



COUNTY OF SAN MATEO
BOARDS AND COMMISSIONS
INDEPENDENT CIVILIAN ADVISORY COMMISSION



**WELCOME
TO THE
INDEPENDENT
CIVILIAN ADVISORY
COMMISSION**



COUNTY OF SAN MATEO
BOARDS AND COMMISSIONS
INDEPENDENT CIVILIAN ADVISORY COMMISSION

BOARDS AND COMMISSIONS HANDBOOK



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San Mateo County Boards and Commissions Handbook

A publication of the Intergovernmental and Public Affairs Unit,
County Manager's Office



**COUNTY OF
SAN MATEO**



San Mateo County government protects and enhances the health, safety, welfare, and natural resources of the community; and provides quality services that benefit and enrich the lives of the people of this community.

SAN MATEO COUNTY MISSION STATEMENT

We are committed to:

The highest standards of public service;

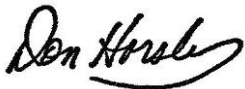
A common vision of responsiveness;

The highest standards of ethical conduct;

Treating people with respect and dignity.

A Message from the Board of Supervisors

People often ask me how they can become more involved in their local government. The first answer I offer is to simply stay aware of what is going on, starting with those topics that are specifically interesting or important to you. This might spark a desire to have more of a say in decision-making. That's when becoming a member of a Board or Commission can energize your civic involvement engine. I encourage this as either a one-time or a lifetime engagement. You never know. It might make you want to dive deeply into how the wheels of governance work. San Mateo County is a welcoming organization, with many doors for you to enter. Not only that, we do our best to help you understand how to best use your time and talents. You don't have to be shy about getting involved. Go for it. You might just find yourself leading your fellow San Mateo County residents into the future. Those of us on the Board of Supervisors cherish the input and guidance coming from the many board and commission members representing the varied array of topics that make up the county's jurisdiction. Don't hesitate to join in. You'll be glad you did.



President Don Horsley
District 3



"You don't have to be shy about getting involved. Go for it. You might just find yourself leading your fellow San Mateo County residents into the future."

DON HORSLEY, PRESIDENT
DISTRICT 3

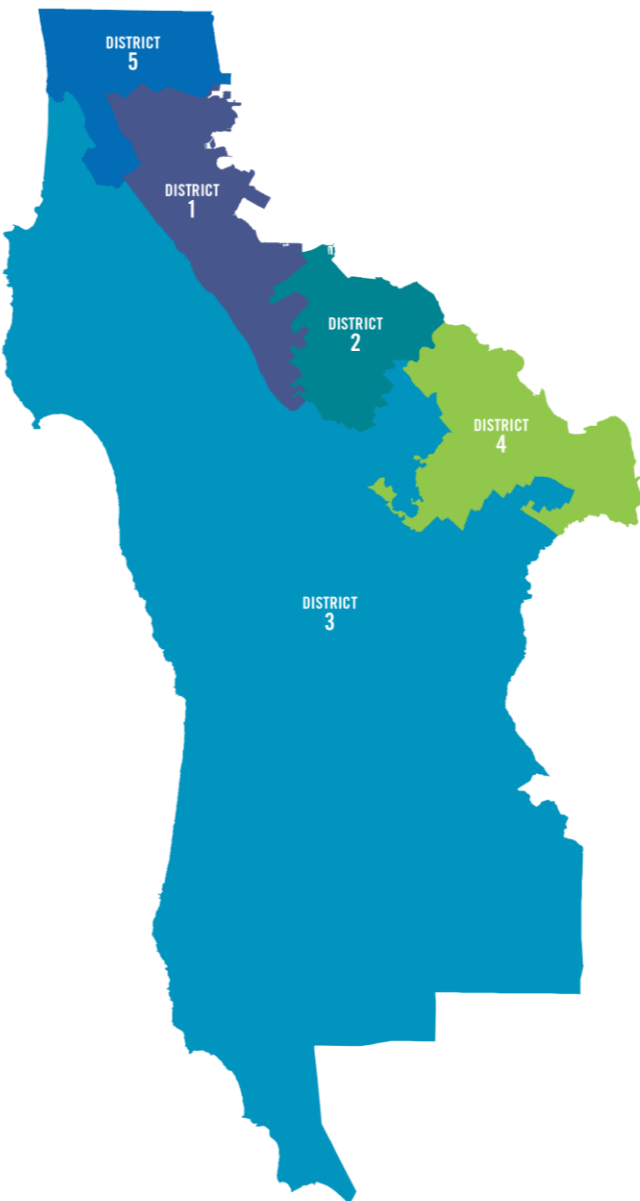
San Mateo County Board of Supervisors

San Mateo County is governed by a five-member Board of Supervisors. Each supervisor must live in and represent one of five districts, which are roughly equal in population but vary greatly in size.

Supervisors are elected by voters within their districts to staggered four-year terms with a maximum of three terms in office. They appoint the County Manager to carry out the Board's policies and goals and oversee the efficient running of County government.

Voters also elect six additional San Mateo County officials. They are the Assessor-County Clerk-Recorder, District Attorney, Controller, Coroner, Sheriff, and Treasurer-Tax Collector.

The Superior Court appoints the Chief Probation Officer and the Superior Court Executive Officer.



Dave Pine, 1st District

Cities of Burlingame, Hillsborough, Millbrae, San Bruno (everything east of Interstate 280 and areas west of 280 and south of Sneath Lane), and South San Francisco (east of Junipero Serra Boulevard and south of Hickey and Hillside Boulevards). Unincorporated Burlingame Hills, San Mateo Highlands, and San Francisco International Airport.



Carole Groom, 2nd District

Cities of San Mateo, Foster City, and most of Belmont (excluding southeast portion).



Don Horsley, 3rd District

Cities of Atherton, southeast Belmont, Half Moon Bay, part of Menlo Park (west of El Camino Real), Pacifica, Portola Valley, San Carlos, and Woodside. Unincorporated Devonshire Canyon, El Granada, Emerald Lake Hills, Harbor Industrial Park, La Honda, Ladera, Loma Mar, Los Trancos Woods, Menlo Oaks, Miramar, Montara, Moss Beach, Palomar Park, Pescadero, Princeton By-The-Sea, San Gregorio, Skyline, Sequoia Tract, Skylonda, Stanford Lands, Vista Verde, and West Menlo Park.



Warren Slocum, 4th District

Cities of East Palo Alto, part of Menlo Park (east of El Camino Real), and Redwood City. Unincorporated North Fair Oaks.



David J. Canepa, 5th District

Cities of Brisbane, Colma, Daly City, San Bruno (north of Sneath Lane and west of Interstate 280), and South San Francisco (east of Junipero Serra Boulevard and north of Hickey and Hillside boulevards). Unincorporated Broadmoor Village.

A Message from the County Manager

Dear Board, Commission & Committee Member,

Congratulations on joining the County of San Mateo. A democratic system requires participation to provide local government by the people and for the people. As a Board and Commission member, you serve a critical role in direct civic life and I hope you will find it rewarding.

San Mateo County is diverse and rich with residents who represent a wide range of races/ethnicities, cultures, sexual orientations, gender expressions, immigration statuses, abilities, and more. Our boards, commissions and committees provide a formal structure for inclusion of community voice in our democratic decision-making. Your unique perspective will help our Board of Supervisors and other policy makers better engage with our community, so that governance is informed and responsive to the needs of all our communities.

This handbook aims to guide you through your service, outlining key responsibilities, basic laws, and procedures, and additional information that will aid you in carrying out your duties. Please use it as a resource as well as relying on staff assigned to your board, commission, or committee.

Public service is a noble and exciting journey that makes a real difference. Thank you for giving of your time, experiences, and talents to our County.

All the best,



Mike Callagy
County Manager/Clerk of the Board

**The San Mateo County
Boards, Commissions, and
Committees' mission is to
advise governmental
bodies in their decision-
making process through
direct citizen participation.**

SAN MATEO COUNTY BOARDS AND
COMMISSION'S MISSION

Shared Vision 2025

Shared Vision 2025 reflects the goals and priorities for the San Mateo County community expressed during a series of public meetings and surveys. The five "community outcomes" provide a foundation for sound decision-making. Focusing on the Shared Vision 2025 goals and priorities places an emphasis on what's best for all of San Mateo County today and in the years to come.

The five community outcomes are



Healthy Community

Our neighborhoods are safe and provide residents with access to quality health care and seamless services.



Prosperous Community

Our economic strategy fosters innovation in all sectors, creates jobs, builds community and educational opportunities for all residents.



Livable Community

Our growth occurs near transit, promotes affordable, livable connected communities.



Environmentally Conscious Community

Our natural resources are preserved through environmental stewardship, reducing our carbon emissions, and using energy, water and land more efficiently.



Collaborative Community

Our leaders forge partnerships, promote regional solutions, with informed and engaged residents, and approach issues with fiscal accountability and concern for future impacts.

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List of San Mateo County Boards and Commissions

Advisory Boards and Commissions are those that provide recommendations or advice to the Board of Supervisors on a wide variety of topics.

Advisory Boards and Commissions:

Agricultural Advisory Committee	Housing and Community Development Committee
Arts Commission	Juvenile Justice Coordinating Council
Bicycle and Pedestrian Committee	Juvenile Justice & Delinquency Prevention Commission
Charter Review Committee	Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Commission
Child Abuse Prevention Council	Measure K Oversight Committee
Child Care Partnership Council	Mental Health and Substance Abuse Recovery Commission
Commission on Aging	Midcoast Community Council
Commission on Disabilities	North Fair Oaks Community Council
Commission on the Status of Women	Parks and Recreation Commission
Community Corrections Partnership Council	Pescadero Municipal Advisory Council
Confined Animal Technical Advisory Committee	Public Authority Advisory Committee
Domestic Violence Council	Veterans Commission
Emergency Medical Care Committee	Youth Commission
Health Care for the Homeless/ Farm Workers Health Program	

Non-Advisory Boards and Commissions, also known as decision-making groups, are those that are authorized to make final County decisions, can compel a County decision, can prevent a County decision, or make substantive recommendations that are regularly approved without significant modification by the Board of Supervisors.

Non-Advisory (Decision-Making) Boards and Commissions:

Assessment Appeals Board	Deferred Compensation Committee
Bayside Design Review Committee	First 5 Commission
Board of Building Permit Appeals	Planning Commission
Business License Board	San Mateo Medical Center Board of Directors
Civil Service Commission	Treasury Oversight Committee
Coastside Design Review Committee	

Throughout this document, Boards, Commissions, Committees and Councils will be referred to as “Boards and Commissions.”


Boards and Commissions: The Basics

Boards and Commissions are groups of local residents who address a specific area of interest with the expertise and lived experience they possess. Boards and Commissions serve a vital role in County government by gathering and analyzing public input and recommending options to the Board of Supervisors. The guiding principle of any commission recommendation to the Board of Supervisors is that of addressing the overall public benefit.

Some Boards and Commissions are mandated by State statute, some by County Charter or ordinance. These boards and commissions vary in legal status; some have advisory capacity, and some make legally binding decisions. While some advisory groups provide advice directly to the Board of Supervisors, others advise County departments.

Boards and Commissions do not make policy decisions, manage or direct programs, commit County resources, or take an official position that has not been approved by the Board of Supervisors

Requirements for Service



Living in San Mateo County is the sole requirement for service on most County Boards and Commissions, but certain Boards and Commissions may have additional requirements.

County employees are permitted to serve provided there is no conflict of interest.

Once appointed, no member may serve on more than one Board or Commission at a time unless granted an exception by the Board of Supervisors. This is to ensure broad participation. However, some Board or Commission members may serve as a liaison to Boards and Commissions related to their own. For instance, a member of the Commission on Aging serves as a liaison with the Community Development Committee.

