



# BOARDS AND COMMISSIONS HANDBOOK

This handbook is a guide to the County processes, legal parameters, and protocols that affect Commission business, as well as practical information on how to be a Commissioner in Santa Clara County. Look inside for information on conducting meetings, agenda development, meeting attendance, legislative advocacy, parking, and more.

Clerk of the Board of Supervisors  
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# BOARDS AND COMMISSIONS HANDBOOK

## PREFACE

I'm a Commissioner!! Now what do I do?

Welcome to the exciting world of County Boards, Councils, and Commissions (collectively referred to in this handbook as Commissions). This handbook will tell you what your responsibilities and obligations are as a Commissioner, how to advise the Board of Supervisors, and some practical information such as how to get a parking permit.

Take the time to read through this manual so you will understand how business is transacted between the various Commissions and the Board of Supervisors. Attend the Commission meetings faithfully and become advocates for the community you represent. Your role is valued, important, and appreciated.

**I. ROLE OF COMMISSIONS IN COUNTY GOVERNMENT**

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 Commissions are authorized by the Board of Supervisors to take independent action (i.e. Planning Commission, Personnel Board, Assessment Appeals Board, etc.).

Commissions **do not** make policy decisions, manage or direct programs, commit County resources, or take official positions that have not been approved by the Board of Supervisors.

**A. Establishment of Commissions**

Section 506 of the County Charter states that the Board of Supervisors may create, by ordinance, such advisory Boards or Commissions as in its judgment are required. In addition, some Commissions may exist due to Federal or State mandate. *(See Appendix “Rules of the Board Chapter 8, Section 42.”)*

**B. Reporting relationship between Commissions and the Board of Supervisors**

*(See also “Commission Officers” and “Communicating with the Board of Supervisors.”)*

Commissions have both a formal and informal reporting relationship with the Board of Supervisors.

The formal process is through the forwarding of a legislative file from the Commission to the Board of Supervisors which provides a recommendation to the Board on a formal action taken by the Commission as-a-whole. These recommendations are the result of a majority vote of the Commission. A majority is defined as a majority of the entire Commission membership seats, not just those members present or those seats that are filled.

The formal process may also be through a memorandum to the Board of Supervisors provided as “information only,” as the result of a majority vote of the Commission. A majority is defined as a majority of the entire Commission membership seats, not just those members present or those seats that are filled. Protocol suggests that Commission members work through the Commission Chairperson when Commission business needs to be conveyed to the Board either as-a-whole or to an individual Board member.

The informal process occurs when individual Commissioners desire to make their opinion known to the Supervisor who appointed them. Each member of the Board of Supervisors has an internal process on how they work with Commissions. In some cases, a Policy Aide is assigned to work with Commissions, in which case that would be the person with whom to speak. This person often attends Commission meetings and will keep the Board member informed on Commission business.

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The Board of Supervisors is always interested in facilitating the work of your Commission and will welcome any suggestions you have. Board members value information that alerts them to upcoming issues and concerns to allow the Board to proactively respond.

Commissions are advisory to the Board of Supervisors, and therefore **may not** take an official position for the County which has not been approved by the Board of Supervisors. (*See also "Legislation and Lobbying."*)

**II. COMMISSIONER RESPONSIBILITIES**

**A. Qualifications to serve on a Commission**

Each Commission seat has its own qualifications that are determined by the establishing body. The Board of Supervisors looks for committed, honest County residents free from motives of personal gain, willing to serve in the interest of the public, with high moral and ethical character. Members must have a genuine interest in the work of the Commission. A fair and open mind is important to objectively analyze issues and make meaningful recommendations to the Board of Supervisors.

**B. Role and responsibilities of a Commissioner**

Commissioners are responsible for reviewing meeting materials in advance, attending meetings regularly and on time, notifying the Deputy Clerk and their Chairperson in advance if they cannot attend a meeting, and volunteering for committees (if the Commission has any). Commissioners are expected to have knowledge about County goals and the goals and priorities of the Board of Supervisors. **The role of the Commissioner is to represent the public.**

In order to be an effective Commissioner, you are expected to read this handbook which has been approved by the Board of Supervisors and review and retain for ongoing reference the Guide for County of Santa Clara Brown Act Bodies in order to comply with all State and local laws and rules regarding meetings. You are also expected to take an oath of office, as determined under the law.

