CONTRA COSTA COUNTY LIBRARY COMMISSION
AGENDA ATTACHMENT 6

MEETING DATE: Thursday, May 22, 2014
AGENDA ITEM #: 12 A

ITEM:  BROWN ACT & BETTER GOVERNANCE ORDINANCE ADVISORY BODY TRAINING

RECOMMENDED ACTION:
None
2014 Annual Training
for Advisory Bodies to the Board of Supervisors
sponsored by:
County Administrator’s Office
Office of the Clerk of the Board
David Twa, County Administrator

Thursday, May 1, 2014
5:00 p.m. – 6:30 p.m.
Board of Supervisors (Room 107)
651 Pine Street, Martinez

Agenda

1. Welcome by Supervisor Karen Mitchoff; introduction of presenters:
   Theresa Speiker, Chief Assistant County Administrator;
   Mary Ann Mason, Assistant County Counsel
   Vicky Mead, Senior Management Analyst.

2. Training Requirements & Opportunities
   (T. Speiker)

   (V. Mead)

4. Legal requirements for recording committee actions
   (M. Mason)

5. Scope of Authority of Advisory Bodies
   (V. Mead)

   (V. Mead)
   A. Brown Act Training Video
   B. 30 Day Communications File
   C. Better Government Ordinance accessibility to materials

7. Managing the Advisory Body Roster: Vacancies, Recruitment, and Appointments
   (V. Mead)

8. Advisory Body Administration: Agendas, Minutes, Annual Reports, Sunset Review Process
   (V. Mead)

9. Conflicts of Interest
   (T. Speiker)
   A. Conflict of Interest Codes
   B. Forms 700 - Financial Disclosure Forms
   C. Biennial Notices

10. Key Points to Remember; Questions & Answers
    (All)

11. Adjourn.
2014 Annual Training
for Advisory Bodies to the
Contra Costa County
Board of Supervisors

Presented by:
Terry Spelker, Chief Assistant County Administrator
Mary Ann Mason, Assistant County Counsel
Vicky Mead, Sr. Management Analyst

May 1, 2014

1. Brown Act and BGO
2. Ethics for Local Officials
   - Within 3 months of appointment, all advisory
     body appointees and staff must view and
     certify they have viewed both training
     programs:
     - "The Brown Act and the Better
       Government Ordinance"
     - "Ethics Orientation for County Officials."
   - Available at County website:
     www.co.contra-costas.ca.us

I. Welcome and Introduction

Hon. Karen Mitchoff
Chair, Contra Costa County
Board of Supervisors

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.

II. Training
Requirements & Opportunities

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.

Some Committees Required to Take AB 1234 Ethics Training (each committee to review status)

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

AB 1234 Ethics Training

- Assembly Bill (AB) 1234 requires that local officials who receive compensation, salary, stipends, or expenses, 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.

III. **Advisory Body Handbook**

Now Available at: www.co.contra-costa.ca.us

(under the Board of Supervisors' page)
Advisory Body Handbook

I. Introduction

II. Mission and Scope of Authority of Advisory Bodies

III. Role and Responsibilities of Appointees
   ✓ What does an advisory body member do?
   ✓ What do the Chair, Vice Chair, and Secretary do?

Advisory Body Handbook (cont’d)

✓ Are there legal requirements I should know about?
✓ How do members avoid conflicts of interest?
✓ Training Requirements

IV. Communication and Collaboration

V. Policies affecting Municipal Advisory Committees (MACs)

Appendices


2. Current Board Of Supervisors' Resolutions on Appointment procedures and Responsibilities of Advisory Bodies

3. Municipal Advisory Committee (MAC) Policies

4. Advisory Body Sunset Review: Triennial Review

5. Board of Supervisors Resolution concerning Conflict of Interest and Open Meetings

Appendices (cont.)

6. FPPC's "Can I Vote" pamphlet (for business)

7. Advisory Body Application

8. Sample Press Release, Vacancy Board Order, and Appointment Board Order

9. County Websites, with links to information

10. Bylaws sample

11. List of Bodies Required to Post Agendas

12. Board Order on limits of legislative advocacy

13. Example of Annual Report format

New News for 2014

a. County budget 2014-15 is expected to include $3,000 per annum for Municipal Advisory Committees:
   - Supervisors’ District Offices will administer the funds;
   - Independent contracting is not authorized;
   - Expenditures must be approved by District Supervisor’s Office;
   - Expenditures must fall within certain categories (BCS C.61, 1/14/2014);
   - Accounting of funds must be included in Annual Report to BOS.


   a. New California legal requirement for recording specific votes by committee members (presented by Mary Ann Mason, Assistant County Counsel).
IV. Recording votes (new)

"The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action."

(Government Code Sec. 54953(c)(2))

Recording votes (2)

1. For each vote on an agenda item, the minutes or record of actions must state how each individual board or committee member voted.

V. 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 local or other obligations on behalf of the County.
- Each advisory body's governing resolution specifies the body's scope of authority, and generally describes the expected range of activities. Each advisory body must adhere to that scope of authority.
- Please familiarize yourself with your advisory body's governing resolution and adopted Bylaws, and abide by these committee policies.