Recruitment and Appointment Procedures

The Board of Supervisors appoints and reappoints most members of Boards and Commissions that advise the Board.



In most cases, a subcommittee of the Board consisting of one or two Supervisors will review applications and interview applicants. However, the subcommittee may designate other appropriate persons to review applications, conduct interviews and make recommendations to the subcommittee. The subcommittee's recommendations are then forwarded to the full Board of Supervisors for consideration.



In some cases, membership on Boards or Commissions is limited to one (or two) representative(s) from each of the five supervisorial districts. This is the case for the Planning Commission, the Parks and Recreation Commission, the Arts Commission, the Measure K Oversight Committee and the Civil Service Commission. Membership on other boards and commissions may be further limited to individuals with specific qualifications related to experience or employment relevant to the board or commissions focus.



Vacancies occur year-round. To help spread the word about vacancies, news releases citing openings are provided to local newspapers and are sent to various community groups. Notices are also posted on the County's web site and public bulletin boards at 400 County Center, Redwood City. You can sign up to receive notices of vacancies at bnc.smc.gov.org/vacancies.



Boards and Commissions require an application that will be listed with the recruitment. Many utilize the application found at <https://bnc.smcgov.org/webforms/application-boards-commissions-and-committees>. Applications for membership are retained for twelve months in the case of another vacancy



The Board of Supervisors has the discretion to remove an appointee, unless the appointee's term is specified by law.

Length of Service

A typical term is three or four years and is specified in the bylaws for that board, commission, or committee. Members may serve no more than 12 years unless a specific exemption is made by the Board of Supervisors or state law. Members may fill a partial term and then go on to fill their own 12-year term without counting the partial term towards the 12-year total.

Members whose terms have expired may continue to serve until they are re-appointed or the Board of Supervisors appoints a replacement. If a member seeks re-appointment, the normal interview process will take place only at the request of a Supervisor. Re-appointment does not require the member to submit another application.

Standing Rules

The Board of Supervisors has adopted a resolution describing the standing rules for County Boards, Commissions and Advisory committees. To view the standing rules, go to:
bnc.smcgov.org/sites/bnc.smcgov.org/files/Standing%20Rules_0.pdf.

Bylaws

Board and Commission bylaws are developed by each body. The bylaws provide guidelines about such essential organizational matters as the number of seats on the body, number of body meetings, requirements for a quorum, qualifications and/or residency requirements for specific seats, methods of selecting officers, designation of any sub-committees (and their responsibilities). Bylaws should be understood and carefully observed by members of Boards and Commissions and their staff liaisons. Board and Commission members and their staff liaisons should contact the County Counsel's Office whenever organizational changes are considered by Board or Commission that could require amendments to its bylaws.

Relationship with the Board of Supervisors

There are multiple ways for Boards and Commissions to communicate with the Board of Supervisors. Boards and Commissions can go before the Board of Supervisors at their bi-monthly, public meetings to present informational materials or to recommend that the Board take a formal action. Board and Commission members must work through their Board liaison when business needs to be conveyed to the Board.

More informally, each member of the Board of Supervisors typically has a Board aide assigned to work with Boards and Commissions and this is most often the person with whom to speak. This person often attends Board or Commission meetings and will keep the Board member informed on commission business. The Board of Supervisors is always interested in facilitating the work of your commission and will welcome any suggestions you have.

Board and Commission members are encouraged to become acquainted with their staff liaisons and Board aides. The Board of Supervisors members value the information that alerts them to upcoming issues and concerns because the sooner they know of an issue, the more capably they will be able to address it.

More Information

The primary sources of information for open recruitments are the Boards and Commissions' website and the staff liaison for each Board or Commission. The liaison's name and contact information are listed under the "Contact" section for each Board and Commission at bnc.smcgov.org. San Mateo County has a number of resources where residents can learn more about the County, its role, the operations of County government and the community's priorities.

- San Mateo County Shared Vision 2025 (bos.smcgov.org/shared-vision-2025)
- Office of the Clerk of the Board of Supervisors (cmo.smcgov.org/clerk-board)
- Boards and Commissions (bnc.smcgov.org)
- Civics 101 (cmo.smcgov.org/civics-101-academy)

Roles and Responsibilities

Board members and commissioners are deeply appreciated for the time and expertise they bring to the County. Accompanying the benefits of membership are responsibilities. The following traits are valuable for participation on Boards and Commissions:

Service-oriented

Enjoys working for the greater public

Has an active interest and involvement in the community

Able to consider differing perspectives and look for common ground

An effective communicator

Has an interest in learning the functions and workings of county government

Is willing and able to commit the time needed to serve effectively and agrees to regularly attend meetings


Brings unique lived experiences and expertise

Represents impacted community voices to bring a critical perspective to County governance

The Benefits of Membership

The benefits of service on a Board or Commission include:

- Making a positive difference in the community
- Developing and enhancing leadership capabilities
- Having a voice in decisions that affect the community
- Expanding networks
- Learning new skills
- Better understanding the operations of government



The individuals who serve on San Mateo County Boards and Commissions are among the most appreciated volunteers in the community.

The Responsibilities of Membership

Board and Commission members perform a variety of tasks and are responsible for staying informed, complying with established policies and regulations and providing high-quality service to County government and the greater community.

Some of the duties you will be expected to perform as a member of a Board or Commission are included below. Trainings on a number of topics listed will be provided to you.

- Attending meetings regularly
- Learning the function of the Board or Commission on which you serve, and working collaboratively with board and staff liaisons
- Familiarizing yourself and ensuring compliance with regulatory statutes such as the Brown Act and the Public Records Act
- Acting responsibly and efficiently when using County assets, including personnel, time, property, equipment and funds
- Maintaining the highest ethical standards
- Respecting the voice and spirit of your Board or Commission peers and the community you serve
- Developing a deeper bond or relationship with your community
- Being an active member of a collaborative effort to serve the community good
- Advancing the goals of the Board or Commission
- Bringing an equity lens into the makeup, priorities and recommendations of the Board or Commission

Frequently Asked Questions

Q What is the time commitment to serve on a Board or Commission?

A Some Boards and Commissions require more time than others. In general, the bodies meet approximately two hours per month. In addition, members may participate in meetings of committees, sub-committees or ad hoc committees, for which time commitments vary. Board and Commission member time commitments include: preparation for the meeting, meeting attendance, participation in training sessions, ethics training as determined by law, and possible attendance at some Board of Supervisors' meetings and Board of Supervisors' committee meetings.

Q What are the attendance requirements and who should I call if I am unable to attend a meeting?

A By ordinance, most Boards and Commissions require that a vacancy shall be declared if a member misses three consecutive meetings or workshops. It is required that you call the staff liaison or the Board or Commission Chairperson if you cannot attend and explain the reason. It is the responsibility of the staff liaison to poll the Board or Commission membership by telephone or electronic mail one or two days before the meeting to determine the presence of a quorum for regular business meetings. If the staff's office

has information that a quorum will not be present, they will, with the consent of the Chairperson, cancel the meeting and notify the membership.

Q What training is provided for Board and Commission members?

A The County Manager's Office provides training sessions to current and newly appointed Board and Commission members. Trainings help explain members' roles and responsibilities, introduce members to County government operations and personnel, provide basic skills for meeting facilitation and leadership, and other skills or needs as needed

The County Counsel's Office also provides training on certain matters, such as Ethics and the Brown Act.

Further, individual Boards and Commissions may provide additional training specific to their subject matter or operating procedures.

Q Are Board or Commission members compensated?

A Board or Commission members generally serve without compensation, unless otherwise specified by law or by action of the Board of Supervisors.

Q What is the process for resignation from a Board or Commission?

A Send a letter of resignation to your staff liaison. You may be required to refile a Form 700 depending on the Board or Commission on which you served.

You've Been Appointed, Now What?

As a new member of a San Mateo County Board or Commission, you have a responsibility to prepare for the meetings you attend and contribute to their productivity. The following information is intended to help you in your new role. Boards and Commissions are asked to follow guidelines for meeting procedures, such as Rosenberg's Rules of Order, as they are conducting their business.



What Are Rosenberg's Rules of Order?

"Rosenberg's Rules of Order" are a simplified version of the better-known *Robert's Rules of Order*. "Rosenberg's Rules of Order" were written to cover the rules of procedure for meetings in state and local government and are supported by the following four principles:

1. Rules should establish order.

The first purpose of the rules of procedure is to establish a framework for the orderly conduct of meetings.

2. Rules should be clear.

Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.

3. Rules should be user-friendly.

That is, the rules must be simple enough that members feel they are able to fully participate in the process.

4. Rules should enforce the will of the majority while protecting the rights of the minority.

The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

A link to Rosenberg's Rules of Order can be found here: <https://www.calcities.org/detail-pages/resource/rosenberg's-rules-of-order-simple-rules-of-parliamentary-procedure-for-the-21st-century>.



The Role of the Chairperson

While all members of the Board or Commission should know and understand the rules of procedure, it is the chairperson (chair) who is charged with applying the rules of conduct. The chair should be well-versed in those rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair regarding the rules of procedure during meetings are final unless overruled by the governing body itself. The staff liaison is present to support the chair as needed.

Because the chair conducts the meeting, strong and fair facilitation that thoughtfully draws out all member expertise is important. Best practice is for the chair to contribute to the debate or discussion after other members have had a turn. It is helpful for the chair to clearly state the purpose of the discussion as it begins and to summarize the discussion as it ends.

Decisions begin with motions to call a vote. The chair should not normally make or second a motion. When the timing is right, the chair can “call for the motion”, that is, invite members to make and second motions, then call for a vote. More on motions and votes follows on the next pages.

The Basic Format for an Agenda Action Item Discussion

Board and Commission meetings are required by law to have a written and published agenda. The meeting is governed by the agenda and the agenda constitutes the body's agreed-upon road map for the session. The purpose of the agenda, in addition to providing structure and order for the meeting, is to ensure that the business of the public is conducted in public following consistent rules.

The chair should follow this basic format.



1

The chair should clearly announce the agenda item number and should state the subject.

The chair should describe the format that will be followed.

The chair should invite the appropriate people to report on the item, including any recommendation they might have.

The appropriate person may be the chair, a member of the governing body, a staff person, or any other person charged with providing information about the agenda item.

2

The chair should ask members of the body if they have any technical/clarification questions.

At this point, members of the governing body may ask questions of the people who reported on the item, who should then be given time to respond.

3

4

The chair should then invite public comments or, if appropriate at a formal meeting, open the meeting to public input.

If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

5

The chair should invite a motion from the governing body members.

The chair should announce the name of the member who makes the motion.

The chair should determine if any member of the body wishes to second the motion.

The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

6

7 If the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

8 The chair should next invite discussion of the motion by the members of the body.

If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

8

9

The chair calls for a vote. Simply asking for the "ayes" and then the "nays" is normally sufficient.

If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise or unless a super-majority is required (as delineated later in these rules), a simple majority determines whether the motion passes or is defeated. In the event the meeting is taking place remotely, all votes must be conducted by "roll call" with each member and their vote identified individually.

10 The chair should announce the result of the vote and should announce what action (if any) the body has taken.

In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this governing body."

10



Motions

Motions are the vehicles for decision-making. It is usually best to have a motion before the body prior to discussing an agenda item, to help everyone focus on the topic before them.

Motions are made in two steps.

- 1 **The chair** recognizes the member.
- 2 **The member** makes a motion by using the words: "I move..."

The chair usually initiates the motion by:

1. Inviting the members to make a motion: "A motion at this time would be in order."
2. Suggesting language for the motion: "A motion would be in order that we give a 10-day notice in the future for all our meetings."
3. Making the motion – only if other members have not done so.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if the chair wishes a motion to be made but no other member seems willing to do so.