**C. Certificate of Appointment and Oath of Office**

A Certificate of Appointment and Oath of Office is required to be completed by all members of certain specified County Brown Act bodies. Commissioners are not considered full voting members until their Oath of Office has been completed and filed with the Office of the Clerk of the Board. A new Certificate of Appointment and Oath of Office is required after each appointment and reappointment to a specific County Brown Act body.

**D. Orientation is provided for newly-appointed Commissioners**

The Board of Supervisors expects that all newly-appointed Commissioners attend an orientation session provided by the Office of the Clerk of the Board relating to protocols and procedures.

**E. State Mandated Ethics Training**

California Government Code sections 53235 and 53235.1 require that any newly elected or appointed local agency official must receive two hours of training in local government ethics within one year of assuming the position and once every two years thereafter. The training must comply with the content requirements of Title 2, California Code of Regulations section 18371. The County provides a bi-annual local government ethics training, but other alternatives are

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available as well. Each newly appointed Commissioner must provide their Certificate of Completion to the Office of the Clerk of the Board for record keeping purposes.

### F. Terms of Office and Term Limits

Each appointment to a County Brown Act body is subject to a term of office and term limit for serving on a specified body. Each body has varying terms of office (generally between three and four years) and term limits (generally three full terms) based on the needs of the specific body and the County. Any portion of an unexpired previous term served does not count toward calculating term limits of Commissioners. A newly-appointed Commissioner can find information on their respective term limits in the adopted Ordinance and Bylaws for their particular Commission. A termed-out Commissioner is eligible to reapply for appointment to the same Commission after a one year absence from the Commission.

### G. Commissioner's responsibility during meetings

Commissioners should be conversant about the issue and be aware of the proposal or motion under consideration, come with an open and inquiring mind, and be considerate of speakers. Be prepared to ask questions of speakers and provide input when necessary.

### H. Conflicts of interests

California voters passed the Political Reform Act (the "Act") (Government Code sections 81000, et seq.) in 1974 declaring that "[p]ublic officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them." (Gov. Code 81001(b).)

The Act establishes requirements for members of Commissions whose positions entail the making or participation in the making of decisions that may foreseeably have a material effect on their financial interests.

- They must disqualify themselves from participating in decisions which may affect their personal economic interests.
- They must file a Statement of Economic Interests (Form 700) within 30 days of assuming office in a designated position, annually by April 1 of each year, and within 30 days of leaving the position. (See "*How to file a Statement of Economic Interests (Form 700).*")

For more information on the Political Reform Act, please visit the Fair Political Practices Commission website at <http://www.fppc.ca.gov>.

### I. How to file a Statement of Economic Interests (Form 700)

Commissioners required to file a Form 700 Statement will be notified by the Clerk of the Board of Supervisors. There are two ways to file:

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1. Submit your Form 700 online using the County's eDisclosure system and receive instant confirmation of filing. Login information will be provided to you via email following your appointment.
2. Submit your Form 700 in hardcopy with original signature to Clerk of the Board of Supervisors, Attn: Form 700, 70 West Hedding Street, East Wing, 10th Floor, San Jose, CA 95110.

Not all Commissioners are required to file a Form 700, because the filing requirement is based upon the authority and responsibilities of the Commission. If you have questions about whether or not you need to file, please contact the Office of the Clerk of the Board.

Those County Commissions whose membership is required to file Form 700s have an Exhibit A and B as part of the County's conflict of interest code, located at <http://www.sccgov.org/sites/bos/cob/Conflict-of-Interest/Pages/County-Boards-and-Commissions-Exhibits.aspx>. Exhibit A lists the designated positions and Exhibit B lists the disclosure categories specifying the required disclosure interests (e.g., income, investments, business positions, real property) and reportable sources of those interests.

### J. Public position on an issue when the Commission has not explicitly voted to do so

If you clearly state that your public statements reflects your position purely as a **private citizen** and not as a representative of the Commission you may publicly express your position on an issue; however, you may not use County letterhead for correspondence purposes. If your title is used for information purposes, you must include a disclaimer that you do not speak for the County of Santa Clara or the Commission of which you are a member.