Recording votes (3)

2. Use the following format:
   AYES: (list names of member voting 'aye')
   NOES: (list names of members voting 'no')
   ABSENT: (list names of members absent)
   ABSTAIN: (list names of members who abstained)

Limits on Authority – activities not permitted

- Bank Accounts
- Expenditures of funds (except MAC expenditures only with approval of District Supervisors)
- Contracting for goods or services
- Setting and/or waiving of County fees
- Personnel actions
- Closed session meetings
- Legislative or public advocacy of any kind
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. The only exception is when a state or federally mandated advisory body has followed the specified protocol.
- As individuals, advisory body members may communicate their opinions and advocate for legislation, but may not speak for the committee.

Managing Your Roster:

Vacancies, Recruitment, Appointments

VI. Brown Act Requirements & The County's Better Government Ordinance

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 legally 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.

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 memos, etc.
  - Provide name of person responsible for the file to the Clerk of the Board, if other than committees contact.

Types of Appointments (Seats)

- Seat Types:
  - Type I Seat: Supervisorial District
    - Nominations are made by a District Supervisor for a specific seat (ex: District 1 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. Please use the official form.

- **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 bodies: CBO will forward all applications to the committee's staff contact or liaison for review. When applications are complete, advisory body staff should prepare a memo to the County Administrator's Office asking that consideration of the applications be scheduled by the appropriate board of supervisory committee or the Board of Supervisors. (Note: the BOS staff is authorized to receive applications before the Board of Supervisors Review.) CBO may also submit the recommendation for the appointment.

- Independent bodies: CBO will route the applications to the staff contact or liaison for the independent body. If applications are received directly from independent body members, the CBO should send the application to County Administrator's Office with a recommendation for the appointment. The application is then scheduled by CBO for consideration by the Board of Supervisors.

- Please refer to the Advisory Body Handbook, posted online, for complete details.

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 should be reported to the Clerk of the Board of Supervisors as soon as possible. In addition, a Board Order must be prepared and submitted because the BOS is required to announce the vacancy.

Difference between a Scheduled and Unscheduled Vacancy

- A Scheduled Vacancy is a regularly scheduled expiration of a seat term on an advisory body, and is included in the Local Appointments List, located on the BOS web page. This type of vacancy does not require noticing. However, advisory bodies, district staff, or standing committee staff may choose to advertise the vacancy to increase outreach, which is strongly encouraged.

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

Procedures for unscheduled vacancies:

- **Type I:** When an unscheduled vacancy occurs in a seat which is nominated by a District Supervisor:
  - the County staff or Clerk 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 County staff should immediately inform (1) the County Administrator's Office for the appropriate body (standing committee) (2) the Clerk of the Board.

- **Notice:** The person appointed to fill the vacancy should be notified within 30 days of the vacancy occurring.

- Notification of unscheduled vacancies should be distributed as above within 30 days after an unscheduled vacancy occurs.
Unscheduled vacancies, cont’d

- A vacancy cannot be filled until 10 business days after the Clerk of the Board posts the vacancy announcement (excludes holidays).
- After notice of the vacancy is received, CAO will initiate action by the Board of Supervisors to announce an unscheduled vacancy through a Board Order (may take 2-4 wks.).
- Announcement of the vacancy leads to the application and appointment procedures previously discussed.

The "Maddy Book"

- The Maddy Book is what we call the collection of information (originally in a handbook) that the County is required to produce and maintain in connection with its citizens’ advisory bodies.
- In order to access Maddy Book (committee) information, you should navigate to the County website, then to the webpage for "Advisory bodies and Committees."
- (There is additional info on the BOS page.)

Special Notes

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

Unscheduled Vacancies

After an Appointment is Made by the Board of Supervisors

- Every appointment is recorded by the Clerk of the Board’s office. The Clerk of the Board/Board of Supervisor’s listing of committees, seats, and vacancies, and committee members is maintained on the County website. You should notify CAO as soon as possible of any discrepancies in the website 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 affixed and notarized. The County Administrator’s Office currently recommends that all advisory body members affirm the oath of office. Completed/notarized forms should be kept on file by the Committee staff or secretary along with other records.

For Additional Information

1. Review the Advisory Body Handbook;
2. Contact the County staff contact or liaison for the committee;
3. Contact the Office of Clerk of the Board at 925-335-1900.
VIII. Advisory Body Administration

Agendas and Minutes (under Brown Act), Meeting Conduct, Quorums, Annual Reports, Sunset Review Process

What is a Quorum?

A quorum is the minimum number of members of the body who must be present in order for the committee to have a lawful meeting.

Agenda Requirements

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

Are “Moving Quorums” okay? No!

The Internal Operations Committee has directed that a Quorum is the majority of the authorized seats on the body, not the majority of the number of filled seats.

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 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.

**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 adopted by the Board of Supervisors on 5/26/2012, Item C.38.

**Annual Report Requirement**

- Two-page report on the second Tuesday of each December (due date each December 1).
- Generally considered by the Board of Supervisors on the ‘Consent’ calendar.
- Report to be maintained for public inspection by the Clerk of the Board.

**IX. Conflict of Interest Code and Financial Disclosure**

**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)

**CONFLICT-OF-INTEREST CODE**

* FORM 700
* BIENNIAL NOTICE

Regulations and requirements all advisory body members must know.

Contra Costa County
Advisory Body Training
CONFLICT-OF-INTEREST CODE

Contra Costa County
Advisory Body Training

Component 1: Terms of the Code

- The “terms” of the code are in the main body of the code, which describes how to report financial interest and disqualification procedures.
- FPPC Regulation 20-A sets the types of information required in the different forms.

