each year, the clerk of the Board of Supervisors shall prepare an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the Board of Supervisors. This list shall be known as the Local Appointments List. The list shall contain the following information:
 - (a) A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position.
 - (b) A list of all boards, commissions, and committees whose members serve at the pleasure of the legislative body, and the necessary qualifications for each position.The Local Appointments List shall be made available to members of the public upon request. A copy of the Local Appointments List shall be mailed annually to each branch library within the County Library system.
10. In the event of an unscheduled vacancy in any board, commission, or committee for which the Board of Supervisors has the appointing power, whether due to resignation, death, termination, or other causes, a special vacancy notice shall be posted in the office of the clerk of the local agency and to each branch library within the County Library system, not earlier than 20 days before or not later than 20 days after

the vacancy occurs. Final appointment to the board, commission, or committee shall not be made by the legislative body for at least 10 working days after the posting of the notice in the clerk's office. If the Board of Supervisors finds that an emergency exists, it may fill the unscheduled vacancy immediately. However, in the event of an emergency appointment, the person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made pursuant to this resolution.

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County of San Mateo

Appendix A **Brown Act**

THE RALPH M. BROWN ACT

(Government Code Section 54950, et seq.)

General

The Brown Act embodies the philosophy that public agencies exist for the purpose of conducting public business, and the public has the right to know how its "collaborative decisions" are being made. It represents the determination of the balance that should be struck between access on the one hand, and the need for confidential candor on the other. There is a presumption in favor of access, with exceptions for confidentiality where there has been a demonstrated need. The exceptions are construed narrowly.

The Brown Act may be divided into six topics: to whom does the Act apply, what is a meeting, the agenda requirements, the public's rights, closed sessions, and consequences for violation.

1. Bodies covered by the Brown Act.

- A. Legislative bodies of local agencies, e.g., boards, commissions, councils and committees. Also applies to person who is elected as part of body who has not yet taken office.
- B. Does not apply to individual decision makers, e.g., department heads, legislative bodies acting in judicial capacity, bodies created by single decision maker.
- C. "Local agencies" include cities, counties, school districts, special districts, municipal corporations, etc. (There is a separate law for state agencies.) Factors used in assessing "localness" include geographical coverage, duties of the agency, existence of oversight, provisions concerning membership and appointment.
- D. "Legislative bodies" include governing bodies and their subsidiary bodies, e.g., boards, commissions, committees or other bodies of a local agency that are created by charter, ordinance, resolution or "formal action" of a legislative body. This applies regardless of "temporary v. permanent," and "advisory v. decision making."
- E. There is a specific exception for: "Non-standing" advisory committees that are composed of less than a quorum of the legislative body.

1. Standing committees are those whose meeting schedule is fixed by resolution or action of the body that created the committee.
2. If a legislative body designates less than a quorum of its members to meet with representatives from another body to exchange info, a separate body is not formed. However, if less than a quorum meets with another agency to perform a task, e.g., make a recommendation, a separate legislative body is formed.

F. The act covers private corporations created by legislative bodies for purpose of exercising authority, entities which receive funds from a local agency where the agency appoints one of its members to the board. Mere receipt of public funds by a nonprofit corporation does not subject a nonprofit corporation or other entity to the Brown Act.

2. What is a meeting?

A. Any congregation of **a majority** of the members of legislative body at the same time and place to hear, discuss or deliberate on any matter within its jurisdiction. Can include lunches, social gatherings, board retreats.

B. Exemptions for: 1) conferences open to the general public which involve issues of interest to the body, 2) other public meetings, 3) meetings of other bodies under same local agency, or 4) social or ceremonial occasions, **as long as a majority of the members do not discuss application of specific issues to the legislative body.**

C. **Serial meetings** are included within the Brown Act if they are **for the purpose of developing a concurrence as to action to be taken.**

1. Serial meeting is a series of communications (whether in person or by phone or other media), each of which individually involves less than a quorum, but which, taken as a whole, involve a majority of the board's members. Examples include meetings of board members' intermediaries, chain communications (a@b@c), and hub communications (a@b, a@c).

2. "Concurrence as to action to be taken" includes

substantive matters that are or are likely to be on board's agenda, but does not include purely housekeeping matters (e.g., times, dates and locations of upcoming meetings.)

D. Individual contacts between members of the public and board members are exempt from definition of meeting.

3. Notice and Agenda Requirements

A. Regular meetings are those whose time and place is set by ordinance, by-law or resolution.

1. At least 72 hours prior to meeting, must post agenda containing a brief general description (generally no longer than 20 words are required) of each action or discussion item to be considered, including items to be considered at closed sessions. Purpose is to notify members of public of items in which they may wish to participate.

