BOARDS, COMMISSIONS, AND COMMITTEES
NEW MEMBER ORIENTATION/HANDBOOK TRAINING
MARCH 2022

THE CITY OF
EL CERRITO
OFFICE OF THE CITY CLERK
AGENDA

- Introduction and Overview
- General Rules
- Roles and Responsibilities
- The Brown Act
- Parliamentary Procedure
- Resources
INTRODUCTION AND OVERVIEW

Types of Advisory Bodies

- Advisory/Quasi-judicial
  - Boards (specific expertise)
    - Financial Advisory
    - Design Review
  - Commissions (no specialized experience)
    - Arts & Culture
    - Planning
    - Civil Service
    - Human Relations
    - Park & Rec
    - Citizens Street Oversight (CSOC)*
  - Committees (working groups)
    - Aging
    - Crime Prevention
    - Economic Development
    - Environmental Quality
    - Urban Forest

- Sponsored

* Most committee rules do not apply, formed by ballot measure
## INTRODUCTION AND OVERVIEW

### Formation & Structure
- El Cerrito Municipal Code (adopted ordinances)
- Council Resolutions

### Regulations
- Administrative Policies
- Parliamentary procedures
- California Law (Government Code)
  - Ralph M. Brown Act
  - Political Reform Act (Conflicts of Interest)
GENERAL RULES FOR MEMBERS

Term Length/Limits

- Full Term = 4 years
- Fixed, begin March 1st
  - Unexpected vacancies begin upon council appointment
- Board/Commission/Citizen Streets Oversight Committee (CSOC)
  - Limited to 2 terms per body
- Committees
  - Limited to 3 terms per body
GENERAL RULES FOR MEMBERS

Attendance

- Excused Absences
  - 24 hours advanced notice to liaison
  - Unforeseeable/unavoidable – written notice prior to the next meeting
  - Medical reason (up to 120 days)

- Unexcused Absences
  - No notification/communication
GENERAL RULES FOR MEMBERS

<table>
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<tr>
<th>Resignation</th>
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<td>3 consecutive regular meetings missed (unexcused)</td>
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<td>½ regular meetings in a calendar year missed (excused or unexcused)</td>
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<td>No longer reside within city limits</td>
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<td>Written notice of resignation</td>
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<td>Or verbal announcement to a city staff member or at a public meeting</td>
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GENERAL RULES FOR MEMBERS

Filing/Training Requirements

- **Prior** to 1st meeting:
  - Oath of Office (original required)

- Within 30 days of appointment:
  - Ethics Training (2 hours)
  - Sexual Harassment Prevention Training (1 hour)
  - Orientation Training (1 ½ hours)
  - Form 700 (Conflict of Interest Statement)
    - Arts & Culture, Design Review, Financial Advisory, & Planning only
**Chair/Vice Chair**
- Sets agenda w/ staff
- Presides over meetings
- Represents the body before City Council

**Council Liaison**
- Reports on Council action
- Attends quarterly

**City Clerk**
- Management Membership
  - Applications
  - Filing/Training requirements
- Ensures compliance with policies
  - Terms
  - Attendance
  - Eligibility
- Advises Staff Liaisons

**ROLES & RESPONSIBILITIES**
<table>
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<tr>
<th>Do</th>
<th>Don’t</th>
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<tr>
<td>Facilitate meetings</td>
<td>Work for the Advisory Body</td>
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<tr>
<td>Ensure meeting compliance</td>
<td>Provide full-time support</td>
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<td>Advise members</td>
<td>Provide individual reports, favors or special consideration to members</td>
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<td>Provide technical expertise</td>
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<td>Act as conduit for Communication</td>
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<tr>
<td>Understand your role &amp; scope of</td>
<td>Pursue unapproved projects</td>
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<tr>
<td>responsibility</td>
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<tr>
<td>Follow the rules</td>
<td>Represent the policy of the city</td>
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<tr>
<td>Represent the <strong>full</strong> community</td>
<td>Communicate directly with outside agencies</td>
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<tr>
<td>Maintain working relationships</td>
<td>Take financial action</td>
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**Advisory Body Members**

**ROLES & RESPONSIBILITIES**
Conflicts of Interest

- Conflict = Recuse (do not vote)
- A conflict exists when:
  1. Position influenced government decision;
  2. Decision affects personal economic interest;
  3. Effect will be material; and
  4. Effect distinguishable from public effects.