### K. Time commitment

Some Commissions require more time than others. In general, Commissions meet approximately two hours per month. In addition, Commissioners may participate in meetings of Commission committees, for which time commitments vary. Commissioner time commitments include preparation for the meeting, meeting attendance, ethics training as determined by law, and possible attendance at some Board of Supervisors' meetings and Board of Supervisors' committee meetings.

### L. Attendance requirements and who to call if unable to attend a meeting

Appointment as a Commissioner comes with an expectation of regular attendance, and attendance is reported to the appointing authority on a regular basis. Exact attendance requirements vary by Commission.

A Commissioner may be removed from office by the appointing authority due to excessive absences without "good cause" as determined by the Chairperson, an inability to participate, or loss of qualifications for the seat.

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It is required that you notify the Deputy Clerk of the Board and the Commission Chairperson if you cannot attend an upcoming Commission meeting. If the Clerk has information that a quorum (majority of the entire Commission membership seats, whether filled or vacant) will not be present, they will, with the consent of the Chairperson, cancel the meeting and notify the membership.

### M. Process for resigning from a Commission

Submit a letter or email of resignation to your appointing Board member and provide copies to the Deputy Clerk and Commission Chairperson.

**III. COMMISSION OFFICERS**

**A. Commission Chairperson**

The Chairperson shall:

- Attend new Chairperson orientation/training.
- Work with the Deputy Clerk to prepare the meeting agenda to comply with Brown Act standards and timeframes.
- Make sure that supporting documents for agenda items are provided to the Deputy Clerk to distribute to Commission members, staff and the public by the Brown Act deadline.
- Preside at all meetings:
  - Call the meeting to order at the scheduled time.
  - Verify the presence of a quorum.
  - “Process” all motions (state the motion prior to discussion, restate the motion just prior to the vote, and announce the result of the vote, specifying who voted in favor, who voted against, and any abstentions and recusals).
  - Facilitate meetings by staying on track and adhering to time constraints.
  - Rule on any points of order using Roberts Rules of Order as guidance.
  - Conduct the meeting in a fair and equitable manner.
  - Maintain neutrality to facilitate debate.
- Serve as official representative of the Commission or designate another Commissioner:
  - At all Board of Supervisors and official County meetings in which Commission business is on the agenda.
  - As spokesperson for media contact regarding Commission business.
  - At all other meetings requested by the Board of Supervisors.
- Be familiar with the bylaws and conduct the meetings according to the bylaws.
- Assign or reassign Commissioners on committees to research and gather information related to Commission topics, draft Work Plan, and other reports as needed.
- Provide feedback to Office of the Clerk of the Board regarding services provided by County staff.
- For issues related to legal or business processes, contact the Office of the Clerk of the Board or the appropriate Board committee representative.
- Work cooperatively with the departments that provide subject matter expertise to the Commission.
- Stay informed about Board of Supervisor Committee meetings which relate to business of the Commission.

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### B. Commission Vice Chairperson

The Vice Chairperson shall:

- In the absence of the Chairperson, assume the role of the Chairperson.
- Preside at any meeting where the Chairperson is absent.
- Work in partnership with the Chairperson.
- Attend new Chairperson orientation/training.
- Stay informed about Board of Supervisor Committee meetings which relate to business of the Commission.

The by-laws of each Commission should contain the duties of elected officers of the Commission, which may include additional officers such as Treasurer, etc.

### C. Election of Chairperson and Vice Chairperson

As soon as practicable, following the first day of July of every year, each Commission shall organize by electing a Chairperson and Vice Chairperson to serve at the pleasure of such Commission.

*(See Appendix "Charter of the County of Santa Clara Section 506." See also individual Commission bylaws.)*

**IV. ROLE OF THE DEPARTMENTS/AGENCIES AND STAFF**

**A. Role of Clerk of the Board staff in support of Commissions**

Support of Board-appointed Commissions is provided by individuals employed in the Office of the Clerk of the Board. These staff are trained subject matter experts in the business processes and policies which are in place to professionally guide and facilitate the duties and responsibilities of Commissions. Deputy Clerks prepare and post agendas, write minutes of regular business meetings, create legislative files to the Board Committees and the Board of Supervisors, provide administrative support for the meetings and other activities of the Commissions, supply information on procedures and protocol, process requests for parking permits and financial reimbursement, and maintain records. Questions, comments, suggestions, or concerns regarding the Office of the Clerk of the Board should be directed to [boardoperations@cob.sccgov.org](mailto:boardoperations@cob.sccgov.org).