What is a Conflict-of-Interest Code?

The Political Reform Act requires public agencies (i.e., boards, commissions, and committees) to adopt a conflict-of-interest code.
Each member occupying a “designated position” on the advisory body is required to disclose any investments, interests in real property, sources of income, or business positions that might affect decision-making or create a conflict of interest.

Component 2: Designated Positions

- The code must specify which positions within the advisory body fulfill the mandate to disclose financial information.
- People who occupy designated positions are referred to as “code filers” and must disclose information on Form 700, the financial disclosure form.

Components of the Code

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

Component 3: Disclosure Categories

The disclosure category identifies types of:
- Investments
- Interests in real property
- Sources of income, and
- Business operations which might 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 or contractually in the interest of the Board.

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

Public Identification of a Conflict-of-Interest: Procedure to Recuse Oneself (cont.)

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

Leave the room before the discussion of the Item until after the discussion and any other business of the matter is concluded, unless the item 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 on the Consent calendar).

Recusal to Avoid a Conflict of Interest

- Recuse (i.e., to disqualify or remove (oneself) from participation) to avoid a conflict of interest.

- Any member may properly request a report of a conflict of interest because of financial interest, direct or indirect, to the office holder's decision, should recuse yourself from participating in the discussion.

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

- I should know if any (agency head, commission or committee) has a conflict of interests.

- I should know if my position is included on the code's list of designated positions.

- If my position is included in the code as a designated position, I am required to file a Form 700.

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

Publicly (orally) identify the financial interest that gives rise to the conflict of interest, or potential conflict-of-interest, in detail sufficient to be understood by the public. This public identification may not be part of the official public record (e.g., the formal minutes).

State each type of economic interest (i.e., investment, business interest, financial interest, or the receipt of promise of income or gifts) which is involved in the decision and gives rise to the conflict of interest.

FORM 700: STATEMENT OF ECONOMIC INTERESTS

Contra Costa County
Advisory Body Training
What is Form 700?
- It is a public statement of economic interests (a public disclosure of personal financial interests).
- 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 and positions in business holdings and gifts.
- Its purpose is to help prevent potential conflicts of interest situations that may occur when performing the responsibilities of the public official.

When Should I File Form 700?
- Within 30 calendar days of the date I am newly appointed to a position or employed in a job covered by a conflict-of-interest code.
- Each year to maintain the obligation to the public body or remain in my job.
- Within 30 calendar days of the date I leave the job(s) or appointed public body and am no longer required to file Form 700.

To File a Form 700:
- Each year you will receive a Form 700 or an amended Form 700 if you have questions.
- You should complete all sections of the form and return the completed form to the designated office for assistance or file it online at the FPPC website official.
- The form must be filed on time; however, it may be amended at any time during the year if your economic situation changes.

Why Should I Understand the Form 700?
- You should read and understand your agency's specific conflict-of-interest code, since not all agencies have the same requirements.
- The public position or positions to which you are appointed might require that you file Form 700.
- The requirement that you file a Form 700 in the public position or positions, by state law mandates that you file a Form 700 for each position.

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 are attesting to the truth of the information you provided.
- You should contact the Fair Political Practices Commission (FPPC) and ask the Board, for specific and personal assistance with any questions about financial disclosures required on Form 700.
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 penalty to Government Code Section 81039. Fines issued pursuant to this section shall be assessed at 1% per day to a maximum of $100.

Sample Local Agency Biennial Notice Form

What if an amendment is required?
- If amendments to an agency's conflict-of-interest code are necessary, the amended code, showing tracked changes, and a clean copy of the revised code must be forwarded to the Contra Costa County Board of Supervisors by January 1st or October 1st.
- Draft agency conflict-of-interest codes should be submitted to the County Attorney's office by July 1, 2014.
- An agency's amended code becomes effective until it has been approved by the Board of Supervisors.

Biennial Notice

Contra Costa County
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 reviewing body for the County and all other local government agencies in the County, unless otherwise provided within the county.
- By October 1st every other year, every local government agency is required to submit a notice, indicating whether or not an amendment to its or its agency conflict-of-interest code is required. Committee support staff should be familiar with this requirement if it applies.

Example of Tracked Changes
Questions and Answers

For further assistance, contact:

Clerk of the Board of Supervisors
(925) 335-1900

X. Key Points to Remember...

- With few exceptions, advisory bodies and
  their members serve solely at the
  discretion of the Board of Supervisors.
- Primary purpose of an advisory body is to
  provide an opportunity for citizens to
  actively participate in their government
  and to provide community input and
  advice to the Board of Supervisors.
- Meetings must be (1) adequately and
  publicly noticed in advance, and (2) open
  and accessible to the public.

Key Points, continued

- Public records must be retained and made
  available to the public as required by law.
- Committee members must recuse
  themselves if a conflict of interest may exist
  because of personal interest (even if the
  member feels he or she will "still be
  objective")
- Find out if you are required to submit a Form
  700.
- Conflict of interest codes must be reviewed
  at least every two years.
Appendix 1

Key Provisions of Brown Act, Better Government Ordinance and Agenda Requirements
January 15, 2014

To: David W. Twa, County Administrator,  
Attn: Tiffany Lennear, Chief Clerk of the Board of Supervisors,  
County Boards, Commissions, and Committees and their Administrative  
Officers and Secretaries

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

Re: Ralph M. Brown Act Amendment Requires Detailed Public Report of  
Individual Votes

For your information, we discuss a recent amendment to the Ralph M. Brown  
Act, the open meeting law, Statutes of 2013, Chapter 257, effective January 1, 2014.  
Government Code section 54953, subsection (c) (2) now provides:

“The legislative body of a local agency shall publicly report any action taken  
and the vote or abstention on that action of each member present for the action.”