2. Exceptions for three types of matters, each of which must be publicly announced before proceeding:

a. Emergency (requires majority vote).

b. Need for immediate action arising after publication of agenda (requires 2/3 of entire body, or if fewer than 2/3 remain, 100% of all remaining members).

c. Matter which has been posted for a previous meeting which is carried over for no more than five days.

3. Agenda must contain opportunity for public testimony.

May impose reasonable time limitations. Can't take action on matter raised for first time in "public comment" if item not on agenda.

B. Special meetings require 24 hours notice, no business may be considered except that for which meeting was called. May be held in closed session.

C. Emergency meetings (crippling disasters, strikes, public health and/or safety threats) may be called on 1 hr. notice, determined by majority of body. No closed session permitted.

D. Closed sessions require three types of notice-- agenda, pre-closed session announcement, and post-closed session report of action taken.

1. Statutes contain "safe harbor" format for agenda requirement.

2. Special statutory requirements re: exposure to potential litigation (may post or announce).

a. Facts and circumstances that might result in

litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs need not be disclosed.

- b. Facts and circumstances that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs shall be publicly stated on the agenda or announced.
 - c. The receipt of a claim pursuant to the Tort Claims Act or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection.
 - d. A statement made by a person in an open and public meeting threatening litigation must be stated on agenda or announced.
 - e. Special requirements when a statement threatening litigation made by a person outside an open and public meeting. No closed session in absence of record of the statement prior to the meeting.
 - f. No requirement for disclosure of written communications that are privileged and not subject to disclosure pursuant to the Public Records Act.
3. At end of closed session, must convene in open session and report on action taken, either orally or in writing. Specific statutory requirements as to form of report.
 4. Adjournments and continuances-- need not be separately posted if subsequent meeting is continued for no more than five days. However, notice of adjournment (continuance) must be posted.
 5. Location of meetings--must generally be within geographic boundaries of the body's jurisdiction, except for compliance with law or court order, to inspect real property, meetings of multi agency significance, nearest

available facility if body has none available, meeting with state or federal officials to discuss regulatory issues, nearby facility to discuss facility itself, visit legal counsel to reduce fees, schools may attend conferences on collective bargaining or interview potential employee from another district or interview public about superintendent.

6. Special procedures re: new or increased taxes or assessments.

4. Rights of the Public.

- A. Access generally means the right to be notified of items to be considered (agenda), to attend meetings of legislative bodies without identifying oneself, to record the meeting, to have access to documents distributed to members of the legislative body, not to pay for the agency's costs in complying with Brown Act, to be free from discrimination, to provide public comment.
- B. Legislative bodies may provide greater public access than required by Brown Act.

5. Permissible Closed Meetings.

Narrow construction, must have express authorization.

- A. Personnel exception.
 - 1. Applies to appointment, employment, evaluation, discipline or dismissal of public employee.
 - 2. Employee may request hearing be conducted in public only if purpose is to discuss specific instances of misconduct. Employee has right to 24 hours notice of misconduct.
 - 3. Employee does not include elected officials, independent contractors, member of legislative body.
 - 4. Must pertain to particular employee, not employees in general. No abstract discussions re: creation of new positions, unless workload discussion involves performance of a specific employee.
 - 5. May not be used to discuss salary.
- B. Pending litigation and attorney-client privilege.
 - 1. Based on attorney client privilege, but applies only to litigation.

2. Litigation includes any adjudicatory proceeding.
3. Litigation is "pending" when any of the following circumstances exist:
 - (a) Litigation, to which the local agency is a party, has been initiated formally.
 - (b) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.
4. "Existing facts and circumstances" are limited to the following:
 - (a) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff.
 - (b) Facts and circumstances, e.g., an accident, disaster, incident, or transaction that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs.
 - (c) The receipt of a claim pursuant to the Tort Claims Act or some other written communication from a potential plaintiff threatening litigation.
 - (d) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.
 - (e) A statement threatening litigation made by a person outside an open and public meeting on a specific matter.
5. Pending litigation exception also includes those cases where the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

- C. Real Estate Negotiation
 - D. Labor Negotiations
 - E. Public Security
6. Consequences of Violation.
- A. Criminal penalties-- misdemeanor where action taken in violation of the act.
 - B. Civil remedies--
 - 1. Injunction, mandamus, declaratory relief
 - 2. Action may be voided following notice to correct, which must be received within 90 days, and acted on within 30 days, lawsuit filed within 15 days.
 - C. Attorney fees
 - 1. Awarded against agency, not individual.