**B. Relationship with supporting department staff**

Many Commissions look to a particular department and its professional staff for support in considering the issues which come before the Commission, and facilitating the work of the Commission. The relationship between the Commission and the department staff is a strategic partnership with all parties working together. Neither party directs the actions of the other.

Department staff serve as resources for Commissions to answer questions, provide options, analyze impacts, clarify County policy, and generally keep Commissions current on the progress of County services. Actions taken by department staff are the responsibility of the County Executive, while the Commissions report to the Board of Supervisors.

As assigned by the County Executive, staff from County agencies and departments will provide information and guidance, as needed, to assist the Commissions in the subject area for which the Commission makes recommendations.

**V. COMMUNICATING WITH THE BOARD OF SUPERVISORS**

**A. How to communicate recommendations to the Board of Supervisors**

Once a majority of the Commission (a majority being defined as a majority of the entire Commission membership seats, not just those members present or those seats that are filled) votes to forward a recommendation to the Board of Supervisors, the Deputy Clerk prepares a legislative file to the appropriate Board Committee. A legislative file is the formal document used to transmit a request or recommendation, or advise the Board of support or opposition to a particular issue.

All legislative files are reviewed by the Clerk of the Board to ensure that the legislative file best expresses the position taken by the Commission. Once the legislative file is prepared, the Deputy Clerk will forward a copy to the Commission Chairperson for review and subsequently to the Board Committee. Following consideration and direction by the Board Committee, the matter is forwarded to the full Board of Supervisors for consideration.

**B. Process for communicating goals and work objectives planned by the Commission (Annual Work Plan)**

Each Commission is required to provide an update to the Board of Supervisors about its activities through an Annual Work Plan. The Annual Work Plan includes a list of prior year accomplishments. Work Plans are updated each Fiscal Year in accordance with a template and instructions provided by the Clerk of the Board. The Work Plans are to be completed by each Commission and approved at a regular Commission meeting no later than April 1 of each year. The Office of the Clerk of the Board will transmit the Work Plans to the appropriate Board Committee for review in May of each year and to the Board of Supervisors for approval in June.

*(See Appendix “Annual Boards and Commissions Work Plan Template and Instructions.”)*

It is the Commission’s responsibility to write its Annual Work Plan. Some Commissions assign this task to a committee or a particular Commissioner, who will prepare a draft for Commission review. Once the content is approved by the Commission, the Deputy Clerk or department staff can prepare the final documents. The Deputy Clerk forwards the Work Plan to the appropriate Board Committee for review and comments and subsequently forwards the Work Plan to the Board of Supervisors for approval.

**C. Board action on a Commission recommendation**

A member of the Commission should be present at the meeting for the Board Committee or Board of Supervisors to respond to any questions or concerns the Board may have when the recommendation is considered. Often, the Board will add the item to the consent calendar and approve the recommendation without discussion. The Deputy Clerk will officially inform the Commission of the action taken by the Board.

**VI. LEGISLATION AND LOBBYING**

**A. How to obtain information on the Board of Supervisors' position on areas of legislation**

The County Legislative Policies and Priorities are compiled annually and distributed by the Office of Intergovernmental Relations to inform staff and Commissions of the Board's positions on legislative issues that will be supported or opposed by the County.

**B. Recommending a position on an issue of interest to the Board of Supervisors**

Commissions are authorized to recommend positions on public policy or legislative issues to the Board of Supervisors. Commissions can advocate or take positions on local, state, national, or international public policy or legislative issues **if the Board of Supervisors has authorized them to do so**. If a position is not already supported or opposed by the Board of Supervisors, the Commission may vote to recommend a particular position to the Board of Supervisors. A majority of the Commission (a majority being defined as a majority of the entire Commission membership seats, not just those members present or those seats that are filled) must vote to approve making the recommendation. The Deputy Clerk will forward a legislative file to the appropriate Board Committee for review. The Board Committee will make a recommendation to the Board of Supervisors.