Previously, the law prohibited public bodies from voting by secret ballot; but  
did not expressly require that individual votes be reported on open session items, unless  
the meeting involved a teleconference location. Thus, some agencies would state in their  
minutes that an item passed, without specifying how the various board members voted.  
This made it hard for members of the public either not attending the meeting, or watching  
the meeting of a very large body, to know with certainty how individual members voted  
on any given item. Government Code section 54953 (c) (2) was added to improve public  
accountability by requiring agencies to clearly report the vote or abstention of each  
member present at the meeting.

A. Specificity in Minutes/Record of Actions Now Required

To comply with this new public reporting requirement, each time a board,  
committee, or commission votes on an agenda item, the minutes or record of actions must

1 Gov. Code, § 54953 (b) (2).

2 Senate Floor, Bill Analysis, SB 751 (5/28/13); Assembly Committee on Appropriations, Bill Analysis, SB 751 (7/5/13).
state how each individual board or committee member voted. If the member did not vote, the minutes/record of actions must specify whether the member was absent or abstained. To do this, include the following information in the minutes/record of actions for every vote:

AYES: (list names of members voting aye)
NOES: (list names of members voting no)
ABSENT: (list names of members absent)
ABSTAIN: (list names of members who abstained)

A written record of the body’s actions must be made available for public review. This is usually done by posting approved minutes or a record of actions.

If bodies pass resolutions or otherwise reflect their actions by annotating individual board orders, these documents must detail the vote in the form shown above. A simple statement of the number of votes pro and con on a resolution or an annotated board order will not suffice. Each board member’s name and vote, absence, or abstention also must be listed on the resolutions or board orders.

B. Enhancing Transparency in Open Session

Sometimes when a vote taken in open session is not unanimous, it can be difficult for members of the public attending the meeting to follow. To enhance transparency in this circumstance, it is a good practice to publicly announce the vote immediately after it occurs. After a vote in open session that either is not unanimous or from which a member abstains, the chair may summarize the vote and action taken as follows:

"The motion passes 3-2, with Smith and Jones dissenting. Item x is approved."
or
"The motion fails 3-2, with Smith, Jones, and Black voting against. Item x is not approved."

C. Report of Vote following Closed Session

Not all boards, committees, and commissions are authorized by the Brown Act to meet in closed session. Legal counsel must always be consulted before listing a closed session item on an agenda. When a closed session is authorized, and the body reports an
action taken in closed session in the minutes/record of actions or other written document, the same format described in Section A above must be used to describe the vote.³

In an oral report of action taken or direction given in a closed session, the vote or abstention of every member present for the closed session must be reported. This applies even if the vote is unanimous.⁴ For example, the chair or counsel may state:

"In closed session, the board voted unanimously to seek appellate review in the case of Green v. Miller."
or
"In closed session, the board voted 3-2, to seek appellate review in the case of Green v. Miller, with Smith, Jones, and Black voting aye, and White and Rose dissenting." or
"In closed session, the board voted unanimously to seek appellate review in the case of Green v. Miller, with Black abstaining.

MAM/am

cc: Members, Board of Supervisors
   County Administrator
      Attn: Terry Speikler, Chief Assistant County Administrator
      Julie Enea, Senior Deputy County Administrator
   Department Heads
   Steven Moawad, Senior Deputy District Attorney

⁴ Gov. Code, § 54957.1.
Date: March 29, 2012

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

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


County advisory bodies are subject to both the Ralph M. Brown Act (Government Code, sections 54950 et. seq.) and the County’s expanded open meeting law, the Better Government Ordinance (Contra Costa County Code, Chapter 25-2.) For your information, we provide this summary of the critical provisions of these open meeting laws.

A. Open Meetings. The Brown Act and Better Government Ordinance generally require that all County Board, commission and committee (“County body”) meetings be open for public attendance, that all interested persons be permitted to attend and participate, and that meetings be held on noticed dates at fixed times and places and in accordance with posted agendas. Most county bodies provide for regular fixed times and places for meetings. Meetings generally must be held within the jurisdictional limits of the Board of Supervisors and at locations accessible to the public, including disabled persons. (Gov. Code, §§ 54950, 54954(a),(b), 54961; Ord. § 25-2.602.)

B. County Bodies Subject to Open Meeting Laws. The Brown Act applies to all “legislative bodies” of a local agency, i.e., the County. Legislative bodies include: 1) the governing body of the local agency, (e.g., the Board of Supervisors); 2) committees created by statute; 3) committees created by formal action of the Board, whether composed of lay persons or a combination of lay persons and board members; 4) standing committees composed solely of members of the Board which have a continuing subject matter jurisdiction (e.g., permanent subcommittees such as the “Internal Operations” committee); 5) standing committees created by a Board appointed committee and composed solely of members of that body (e.g., a Mental Health Commission subcommittee). (Gov. Code, § 54952 (a), (b.).)