Courtesy and Decorum

The rules of order are meant to create and maintain an atmosphere where the members of the body and the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. It is best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should endeavor to ensure that debate and discussion of an agenda item focus on the item or the policy in question. The chair has the right to cut off discussion that is not related to the item before the body, or that is threatening.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.



Special Notes about Public Input

The rules outlined here help make meetings understandable and accessible. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body (Board or Commission) will be doing (such as receiving information, discussing, taking action).

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a meaningful, timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy.

Tips for Conducting Effective Meetings

Members of San Mateo County Boards, Commissions and Advisory Committees have a responsibility for the content and productivity of the meetings they hold. Members should come prepared to take ownership for their contribution to the end result of the meeting. Meetings do matter.

Here are some ways in which member groups produce a product and make a contribution:



All participants arrive on time and prepared



There are clear ground rules/group agreements that all agree to honor



Agenda is written and shared



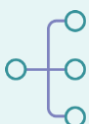
Physical environment is comfortable and seating assigned – members are identified by name placards/tents



Meetings start and end on the times agreed on by the group



All participants contribute



Process advances smoothly and remains focused



Outcome is clear to all



Work to be accomplished is defined



Laughter and fun are encouraged

Ground Rules

Every group should establish some basic agreements on how meetings will run, how members will interact and what kind of behavior is encouraged to support the work of the group. Because each group member is an individual, each has a different way of accomplishing tasks. At times these different approaches can cause friction between members and slow down the process of the group as a whole. For this reason, the following agreements, if adopted by the group, can be very helpful in supporting positive, productive meetings.

Each group member is expected to respect these agreements, which usually prevent misunderstandings and disagreements. Three to five agreements are sufficient for most groups.

Some of the most frequently used agreements include



Attendance

Groups should place a high priority on attendance at meetings. Talk about what would be legitimate reasons for missing a meeting, and establish a procedure for informing the group leader of a member's absence from a scheduled meeting.



Promptness

Meetings should start and end on time.



Participation

Everyone's viewpoint is valuable. Every member can make a unique contribution; therefore, emphasize the importance of both speaking respectfully to a topic and listening attentively.



Basic conversational courtesies

Listen attentively and respectfully to others, do not interrupt, limit the group to one conversation at a time.



Breaks

Decide whether there will be breaks, when and for how long.



Agendas, minutes, and records

Decide how the group will handle these requirements.

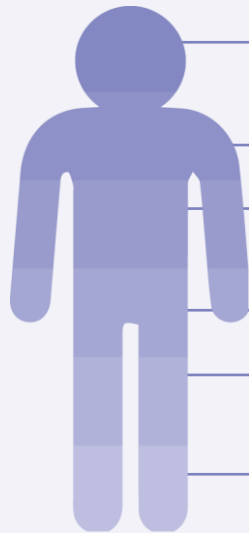
Group Roles

All members make a unique contribution with their presence and participation, but some members may assume additional roles within the group. Each role has guidelines that help ensure success.

The following are general guidelines that may vary with the requirements or needs of each group.

Chair

As group leader, the chair is responsible for following established directions and goals, and if needed, suggesting updates or modifications to the directions and goals.



- Provides** an inclusive, supportive environment for group members.
- Coordinates** activities of sub-committees.
- Ensures** that agendas are developed, shared with the group and modified as needed.
- Sets** the tone and pace for the group.
- May share** the role of meeting preparation with the staff liaison.
- Usually represents** the group in other settings.

Group Member



- Arranges** adequate time to carry out responsibilities as a group member.
- Comes** to meetings prepared and engaged.
- Listens** to other group members and follows the agreements of the group.
- Participates** in group discussion and decision-making.
- Helps** to keep the group on track with the process.
- Serves** on appropriate sub-committees

Assessing the Effectiveness of Meetings

All group members should take responsibility for assessing the effectiveness of meetings and making suggestions for improvement as needed.

The following checklist is helpful for completing that assessment:

- Was the purpose of the meeting clearly stated and understood?
- Did people understand their roles?
- Was the established process followed?
- Was the agenda followed?
- Did all members contribute?
- Were visual aids or written materials used effectively?
- Was the time well spent?
- Was consensus encouraged and, if so, reached?
- If the group could not reach consensus on a topic, was a back-up plan in place?
- How were participants with divergent viewpoints handled?
- Was there a clear understanding of the next steps following each discussion? (Who will do what when?)
- Was there an opportunity for member feedback about the meeting?

What worked?

What didn't?

What needs improvement?

What would you have changed?

Agenda Development

To develop an agenda for a meeting, the chairperson works with the staff liaison to coordinate the meeting agenda; however, the method by which the agenda is developed varies according to the procedures of the individual Boards and Commissions. In addition, some Boards and Commissions may propose items for the next agenda before they close the current meeting. Some develop the agenda through an executive committee or with department staff. Any Board or Commission member can request that an item be placed on the agenda.



Upload

The draft agenda and supplemental documents are uploaded to the Board or Commission website prior to the meeting pursuant with the Ralph M. Brown Act. The purpose of the Brown Act is to facilitate public participation in local government decisions and to curb misuse of the democratic process by secret legislation by public bodies. Boards and Commissions exist to aid in the conduct of the people's business, and the meetings must be open to the public.



Post

The agenda must be posted in an area that is accessible to the public at least 72 hours before the meeting and must include all items which will be discussed or acted upon by the Board or Commission.



Include

The Board or Commission cannot take action on any item not included on the agenda. The agenda must include time for any member of the public to address the Board or Commission on any item not on the agenda which is within the subject matter jurisdiction of the Board or Commission. The agendas will include a statement that such items cannot be acted upon or discussed in depth unless they are included on a subsequent agenda for consideration and possible action.

Communicating with the Board of Supervisors



It is the Board or Commission responsibility to prepare reports for the Board of Supervisors. The task can be assigned to sub-committees or individual members, who will prepare a draft for review by the full Board or Commission. Once the content is approved by the Board or Commission, the staff liaisons can prepare the final documents and work with the Clerk's Office to add these reports to the Board of Supervisors' meeting agenda.

A member of the Board or Commission should be present at the Board meeting to respond to any questions or concerns the Board may have when the recommendation is considered. Sometimes, the Board will add the item to the consent calendar and approve the recommendation without discussion.

Roles of County Staff



Staff Liaisons: Staff liaisons work for the County Department or Agency that houses the Board or Commission. They are a Board or Commission's biggest resource. These individuals help coordinate Board and Commission activities through providing administrative support, sharing subject-matter expertise and liaising between County staff and the Board or Commission. Staff liaisons work to welcome and train new Board or Commission members, update their websites, spearhead recruitments and much more.



Board Liaisons: Board liaisons are staff members for the County Board of Supervisors. They ensure communication between the various Boards and Commissions and our Board of Supervisors. Nearly all Boards and Commissions are assigned to a Supervisor. The Boards and Commissions with Board member assignments are listed on the annual "[Board of Supervisors' Committee Assignments and Responsibilities](#)" memorandum. Board liaisons assist their Board members with application review and the interview process when vacancies arise on Boards and Commissions. They also can act as a conduit of information between their Supervisor and a Board or Commission by attending meetings and building relationships with County staff liaisons and Board and Commission members.



Clerk of the Board: The Clerk's Office assists mainly with the vacancy-filling process for Boards and Commissions. The Clerk's Office works to post vacancy notices, prepare Board agendas for appointments and reappointments and importantly, administer the Oath of Office to new Board and Commission members.



County Counsel: The County Counsel's Office is staffed with a team of attorneys. Each Board and Commission is assigned to one of these attorneys. Their role is to provide legal support and counsel to our County's Boards and Commissions. Most notably, they help Boards and Commissions maintain compliance with the Brown Act, including by clarifying specific rules and by providing general training.



Boards and Commissions Coordinator: The Boards and Commissions Coordinator is located in the County Manager's Office. Their role is to provide general support to all County Boards and Commissions, including both members and staff. They work to provide ongoing training, onboarding, coordination and administrative support.

Legislation and Lobbying

The County Manager's Office Intergovernmental and Public Affairs (IGPA) Unit develops the County's Legislative Program, which outlines the County's legislative priorities, budgetary priorities and policy statements at the State and Federal level. The Program can be found at <https://cmo.smcgov.org/intergovernmental-and-public-affairs>. The Unit regularly informs the Board of Supervisors about ongoing legislative actions at the State and Federal level through informational items at Board meetings and coordinates County advocacy as directed by the County Legislative Program, the Board of Supervisors and the County Manager.

Boards and Commissions may be interested in legislative activities at the State or Federal levels. If a Board or Commission wishes to advise the Board of Supervisors about taking a position on State or Federal legislation, the Board or Commission must vote to recommend a particular position to the Board of Supervisors. This activity must be communicated with the Intergovernmental and Public Affairs Unit in advance to determine alignment with the County's Legislative Program and through your staff liaison.

Boards and Commissions may obtain information on upcoming legislation by contacting the Intergovernmental Affairs Unit through your staff liaison. The departmental staff working with your commission can also work with IGPA to keep you informed of legislation pertinent to the work of your Board or Commission. State legislative information is available online at: <http://www.leginfo.ca.gov/index.html>



The Oath of Office

A formal Oath of Office is required, as provided in California law, for public officials in California. The Clerk's Office will contact new Board and Commission members to schedule a time for them to take their Oath.

The Equity Lens

Equity is just and fair inclusion into a society where all can fully participate, prosper and reach their full potential.¹ The County of San Mateo is committed to creating the conditions that allow all to reach their full potential to ensure a person's identity—including race, ethnicity, gender, age, disability, immigration status, sexual orientation or expression—does not determine their life outcomes or opportunities. The County is working to educate itself, acknowledge challenges, and build structures and systems to advance equitable policies, practices, and procedures that result in a more just and fair society.



Role of Boards, Commissions and Advisory Committees in Advancing Equity

Boards and Commissions play an important role in the creation of an equitable community as the formal and permanent infrastructure for community voice in County decision-making. A diverse and representative Board or Commission can identify challenges, opportunities, and recommend solutions based on their unique experiences, perspectives, and expertise that key decision-makers in County governance may not otherwise have access to. A board member or commissioner has the opportunity to bring the voices of our most impacted communities to the table as they advance the goals of the Board or Commission.

When serving on a Board or Commission, members can consider equity in their priorities, decisions, and recommendations by asking key questions such as: Who is at the decision-making table? Whose perspective and interests are represented? What do the various data tell us about the need for the proposed recommendation, specifically considering race, ethnicity, gender identity, gender expression, income, languages spoken, ability, immigration status, age, and neighborhood? What additional data do we need to assess the above? Who would benefit or be burdened by the proposed recommendation? What inequity is being addressed?

¹ PolicyLink.

Cultural Humility

San Mateo County is a diverse place. Over sixty percent of the County are people of color from many backgrounds and cultures, speaking different languages, and espousing different political and religious beliefs. The County also has a vibrant LGBTQ+ community and a population of varying educational levels, professions, ages, and more. Given our diversity, it is impossible to be fully competent in all these cultures. For this reason, it is important to approach every individual with an open mind, considerate of the complex multicultural experiences of others.

Cultural Humility, a concept developed in the late 90s by two Bay Area doctors of color, is defined as the ability to maintain an openness in relation to aspects of cultural identity that are most important to another person or group. This requires us to:

Approach people with humility and an openness to learn

Be aware of unfair or unnecessary power imbalances between people or groups, and work to rebalance power equitably

Partner to improve the understanding and power of all cultures, especially those that are not part of the dominant culture.

Members of Boards and Commissions can use a culturally humble approach to engage with other members, the public, and the work of their bodies. Bringing a cultural humility lens to Boards and Commissions increases the chance for everyone to feel respected, heard, and seen. Importantly, cultural humility can help maximize the outcomes of Boards' and Commissions' work by effectively incorporating all culturally identities and learnings.