*(See Board Policy 3.1 regarding Policies Governing Advisory Boards and Commissions Regarding Legislative Activities.)*

**C. How to obtain other legislation that may affect the Commission**

Many times the best information on upcoming legislation is found by contacting professionals in the field. The department staff working with Commissions will share information on pertinent legislation when available, which could include information from professional associations or legislative alerts.

State or Federal agencies in your area of interest can be good sources for you to write to keep updated on legislation. State legislative information is available online at: <http://leginfo.legislature.ca.gov/>.

**D. Lobbying Ordinance**

The County has a lobbying ordinance (Chapter VII of Division A3 of the County Ordinance Code) to impose registration and disclosure requirements on those engaged in efforts to influence the decisions of County policy makers for compensation. The ordinance regulates all who contact certain County officials, including Commissioners, with the purpose of promoting, supporting, modifying, opposing, or causing delay or abandonment of conduct. As a result, contract and in-house lobbyists, lobbying firms, and expenditure filers (who influence policy without directly contacting officials) are regulated. The lobbyist disclosure form and lobbyists' filings are located on the Clerk of the Board's website.

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Ordinance No. NS-19.42 can be found in its entirety on the Clerk of the Board's website at <http://www.sccgov.org/sites/bos/cob/>. It is the expectation that all Commissioners inform those who may be lobbying them to visit the Clerk of the Board's website and complete any Lobbyist Disclosure Forms that may be required of their agency.

**VII. COMMISSION MEETINGS**

**A. Process for developing the meeting agenda**

The Chairperson works with the Deputy Clerk to coordinate the meeting agenda; however, the method by which the agenda is developed varies according to the procedures of the individual Commissions. The Deputy Clerk advises the Chairperson of items to be carried forward from prior meetings, as necessary. In addition, some Commissions 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 Commissioner can request that an item be placed on the agenda, and protocol would indicate that these requests be directed to the Chairperson. The draft agenda and supplemental documents are forwarded to the Deputy Clerk by the Chairperson, or in some cases department staff.

The Deputy Clerk, in collaboration with the Chairperson, will ensure that the agenda follows standard formatting and language guidelines.

**B. Agenda items and documents due to the Deputy Clerk**

The Chairperson is responsible to assure that all agenda items and supplemental documents are submitted to the Deputy Clerk a minimum of nine (9) calendar days before the meeting. Agenda items and supporting documents which do not meet this timeline may be placed on the agenda for the following meeting.

**C. Agenda and Minutes Deadlines**

The Deputy Clerk prepares and distributes final agendas and minutes seven (7) calendar days prior to the upcoming meeting. Minutes from the previous meeting are generally added to the agenda for approval by the Commission.

**D. Brown Act - What is it and how does it affect the agenda?**

The law which guarantees the public's right to attend and participate in Commission meetings is 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. Commissions exist to aid in the conduct of the people's business, and the meetings must be open to the public.

The agenda must be posted in an area that is accessible to the public at least 72 hours before the meeting and on the County's webpage for meeting agendas. The agenda must include all items which will be discussed or acted upon by the Commission. The Commission cannot discuss, deliberate, or take action on any item not included on the agenda. Every agenda must allow any member of the public to directly address the Commission on any agenda item before or during consideration of that item.

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

### E. Meeting Types

There are three types of meetings: regular meetings, special meetings, and emergency meetings. All meetings must be open session meetings, with limited exceptions for specified items that may be discussed in a closed session. A Commission may want to use a meeting as a retreat or a planning session, but such a meeting would still have to be noticed and open to the public. These meetings are subject to Brown Act requirements, and the public may attend all meetings other than Closed Sessions. All meetings require a quorum to proceed with the meeting. *(See additional information in Section VIII regarding Types of Meetings.)*

### F. Location of Meetings

County Ordinance Code section A17-4, and Board of Supervisors Policy 3.2, require that all Commissions where the Board of Supervisors appoints a majority of the members conduct their meetings at the County Government Center unless it is unavailable or infeasible to do so or the Board of Supervisors approves a change in the meeting location, in which case the meetings shall be held at another County facility with ease of public access. This policy is established to facilitate recording of meetings, alleviate travel by County support staff, and provide public accessibility at an established and public meeting site.