The Better Government Ordinance applies to all County bodies subject to the Brown Act and to all other Board or committee created County bodies, including temporary, ad hoc advisory committees composed solely of Board members or committee members and appointed to deal with a single topic for only one meeting or a small number of unscheduled meetings. (Ord. § 25-2.202(a), 25-2.204(a), 25-2.205.) County bodies that are not subject to the Brown Act nevertheless must comply with comparable provisions under the Ordinance. (Ord. § 25-2.202(a), 25-2.204(a), 25-2.205.) We caution that very few committees will be exempt from both the Act.
and the Ordinance and that the safer course of action is to assume that both open meeting laws apply.

Bodies subject to the Brown Act and the Ordinance do not include advisory committees to a single individual which are formed by the unilateral action of that individual, e.g., a committee to assist the County Administrator or a single Supervisor and do not include committees made up entirely of County staff. (56 Ops.Cal. Atty.Gen. 14 (1973); Ord. § 25-2.202.) However, unless composed entirely of County staff, a permanent advisory committee created by the County Administrator or a department head must permit the public to attend its meetings upon request to the extent possible consistent with the facilities and the purpose of the gathering. Meetings of these committees need not be formally noticed or provide for public comment. (Ord. § 25-2.204 (d), (e).)

C. Definition of “Meeting.” “Meetings” include:

* Any congregation of a majority of members of a County body at the same place and location (including teleconference locations) to hear, discuss, deliberate or take action on any item within the body’s subject matter jurisdiction. (Gov. Code, § 54952.2 (a).)

* Any serial use of communication, personal intermediaries, or technological devices through which a majority of the body’s members discuss, deliberate, or take action on an item. (For example, for a five person body, such an illegal “serial” meeting could occur where committee member A e-mails committee member B about his position on a committee issue and B forwards A’s e-mail to committee member C.) A mere series of e-mails or telephone calls by a majority of the body about one of its business items violates the Brown Act. (Gov. Code, § 54952.2 (b).)

D. Social and Ceremonial Occasions. Meetings generally do not include social or ceremonial occasions, provided that a majority of the members do not discuss among themselves business within the subject matter jurisdiction of the legislative body of the local agency. (Gov. Code, § 54952.2(e)(5).) However, when a County body, as a body, sponsors a social, recreational or ceremonial occasion, such as a holiday party, and a majority of the body is invited to attend, the occasion must be accessible to the public upon request, to the extent possible consistent with the facilities and the purpose of the gathering. The occasion need not be noticed formally, conducted at a particular location or provide for public comment. (Ord. § 25-2.204 (d) (2), (e).)

B. Regular Meetings- Agenda Posting Requirements and Related Provisions.

1. Enhanced Agenda Notice Requirement. Under the Brown Act, agendas must be posted at least 72 hours before each scheduled regular meeting. (Gov. Code, § 54954.2
(a.) However, the Better Government Ordinance extends this posting period an additional day. (Ord. § 25.2-206 (a.) Thus, at least 96 hours before each scheduled regular meeting, an agenda containing a brief general description of each item of business to be transacted at the public body’s meeting, including items to be discussed in closed session, must be posted. The description generally need not exceed 20 words. The agenda must specify the time and location of the regular meeting.

The agenda must be physically posted in a location freely accessible to members of the public during the entire 96 hour period. (Gov. Code, § 54954.2(a); Ord. § 25.2-206 (a); 78 Ops.Cal.Attty.Gen.328 (1995).) In addition, certain bodies must also post their agendas on the their website, or arrange for posting on the County’s website 96 hours in advance of the meeting. (Gov. Code, § 54951, 54954.2 (d); see attached memorandum, Internet and Physical Agenda Posting Required for Certain Bodies.)

If an item is not specified on the agenda, the County body may not act on or discuss that item, or add that item to the agenda as an urgency item, except as set forth below in subsections 3 and 4. (Gov. Code, § 54954.2 (a), (b); Ord. § 25.2-205.)

2. Deadline for Staff Materials. At least 96 hours in advance of a regular scheduled meeting, all staff reports and other materials prepared or forwarded by staff that provide background information and recommendations on agenda items must be made available to the public and to members of the body. (Ord. § 25.2-206 (a.) In the case of items that are placed on the agenda for a scheduled meeting at a prior meeting occurring not more than seven days before the scheduled meeting, supporting written staff materials may be made available 24 hours before the scheduled meeting. (Ord. § 25.2-206 (a.)

3. Exceptions to the Better Government Ordinance 96 hour agenda notice and staff material deadline. Under limited circumstances, the County body may waive the requirement that an agenda and supporting staff reports must be made available to the public and to members of the body at least 96 hours before the meeting. Upon a determination by three-fourths vote of the body that it is essential to waive the time limits and after receiving from staff a written explanation as to why the agenda and/or staff reports could not be made available 96 hours in advance, the body may waive the time limits. (Ord. § 25.2-206 (a.).) Notwithstanding a waiver of the Better Government Ordinance requirements, the 72 hour agenda notice requirements and exceptions thereto of the Brown Act continue to apply to all County bodies covered by the Act.