San Mateo County's Chief Equity Officer, Shireen Malekafzali is available to answer your questions and provide additional information related to equity, and can be reached at smalekafzali@smcgov.org

The County of San Mateo is committed to fostering an equitable community where all people can fully participate, prosper and reach their full potential. To achieve this, we must all work to create the conditions that ensure a person's identity—including race, ethnicity, gender, age, disability, immigration status, sexual orientation or expression—does not determine their life outcomes or opportunities.

SAN MATEO COUNTY EQUITY STATEMENT

The Ralph M. Brown Act

Boards and Commissions are subject to certain legal requirements that are based on the public's right to know how decisions are made. These include the Brown Act (open meeting law), and the Public Records Act. If your group would benefit from legal advice about the Brown Act, the Public Records Act, or any other legal issue, the Chair or your groups' staff liaison may contact the County Counsel's Office at (650) 363-4250.

The Brown Act applies to advisory Boards and Commissions created by the Board of Supervisors. All meetings of Boards and Commissions must comply with the notice and agenda requirements of the Brown Act, and all members must adhere to the provisions and requirements of the Brown Act.



What Is a Meeting?

Per California state law, any congregation of a majority of the members of a Board or Commission at the same time and place to hear, discuss or deliberate on any matter within its jurisdiction is considered a meeting.

What this means: A majority of the members of a Board or Commission may not gather (physically or virtually) outside of a properly-noticed public meeting.

Brown Act Illegal Meetings

A majority of members may not "develop a concurrence as to action" on business through serial meetings, intermediaries, electronic or telephonic communication, or other means of subterfuge.

Caution is warranted to avoid the possibility of creating an illegal meeting when using social media. Recent changes to the Brown Act clarify that a Board member or Commissioner may communicate on social media platforms to answer questions, provide information to the public, or to solicit information from the public regarding a matter within the Board or Commission's jurisdiction. But those communications are only allowed if Board members or Commissioners do not use social media to discuss official business among themselves. "Discuss among themselves" means making posts, commenting, and even using digital icons that express reactions to communications (i.e., emojis) made by other Board members or Commissioner.

What Is Not a Meeting?

- Individual contacts between a board member and non-board members. However, beware of intermediaries or serial meetings. This can occur when a non-board member contacts several board members and communicates the position, thoughts or reactions of one board member to the others.
- Communications or discussions between members of the board that do not make up a majority of the board. For example, if a board consists of five members, two of the members can communicate outside of the public meeting. However, if either of those members then communicates with a third member on the same topic and shares the position, thoughts or reactions of the other board member, that could constitute a discussion by the majority of the board and may violate the Brown Act.
- Majority of board at conferences that are open to public (as long as majority does not discuss board business).
- Majority of board at social or ceremonial occasions (as long as majority does not discuss board business).
- Majority of board at a public meeting on topic of local community concern.

Agenda Requirements

Subject to rare exceptions, every meeting of a Board or Commission must be preceded by a posted agenda that advises the public of the meeting and the matters that will be transacted or discussed.



Regular meeting—
Agenda posted
72 hours in advance.

Special meeting—
Agenda posted
24 hours in advance.



Limited exceptions where
business not on the agenda
may be transacted. (See below)

Must contain a brief description
of every item to be discussed.

Closed session items
must be listed (refer to section on
“Permissible Closed Meetings”).

Must include time for
public comment.



There will be no
consideration of matters not properly
agendized unless:

- A majority vote of the board determines an emergency, as defined in the law, exists.
- A two-thirds vote of the board determines there is a need to take immediate action if the matter came to the agency’s attention after the agenda was posted.

Rights of the Public

The public has the following rights:

- Right to attend without identifying oneself.
- Right to record the meeting.
- Right to speak before or during consideration of an item.
- Right to see Board agenda materials.
- Right to say anything, even if unrelated to agency business.

Under limited circumstances members of Boards and Commissions may speak to an item not on the agenda, including:

- When briefly responding to statements or questions.
- When briefly announcing or reporting on their own activities.
- When clarifying questions asked.
- When referring to staff for information.



Permissible Closed Meetings

The Brown Act allows Boards and Commissions to meet without public access in certain circumstances, and only following specific procedures. It would be extremely rare for Boards and Commissions to be involved in the types of activities that would justify a closed session. Therefore, we advise that Boards and Commissions check with County Counsel when considering whether to conduct a closed session.

Standing and Ad Hoc Committees of a Board or Commission

If a Board or Commission wishes to establish a standing or ad hoc committee of certain members, check with County Counsel as to establishing such a subcommittee and the applicability of the Brown Act.

Violation of the Brown Act

The consequences for violations of the Brown Act include:

- Lawsuit brought by the District Attorney or any interested persons
- Violations may be stopped by civil lawsuit
- Some actions, if not "cured" may be declared void
- Criminal sanctions for intentional violations (up to 6 months in jail/\$1,000 fine)
- Attorney's fees

Public Records Act

Principle Behind the Public Records Act

"Implicit in the democratic process is the notion that government should be accountable for its actions. In order to verify accountability, individuals must have access to government files. Such access permits checks against the arbitrary exercise of official power and secrecy in the political process"

CBS Ins. v Black, (1986) 42 Cal. 3d 646, 651



What Is a Public Record?

Records include any writings containing information relating to the conduct of the public's business that are prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

- Board reports and files of boards or commissions are open to the public under Public Records Act.
- Materials distributed to the Board or Commission, except privileged items, are public records and must be made available for inspection and copying "without delay."
- Assume that e-mail and text messages sent among members of the Board or Commission and/or staff are public information. (Don't send anything you don't want to read in the newspaper.)

Information on a Phone or "Smart Phone"



Information kept on a personal computer or "smart phone" related to government business is subject to disclosure unless exempt. This includes e-mail, text messages and appointment calendars.

Personal information is not subject to disclosure and may be redacted to protect privacy interests.

If the County pays for the device, it is subject to County computer policy. There is no "personal" information on a County computer.

Requests for public records can be made orally or in writing.

Public records shall be open for public inspection.

What Is Not a Public Record

There are a wide variety of specific exemptions where records may be withheld and not disclosed to the public. The most often specific exemptions include:

- Some preliminary drafts that are not retained in the ordinary course of business.
- Legal advice.
- Some private personal information if disclosure would constitute unwarranted invasion of personal privacy (e.g., social security number, medical information, tax information).
- Some law enforcement records.

Public Records Requests

If a Board or Commission receives a public records request it should immediately forward the request to County Counsel and work with County Counsel to:

- Respond to the request in writing within 10 days.
- Assist the member of the public in making a focused and effective request, if the request is unclear.
- Turn over copies of documents within a reasonable time.
- If the public record is in an electronic format, the agency may be required to turn the record over in an electronic format.

The consequences for failing to turn over public records are serious and may include:

- Lawsuit
- Paying plaintiff's court costs
- Paying plaintiff's attorney's fees

For further detail, the full text of the Public Records Act, or advice on application in a particular instance, contact:

San Mateo County Counsel
400 County Center, Sixth Floor
Redwood City, CA 94063
Phone (650) 363-4250
countycounsel.smcgov.org

Ethics and Form 700

A key responsibility of Board and Commission membership is maintaining a high standard of ethics. Members are expected to demonstrate the highest degree of principle and integrity.



Core Concept

An ethics code is a framework for day-to-day actions and decision-making by officeholders and, depending on how the code is written, an entire agency.

Ethics Code Goals

An agency usually has three ethical goals:



Encouraging high standards of behavior by public officials



Increasing public confidence in the institutions that serve the public



Assisting public officials with decision-making.



Ethics Training

All members of Boards and Commissions that are paid a stipend for attending meetings and/or are reimbursed any expenses (e.g. parking, attending a conference, mileage etc.) must receive ethics training every two years. All members of such Boards and Commissions must receive the training even if they did not personally receive a stipend or reimbursement. If you are unsure if you need to complete ethics training, please contact staff liaison. Online ethics training is available at the Fair Political Practices Commission website at fppc.ca.gov,

Ethics training covers topics like:

- Laws relating to personal financial gain by public servants, including laws prohibiting conflicts of interest;
- Laws relating to limits on accepting gifts and travel, use of public resources or gifts of public funds, and mass mailing restrictions;
- Government transparency laws such as financial interest disclosure requirements, the Brown Act and the Public Records Act.

Conflict of Interest

Under the Political Reform Act, a public official has a disqualifying conflict of interest in a governmental decision if it is foreseeable that the decision will have a financial impact on their personal finances or other financial interests. In such cases, there is a risk of biased decision-making that could sacrifice the public's interest in favor of the official's private financial interests. To avoid actual bias or the appearance of possible improprieties, the public official is prohibited from participating in the decision and may recuse themselves from discussing, hearing or voting on the specific item.

The Political Reform Act defines "public official" broadly, and in the standing rules for Boards and Commissions, the Board of Supervisors has specified that **all members** of Boards and Commissions are subject to its provisions.

All four of the following conditions must be met for a conflict to exist:

- The individual makes, participates in or uses their official position to influence a governmental decision;
- It is foreseeable that the decision will affect the individual's economic interest;
- The effect of the decision on the individual's economic interest is material;
- The effect of the decision on the individual's economic interest is distinguishable from the effect on the general public.

In addition, members of Boards and Commissions that are listed as "designated employees" on the County of San Mateo's Conflict of Interest Code (see below) shall comply with the filing requirements in the Political Reform Act, such as the Form 700 (Statement of Economic Interests form).

Acknowledgment of Financial Conflict of Interest Laws Form

Members of Boards and Commissions who are not required to file Form 700 are still required by the County to sign the Acknowledgment of Financial Conflict of Interest Laws form. This form serves as acknowledgment to a member of a Board or Commission that financial conflict laws do apply to them and cautions them against participating in decisions where they do have such a conflict.

Conflict of Interest Frequently Asked Questions

Q What is the Purpose of Filing a Statement of Economic Interests (Form 700)?

A The purpose of financial disclosure is to alert public officials to personal interests that might be affected while they are performing their official duties, i.e., making government decisions. Disclosure also helps inform the public about potential conflicts of interest. The Statement of Economic Interests (Fair Political Practices Commission Form 700) form must be filed annually, as well as when assuming or leaving office. Filed forms are public documents that must be made available to anyone who requests them. Online forms are available from the Fair Political Practices Commission [here](#).

In San Mateo County, only members on decision-making Boards and Commissions who are "designated employees" on the County's conflict of interest code must file Form 700.

These Boards and Commissions are:

- Assessment Appeals Board
- Board of Building Permit Appeals
- Civil Service Commission
- Design Review Committee
- Treasury Oversight Committee
- Licensing Board
- Parks and Recreation Commission

Planning Commission members are specifically mandated by state law to file Form 700.

The fact that a member of a Board or Commission is not required to file a Form 700, however, does not relieve that member from the obligation to comply with state conflict of interest laws when carrying out their duties. Filing a Form 700 reminds Boards and Commission members that they should be aware of financial conflicts of interest during their tenure.

Q Where Can I File My Form 700?

A San Mateo County Boards and Commissions members may file their form 700 at:
County Manager's Office/Clerk of the Board
400 County Center, 1st floor
Redwood City, CA 94063
Phone (650) 363-4123
Fax (650) 363-1916 | bnc.smcgov.org

Board and Commission liaisons help facilitate this process for members.

Q When Do I Have to File My Form 700?

- A
- Within 30 days of assuming office.
 - Annually, typically by April 1. Please check with your Board or Commission staff liaison to determine the exact date.
 - Within 30 days of leaving office.

Q Where Do I Go for Help with My Acknowledgment of Financial Conflict of Interest Laws Form?