Pursuant to Government Code section 54961, a legislative body may not conduct any meeting or function in any facility that prohibits the admittance of any person based on protected characteristics (e.g., ancestry, race, religion, age, sex, sexual orientation, disability, etc.), or which is inaccessible to disabled persons, or where members of the public must pay to attend the meeting.

### G. Quorum determination

A quorum is a majority (half+1) of the entire Commission membership seats, not just those members present or those seats that are filled. When a quorum is not present for a scheduled meeting, the Commission cannot hold the meeting.

If there is a chance that additional members needed to comprise a quorum will arrive within a reasonable time, the Chairperson or Deputy Clerk may orally announce that they will wait for a specified time (e.g., 15 minutes) to make a determination on whether the meeting will proceed or need to be declared cancelled due to lack of a quorum. There should be no public comment or staff reports during the designated waiting time. Any items scheduled for that meeting must be heard and discussed after the meeting has officially begun, which cannot happen until a quorum is present.

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Once it is determined that a quorum is not present to proceed with the meeting, the Chairperson or Deputy Clerk shall orally announce that the meeting is cancelled due to a lack of quorum. In lieu of minutes for the meeting, the Deputy Clerk will note in some manner for the public's reference that the meeting was cancelled due to a lack of quorum.

Once the meeting is cancelled, it cannot be held if additional members that would comprise a quorum arrive after the cancellation announcement. In addition to the Deputy Clerk who is responsible for taking the minutes, members of the public who came for the meeting may have left once the cancellation was announced. It would not be appropriate or transparent to then hold the meeting.

### H. Less-Than-A-Quorum Members Hearing from Public and Staff

Members of the public or staff may be present to comment on items or give reports. Following the cancellation of the meeting, those Commissioners who are present (less than a quorum) may wish to stay and allow members of the public to express their thoughts on items and hear updates from staff. However, such proceedings are **not** part of an official meeting of the Commission, and the remaining Commissioners should make this clear to all present. No Commissioner or staff member is required to remain since it is no longer an official meeting.

Because such proceedings are not part of an official meeting, no minutes of the proceedings are required. Such proceedings simply equate to less-than-a-quorum of the members getting input from the public and updates from staff.

Even if the Commissioners present hear staff reports, the Commissioners may not officially receive the reports on behalf of the Commission since less than a quorum of Commissioners cannot represent the full Commission. This means that any report agendaized for that meeting may need to be reagendaized for a future meeting date so that the report can officially be heard and received by a quorum of the Commission.

Such unofficial proceedings cannot occur in the presence of a quorum of Commissioners. For example, if less than a quorum of Commissioners stays to receive information after the cancellation of a meeting, and an additional Commissioner(s) arrives so that a quorum is then present, such unofficial proceedings must stop. Receiving reports or discussing items in the presence of a quorum of the Commissioners outside a legal meeting violates the Brown Act. As indicated above, the meeting has been cancelled and, once cancelled, cannot then be held.

### I. Consistent problems obtaining a quorum

The Clerk of the Board provides a quarterly attendance list of Board-appointed Commissions to the members of the Board of Supervisors for their review. The report notes excessive absences and gives the Supervisor options for how to proceed further.

If a Commission experiences consistent problems in obtaining a quorum that has not been addressed by the Board, the Commission should first determine the cause of failure to obtain a quorum. The Chairperson needs to determine if these absences are for good cause and discuss the

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situation with the Deputy Clerk. The Chairperson may forward a letter to any inactive member who has three (3) or more consecutive absences which are not “for good cause,” alerting him/her that his/her appointing authority will be notified which may result in the removal of the Commissioner from the office, and requesting that the inactive member respond by a certain date. If the Commissioner wishes to leave his/her seat on the Commission, he/she must submit a letter of resignation.

If all attempts to contact the Commissioner have failed, the Chairperson of the Commission shall send a formal letter to the appointing Board member asking to have the seat formally vacated. After approval from the appointing Board member, the Office of the Clerk of the Board will then place the seat vacation on a Board agenda for formal acceptance.

VIII. TYPES OF MEETINGS

A. Regular Meetings

Commissions hold regular meetings to conduct business - receive reports, discuss and deliberate on items, and take actions such as voting to forward recommendations to the Board of Supervisors. The Deputy Clerk attends the meetings and takes minutes.

