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# BOARDS, COMMISSIONS, AND COMMITTEES NEW MEMBER ORIENTATION/HANDBOOK TRAINING

MARCH 2022



Introduction  
and Overview

General Rules

Roles and  
Responsibilities

The Brown Act

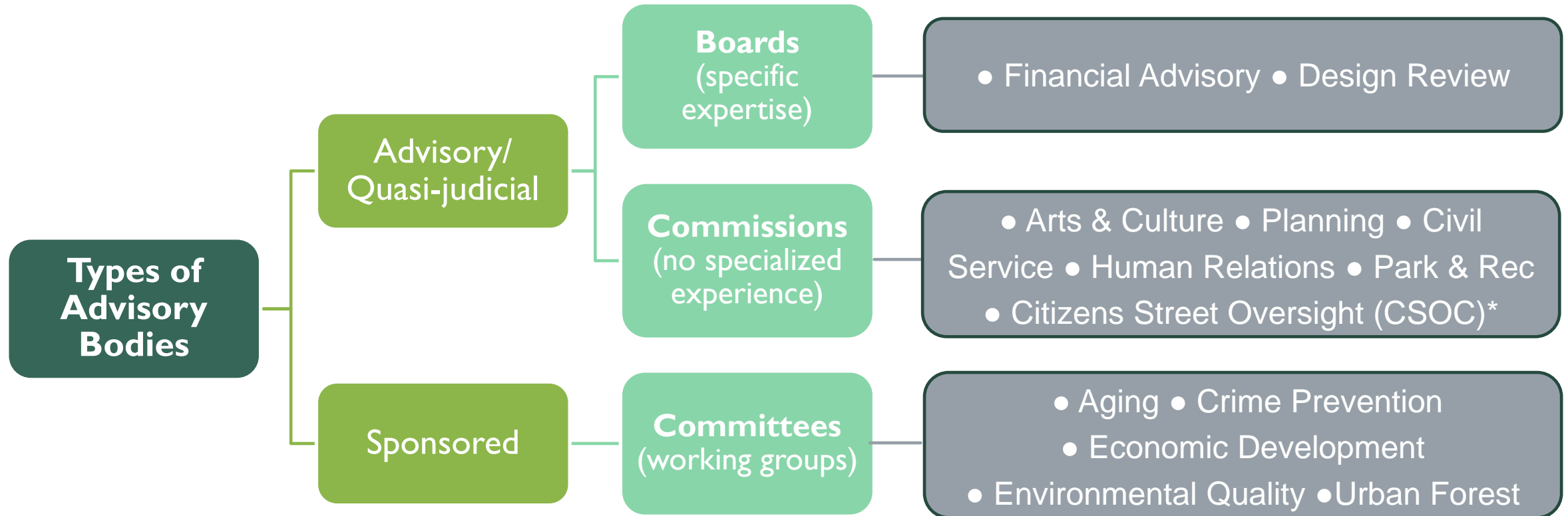
Parliamentary  
Procedure

Resources

## AGENDA

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# INTRODUCTION AND OVERVIEW



\* 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 1<sup>st</sup>
  - 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

## Resignation

- 3 consecutive regular meetings missed (unexcused)
- ½ regular meetings in a calendar year missed (excused or unexcused)
- No longer reside within city limits
- Written notice of resignation
  - Or verbal announcement to a city staff member or at a public meeting

# GENERAL RULES FOR MEMBERS

## Filing/Training Requirements

- **Prior to 1<sup>st</sup> 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

## Staff Liaisons

### Do

- Facilitate meetings
- Ensure meeting compliance
- Advise members
- Provide technical expertise
- Act as conduit for Communication

### Don't

- Work for the Advisory Body
- Provide full-time support
- Provide individual reports, favors or special consideration to members

# ROLES & RESPONSIBILITIES

## Advisory Body Members

### Do

- Understand your role & scope of responsibility
- Follow the rules
- Represent the full community
- Maintain working relationships

### Don't

- Pursue unapproved projects
- Represent the policy of the city
- Communicate directly with outside agencies
- Take financial action

# ROLES & RESPONSIBILITIES

## Advisory Body Members

### 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)

# ROLES & RESPONSIBILITIES

# CODE OF CONDUCT

## Advisory Body Members shall:

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.

# CODE OF CONDUCT

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.

# CODE OF CONDUCT

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.

# CODE OF CONDUCT

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**



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# THE RALPH M. BROWN ACT

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- 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

THE RALPH M. BROWN ACT

## 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)

THE RALPH M. BROWN ACT

## Types of Meetings

### ■ **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**

THE RALPH M. BROWN ACT

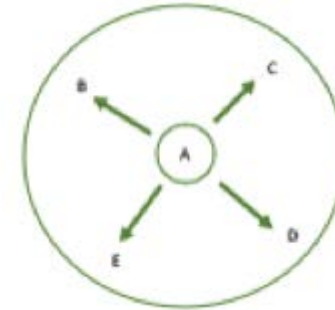
## Serial Meetings

- **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

THE RALPH M. BROWN ACT

## 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



## Teleconferencing

### **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

THE RALPH M. BROWN ACT

## 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.

THE RALPH M. BROWN ACT

## 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

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# PARLIMENTARY PROCEDURE

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- 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

**PARLIMENTARY PROCEDURE**

# 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*

**PARLIMENTARY PROCEDURE**

# 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 1<sup>st</sup> on the most recent motion

**PARLIMENTARY PROCEDURE**

# 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.

PARLIMENTARY PROCEDURE

# Votes

- 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

1	Yes	Yes	Yes
2	Yes	Yes	Yes
3	No	Yes	No
4	No	No	No
5	Abstain	Abstain	Absent
	<b>fail</b>	<b>pass</b>	<b>fail</b>



Member Handbook



[www.el-cerrito.org/110/membership-tools](http://www.el-cerrito.org/110/membership-tools)



Staff Liaison



City Clerk 510-215-4305  
[cityclerk@ci.el-cerrito.ca.us](mailto:cityclerk@ci.el-cerrito.ca.us)

## RESOURCES

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## 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 10890 San Pablo Avenue or via email to [cityclerk@ci.el-cerrito.ca.us](mailto:cityclerk@ci.el-cerrito.ca.us). **An original signature is NOT required.**

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_

Advisory Body(ies) Appointed to:  
\_\_\_\_\_

Date Orientation Training Completed:  
\_\_\_\_\_

www.el-cerrito.org/110/Membership-Tools

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## MEMBERSHIP TOOLS

- o [Handbook for City Advisory Body Members](#) (last revised February 2022)
  - o [Printable version w/attachments](#)
- o [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](#))*
  - o View most recent training here
  - o [Orientation and Member Handbook Acknowledgement Form](#)

# ORIENTATION TRAINING AND HANDBOOK ACKNOWLEDGEMENT FORM



QUESTIONS?