  Examples: Development, contracts

- No Free Rides (Transportation)
1. Work for the City Council and the common good of the people of El Cerrito and not for any private or personal interest.

2. Endeavor to treat all members of the public and issues before them in a fair and equitable manner.

3. Make impartial decisions free of bribes, unlawful gifts, narrow political interests, and financial or other personal interests that impair independence of judgment or action.

4. Make decisions that are fair, objective, made in public, and understandable.
5. Fully participate in their meetings and other public forums while demonstrating respect and courtesy to others, practicing civility and decorum in discussions and debate, listening courteously and attentively, and engaging in effective communication. Advisory Body members are expected to contact their staff liaison if they cannot attend a scheduled meeting.

6. Act in an efficient manner, making decisions and recommendations based upon research and facts in accordance with the Brown Act to allow full and equal participation in the public process.

7. Refrain from abusive conduct, personal charges, or verbal attacks upon the character, motives, ethics, or morals of other members of their board, other boards, City staff, or members of the public.
8. Refrain from negative comments regarding any person or group based on their race, ethnicity, sex, gender identity, sexual orientation, national origin, immigration status, religion, disability, age, marital status, or membership in any other protected category.

9. Respect and preserve the confidentiality of information provided to them concerning confidential matters of the City, and refrain from disclosing any information received confidentially without proper legal authorization nor use such information to advance the personal, financial, or private interests of themselves or others.

10. Use their title only when conducting official City business, and carefully consider whether they are exceeding or appearing to exceed their authority. This includes use of their title in any personal setting, community event, speech, or other activity not facilitated by the individual’s Advisory Body.
11. Respect established channels of communication with City staff, treat staff members professionally, and not attempt to pressure or influence discussions, recommendations, workloads, schedules, or department priorities without the approval of the City Council. This includes refraining from portraying personal opinions or views as the view of the Advisory Body and respecting the role of the Advisory Body Chair who is responsible for conveying recommendations of the advisory body to City Council.

12. Not attempt to solicit any type of political support from City Council or City staff.

13. Comply with all rules and regulations established by state and local law, as well as those established by City Council.

Violation can result in removal by City Council
An access to information law regarding open **meetings** and open **deliberations** (Government Code)

Meetings must be:
- open and public with a posted agenda
- provide opportunity to speak before a vote is taken on any action item
- held in the jurisdiction

All city advisory body meetings are subject to the requirements of the Brown Act
Definitions

- **Meeting** – when a majority of members meet to hear, discuss, deliberate or take action on an item within its subject matter jurisdiction

- **Ad-Hoc Committee** – “temporary Committee” less than a quorum of members formed for a limited period of time, for a single or limited purpose, and dissolved when the task is complete (NOT subject to the Act)

- **Standing Committee** – less than a quorum of members permanently formed for discussion on a particular and ongoing topic within the advisory body’s jurisdiction
**Types of Meetings**

- **Regular Meetings**
  - Occur at a date, time, and location set by resolution or ordinance
  - Require an agenda to be posted **72** hours in advance (physical & online)
  - Public comments on **any** matter within the subject matter jurisdiction of the advisory body (on the agenda or not)
Special Meetings

- Any meeting held outside of the date, time, and location set by resolution or ordinance
- Require an agenda to be posted 24 hours in advance (physical & online)
- Public comments can be made only on items on the agenda
Serial Meetings are illegal!

A majority of members engaging in a series of communication (direct or indirect) to discuss, deliberate, or take action on any item of business or potential business

Daisy Chain

Hub and Spoke

THE RALPH M. BROWN ACT
Agendas

- Meeting Date/Time/Location, ADA contact information
- Description of each item of business. **Items not listed CANNOT be discussed.**
- Public Comments:
  - Subject matter jurisdiction of the advisory body (regular meetings)
  - Listed agenda items (any meeting type)
- Posted 72 hours in advance (24 hours for special/emergency meeting)

THE RALPH M. BROWN ACT
Meeting Materials

- Meeting Materials < 72 hours prior:
  - Member Access = Public Access
- By agency during the meeting = copies for the public
- Public provided materials during the meeting = to public after the meeting
Meeting Discussion

