MEETING DATE: Thursday, May 23, 2013

AGENDA ITEM #: 8

ITEM: ITEMS OF INTEREST TO THE COMMISSION AND ANNOUNCEMENTS

RECOMMENDED ACTION:

Commissioners or Library staff may make announcements regarding the Library Commission and Library or Friends group activities of interest to other Library Commission members.
2013 Annual Training
for Advisory Bodies to the Board of Supervisors
sponsored by:
County Administrator’s Office/Clerk of the Board
Tiffany Lennear, Chief Assistant Clerk of the Board

Tuesday, April 30, 2013
5:00 p.m. – 6:30 p.m.
Board of Supervisors Chambers, Room 107
651 Pine Street, Martinez

Agenda

1. Welcome by Supervisor Federal D. Glover and Introductions

2. Training Requirements & Opportunities (Tiffany)

3. Review of Advisory Body Handbook (Vicky)

4. Scope of Authority of Advisory Bodies (Vicky)

5. Brown Act Requirements and the County’s Better Government Ordinance (Vicky)
   A. Brown Act Training Video
   B. 30 Day Communications File

6. Managing the Advisory Body Roster: Vacancies, Recruitment, and Appointments (Vicky)


8. Conflicts of Interest (Tiffany)
   A. Conflict of Interest Codes
   B. Form 700s
   C. Biennial Notices

9. Questions and Answers, Training Evaluation (All)

The Clerk of the Board will provide reasonable accommodations for persons with disabilities planning to attend the meeting. Please contact the office at least 48 hours before the meeting, at (925) 335-1900. An assistive listening device is available from the Clerk, Room 106.
2013 Annual Training
for Advisory Bodies to the
Contra Costa County
Board of Supervisors

Presented by:
Tiffany Lennear, Chief Assistant Clerk of the Board
Vicky Mead, Sr. Management Analyst
April 30, 2013

Training
Requirements
& Opportunities

1. Brown Act and BGO
2. Ethics for Local Officials

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

- The Training Certification Form is Appendix 8. This
  certification form must be completed, signed, and
  returned to the Committee staff or contact person.

- The two training programs are available for viewing
  at the County’s website and on local access, CCTV.

- County website: www.co.contra-costas.ca.us. (See directory on
  left; then choose the link to the “Board of Supervisors” page.)
Broadcast Schedule

The "Brown Act" program is shown twice a week on CCTV:

  every first and third Saturday at 3:00 p.m.

  every first and third Monday at 6:00 p.m.

Broadcast Schedule, cont'd

The "Ethics Orientation" program is shown on CCTV:

  Every second and fourth Saturday at 3:00 p.m.

  Every second and fourth Monday at 6:00 p.m.

Broadcast Schedule cont'd

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

  first and third Wednesday at 5:00 pm.
Finding CCTV

- 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.

AB 1234 Ethics Training

- Assembly Bill (AB) 1234 requires that local officials who receive compensation, salary, stipends, or expense reimbursements must receive training in public service ethics laws and principles every two years.

- The requirement applies to the governing body, as well as 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/

**Advisory Body Handbook**

Now Available at:
www.co.contra-cost.ca.us
(under the Board of Supervisors' page)

Advisory Body Handbook

I. Introduction
II. Mission and Scope of Authority of Advisory Bodies
III. Roles 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 such as public noticing of meetings
   - Roster Maintenance
   - Filing Vacancies
   - Handling Expenses (if authorized)
   - Public Records Request
   - Bylaws
VI. MACs
Appendices
2. Current Board of Supervisors’ Resolutions on Appointment Procedures and Responsibilities of Advisory Bodies
3. Municipal Advisory Committee (MAC) Policies
4. Brown Act Requirements for Persons with Disabilities
5. Board of Supervisors Resolution Concerning Conflict of Interest and Open Meetings
6. FPPC’s “Can I Vote” pamphlet (cmte business)
7. Advisory Body Application

Appendices (cont.)
8. Training Certification Form
9. Sample Press Release, Vacancy Board Order, and Appointment Board Order
10. County Website Information on Appointments
11. Bylaws Sample
12. List of Bodies Required to Post Agendas
13. Board Order on limits of legislative advocacy (see Appendix 13 of Advisory Body Handbook)
14. Example of Annual Report Format

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
Important Information

- **Brown Act Training Video**: 2012 ed. now available on County website (replaces earlier ed.).

- **30 Day Communications File**: All advisory bodies with County staff support that are subject to the BGO must keep a file that contains all letters, memos, and all other correspondence or documents sent to a majority of the body. Each document must be kept for at least 30 days.
  > If someone asks to see the file, you must make it available.
  > Do not include privileged communications; may exclude non-targeted communications such as magazine, ads.
  > Provide name of person responsible for the file to the Clerk of the Board, if other than committee contact.