B. Planning Retreats

Commissions work in coordination with the Office of the Clerk of the Board to schedule retreats to meet in planning sessions to develop their annual Work Plans, review by-laws, and focus on Commission issues. Such retreats or planning sessions are like any other meeting and must be properly noticed, agendized, open to the public, and require a quorum to hold the session.

C. Special Meetings

The Chairperson or a majority of the Commission (a majority being defined as a majority of the entire Commission membership seats, not just those members present or those seats that are filled) may call a special meeting, which requires coordination with the Office of the Clerk of the Board regarding availability of staff and a meeting room. The Deputy Clerk must post the agenda of a special meeting in an area that is accessible to the public and on the Internet at least 24 hours prior to the meeting and notify the media that have requested notification. The Deputy Clerk attends the meeting and prepares minutes.

D. Emergency Meetings

The Brown Act defines an emergency as a crippling activity, work stoppage or other activity which severely impairs public health, safety or both. With only a very few limited exceptions, it is unlikely that Commissions would have the authority to hold an emergency meeting. For an emergency meeting, there are very specific, special noticing requirements that the Clerk of the Board must follow. County Counsel must be consulted prior to scheduling an emergency meeting.

E. Closed Sessions

Closed sessions may be held as part of regular, special, or emergency meetings when properly noticed. However, closed-session discussions are permitted only if they meet defined purposes and follow special requirements. Most Commissions do not meet the qualifications to hold closed sessions, because they do not hire or discipline personnel, negotiate for purchase/lease/exchange of real property, and are not involved in litigation. A Commission may **not** meet in closed session if a closed-session discussion has not been specifically and properly agendized. **Any Commission must consult County Counsel prior to scheduling and agendizing a closed-session discussion. County Counsel must confirm whether the Commission has authority to discuss the proposed topic in closed session.**

**IX. COMMITTEES**

**A. Standing committees**

The term standing committee is used in this section, but this term refers to any standing body (such as a standing workgroup, subcommittee, etc.) of a Commission.

Standing committees have a continuing subject matter they oversee or a meeting schedule fixed by formal action. Standing committees may be comprised of members from the Commission as well as individuals not on the Commission. However, the standing committee may not include a quorum of the entire Commission membership. Standing committees must be specifically designated in the Commission bylaws, which require approval by the Board of Supervisors.

The Commission Chairperson appoints members to serve on the standing committees. All standing committees are subject to the Brown Act and must be properly noticed, agendaized, and open to the public, and have a quorum of the committee membership present to meet. The Deputy Clerk does not prepare committee agendas, attend the meetings, prepare minutes, or provide meeting room support. Each standing committee is required to prepare an agenda for each meeting, ensure the agenda is properly posted, and take minutes of its meetings for approval at the committee's next meeting. Committees report their recommendations to the full Commission for consideration.

**B. Ad hoc committees**

The term ad hoc committee is used in this section, but this refers to any ad hoc body (such as an ad hoc workgroup, etc.) of a Commission.

Ad hoc committees are established by the Commission for a limited purpose and time. The Chairperson appoints Commissioners to serve on ad hoc committees, as the need arises, to carry out a specific task. Ad hoc committees may be comprised of members from the Commission as well as individuals not on the Commission. However, an ad hoc committee may not include a quorum of the entire Commission membership. Ad hoc committees report to the full Commission. The Commission should formally disband an ad hoc committee when the committee's specific task is completed and a final report is provided to the Commission for consideration. The disbanding of the ad hoc committee should be noted in the Commission's meeting minutes.

If an ad hoc committee includes as a member one or more individuals who are not on the Commission, the ad hoc committee is subject to the Brown Act and all of its meetings must be properly noticed, agendaized, and open to the public, and have a quorum of the committee membership present to meet. The Deputy Clerk does not prepare or post agendas and does not attend the meetings or take minutes for ad hoc committees. Any ad hoc committee subject to the Brown Act is required to prepare an agenda for each meeting, ensure the agenda is properly posted, and take minutes of its meetings for approval at the committee's next meeting.