- Discussion limited to what is **on the agenda**
  - Meeting Discussion ≠ Discussion between members & public
- **BRIEF responses** for items not on the agenda
  - Statements/questions, announcements, request for report back or future items

THE RALPH M. BROWN ACT
Currently suspended under AB361

- All locations must be accessible to the public, and listed on the agenda
- Agenda must be posted at all locations
- At least a quorum of members must participate from within the jurisdiction
- All votes must be done by roll call
AB361 and Remote Public Meetings

- A physical location is not required
- Ability to provide public testimony required (achieved via Zoom or email)
- Members can participate from any location.
- Attendance and ALL votes require a roll call vote.
- All other provisions of the brown act still apply.
Enforcement and Penalties

- Criminal Action - Misdemeanor
  - **Willful intent** to deprive public of information

- Civil Remedies
  - District Attorney or any interest Party can pursue
  - Invalidation of action taken
  - Demand to remedy
  - Attorney’s fees if prevail

THE RALPH M. BROWN ACT
PARLIAMENTARY PROCEDURE

- A set of rules that govern the conduct of business at public meetings.
  - Decorum
  - Quorum
  - Motions
  - Votes

- *Rosenburg's Rules of Order*
Decorum

- Request to speak (granted by chair)
- Basic format for an agenda item discussion
  - Chair announces item
  - Report/information presented
  - Members ask questions
  - Take public comments
  - Discussion
  - Chair asks for a motion/second & members vote
Quorum

- The minimum number of members who must be present to conduct a public meeting.
  - A majority of members currently appointed*
    (i.e. 7 member body, 5 members appointed, quorum = 3)
  - If no quorum, meeting is cancelled
    - Reasonable period to wait before determining meeting has no quorum is no more than 15-30 minutes after start time.

* Arts, Planning & Design require a minimum of 3 members to meet
Motions

- How members communicate their idea or position
- Motion with a second, followed by a vote on the proposed action
- No more than 3 motions to consider at the same time (i.e. a motion with a vote not yet taken)
- Vote 1st on the most recent motion
Motions

- **Basic motion** – first idea introduced for consideration
  - “I move to approve construction of a restaurant at the site.”

- **Motion to amend** – seeks to change part of the basic motion, but does not change the basic premise
  - “I move to amend the motion to include a restaurant with outdoor seating.”

- **Substitute motion** – introduces a second idea, completely different from the main motion
  - “I move a substitution motion to approve construction of a park at the site.”
Motions

- Motions are subject to discussion and debate
  - No limit on length of debate, BUT
    - Chair has discretion to decide to move forward and take action
- Exceptions to discussion and debate include:
  - **Motion to adjourn** – required if there are still items remaining to discuss
  - **Motion to recess** – majority vote to immediately take a recess/break
  - **Motion to table** – ends discussion, can contain a time/date to continue, or simply bring back at a future meeting.
Voting Rules

- A majority of affirmative votes is required to pass a motion
  - Majority = more than ½ members present and voting*
    - Planning requires 3 yes votes to pass
    - City committees require simple majority of not less than 3 members
  - Motion with tie votes fail
  - Abstention vote = a no vote

*Majority = more than ½ members present and voting

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RESOURCES

Member Handbook  www.el-cerrito.org/110/membership-tools

Staff Liaison  City Clerk 510-215-4305
cityclerk@ci.el-cerrito.ca.us
ORIENTATION TRAINING AND HANDBOOK ACKNOWLEDGEMENT FORM

Instructions:
This form is used to submit the Acknowledgement Form confirming 1) completion of Orientation and Handbook Training, and 2) receipt and understanding of the Handbook for members of city advisory bodies.

To submit this form electronically CLICK HERE.

Alternatively, the form can be printed, signed and submitted to the City Clerk’s office at 10950 San Pablo Avenue or via email to cityclerk@ci.el-cerrito.ca.us. An original signature is NOT required.

First Name: __________________ Last Name: __________________
Advisory Body(es) Appointed to: __________________
Date Orientation Training Completed: __________________

MEMBERSHIP TOOLS

- Handbook for City Advisory Body Members (last revised February 2022)
- Orientation and Handbook Training Requirements (Resolution 2021-56)
  The first live training is scheduled for Thursday, March 24, 2022 at 6:00 p.m. (Select Here to Register)