Managing Your Roster:

Vacancies, Recruitment, Appointments

Board Resolutions Governing the Appointment Process

- **Res. 2011-497**: is the Governing Policy for bodies that are **advisory** to the Board of Supervisors.

- **Res. 2011-498**: is the Governing Policy for bodies that are **independent** from the Board of Supervisors, including Special Districts, Joint Powers Authorities, and other separate entities.

- **These resolutions describe the appointment process** for each type of committee. Complete details are in the Advisory Body Handbook (online) for easy reference. Each resolution includes a list of the bodies that are administered under its provisions.
Types of Appointments (Seats)

- **Seat Types:**
  - **Type I Seat: Supervisory District**
    Nominations are made by a District Supervisor for a specific seat (ex: District I seat), then sent to the Board of Supervisors for consideration.
  - **Type II Seat: At Large/Countywide**
    Nominations are made by a standing committee of the Board of Supervisors; then sent to the Board of Supervisors for final consideration.

Routing of Applications

- The application form for all seats is available on the BOS web page, and in the Advisory Body Handbook.

- **Type I Seats (Supervisory Appointments):**
  Applications may be delivered to your District Supervisor or Clerk of the Board. If the application is delivered to the District Supervisor's office, the application should be copied and the original should be delivered to the Clerk of the Board's office.
  *An electronic copy may also be forwarded.

Routing of Applications, cont'd

- **Type II Seats (County-wide or At-Large):**
  Applications should be delivered to the Clerk of the Board's office.

- **Advisory Body:**
  The advisor selects applicants to the committee's staff on the basis of the Board's criteria. Nominations are made by a standing committee of the Board of Supervisors; then sent to the Board of Supervisors for final consideration.

- **Independent Board:**
  Nominations are made by the Board of Supervisors; then sent to the Clerk of the Board's office. The nominator selects applicants to the committee's staff on the basis of the Board's criteria. Nominations are made by a standing committee of the Board of Supervisors; then sent to the Board of Supervisors for final consideration.

- **Please refer to the Advisory Body Handbook, posted online, for complete details.**
**Difference between a Scheduled and Unscheduled Vacancy**

- **A Scheduled Vacancy** – is a regularly scheduled expiration of the seat term on an advisory body and is included in the Local Appointments List, located at: [http://www.co.costa-

- This type of vacancy does not require noticing. However, advisory bodies, district staff, or standing committees staff may choose to advertise the vacancy to increase outreach, which is strongly encouraged.

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

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**Scheduled Vacancies**

- Advertisements for this type of vacancy are optional, because such regularly scheduled vacancies are published annually on the "Local Appointments List." The list is located on the County website.

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**Difference between a Scheduled and Unscheduled Vacancy (cont.)**

- **An Unscheduled Vacancy** – occurs when an appointee leaves his/her seat before the term expires – for any reason.

- An Unscheduled vacancy, including resignations and all other causes, should be reported to the Clerk of the Board of Supervisors as soon as possible so the vacancy can be properly announced.
Procedures for unscheduled vacancies:

- **Type I:** When an unscheduled vacancy occurs in a seat which is nominated by a District Supervisor, the advisory body staff or Chair should immediately inform (1) the District Supervisor and (2) the Clerk of the Board.

- **Type II:** When an unscheduled vacancy occurs in a Countywide or At-Large seat, the advisory body staff should immediately inform (1) the County Administrator's contact for the applicable Board standing committee and (2) the Clerk of the Board office.

**Notice as above should occur within 20 days after an unscheduled vacancy occurs.**

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**Unscheduled vacancies, cont'd**

- After notice is received, CAO will initiate action by the Board of Supervisors to announce the vacancy (may take 1–3 wks.)
- Announcement of the vacancy leads to the application and appointment procedures previously discussed.
- A vacancy cannot be filled until 10 business days after the Clerk of the Board posts the vacancy announcement (excludes holidays).
After an Appointment is Made by the Board of Supervisors

- Every appointment is recorded in the Board of Supervisors' records of official appointments that is kept at the Clerk of the Board's office and available online. Notify COB as soon as possible of any discrepancies in the online presentation of Committee information; please review it often.

- If an Oath of Office is required, you must obtain an oath of office form from the Clerk of the Board. The oath appearing on the form must be affirmed and notarized and mailed to the Clerk of the Board's office, or signed in front of a deputy clerk 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://coba.ipmprod.net/maddybook/ 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-cost.ca.us/index.aspx?tid=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 Rock website, immediately report them to the Clerk of the Board.