4. Exceptions to Brown Act 72 hour agenda notice.

a. “Brief Response” to Public Comment: Reference to Staff. (Gov. Code, § 54954.2 (a.) A County body may engage in certain limited activities that are not discussion of
or action on non-agenda items. If an item not on the agenda is raised by a member of the public during the ‘public comment’ portion of the meeting, members of the County body may ‘briefly respond.’ Until a court has construed ‘briefly respond,’ we recommend that County bodies interpret the right to respond narrowly, and keep responses limited. On any matter, either in response to questions posed by members of the public or on their own initiative, members of County bodies may ask questions for clarification. In addition, subject to the body’s rules or procedures, members of County bodies may provide a reference to staff or other resources for factual information, may request that staff report back at a subsequent meeting on a matter, or may request that staff place a matter on a future agenda. (Gov. Code, § 54954.2 (a.).)

b. Limits on Discussion and Action on Non-Agenda Items. (Gov. Code, § 54954.2 (b)). Discussion may occur and action may be taken on items which are not set forth on the posted agenda where, prior to discussion or action, the body publicly identifies the item and:

(1) The majority of members of the body vote and find that an emergency exists which involves a work stoppage or other activity which severely impairs public health, safety or both or a crippling disaster which severely impairs public health and safety or both, or

(2) Upon a determination by a two-thirds vote of the body (or, if less than two-thirds of the members are present, a unanimous vote of the members present) that there is a need to take immediate action and that the need for action came to the attention of the local agency after the agenda was posted, or

(3) The item was posted for a prior meeting, but action on the item was continued to the present meeting, which is not more than five calendar days after the meeting for which the item was posted. (Gov. Code, § 54954.2 (b).)

We caution that these exceptions will rarely apply in the case of County advisory bodies.

F. Special Meeting Notice Requirements. The Brown Act law requires that notice of a special meeting be provided by 24 hour advance written notice to each member of the public body (unless notice has been appropriately waived) and to each local newspaper, radio or television station which had requested notice in writing. Notice may be given by personal delivery or by any other means (i.e., facsimile or e-mail). In addition, the call and notice of the special meeting must be physically posted at least 24 hours prior to the meeting in a location that is freely accessible to members of the public. Bodies subject to the internet posting requirement must also simultaneously post the special meeting agenda on their website, or if they don’t have a website, on the County’s website. The notice must identify the time and place of the meeting and the business to be transacted. Only the business set forth in the notice may be transacted at the
meeting. (Gov. Code, § 54956.)

1. **Public Input.** The notice for the special meeting must provide an opportunity for public comment on the item which is the subject of the special meeting before the public body acts on that item. (Gov. Code, § 54956.)

**G. Emergency Meeting Notice Requirements.** The Brown Act allows the calling of emergency meetings in specified circumstances (work stoppages, crippling disasters, or other activities which will severely impair public health, safety or both, as determined by a majority of the public body) without complying with the special meeting 24 hour notice or 24 hour posting requirements. If telephone services are functioning, each newspaper and radio or television station that has filed a request for special notice must be notified by telephone at least one hour prior to the emergency meeting. (Gov. Code, § 54956.5 (a) (1), (b).)

In the case of dire emergencies (crippling disaster, mass destruction, terrorist act, threatened terrorist act that poses immediate and significant peril as determined by a majority of the public body), even the one hour notice to media outlets is eliminated. If telephone services are functioning, telephone notice of the meeting must be given to the media outlets at or near the time that the chair notifies members of the body of the meeting. (Gov. Code, § 54956.5 (a) (2), (b).)

As to any emergency meeting, if telephone services are not functioning, as soon after the meeting as possible, newspapers and radio or television stations must be notified of the meeting, of its purpose, and of any action taken at it. In addition, as soon after the meeting as possible, the minutes of the emergency meeting must be posted for a minimum of 10 days in a public place. (Gov. Code, § 54956 (e).)

**H. Public Input.**

1. **Provide Opportunity to Comment.** Every agenda must provide an opportunity for members of the public to directly address the body on 1) items that are within the subject matter jurisdiction of the body, even if they are not on the agenda and 2) items on the agenda. The opportunity to comment on agenda items must be afforded before or during the body's consideration of the item. (Gov. Code, § 54954.3(a); Ord. § 25-2.205 (c).) To ensure that the public is not denied the opportunity to comment on specific agenda items, and to enhance the flow of the meeting, we suggest that the public comment period as to all items usually be scheduled for the beginning of the meeting.

If a member of the public addresses an item not appearing on the posted agenda, no response, discussion, or action on that item may occur except as set forth in section E,
subparts 3 and 4 above.

2. No Prohibition of Criticism. During a meeting, the County body may not abridge or prohibit public criticism of the County’s policies, procedures, programs, or services, and may not abridge or prohibit public criticism of acts or omissions of the body. However, the body may apply its adopted rules of procedure concerning time per speaker. (Gov. Code, § 54954.3 (a); Ord. § 25-2.604.)

3. Overflow Capacity. If the number of spectators at a meeting of the Board of Supervisors, or of a permanent board or commission, or of a permanent subcommittee of the Board, exceeds the legal capacity of the meeting room, the public address system must broadcast into an adjacent area to permit the overflow audience to hear the meeting. If this is not possible, the meeting must be adjourned to a facility with sufficient capacity to accommodate the entire audience. (Ord. § 25-2.602.)

I. Teleconferencing. A body may hold meetings by “teleconference,” that is, a meeting of a body whose members are in different locations, connected electronically through audio and/or video. During the teleconference, at least a quorum of the members of the body must participate from locations within the boundaries of the body. Teleconferencing may be used for all purposes in connection with a public meeting, including voting. All votes taken during a teleconferenced meeting must be by roll call. Each teleconference location must be identified in the agenda for the meeting, and each teleconference location must be accessible to the public. The agenda must permit members of the public to address the body directly at each teleconference location. Agendas must be posted at all teleconference locations. (Gov. Code, § 54953 (b).)