A Questions regarding this form should be directed to:

County Manager's Office/Clerk of the Board
400 County Center, 1st floor
Redwood City, CA 94063
Phone (650) 363-4123
Fax (650) 363-1916 | bnc.smcgov.org

Conclusion

We hope that you have found this handbook useful. If you have any questions that are not addressed here, please direct your questions to the San Mateo County Manager's Office at (650) 363-4123. Thank you for your service to our County of San Mateo.



Agricultural Advisory Committee

Arts Commission

Assessment Appeals Board

Bayside Design Review Committee

Bicycle and Pedestrian Committee

Board of Building Permit Appeals

Business License Board

Charter Review Committee

Child Abuse Prevention Council

Child Care Partnership Council

Civil Service Commission

Coastside Design Review Committee

Commission on Aging

Commission on Disabilities

San Mateo County Boards and Commissions Handbook

Commission on the Status of Women

Community Corrections Partnership Council

Confined Animal Technical Advisory Committee

Deferred Compensation Committee

Domestic Violence Council

Emergency Medical Care Committee

First 5 Commission

Health Care for the Homeless/ Farm Workers Health Program

Housing and Community Development Committee

Juvenile Justice Coordinating Council

Juvenile Justice & Delinquency Prevention Commission

Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Commission

Measure K Oversight Committee

Mental Health and Substance Abuse Recovery Commission

Midcoast Community Council

North Fair Oaks Community Council

Parks and Recreation Commission

Pescadero Municipal Advisory Council

Planning Commission

Public Authority Advisory Committee

San Mateo Medical Center Board of Directors

Treasury Oversight Committee

Veterans Commission

Youth Commission



**COUNTY OF
SAN MATEO**

BROWN ACT and ROSENBERG'S RULES OF ORDER



COUNTY OF SAN MATEO
BOARDS AND COMMISSIONS
INDEPENDENT CIVILIAN ADVISORY COMMISSION

AN INTRO TO THE BROWN ACT

SAN MATEO COUNTY ATTORNEY

JULY 2024

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WHAT IS THE BROWN ACT?

- Enacted in 1953
- Law's intent is that the actions of California's public Boards, Commissions, and Councils should be taken openly and their deliberations should be public
- Law attempts to balance public's right to access most proceedings and the need to conduct some proceedings with confidential candor



Ralph M. Brown

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WHAT EVERY PRESENTATION ON THE BROWN ACT MUST COVER

1. To Whom Does it Apply?
2. What is a Meeting?
3. The Agenda Requirements
4. The Public's Rights
5. Closed Sessions
6. Consequences for Violations

11

-
- Presumption is in favor of public access
 - Privacy ("closed session") for specified topic areas only
 - Exceptions to public access are construed narrowly
 - The Brown Act can be found at California Government Code §§ 54950 et seq.

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THREE MAIN RULES

1. Notice to the public before any meeting describing when, where, and what for;
2. Opportunity for public participation during the meeting;
3. Exceptions to the public access/participation rules.

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FIVE STAGES OF GRIEF

- Denial: "Really? That can't POSSIBLY be against the rules to do."
- Anger: "How do they expect us to get anything done?"
- Bargaining: "I think I figured out a way to get equal or better transparency without needing to follow these ridiculous rules."
- Depression: "Every effective way of getting business done is closed off to us."
- Acceptance: "Let's just post an agenda for this."

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IS THIS “AGENDIZED”?

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WHO HAS TO COMPLY?

- If you're receiving this training, you do.
- But subsidiary bodies that you create might also be subject to the Brown Act
- Exception: ad hoc advisory subcommittees consisting solely of less than a quorum
- NOT individual decisionmakers

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WHAT DO THEY MEAN BY A “MEETING”?

- Noticed, agendaed public meetings
- Any gathering of a majority of the members in a place to hear, discuss or deliberate on a matter within the subject matter jurisdiction of the body
- Any use of a technological artifice to develop a collective concurrence as to a matter within the subject matter jurisdiction of the body (e.g., e-mail; social media)

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“A MEETING”

- Includes regular meetings, special meetings, study sessions, board retreats, workshops ...
- Includes lunches and social gatherings (if Commission related subjects are discussed)
- Includes telephone calls and e-mail chains
- Includes social media threads and bulletin boards
- Includes using intermediaries or representatives
- Includes circumstances where no action is taken!

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SOCIAL MEDIA

- Previously, the status of “public” posts on social media was questionable
- AB 992 authorized posting on “open and accessible” platforms (as defined)
- Members cannot “discuss among themselves” the posting
- Commenting, sharing, retweeting, and “liking” or “disliking” other members’ posts is prohibited
- Recent case: If you use your profile in your official capacity, you cannot block members of the public from commenting, or delete their comments or posts

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“A MEETING” IS NOT:

- Individual discussions with stakeholders
- Attending a conference (without discussing substantive matters together)
- Attending a meeting of another public entity
- Attending a purely social or ceremonial gathering

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YOUR MAGIC
NUMBER IS:

4

(INCLUDING YOU)

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WHAT ABOUT SUBCOMMITTEES?

- Subcommittees created by formal action of the body must also comply with the Brown Act
- A special type of subcommittee, “advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body”, may meet without posting agendas or otherwise complying
 - Basically, to research a distinct complicated issue and report back in open session with a recommendation
- Consult with staff and counsel on the appropriate measures to effectuate your intent

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HOW DO I GET SOMETHING AGENDIZED?

- The notice of meeting must include a brief summary of each item of business to be conducted
 - Hear, discuss, deliberate (DISCUSSION / ACTION)
 - Must be posted at least 72 hours in advance of a regular meeting (i.e., recurring meetings and those set by the Committee itself or by its organizing documents)
 - Must be posted at least 24 hours in advance of a special meeting (i.e., those set by other action)
 - New items may only be added under special (i.e., rare) circumstances!
 - About 20 words (more is not more!)
 - The contents of the agenda packet are not sufficient notice of the item

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WHAT IS THE PUBLIC ENTITLED TO?

- To adequate advance notice the time, place, and topics of meetings
- To geographically proximate meetings (within the jurisdiction)
- To accessible meeting locations and assistive devices
- To record the meeting
- To bring new issues to the Board's attention (public comment)
- To timely receive access to the materials in the Board Packet
- To comment on each item before the Board deliberates (public hearing)
- To hear the deliberation, to know the (final) actions, and to know who voted how

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WHAT IS THE PUBLIC ENTITLED TO?

- The right to orderly comment is subject to reasonable rules and regulations
 - Per-speaker time limits
 - Per-item time limits
 - Not content-based (i.e., no rule against public criticism)

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ADDRESSING A SPEAKER

- The public is allowed to comment on items not on the agenda
- Meanwhile, the Board is forbidden to “hear, discuss or deliberate” on items not appearing on the agenda
- The Board members may “briefly respond” to public comment
 - Give information or correct misinformation
 - Refer to staff for followup
 - Ask that matter be agendized for a future meeting

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CAN WE TALK ABOUT THIS IN CLOSED SESSION?

- Probably not
- Must be one of the specified issues set forth in the statute
- When allowed, must be described on the agenda and noticed to the public
- Public has a right to be heard on closed session items before action is taken
- Nothing else about Brown Act compliance changes
 - Including prohibition on serial meetings
 - Including the right to know who voted how (but not deliberations)

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CAN I JUST CALL IN TO THE MEETING?

- The teleconference provisions of the Brown Act were written at a time when “teleconference meeting” was thought to be two public conference rooms, miles apart
- To be a legal meeting, the teleconference provisions of the Act must be strictly followed
- Both (or all) locations must be accessible to the public and have a posted agenda

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AB 2449

- Allows individual members to participate remotely BUT
 - Only on specified grounds
 - Just cause (as defined)
 - Emergency circumstances (as defined) (basically medical emergencies only)
 - Number of times this is allowed is numerically limited
 - A quorum of members must be physically present
 - Full online access must be provided to the public in order for this even to be an option

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WHAT IF THERE'S A VIOLATION?

- Call your staff liaison and ask to consult our office
- May result in reversal of the decision made using an improper process
- Requires that a demand be made, giving you the opportunity to correct your process
- Serious violations involving intentional conduct may result in criminal prosecutions

30

90 SECONDS ON CONFLICTS OF INTEREST

- Form 700 and the FPPC
- 1090 of the Government Code
- Appearance of Conflict

31

10 SECONDS ON THE PRA

- Assume that everything you write will be seen by someone else

32

QUESTIONS?



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.


The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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Rosenberg's Rules of Order at a Glance

The Three Basic Motions

Simple majority to pass / open to debate

Basic Motion: "I move that we..."

Motion to Amend: suggests changes to the basic motion.

Motion to Substitute: replaces the basic motion entirely.

Special Motions

Simple majority to pass / no debate, goes directly to vote

Motion to Adjourn: ends the meeting.

Motion to Fix a Time to Adjourn: ends the meeting at a set time.

Motion to Recess: break in the meeting. Chair sets length of the break.

Motion to Table: defers the motion under discussion to a future date.

Motions that Permanently Close Discussion

2/3 majority to pass / no debate, goes directly to vote

Motion to Limit Debate: stops debate. "I move the question."

Motion to Close Nominations: stops new nominations for a position.

Motion to Object to the Consideration of a Question: rare, stronger form of tabling. Used before debate has begun.

Motion to Suspend the Rules: temporarily changes meeting rules. Cannot be used to suspend non-parliamentary bylaws. Can be debated.

Meeting Interruptions

May be used at any time. Chair responds by asking you to state your point.

Point of Privilege: points out uncomfortable surroundings, like a cold room or being unable to hear a speaker.

Point of Order: points out failure to follow correct meeting procedures.

Call for Orders of the Day: points out that the discussion has strayed from the agenda.

Appeal: reverses a Chair's ruling when passed by simple majority. Requires a second and can be debated.

Withdraw a Motion: used by the person making the motion. Others may immediately reintroduce the motion if they wish.

Motion to Reconsider

Simple majority to pass / open to debate

May only be made by a member who previously voted in the majority for the item. Must be made during the same meeting (or at the very next meeting, assuming it's been added to the agenda).

Voting:

Public Comment must be heard before votes are cast. See "Life of a Motion" for process relating to motions, public comment and votes.

Life of a Motion

1. Chair announces item subject and number
2. Sponsor introduces item
3. Board asks technical questions for clarification purposes
4. Public comment on the item
5. Chair asks for motion
6. Chair asks for second
7. Board debates motion
8. Board votes
9. Chair announces result

Notes:

- All motions require a second before they can be voted upon.
- You must be recognized by the Chair before speaking.
- Chair may set limits on debate time or number of speakers.
- Abstentions don't count in vote tally.
- A tie vote fails to pass.
- To recuse, publicly state reason for recusal and leave room during debate and vote.



COUNTY OF SAN MATEO INTERDEPARTMENTAL CORRESPONDENCE

CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION

To: Chairs, Staff and Liaisons of County Boards & Commissions
From: John D. Nibbelin, County Attorney
Subject: Toolkit for Addressing Public Meeting Disruptions
Date: October 18, 2023

A number of local agencies are experiencing an uptick in disruptive behavior during public comment at their public meetings subject to the Brown Act. *See* “[Public meetings across San Mateo County hit with hate speech](#),” San Mateo Daily Journal, October 7, 2023; “[Redwood City, Atherton, El Cerrito, Monterey, Pacifica, Sacramento, San Carlos and South San Francisco hit with hate speech during meetings](#),” San Mateo Daily Journal, September 30, 2023. In addition, there have been coordinated efforts on the part of advocacy groups to commandeer meetings on hot-button issues such as support of transgender students. *See, e.g.*, “[Roseville school board meeting erupts into chaos; what we know about the 'Proud Boy' member later arrested](#),” KCRA.com, March 25, 2023. We have been asked to advise on techniques to prevent disruptions and to recommend appropriate responses when they occur.