For Additional Information on the Appointment Process

Please call: Vicky Mead at 925-335-1907 or the Clerk of the Board’s at 925-335-1900.

Advisory Body Administration:

Agendas, Meeting Conduct, Quorums, Annual Reports, Sunset Review Process
**Agenda Requirements**

- Publish at least 90 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.

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.
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 June 2013.
* CONFLICT-OF-INTEREST CODE
* FORM 700
* BIENNIAL NOTICE

Regulations and requirements all advisory body members must know.
Contra Costa County
2013 Advisory Body Training

CONFLICT-OF-INTEREST CODE

Contra Costa County
2013 Advisory Body Training

What is a Conflict-of-Interest Code?

The Political Reform Act requires public agencies (i.e., bodies, boards, and commissions) to adopt a conflict-of-interest code (code) to disclose any investments, interests in real property, sources of income, and business positions that designate engage the public to avoid bias 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 describes how to report financial interest and disqualification procedures.
- FPPC Regulation 25730 identifies the type of information required in the main body of the code.

Component 2: Designated Positions

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

- The Contra Costa County Board of Supervisors is the code review 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 a manner sufficient to be understood by the public. This public identification must be made part of the official public record (i.e., the minutes).

State each type of economic interest (i.e., investment, business position, ownership, property, personal financial interest, or the receipt or receipt 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 completed, 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).

What does the conflict-of-interest code mean to me?

- I should know if my agency board, commission or committee has a conflict-of-interest code.
- I should know if my position is included in the code's list of designated positions.
- If my position is included in the code's list of designated position, I am required to file form 700.

...
FORM 700: STATEMENT OF ECONOMIC INTERESTS

Contra Costa County
2013 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 requires information about sources of income, investments, business/positions, real property holdings and gifts.
- Its purpose is to help identify potential conflicts of interest situations that may exist in performing the responsibilities of the public official.

California Form 700 (2011/2012) Cover Page
Why Should I Understand the Form 700?

- You should read and understand your agency's specific conflict-of-interest code. While not all positions require 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 more than one public position or positions, or if you have moved to another agency, 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 you were newly appointed to a position or employed in a job covered by a conflict-of-interest code.
- Each year on or before the date on which you leave the position or positions at the public body where you serve or work.
- Within 30 calendar days of the date on which you leave the job(s) or appointed public body, bodies and are no longer required to file Form 700.

To File a Form 700:

- Each year you will receive a new Form 700 from 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 the last day to be filed on time; however, it may be amended at any time during the year if your economic situation changes.
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: Verifications

Part 1: Office, Agency or Court

Part 2: Jurisdiction of Office
Part 3: Type of Statement

1. Type of 0 Statement: Amount or Time

- Amount: The period covered is January 1, 2013, through December 31, 2013.
- Time: The period covered is January 1, 2013, through December 31, 2013.

2. Frequency: Monthly

- Monthly (one month)

3. Period: January 2013

Part 4: Schedule Summary

1. Schedule Summary

- Schedule A: Statement
- Schedule B: Other Information

2. Schedule C: Other Information

Part 5: Verification

1. Verification

- Name: [Insert Name]
- Date: [Insert Date]
- Signature: [Insert Signature]
Verifying Your Information

- Each time you file or amend Form 700, you will need to sign the form before you file it.
- Your signature means that you approve the truth of the information you reported.
- You may contact the Fair Political Practices Commission (FPPOC) for an copy and personal assistance with your questions.

Failure to File/Late Filings

- Any person who fails to file a Statement of Economic Interests (Form 700) after the deadline imposed by the Political Reform Act is liable for a late filing fee, as determined by Government Code Section 81013. Failure to pay the penalty will result in fines issued to any person in the amount of $100.

BIENNIAL NOTICE

Contra Costa County
2013 Advisory Body Training
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 review body for County Agencies and any other local government body whose function is solely within the county.
- By October 1 of every other year (biennially), each local government agency is required to submit a notice, indicating whether or not an amendment to their agency’s conflict-of-interest code is required. **Next year the due date is 10/1/2014**.

Sample Local Agency Biennial Notice Form

What if an amendment is required?

- If amendments to the 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 the earliest of October 1st, or
- An agency’s amended code is effective until it has been approved by the Board of Supervisors.
Example of Tracked Changes

Contact Information for Questions
Regarding the...

Key Points to Remember...

- With few exceptions, advisory bodies serve solely at the
  pleasure of the Board of Supervisors.
- The 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 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:

Vicky Mead (925) 335-1900