J. Record of Meetings. Each County body must keep a record of its meetings. Though the record need not be verbatim, i.e., a tape-recording, it must accurately reflect the agenda and the decisions made in the meeting. (Ord. § 25-2.205 (d).)

K. Assistance for Persons with Disabilities on Request. Upon request, agendas, agenda packets, and other writings distributed to the public body must be made available in appropriate alternative formats to persons with disabilities as required by the federal Americans with Disabilities Act. In addition, every public body agenda, including all subcommittee agendas, must include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation to participate in a meeting. (Gov. Code, §§ 54954.1; 54954.2 (a); 54957.5 (b).)

L. Distributed Materials as Public Records. Except for certain writings exempt
from disclosure under the California Public Records Act, documents distributed to the County body by staff or any other person for consideration at a public meeting are public records. If presented during a meeting during discussion on an agenda item, such records must be immediately available for public inspection. If presented during a meeting prior to commencement of discussion on the agenda item to which the records relate, such non-exempt documents must be made available to the public for inspection before and during discussion on the agenda item. (Gov. Code, § 54957.5(a),(c); Ord. § 25-2.206 (c).)

Before a meeting, except for records that are exempt by law from disclosure, any county record that is intended for distribution to the body, even if not yet distributed to the body, must be available for public inspection and copying upon request. (Ord. § 25-2.206 (b).)

M. Provision of Agenda Materials Required.

1. Written Request for Packet. The Brown Act permits a member of the public to place a standing request that copies of the agenda or of the agenda packet be mailed to him. Such request must be made in writing and will apply for the entire calendar year in which it is filed. The body must mail the requested materials at the time the agenda is posted, or upon distribution to a majority of the members of the County body, whichever is first. Thus, if the agenda packet is mailed to members of the county body a week before the meeting, the packet must be mailed simultaneously to a requestor. (Gov. Code, § 54954.1.)

2. Materials Distributed Less Than 72 Hours Before Meeting. If a document related to an open session agenda item on a regular meeting agenda is distributed to a majority of the body less than 72 hours before the meeting, the document must be made available to the public at a specified location at the same time it is provided to the body. Each meeting agenda must specify the location where such documents will be available for public inspection. (Gov. Code, § 54957.5 (b) (2).) Inasmuch as the County’s Better Government Ordinance requires that the agenda and supporting staff reports be made available to the public and members of the body at least 96 hours before a regular meeting, there should be few occasions on which a document is distributed less than 72 hours before a meeting.

Please note that these two State law requirements apply, even if a legislative body subject to the Better Government Ordinance acts by a three-fourths vote to waive ordinance requirements that the agenda and supporting staff reports must be made available to the public 96 hours in advance of the meeting. (Ord. § 25-2.206 (a).)

2. Fees for Provision of Packet. The County body may establish a fee for provision of agenda packets. (Gov. Code, § 54954.1.) However, the Better Government Ordinance imposes a limitation on fees for duplication of agendas and related materials. Bodies considering establishment of a fee for mailing of the agenda or agenda packet should be sure
such fee conforms to these limitations. While a body may charge actual mailing costs, a body may not charge for copying meeting agendas and related materials that are twenty or fewer pages per document. A fee of one cent per page may be charged for a copy of agendas and related materials that contain more than twenty pages per document. (Ord., §§ 25-2.206 (d); 25-4.610.)

N. Closed Sessions. There are a number of express grounds (to receive legal advice concerning threatened or pending litigation, etc.) authorizing adjournment of a County body from a public meeting to a closed session. However, this office envisions only the rarest of situations arising in which the public bodies that it advises other than the Board of Supervisors or legislative special district bodies would be permitted to go into closed session. For this reason, we suggest that if the County body feels a closed session may be justified the body should authorize its chairperson or staff to contact this office to discuss whether a closed session is appropriate, how it should be noticed, and how action taken should be reported out.

1. Agenda Notice Requirements. Regular meeting agendas and special meeting notices must include a brief, general description of the matters to be discussed in closed session. (Gov. Code, §§ 54954.2, 54956.) The Brown Act provides agenda descriptions for each of the various closed session topics. While the Act does not require use of these descriptions, their use provides a “safe harbor” against challenges to the adequacy of the notice. (Gov. Code, § 54954.5.)

2. Announcing and Reporting Out. Before conducting a closed session, the body must announce in open session the items to be discussed. Disclosure may be made by reference to the agenda item number or letter. (Gov. Code, § 54957.7(a).) After completing closed session, the public body must reconvene in open session and make a public report of certain specified actions. The content of the report depends upon the nature of the closed session. Generally, in addition to other matters, where action is taken the County body must report out the vote or abstention of every member present. (Gov. Code, §§ 54957.1.)

3. Closed Session Prohibited for Temporary Bodies. A County body subject to the Better Government Ordinance, but not otherwise subject to the Brown Act, (i.e., a temporary ad hoc committee composed solely of members of the county body) may not hold a closed session. It must conduct all meetings in open session. (Ord., § 25-2.205 (a).)