County of San Mateo

Appendix B Public Records Act

Public Records Act

The Public Records Act mandates that:

“Public Records are open to inspection at all times during the office hours of a State or local agency and every citizen has the right to inspect any public record, except as hereafter provided.”

This is the heart of the Public Records Act. There are exceptions, and all fall within one of these four categories:

Specific qualified exceptions (exemption must be demonstrated). Examples include:

- Internal, short-lived paperwork such as preliminary drafts, notes and memos not retained as the normal course of business by the agency.
- Pending litigation material
- Personal privacy data, such as personnel, medical or similar files.

Specific categorical exceptions

Certain kinds of material are categorically exempt from disclosure requirements of the Public Records Act that the agency may withhold without further demonstration. The example most relevant to government is testing and scoring keys from employment material.

Disclosures otherwise prohibited or discretionary

Other statutes prohibit release of certain privileged information, or give the agency discretion whether to disclose. Confidentiality statutes protect, for example:

- Adoption records
- Certain prison records
- Peace officer personnel records
- Mental health records
- Welfare records
- Death in custody reports
- Real property change-in-ownership statements
- Certain workers' compensation awards and information.

Disclosures against the public interest

Recognizing that it could not anticipate all the possible situations in which the release of a particular record to the public might cause serious harm to an interest which government is obligated to protect, the legislature made a provision to be invoked where such harm is foreseen but no applicable special exception to the disclosure rule exists. In applying the “balancing test,” the public agency is authorized to withhold by showing that in a particular case, the public

interest served by not releasing the record clearly outweighs that interest served by disclosure.

For further detail, the full text of the Public Records Act, or advice on application in a particular instance, contact your legal department.

From "The Media Survival Pocketbook," by Marty Boyer



County of San Mateo

Appendix C Conflict of Interest

Conflict of Interest

Conditions of Conflict

1. The individual makes, participates in or uses his or her official position to influence a governmental decision;
2. It is foreseeable that the decision will affect the individual's economic interest;
3. The effect of the decision on the individual's economic interest is material'
4. The effect of the decision on the individual's economic interest is distinguishable from the effect on the general public.

All four conditions must be met for a conflict. A material effect is considered to have occurred when the decision accrues over \$250 or the individuals personal income or assets, or the personal income or assets of their spouse or dependent children. This is regardless of the effect being positive or negative.

Incompatible Activities and Offices

State Law provides statutory provisions against any officer or employee of a local agency from engaging in employment or any other activity which is in conflict with his or her public duties. An officer or employee must be notified by the public agency that his or her activities constitute a conflict of interest *before* the state law prohibitions are applied.

A public officer must also be aware of the doctrine of incompatibility. This issue arises when a public official holds two public offices simultaneously and a potential conflict or overlap in the functions or responsibilities of the two offices may be present. The central question is whether there exists a clash of duties or loyalties between the offices. If one office exercises a supervisory, auditory, appointive or removal power over the other then it may be improper for one person to continue to hold both offices.



County of San Mateo

Appendix D

Robert Rules of Order

Introduction to Robert's Rules of Order

What Is Parliamentary Procedure?

It is a set of rules for conduct at meetings that allows everyone to be heard and to make decisions without confusion.

Why is Parliamentary Procedure Important?

Because it's a time tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. Today, Robert's Rules of Order newly revised is the basic handbook of operation for most clubs, organizations and other groups. So it's important that everyone know these basic rules!

Organizations using parliamentary procedure usually follow a fixed order of business. Below is a typical example:

1. Call to order.
2. Roll call of members present.
3. Reading of minutes of last meeting.
4. Officers reports.
5. Committee reports.
6. Special orders --- Important business previously designated for consideration at this meeting.
7. Unfinished business.
8. New business.
9. Announcements.
10. Adjournment.

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership take action or a stand on an issue. Individual members can:

1. Call to order.
2. Second motions.
3. Debate motions.
4. Vote on motions.

There are four Basic Types of Motions:

1. *Main Motions*: The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.
2. *Subsidiary Motions*: Their purpose is to change or affect how a main motion is handled, and is voted on before a main motion.

3. *Privileged Motions*: Their purpose is to bring up items that are urgent about special or important matters unrelated to pending business.
4. *Incidental Motions*: Their purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.

How are Motions Presented?