General Rule Against Muting, Silencing or Blocking Speech Based on Content

The Brown Act and the First Amendment to the Constitution generally preclude the use of techniques at public meetings to silence or interrupt controversial, but peacefully delivered, speech on the basis of its content. The Supreme Court has found that “if the First Amendment means anything, it means that regulating speech must be a last — not first — resort.” *Thompson v. W. States Med. Ctr.*, 535 U.S. 357, 373 (2002).

Accordingly, while the term “hate speech” is used in news reporting about this behavior, this is not a concept that appears in constitutional law. Rather, the legal regime governing *pure speech acts* (*i.e.*, verbal utterance or visual display, not accompanied by physical action) allows a broad range of expression that may be hurtful and unkind, even when targeted toward identified individuals or groups. Speech or conduct that may be considered insolent, disrespectful, critical, boisterous, profane, false or even slanderous, unless it actually disrupts a public meeting, is constitutionally protected speech. *See Acosta v. City of Costa Mesa*, 718 F. 3d 800, 816 (9th Cir. 2013); *Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719, 727–728 (C.D. Cal. 1996).

While you are free to characterize speech as being “hate speech” for other purposes, we do not advise that speech may be treated differently under the law once it is characterized by its opponents as hateful. A surprising amount of speech that makes meetings uncomfortable or even hostile to individuals and groups is nonetheless protected by the Constitution unless it becomes disruptive.

Exception: Comments Not Within the Subject Matter Jurisdiction of the Body

Under the Brown Act, the public is guaranteed the right to provide testimony at any regular or special meeting on any subject which will be considered by the legislative body before or during its consideration of the item. Cal. Gov’t Code § 54954.3(a). In addition, the public has the right at every regular meeting to provide testimony on any matter under the legislative body’s jurisdiction. Cal. Gov’t Code § 54954.3(a). However, the California Attorney General has concluded that a body can prohibit a member of the public from speaking on a matter that is outside the jurisdiction of the body. 78 Ops. Cal. Atty. Gen. 224, 230 (1995). You are therefore within your rights to terminate speech that is not within the subject matter of your board. Much of the speech by coordinated advocacy groups described above may fall outside of the subject matter jurisdiction of your board.

However, you should be alert to the possibility that the *issue* is within a subject matter that your board may define as appropriate business for itself even if the particular *viewpoint* expressed is not one your board would endorse. For example, an agency bears some risk if it terminates or prohibits speech on a matter ostensibly not within the agency’s subject matter jurisdiction (*e.g.*, a matter of federal policy) in one moment, only to later entertain a resolution denouncing the federal government’s actions with regard to that same matter. In other words, your board may inadvertently expand the scope of permitted public comment by entertaining board items on those issues supposedly outside its jurisdiction.

Nevertheless, keeping tight control over the topics addressed by your board is a powerful tool for preventing individual members of the public from changing the conversation from the podium. Certainly, we recommend using this tool to interrupt off-topic diatribes by Internet trolls on race and gender, so long as your board does not bring race and gender into its own purview by its other actions.

Exception: Unprotected Speech

Without embarking on a legal treatise on the First Amendment, there are several types of speech generally found to lack any constitutional protections. The most relevant ones are as follows:

- **Disruption:** Speech conduct that “actually disrupts” the meeting
- **True threats:** Serious expression of intent to commit an act of unlawful violence

- **Incitement:** Words intended (not just likely) to produce imminent disorder
- **Obscenity:** Depiction or description of sexual or excretory functions, lacking serious literary, artistic, political, or scientific value

Speech that “**actually disrupts**” a public meeting may be interrupted and terminated, following a warning. In August 2022, the Governor signed SB 1100, which attempted to define disrupting a meeting as “engaging in behavior during a meeting of a legislative body that *actually* disrupts, disturbs, impedes or renders infeasible the orderly conduct of the meeting...” (emphasis added). Examples given of conduct that may rise to the level of an “actual” disruption are “engaging in behavior that includes the use of force or true threats of force” and “failure to comply with reasonable and lawful regulations” adopted by the legislative body to manage their public meetings. Rather than expanding the definition, this essentially limits the ability of the presiding officer of a public meeting to declare that a speaker is currently (*i.e.*, not potentially) disrupting the meeting. SB 1100 also imposes a new obligation that “[p]rior to removing an individual, the presiding member of their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal” (except in the case of a true threat of force, which may be addressed immediately and without prior warnings). Cal. Gov’t Code § 54957.95(a)(2). Disrupting a public meeting is also a misdemeanor, and if the disruption persists despite a warning, law enforcement has the ability to place the disruptive party under arrest. *See* Cal. Penal Code § 403.

A “**true threat** of force” is a legal term that serves as a distinction between casual or insincere expressions and serious ones. True threats are “serious expression[s]” conveying that a speaker means to “commit an act of unlawful violence.” *Virginia v. Black*, 538 U.S. 343, 359 (2003). An example of a true threat is “Say that again and I will punch you.” An example of protected speech is “Anyone who says that deserves a punch in the face.” If a person issues a threat of physical violence against another person in the room, their participation in the meeting may be terminated by appropriate means without a warning.

Incitement means *only* encouraging or urging the commission of illegal acts by others. It does not include saying things so outrageous that it provokes others to commit acts of violence against the speaker (so-called “fighting words”). If a speaker (1) urges others to violate the law (2) with the intention of causing them to actually violate the law, their speech is not protected and their speech may be terminated by appropriate means.

Obscenity means discussion or depiction of sexual or excretory functions in a manner lacking any literary, artistic, political, or scientific value. In general, we can advise that speech on these topics can usually be terminated in the context of a public meeting. We also recommend that you consider using the “webinar” functions of your online meeting platform to prevent the unauthorized sharing of images on-screen, as this is a favored tool for creating shock and outrage. Generally speaking, people whose speech acts were punished merely for using verbal

“fleeting expletives” have been successful in getting the courts to agree that their speech is protected, especially if the expletives were not, in context, meant to be a literal description of sexual or excretory functions (*e.g.*, where the present participle of the f-word is used as an adjective rather than as a gerund for the act of intercourse).

Other Reasonable Regulations of Public Comment

Parliamentary procedures make clear that speakers in a public meeting are only permitted to address the room when recognized by the Chair. The decision of when and how to recognize a public speaker is therefore a useful tool. Anyone who speaks without being recognized by the Chair is out of order and should therefore be cautioned against disrupting the meeting. Talking over other speakers is another good example of disruptive behavior. A strict rule against talking over others or without being recognized by the Chair must be enforced without regard to the content of the speech, however.

The Brown Act provides that the legislative body shall not prohibit a member of the public from criticizing the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Cal. Gov’t Code § 54954.3 (c). Several agencies have suggested that public comment be prefaced by a statement that the agency values diversity and inclusion, and that public comments contrary to those values are unwelcome. Some agencies have even included statements that remind the public that the agency has a duty as an employer to protect its employees from discriminatory or hostile behaviors by third parties. We do not recommend such an approach. Such statements, while true, do not bind public speakers. The expressive rights of the public to criticize public employees, even using harsh language, has been found to outweigh the public employer’s interests in protecting its workforce from embarrassment or outrage, and bylaws attempting to control the content of public speech critical of district employees is an unconstitutional form of viewpoint discrimination. *Leventhal v. Vista Unified Sch. Dist.*, 973 F. Supp. 951, 959 (S.D. Cal. 1997).

If anything, aspirational statements of inclusion provide a roadmap for speakers to provoke outrage. A Chair acting consistently with constitutional requirements after making such aspirational statements will only seem to the other meeting attendees to be ineffectual and overly permissive. We therefore recommend an approach of firmly *responding* to racist or discriminatory speech rather than attempting, ineffectually, to prevent it.

What to Do When It Is Inadvisable to Terminate Mid-Comment

If public comment is objectionable but falls within the “protected” category and cannot be interrupted and terminated, we note that the Brown Act specifically allows members of the legislative body or its staff to “briefly respond” to comments or questions from members of the public. Cal. Gov’t Code § 54954.2(a)(3). The First Amendment authorizes a public agency to

respond to speech by stating its disagreement with it. When faced with peaceful, on-topic speech that causes offense or disgust at the viewpoint espoused by the speaker, a powerful tool in the board's toolkit is their own verbal response, which is allowed to be spontaneous, heartfelt and even harshly worded (though not threatening, and necessarily brief).

What to Do When It is Necessary to Terminate Mid-Comment

As noted above, certain kinds of speech acts, such as true threats and incitement to illegal conduct, can be terminated immediately and without warning. Other speech acts, such as speech that actually creates a disruption, must first be addressed by a warning. No prescribed words are required to give a warning; it can be as formal as "Your behavior is disrupting the meeting and failure to cease your behavior may result in your removal," but, "knock it off or I'm kicking you off of Zoom" meets the legal standard and is perhaps more effective. We have attached a script for your use.

If the person whose speech requires interruption is physically in the room, the presiding officer of the board should admonish the speaker even if it requires interruption in the course of their comment. If the speaker persists in continuing the disruptive behavior, we strongly recommend that the presiding officer turn off the microphones and declare a recess and that the entire board leave the room. When the board reconvenes, the speaker should not be acknowledged in any way for any further public comments; ideally, the presiding officer will state that comment time will only be provided to speakers who acknowledge the rules apply to them. (We recommend that the speaker thereafter be allowed to comment at subsequent board meetings, and encourage the presiding officer to insist on the speaker's acknowledgment of the rules and agreement to comply before beginning to speak.)

Conclusion

Your available legal tools for **preventing** offensive speech entirely are few and not likely to be effective in every case. Your tools for **interrupting** offensive speech are limited but can be useful in certain appropriate circumstances. By contrast, your tools for projecting your board's values back into the disrupted conversation by way of a **forceful response** are the strongest of all. It requires discipline and patience to endure two minutes of objectionable speech without losing one's temper but, in general, the law allows and encourages a healthy verbal response in lieu of the use of measures that discourage or punish speech based on its objectionable content.

We have included with this memorandum a chart with examples of reasonable and unreasonable measures, a script for responding to "actual disruption" incidents, and a statement for reading at the beginning of the Public Comment agenda item for your potential use.

Unreasonable	Reasonable
Requiring speakers to identify themselves	Asking speakers to identify themselves
Muting speakers who criticize public employees or officials	Responding to speakers that they are mistaken in their criticisms
Muting speakers without warning and moving on to the next speaker	“Please limit your remarks to matters within the jurisdiction of this board”; muting them after they persist in off-topic speech despite the warning
“I am muting your microphone because you are creating a hostile environment”	“I must mute your microphone because you are talking over other people, which disrupts the meeting”
Ordering that a person be escorted from the meeting by physical force based on their verbal utterances	Taking a recess when a speaker is persisting in disruptive conduct; reconvening with a new speaker at the dais
Allowing screensharing or display of materials that are positive and promote inclusiveness, while forbidding display of materials contrary to that viewpoint	Having a single rule applicable to speech without regard to its viewpoint
Enforcing a rule against meeting attendees wearing messages on their clothing	Enforcing a rule against holding up signs or placards that block the ability of meeting participants to see each other
Interrupting a comment because you believe it to be defamatory	Briefly responding to apparently defamatory comments by replying that you found it rude and unpersuasive
Selectively deleting comments in the chat based on content	Turning off the chat function

Script for Disruptive Behavior

I am warning you that the Penal Code provides that every person who, without authority of law, willfully disturbs or breaks up a lawful public meeting is guilty of a misdemeanor.

You are causing a disruption of this meeting. You must immediately cease this disturbance. If you disturb this meeting any further, I will ask for the police or sheriff to arrest you under Penal Code section 403.