O. Procedure to Void Actions Taken in Violation of the Brown Act’s Requirements. The Brown Act sets forth a procedure for invalidating actions of a covered public body taken in violation of that Act. (Gov. Code, § 54960.1.) The procedure provides that before any interested person may initiate legal action to obtain a judicial determination of whether the public body has violated the Act and that any action taken is null and void, the person must make a written demand on the public body to cure the alleged defect. If your body received such a demand, it
immediately should be brought to the attention of the County Counsel’s Office.

Should the interested party file and succeed in litigation, the court can award costs and reasonable attorneys fees against the County body. (Gov. Code, § 54960.5.)

P. **Criminal Penalty for Unlawful Meeting.** Each member of a body who attends a meeting of that body where action is taken in violation of any provision of the Brown Act, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under the Brown Act, is guilty of a misdemeanor. (Gov. Code, § 54959.)

**Conclusion.** As can be seen from the foregoing, it is very important that your County body properly prepare agendas and provide required notice of its meetings. If these procedural matters are not done correctly, interested parties may use legal process to void actions taken at an improperly noticed meeting. If your body has any particular questions concerning these requirements, please have your chairperson or administrative staff contact this office for clarification.

MAM/am

attachment

cc: Members, Board of Supervisors, District Offices
    County Administrator
    Clerk of the Board
    Thomas Kensok, Senior Deputy District Attorney
    County Department Heads
Date: February 21, 2012

To: County Boards, Commissions, and Committees

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

Re: Internet and Physical Agenda Posting Required for Certain Bodies

For your information, we summarize a recent amendment to the Ralph M. Brown Act, the open meeting law.

PHYSICAL AND INTERNET AGENDA POSTING REQUIRED

Effective January 1, 2012, State law requires that certain public bodies post regular and special meeting agendas on their websites. This is not a substitute for physically posting the agenda. Agendas must be posted both on the website and on the building. (Gov. Code, §§ 54954.2, 54956.) County bodies must post regular meeting agendas at least 96 hours before the regular meeting and must post special meeting agendas at least 24 hours before the special meeting. The same time limits apply to both physical and internet posting.

This new internet posting requirement applies to governing bodies of local agencies such as the Board of Supervisors or a joint powers agency governing board. Additionally, the new requirement applies to statutory bodies such as the County Planning Commission and Municipal Advisory Councils, and to certain bodies whose membership is compensated for service and includes a Supervisor or other member of a statutory body, such as the Internal Operations Committee. (Gov. Code, §§ 54951, 54954.2 (d), 54956 (c).) A comprehensive list of County bodies subject to the new internet posting requirement is attached. (See list, Bodies That Must Post Agendas Physically and on Website.)

If a listed body does not have its own website, it must arrange to have its agenda posted on the County’s website 96 hours before regular meetings and 24 hours before special meetings. A body without a website must deliver a hard copy of its agenda to the Clerk of the Board, attention Arsenio Escadero, Senior Management Analyst, at least one full business day before the required posting deadline. Bodies that have websites should forward links for their websites to the Clerk of the Board who will create a master index of such websites on the County’s website.

NO POSTING, NO MEETING

If a body on the attached list fails to timely post its agenda physically in a location
that is freely accessible to the public and on its website (or the County's website,) the body may not hold its meeting. (Gov. Code, §§ 54954.2, 54956.)

H/SRNACTIV-12update.wpd

MAM/am

attachment

cc: Members, Board of Supervisors
    County Administrator
    Attn: Terry Speiker, Chief Assistant County Administrator
    Attn: Lara DeJarny, Senior Management Analyst
    Department Heads and Fire Chiefs
    Executive Director, Housing Authority
Date: February 13, 2003

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

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

Re: Brown Act Requirements for Assistance for Persons with Disabilities.

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

1. New Agenda Requirement

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

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

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

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

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

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

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

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

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

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

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

D. Immediately call Gina Martin, Chief Clerk, Clerk of the Board at 925-335-700. Tell her about the access request, and fax a copy of the completed Disability Access Request Form to her at 925-335-1913. Ms. Martin has sources for provision of accommodations and will assist you in identifying an appropriate source for the accommodation.
E. Before the meeting, inform the requestor of the outcome of the request, i.e., that the advisory body will provide the requestor an audio tape of the agenda contents.

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

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

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

MAM/am

attachment

cc: Members, Board of Supervisors, District Offices
    County Department Heads
    Clerk of the Board
    Attn: Gina Martin, Chief Clerk,
    Ron Harvey, Risk Manager
    Jim Sepulveda, Senior Deputy District Attorney
    Emma Knevor, Affirmative Action Officer
    Susan Skamser, ADA Coordinator
CERTIFICATE OF APPOINTMENT AND OATH OF OFFICE

State of California }
County of Contra Costa }

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

IN WITNESS WHEREOF, I hereunto affix my hand and the Seal of said Board of Supervisors this _____ day of ________________, 2013.

David Twa, Clerk of the Board of Supervisors
By: __________________________
    Deputy Clerk

State of California }
County of Contra Costa }

I, ______________________, so solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic, that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California, that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

__________________________
Signature

__________________________
Address

Subscribed and sworn to before me, this _____ day of ________________, 2013.

________________________________________

CC: County Clerk
    Auditor
    Clerk of the Board of Supervisors
Training Certification
For
Members of a County Advisory Body

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

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

______________________________  __________________________
(Name of Member)                  (Date)

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

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