1. Obtaining the floor
 - a. Wait until the last speaker has finished.
 - b. Rise and address the Chairman by saying, "Mr. Chairman, or Mr. President."
 - c. Wait until the Chairman recognizes you.
2. Make Your Motion
 - a. Speak in a clear and concise manner.
 - b. Always state a motion affirmatively. Say, "I move that we ..." rather than, "I move that we do not ...".
 - c. Avoid personalities and stay on your subject.
3. Wait for Someone to Second Your Motion
4. Another member will second your motion or the Chairman will call for a second.
5. If there is no second to your motion it is lost.
6. The Chairman States Your Motion
 - a. The Chairman will say, "it has been moved and seconded that we ..." Thus placing your motion before the membership for consideration and action.
 - b. The membership then either debates your motion, or may move directly to a vote.
 - c. Once your motion is presented to the membership by the chairman it becomes "assembly property", and cannot be changed by you without the consent of the members.
7. Expanding on Your Motion
 - a. The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
 - b. The mover is always allowed to speak first.
 - c. All comments and debate must be directed to the chairman.

- d. Keep to the time limit for speaking that has been established.
 - e. The mover may speak again only after other speakers are finished, unless called upon by the Chairman.
8. Putting the Question to the Membership
- a. The Chairman asks, "Are you ready to vote on the question?"
 - b. If there is no more discussion, a vote is taken.
 - c. On a motion to move the previous question may be adapted.

How are Motions voted on?

The method of vote on any motion depends on the situation and the by-laws of policy of your organization. There are five methods used to vote by most organizations, they are:

1. *By Voice* -- The Chairman asks those in favor to say, "aye", those opposed to say "no". Any member may move for a exact count.
2. *By Roll Call* -- Each member answers "yes" or "no" as his name is called. This method is used when a record of each person's vote is required.
3. *By General Consent* -- When a motion is not likely to be opposed, the Chairman says, "if there is no objection ..." The membership shows agreement by their silence, however if one member says, "I object," the item must be put to a vote.
4. *By Division* -- This is a slight verification of a voice vote. It does not require a count unless the chairman so desires. Members raise their hands or stand.
5. *By Ballot* -- Members write their vote on a slip of paper, this method is used when secrecy is desired.

There are two other motions that are commonly used that relate to voting.

1. *Motion to Table* -- This motion is often used in the attempt to "kill" a motion. The option is always present, however, to "take from the table", for reconsideration by the membership.
2. *Motion to Postpone Indefinitely* -- This is often used as a means of parliamentary strategy and allows opponents of motion to test their strength without an actual vote being taken. Also, debate is once again open on the main motion.

Parliamentary Procedure is the best way to get things done at your meetings. But, it will only work if you use it properly.

1. Allow motions that are in order.
2. Have members obtain the floor properly.
3. Speak clearly and concisely.
4. Obey the rules of debate.
5. Most importantly, *BE COURTEOUS*.



County of San Mateo

Appendix E

San Mateo County

Mission Statement

San Mateo County Mission Statement

The purpose of the county Government is to protect and enhance the health, safety, welfare and natural resources of the community.

We provide quality services that benefit and enrich the lives of the people of this community.

We are committed to:

- The highest standards of public service.
- A common vision of responsiveness.
- The highest standards of ethical conduct.
- Accessible service for those in need.
- Treating people with respect and dignity.



County of San Mateo

Appendix F Resource Information

Resource Information

1. Your primary source of information is the contact person and/or staff person for your Board, Commission or Advisory Committee.

2. Other Resources

- San Mateo County Web Pages: www.co.sanmateo.ca.us

For information on the Visioning Project, go to: Board of Supervisors and click on Visioning Project.

For information on the Citizens Academy, go to: Board of Supervisors and click on Citizens Academy.

For information on the offices of the County Counsel, go to: County Government, click on County Departments and then on County Counsel. Or, contact their offices by phone at 650/363-4250.

- Peninsula Conflict Resolution Center Web Pages: www.pcrcweb.org

See information on Facilitation, Mediation and Civic Engagement. Or, contact their offices by phone at 650/373-3490.

- Roberts Rules of Order Web Pages: www.robertsrules.com

Or, locate books on the subject at your local bookstore or library.

Credits

In compiling this manual for Boards and Commissions in San Mateo County, we would like to gratefully acknowledge the following sources:

The City of San Mateo Boards and Commissions Handbook (SMH)

“Overview of Roles and Responsibilities of Corporate Board of Directors,” by Carter McNamara, PhD, www.mapnp.org/library/boards/brdrspon.htm

The City of Santa Clara website, www.cho.ci.santa-clara.ca.us (SC)

Board Match Plus + website, www.boardmatchplus.org

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