For now I declare this meeting in recess for 15 minutes. We will reconvene our meeting in 15 minutes. I ask for everyone voluntarily to leave the meeting chambers until we reconvene.

(Leave the dais and turn off the microphones. Call to request that a law enforcement officer be present when the meeting reconvenes. During the break, approach the next person on the list of speaker cards and ask them to be next to speak.)

(Reconvene and recognize the next speaker to the podium or lectern. If the disruptive speaker attempts to speak, tell them they are not recognized to speak at this time and ask the law enforcement officer to place the disruptive speaker under arrest for violation of Penal Code section 403.)

Verbal Statement When Calling the Public Comment Section of the Agenda

I'd like to make a brief statement about the type of remarks that are appropriate for the Public Comment section of our agenda. This meeting is a limited public forum. All public comments must relate to something that is within the subject matter jurisdiction of this board. If a comment does not relate to the subject matter jurisdiction of this board, we will stop the comment and move on to the next speaker. As the presiding officer of this meeting, I will determine whether a comment does not relate to the subject matters placed within this board's purview.

AGENDAS



COUNTY OF SAN MATEO
BOARDS AND COMMISSIONS
INDEPENDENT CIVILIAN ADVISORY COMMISSION



COUNTY OF SAN MATEO
BOARDS AND COMMISSIONS
 INDEPENDENT CIVILIAN ADVISORY COMMISSION

Independent Civilian Advisory Commission on the Sheriff's Office
Regular Meeting: Tuesday, July 16, 2024
6:00 p.m. – 8:00 p.m.

Join the meeting on Zoom:
<https://smcgov.zoom.us/j/82968837479>.

The webinar ID: 829 6883 7479.
 Dial in: + 1 669 900 6833 (Local).

This meeting of the Independent Civilian Advisory Commission will be held at the Regional Operations Center. Members of the public will be able to participate in the meeting remotely via the Zoom platform or in person visiting the Regional Operations Center located at 501 Winslow St., Redwood City, CA 94063.

ITEM	PRESENTER
1. Roll Call	Clerk
2. Welcome and Introductions (20 mins) <ul style="list-style-type: none"> • Welcome • Opening Remarks • Swearing-in New Commissioners • Introduction of New Commissioners 	Deputy County Executive Adam Ely Supervisor Slocum & Supervisor Pine Supervisor Slocum Facilitator Debbie Schechter
3. Presentation/Training (60 mins) <ul style="list-style-type: none"> • Sheriff's Office Overview and Introductions • Ralph M. Brown Act • Conflict of Interest • Elected Positions and Roles <p>a) Questions from Commissioners</p> <p>b) Public Comment (limited to one minute). Public comment must be related to this agenda item.</p>	Sheriff Christina Corpus Assistant County Attorney David Silberman Facilitator Debbie Schechter
4. Motion: Discussion of On-Boarding (25 mins) <ul style="list-style-type: none"> • Review Commissioner On-Boarding Process and Binder • Determine Frequency of On-Boarding Meetings (August – December 2024) Determine Frequency, Date, and Time of Regular Meetings (2025) • Determine Retreat Date 	Facilitator Debbie Schechter

<ul style="list-style-type: none"> a) Questions/Input from Commissioners b) Public Comment (limited to one minute). Public comment must be related to this agenda item. c) Motion/Action 	
<p>5. General Public Comment – <i>This item is reserved for persons wishing to address the Independent Civilian Advisory Commission on a topic within the jurisdiction of the Commission but that is not on the agenda. Public comments on matters on the agenda shall be heard at the time the matter is called. Please fill out a speaker slip.</i></p>	Clerk
<p>6. Commissioner Announcements (10 mins)</p>	Clerk/Commissioners
<p>7. Adjournment</p>	Clerk

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ADA Requests

Individuals who require special assistance, language access, or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the meeting, should contact Community affairs by **10:00 a.m. on the day before the meeting** at (650) 363-1800 and/or ICACFeedback@smcgov.org

Solicitar ADA o Acceso al idioma

Las personas que requieran acceso al idioma español, o una modificación o adaptación relacionada con una discapacidad para participar en esta reunión, o que tengan una discapacidad y deseen solicitar un formato alternativo para la reunión, deben comunicarse con Asuntos Comunitarios **antes de las 10:00 a. m. del día antes de la reunión** al (650) 363-1800 y/o ICACFeedback@smcgov.org

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Next Commission Meeting:

Regular Meeting: August 20th, 2024 (6pm to 8pm)

For more information about the ICAC visit our website at: <https://www.smcgov.org/icac>

*****IN-PERSON WITH REMOTE PUBLIC PARTICIPATION AVAILABLE*****

For more information regarding how to participate in the meeting, either in-person or remotely, please refer to the instructions below. In addition, a video broadcast of the meeting can be viewed at:

<https://www.smcgov.org/icac>. Closed Captioning will be provided for all Commission meetings. While watching the video broadcast, please scroll over the video and click “CC” to turn closed captions on.

Public Participation Options:

1. **In-Person:** Meeting may be accessed **in-person** at -
Regional Operations Center located at 501 Winslow St., Redwood City, CA 94063.
2. **Remote:** Meeting may be accessed through **Zoom online** link (see Zoom instructions below) -
<https://smcgov.zoom.us/j/82968837479>. The webinar ID: 829 6883 7479.
3. **Telephone:** Meeting may be accessed **via telephone** by dialing-
[1 669 900 6833 \(Local\)](tel:16699006833). Enter Webinar ID: 829 6883 7479, then press #.

Instructions for Public Comment During Hybrid Meetings:

8. This item is reserved for persons wishing to address the Independent Civilian Advisory Commission on a topic within the jurisdiction of the Commission but that is not on the agenda. Public comments on matters on the agenda shall be heard at the time the matter is called. Please fill out a speaker slip.

Members of the public may provide public comments to the commission as follows:

***Spoken Comments in-Person:**

1. Members of the public who wish to address the Commissioners should complete a speaker’s slip to make a public comment. Speakers will be called to the stand in the order their speaker slip were received. Each speaker will have one minute to speak for each agenda item.

***Spoken Comments Via Teleconference (Zoom):**

1. You will be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
2. When the Clerk calls for the item on which you wish to speak, click on “raise hand” feature. Speakers will be notified shortly before they are called to speak. Each speaker will have one minute to speak for each agenda item.

***Written Public Comment:**

Written public comments may be emailed in advance of the meeting, and such written comments should indicate the specific agenda item on which you are commenting. Please read the following instructions carefully:

1. Your written comment should be emailed to ICACFeedback@smcgov.org by **5:00 p.m. on the day before the meeting**. The Clerk will make every effort to read emails received after that time but cannot guarantee such emails will be read during the meeting, although such emails will still be included in the administrative record.
2. Your email should include the specific agenda item on which you are commenting or note that your comment concerns an item that is not on the agenda.
3. Members of the public are limited to one comment per agenda item.
4. The length of the emailed comment should be commensurate with the one minute allowed for verbal comments, which is approximately 150-200 words.

Instructions for Zoom Access:

During hybrid meetings of the Independent Civilian Advisory Commission, members of the public may address the commission as follows:

1. You may download the Zoom client or connect to the meeting using an internet browser. If using your browser, make sure you are using a current, up -to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
2. You will be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.

MINUTES



COUNTY OF SAN MATEO
BOARDS AND COMMISSIONS
INDEPENDENT CIVILIAN ADVISORY COMMISSION

RESOLUTION



COUNTY OF SAN MATEO
BOARDS AND COMMISSIONS
INDEPENDENT CIVILIAN ADVISORY COMMISSION

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

**RESOLUTION ESTABLISHING AN INDEPENDENT CIVILIAN ADVISORY
COMMISSION ON THE SHERIFF'S OFFICE**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, in 2021 the California State Legislature adopted Assembly Bill (AB) 1185, and this bill added Section 25303.7 to the California Government Code; and

WHEREAS, AB 1185 explicitly sets forth authority to utilize an inspector general or commission to assist the Board of Supervisors in performing its ongoing duties under Section 25303 of the California Government Code related to the Sheriff's Office; and

WHEREAS, under Section 13 of Article V of the California Constitution, the California Attorney General is solely responsible for overseeing the Sheriff's Office with respect to its law enforcement functions; and

WHEREAS, California Government Code Sections 12560 and 25303 vest the Board of Supervisors with responsibility for County functions related to assessing, collecting, safekeeping, management, or disbursement of public funds; and

WHEREAS, subsequent to adoption of AB 1185, this Board began to consider oversight of the Sheriff's Office and held a study session on November 1, 2022, at which staff and advocates presented information regarding oversight models utilized by certain other California counties, many of which were instituted recently (but prior to enactment of Assembly Bill 1185), and received public comment; and

WHEREAS, after the November 1, 2022 study session, the Board conducted additional work, which included: consulting with persons with specific knowledge and expertise on oversight; performing extensive public outreach; and meeting with numerous stakeholders, including advocates for different oversight frameworks, the Sheriff's executive team and its officers' union representatives; and

WHEREAS, on October 24, 2023, the Board held a second subsequent study session, at which County staff, persons with expertise, researchers and advocates presented on the existing legal and operational oversight frameworks as well as the benefits and costs of additional oversight systems; and

WHEREAS, at the conclusion of the October 24, 2023 Study Session, the Board directed staff to return with an action item that creates a civilian advisory body independent of the Sheriff's Office, to assist the Board of Supervisors in its duties under California Government Code Section 25303, and otherwise advise the Board of Supervisors regarding transparency, accountability and public engagement with respect to the Sheriff's Office, and directs the County Executive to take certain action as further described below.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as follows:

1. COMMISSION—ESTABLISHMENT AND PURPOSES.

The Independent Civilian Advisory Commission on the Sheriff's Office ("Commission") is hereby established.

The purpose of the Commission is to advise the Board of Supervisors in its effort to facilitate public transparency, accountability, and public engagement with respect to the Sheriff's Office.

2. COMMISSION MEMBERSHIP.

The Commission shall consist of seven (7) voting members and two (2) alternates, who shall reside in San Mateo County. Members shall be appointed by a majority vote of the Board of Supervisors and shall serve at the pleasure thereof. The following criteria shall be used in appointing Commission members:

- a. One (1) Commission member will be nominated by each Supervisor and reside in that Supervisor's District;
- b. One (1) Commission member will be nominated by the Sheriff;
- c. One (1) Commission member and Two (2) alternates will be nominated by the two Board liaisons appointed pursuant to Section 4(d), below and following the County's regular application process for commissions.
- d. Consideration shall be given to the applicant's background and/or community involvement to the extent relevant to the fulfillment of the Commission's mission;
- e. Members of the Sheriff's Community Advisors for Responsible Engagement (CARE) Program designated by the Program will serve as non-voting liaisons;
- f. A member of the San Mateo County Youth Commission designated by the Commission will serve as a non-voting liaison; and
- g. The two at-large alternates will serve in the absence of an appointed member. Alternate members shall otherwise be entitled to attend meetings of the Commission and may participate in Commission discussion and deliberation but,

unless acting for an absent Commission member, shall not be entitled to vote on any matter.

Outreach efforts shall be made to ensure that the Commission membership reflects the diversity of San Mateo County in terms of race/ethnicity, gender, age, sexual orientation, lived experience and geographic distribution.

All Commission members, Alternate members and liaisons shall receive orientation and training. No member, Alternate member or liaison shall be a current employee of the County or be currently employed as a peace officer.

