BOARDS, COMMISSIONS, AND COMMITTEES
NEW MEMBER ORIENTATION/HANDBOOK TRAINING
MARCH 2023
AGENDA

- Introduction and Overview
- General Rules
- Roles and Responsibilities
- The Brown Act
- Parliamentary Procedure
- Resources
A MESSAGE FROM THE MAYOR

Lisa Motoyama
El Cerrito Mayor
lmotoyama@ci.el-Cerrito.ca.us
INTRODUCTION AND OVERVIEW

Types of Advisory Bodies

- Advisory/Quasi-judicial
  - Boards (specific expertise)
  - Commissions (no specialized experience)
- Sponsored
  - Committees (working groups)

- Financial Advisory • Design Review
- Arts & Culture • Planning • Civil Service • Human Relations • Park & Rec • Citizens Street Oversight (CSOC)*
- Aging • Crime Prevention • Economic Development • Environmental Quality • Urban Forest

* 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

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

- 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 **1st** meeting:
  - Oath of Office
    - (original or electronic signature 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
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<tr>
<th>Role</th>
<th>Responsibilities</th>
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<tr>
<td>Chair/Vice Chair</td>
<td>- Sets agenda w/ staff</td>
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<td>- Presides over meetings</td>
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<td>- Represents the body before City Council</td>
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<td>Council Liaison</td>
<td>- Reports on Council action</td>
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<td>- Attends quarterly</td>
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<td>City Clerk</td>
<td>- Management Membership</td>
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<td>- Applications</td>
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<td>- Filing/Training requirements</td>
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<td>- Ensures compliance with policies</td>
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<td>- Terms</td>
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<td>- Attendance</td>
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<td>- Eligibility</td>
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<td>- Advises Staff Liaisons</td>
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### Staff Liaisons

<table>
<thead>
<tr>
<th><strong>Do</strong></th>
<th><strong>Don’t</strong></th>
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<tbody>
<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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<tr>
<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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**ROLES & RESPONSIBILITIES**
### Advisory Body Members

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<th>Do</th>
<th>Don’t</th>
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<tr>
<td>Understand your role &amp; scope of responsibility</td>
<td>Pursue unapproved projects</td>
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<td>Follow the rules</td>
<td>Represent the policy of the city</td>
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<td>Represent the full community</td>
<td>Communicate directly with outside agencies</td>
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<td>Maintain working relationships</td>
<td>Take financial action</td>
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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)
CODE OF CONDUCT

Advisory Body Members shall:

1. Work for City Council and common good of ALL El Cerrito
2. Treat everyone in a fair and equitable manner
3. Make impartial decisions
4. Be fair and objective
5. Participate fully and respectfully
6. Make informed decisions in compliance with the Brown Act
7. Refrain from disrespectful conduct or personal attacks
8. Refrain from negative comments regarding protected categories
9. Respect confidentiality of information
10. Use their title only when conducting official City business
11. Respect established channels of communication, do not convey personal opinions as those of the body as a whole
12. Not solicit or promote political support
13. Comply with all established rules and regulations

Violation can result in your removal by the City Council
THE RALPH M. BROWN ACT

- 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**

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**THE RALPH M. BROWN ACT**
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)
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

- 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
AB2449 and Remote Participation of Legislative Body Members

- Allows a member of the legislative body to participate remotely without disclosing or providing public access to the remote location(s)
- **NOT APPLICABLE** to El Cerrito Boards, Commissions or Committees at this time.
  - Current Technology requires 2-3 staff members to run a hybrid meeting
  - Staffing levels cannot support the statutory requirements of AB2449
  - Members can use existing Brown Act teleconferencing regulations
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
PARLIAMENTARY PROCEDURE

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

- Rosenberg’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 discussion and 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.
Votes

- A majority of affirmative votes are 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 that 3 members
- Motion with tie votes fail
- Abstention vote = a no vote

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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
MEMBERSHIP TOOLS

- **Handbook for City Advisory Body Members** (last revised March 2023)
  - Printable version w/attachments

- **Orientation and Handbook Training Requirements** (Resolution 2021-56)
  - The 2023 Annual training will be held at 6:00 PM on Thursday, March 23, 2023 in City Council Chambers. If a member is unable to attend, a recording of the session will be posted following the training.
  - **Orientation and Member Handbook Acknowledgement Form**
QUESTIONS?

Holly M. Charléty, City Clerk
cityclerk@ci.el-Cerrito.ca.us
510-215-4305