3. TERMS OF COMMISSION MEMBERS.

Initial terms of Commission members shall be staggered to help ensure the continuity of the Commission. For the initial appointment of members, four (4) members and one (1) Alternate member shall be appointed to serve two (2) year terms, and three (3) members and the other Alternate member shall be appointed to serve three (3) year terms. Thereafter, each of the terms shall be three (3) year terms. Upon the conclusion of a term, a member may be considered for reappointment by the Board of Supervisors, subject to a maximum of four (4) full three (3) year terms. This limit shall not include partial terms to which a member may be appointed at the beginning of their service, including those members initially appointed to two (2) year terms. A Commission member may exceed that limit due to holdover service caused by delay in appointing a replacement at the end of the member's term of service.

In the event a vacancy shall occur on the Commission during the term of any member, the Board of Supervisors shall appoint a replacement Commission member

who shall serve the remainder of that member's term consistent with the nomination structure described above.

Terms shall begin on July 1 of the year of appointment and end on June 30. Initial terms at the formation of the Commission will begin at appointment and shall end on June 30 of the applicable year depending on the length of the member's initial term. Any partial year of service will not count against a member's term.

4. ORGANIZATION.

The Commission may adopt rules for the conduct of its own business which shall be consistent with the terms of this resolution, and which shall include, but not limited to, the following provisions (which automatically apply):

- a. The Commission shall annually select, by majority vote, a Chair and a Vice Chair;
- b. The Commission shall meet at least four (4) times a year, unless otherwise determined by a majority vote of the Commission;
- c. A minimum of four (4) Commission members, including any alternate temporarily serving in place of a member, must be present to constitute a quorum and hold a meeting. Commission action may be taken only by a majority vote. "Majority vote" means a majority of the members in attendance at a meeting;
- d. The President of the Board of Supervisors will annually appoint two (2) members of its Board to serve as Board liaisons to the Commission Chair and interface between its Board and the Commission. The Commission Chair shall work with a designee of the County Executive's Office as its

administrative liaison, or such other County department designee as the Board of Supervisors may authorize. The Commission shall also receive staff support from the Sheriff's Office and County Attorney's Office. The County Attorney's Office is delegated responsibility for interpreting this Resolution, including the Commission's role, charge and limitations and advising and directing the Commission consistent therewith. The Board Members, Sheriff, County Executive and County Attorney, or any one of their designees, shall be entitled to attend and participate in all meetings of the Commission, but shall have no vote and shall not be deemed members of the Commission;

- e. The Commission shall establish the time and place of its regular meetings;
- f. All meetings of the Commission or committees thereof shall be subject to the open meeting requirements of the Government Code, specifically the Brown Act, section 54590, et seq.;
- g. All documents and reports generated by the Commission shall be subject to the provisions of the Public Records Act (Government Code section 6254, et seq.); and
- h. Except to the extent that this resolution sets forth different rules or processes, the Commission shall comply with all standing rules for County boards, commissions, and advisory committees established by the Board of Supervisors as currently adopted or as amended in the future. Members of the Commission will be included in the County's Conflict of Interest Code and be expected to complete the California Fair Political Practices Commission (FPPC) Form 700 Statement of Economic Interests.

5. COMMISSION'S POWERS, DUTIES, AND FUNCTIONS.

The duties, functions, and powers of the Commission shall be as follows:

- a. To advise and make recommendations to the Board of Supervisors, as needed but not less frequently than every twelve (12) months;
- b. To develop and implement an annual work plan approved by the County Executive's Office, which includes making an annual report to the Board of Supervisors;
- c. To provide a public forum for input from the community regarding the Sheriff's Office;
- d. To fulfill other duties and engage in other activities as directed by the Board of Supervisors, which may include:
 - i. Obtaining community input and feedback regarding the Sheriff's Office; conveying to the Board of Supervisors community concerns or positive feedback received by the Commission; and, where appropriate, making recommendations; and
 - ii. Providing a forum for community input on priorities; providing the community an additional means of giving input to the Sheriff; requesting information from the Sheriff related to community concerns about operations, practices, and activities.
- e. To seek the input of the County Executive, County Attorney, Office of Budget Policy and Performance, and all affected County departments prior to making any recommendations pursuant to the duties defined in this section;

- f. The Commission will perform its duties in an advisory capacity, and without the authority to manage or operate any department or agency, or direct the activities of County employees or contractors; and
- g. The Commission will:
 - i. Not interfere with the investigative or prosecutorial functions of the Sheriff's Office;
 - ii. Comply with all applicable laws and not obtain or review any confidential materials, except attorney-client communications provided by the County Attorney for the purpose of advising the Commission;
 - iii. Not participate in or advise on departmental personnel or disciplinary matters; complaints of deputy misconduct will be referred to the Sheriff's Office to be investigated as required by applicable law, including Penal Code Section 832.5;
 - iv. Not interfere with matters that are under active investigation; and
 - v. Not issue subpoenas; subpoena power can be exercised by the Board of Supervisors in its discretion.

IT IS HEREBY FURTHER RESOLVED that the Board of Supervisors directs the County Executive to annually organize a Board of Supervisors study session addressing current public safety-related issues and developments in the County and State.

* * * * *

TRAINING



COUNTY OF SAN MATEO
BOARDS AND COMMISSIONS
INDEPENDENT CIVILIAN ADVISORY COMMISSION

COMMISSIONERS



COUNTY OF SAN MATEO
BOARDS AND COMMISSIONS
INDEPENDENT CIVILIAN ADVISORY COMMISSION



Independent Civilian Advisory Commission | 2024

Commissioners

- Marco Durazo
- Michael Fisher
- William McClure
- Shirley Melnicoe
- Kalimah Salahuddin
- Rob Silano
- James Simmons

Alternate Members

- Rebecca Carabez
- Alexis Lewis

If you would like to reach commissioners, please email ICACFeedback@smcgov.org

Public Comment

- ICACFeedback@smcgov.org

Staff

- Office of Community Affairs /
Clerk of Commission
500 County Center, Redwood City, CA 94063
icacfeedback@smcgov.org
- Adam Ely
Deputy County Executive
aely@smcgov.org
- Emma Gonzalez
Chief/Director of Community Affairs and
Programming
elgonzalez@smcgov.org
- David Silberman
Assistant County Attorney
dsilberman@smcgov.org

Liaisons (Non-Commissioners)

- Bruce Anthony Von Herman
CARE Representative Member
- Michael Klobuchar
CARE Representative Member
- Stanley Roberts
CARE Representative Member
- Vacant
Youth Commissioner



Marco Durazo, as the Supervisorial District 1 Member, resides in San Bruno. He is a faculty member in the Department of Politics at University of San Francisco, an Op-Ed columnist with the San Mateo Daily Journal, serves on the San Bruno Planning Commission and the Peninsula Health Care District's Community Health Investment Committee. He holds degrees in Political Science, including a Bachelor of Arts degree from UCLA, a Master's degree from Massachusetts Institute of Technology, and a Ph.D. from UCLA.



James Simmons, as the Supervisorial District 2 Member, resides in Belmont. He is a Program Manager for a local non-profit focusing on affordable housing, was a member of the Belmont Parks and Recreation Commission, is a cultural humility training facilitator and is a certified conflict resolution mediator. He holds a Bachelor of Science in Psychology from Fordham University.

William McClure, as the Supervisorial District 3 Member, resides in Menlo Park. He served for 27 years as the City Attorney for the City of Menlo Park and served on the Board of Directors for Planned Parenthood. He holds a Bachelor of Arts from the University of California at Davis and a Juris Doctorate from Santa Clara University.



Rob Silano, as the Supervisorial District 4 Member, resides in Menlo Park. He is retired with over 40 years experience in public safety with the Northern California Regional Intelligence Center and the Drug Enforcement Agency. He is currently a Director of the Menlo Park Fire Protection District and Executive Board Member of the Fire Districts Association of California. He holds a Bachelor of Science and a Master's from Florida International University, both in Administration Management of Education and Criminal Justice.



Kalimah Salahuddin, as the Supervisorial District 5 Member, lives in Daly City. She is the DEI Community Programs Manager at Exelixis, a Trustee for the Jefferson Union High School District, a Board member of the Housing Leadership Council, the Reach Coalition, Caminar and on the San Mateo County Juneteenth Committee and Shared Prosperity Coordinating Council.

Mike Fisher, as the Sheriff's Office Member, resides in El Granada. He is a Senior Director at Google and previously worked in law enforcement in the cities of Mountain View, Las Vegas and Los Angeles. He holds a Bachelor of Arts in Political Science from the University of Southern California and a Master's in Public Administration from Notre Dame de Namur.



Shirley Melnicoe, as the At-Large Member, resides in San Mateo. She formerly served as the first Reentry Coordinator for San Mateo County as well as Executive Director of the Northern California Service League, which worked with incarcerated and formerly incarcerated individuals. As a Social Scientist at the U.S. Dept. of Justice, she directed police research on best practices and lectured at the FBI Academy on Police Use of Deadly Force. She holds a Bachelor of Arts in Criminology from U.C. Berkeley and a Master's in Public Administration from the University of Southern California.

Rebecca Carabez, appointed as an At-Large Alternate, resides in Daly City. She is a retired Professor of Public Health Nursing and Global Perspectives at San Francisco State University's School of Nursing. She also served on the San Mateo County LGBTQ+ Commission, as both Co-Chair and Member. She holds a Bachelor of Science in Nursing from the University of San Francisco, and a Master's and a Ph.D. from the University of California San Francisco's School of Nursing.

Alexis Lewis, appointed as an At-Large Alternate, resides in San Mateo. She works in biotech and is a member of the San Mateo branch of the NAACP, where she served as First Vice President and a member of Foster City's Association of Black Residents.

Member Name	Membership	Term Begins	Term Expires	Term
Rebecca Carabez	At-Large Alternate member	11-Jun-2024	30-Jun-2028	Term 1
Marco Durazo	Supervisory District 1 Member	11-Jun-2024	30-Jun-2026	Term 1
Michael Fisher	Sheriff's nominee	11-Jun-2024	30-Jun-2028	Term 1
Alexis Lewis	At-Large Alternate Member	11-Jun-2024	30-Jun-2026	Term 1
William McClure	Supervisory District 3 Member	11-Jun-2024	30-Jun-2028	Term 1
Shirley Melnicoe	Member At-Large	11-Jun-2024	30-Jun-2026	Term 1
Kalimah Salahuddin	Supervisory District 5 Member	11-Jun-2024	30-Jun-2026	Term 1
Robert Silano	Supervisory District 4 Member	11-Jun-2024	30-Jun-2026	Term 1
James Simmons	Supervisory District 2 Member	11-Jun-2024	30-Jun-2028	Term 1

MISC



COUNTY OF SAN MATEO
BOARDS AND COMMISSIONS
INDEPENDENT CIVILIAN ADVISORY COMMISSION

COUNTY OF SAN MATEO 2024

January

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9*	10	11	12	13
14	15	16	17	18	19	20
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*January 9: Reorganization of the Board/Consent-only agenda

February

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*July Board recess

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December

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2024 Holidays

A floating holiday may be taken within the time limit set by the various Memorandums of Understanding, Attorney, and Superior Courtroom Clerks employed by the County Clerk will observe all Saturday holidays on the Friday preceding said holiday instead of being credited with a floating holiday.

Jan 1	New Year's Day (observed)
Jan 15	Martin Luther King Day
Feb 12	Lincoln's Birthday (Floating Holiday)
Feb 19	Presidents' Day
May 27	Memorial Day
June 19	Juneteenth
July 4	Independence Day

Sept 2	Labor Day
Oct 14	Columbus Day/Indigenous Peoples' Day
Nov 11	Veterans Day
Nov 28	Thanksgiving Day
Nov 29	Day After Thanksgiving
Dec 25	Christmas Day

	Pay Periods
	Pay Day
	Holiday
	Floating Holiday
	Board Meeting
	Agenda Review



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ICACFeedback@smcgov.org



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