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If an ad hoc committee consists exclusively of members from the Commission, is comprised solely of less than a quorum of the Commission, and it does not have a meeting schedule fixed by formal action, the ad hoc committee is **not** subject to Brown Act requirements. Posting of agendas and meeting minutes are not required. The Deputy Clerk does not attend the meetings or provide other clerical related support.

Commissioners who do not serve on a committee may attend a committee meeting as a member of the public. However, if the attendance by additional Commissioners results in a quorum of Commissioners being present at a meeting of a standing or ad hoc committee that is subject to the Brown Act, the Commissioners who are not members of the committee may only attend the meeting as observers. Those who are not members of the committee may not sit at the dais or speak at the meeting, or otherwise participate in the committee meeting, **even during public comment**.

**X. CONDUCTING MEETINGS**

**A. Business conducted at Commission meetings**

All meetings are conducted in accordance with Robert's Rules of Order to enable the Commission to determine the will of the Commissioners in a fair and equitable manner. However, failure to follow Robert's Rules of Order in any instance does not invalidate any action taken.

The meetings are called to order by the Chairperson, or Vice Chairperson in the absence of the Chairperson. If neither is in attendance, the Commission selects a Chairperson Pro Tempore to conduct the meeting. The Deputy Clerk calls the roll to determine the presence of a quorum, and the Chairperson announces the agenda items for discussion or action.

The Chairperson may call for an agenda item out of the order listed on the agenda.

Several things may happen with regard to each item on the agenda:

- The item can be deleted from the agenda.
- The Commission may discuss the matter without taking any action.
- The Commission can hold the matter to a future meeting.
- The Commission can refer the matter to staff or a committee for consideration and a subsequent report to the Commission.
- The Commission can vote in support of a motion or in opposition to the motion on the matter.

**B. Public Comment**

Pursuant to the Brown Act, members of the public have a right to comment on any agenda item. The Chairperson establishes the amount of time public speakers are authorized to speak on each item in accordance with County policy. Speakers are asked to fill out Request to Speak Forms, to be submitted to the Deputy Clerk, who will provide the Forms to the Chairperson to call on speakers in order.

**The public must be allowed the opportunity to speak, and the Brown Act indicates that anyone can address the legislative body without identifying themselves. Every speaker should be granted the same amount of time.** Board of Supervisors Policy 3.5(c) provides that persons who wish to address the Board on a regularly scheduled item on the agenda shall be requested to limit their comments to three minutes, or in the case of a group of speakers for a particular item, they may be asked to limit their presentation to a maximum of twenty minutes for each side of the issue. Board of Supervisors' Policy 3.5(b) provides that persons who wish to address the Board on a matter that is not on the agenda shall limit their presentations to three minutes if there are five or fewer persons who wish to address the Board; two minutes if there are between six and fourteen persons who wish to address the Board; and one minute if there are fifteen or more persons who wish to address the Board. Commissions should follow these same guidelines.

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### C. Distribution of materials

The Brown Act also states that documents being considered by the Commission during meetings must be made available for review by the public without delay. This applies to documents distributed prior to the meeting and any documents distributed at the meeting.

Any material prepared by a Commissioner or County staff member that is distributed during an open meeting must be made available for public inspection **at the meeting**. If a Commissioner brings a document to a meeting to share with the Commission, two copies should be provided in addition to any copies for the Commissioners—one copy for the Deputy Clerk to retain for the meeting records and one copy to display for public viewing.

Any material that is **not** prepared by the County or a Commissioner and is distributed during an open meeting must be made available for public inspection as soon as possible **after** the meeting. For example, if a member of the public submits a document to accompany his/her public comment statement, the Deputy Clerk must retain the document as part of the meeting records, provide a copy of the document to each Commissioner following the meeting, and have it available for other members of the public upon request following the meeting.

### D. Parliamentary Procedure

The application of Parliamentary Procedure is the best method to enable Commissions to determine the will of the Commission. The Procedures help create a balance between the rights of persons in the minority on specific issues to be heard with the rights of persons holding the majority position to prevail.

### E. How the Commission takes action on an issue

Generally after discussion is heard, the Chairperson may request a motion. When a motion is made and seconded, the Chairperson should restate the motion before a vote is taken or may request the maker of the motion to restate the motion for clarity. (See also “Commission Officers.”) If unclear, any member of the Commission may request that the motion be restated. The Chairperson is requested to state the mover and seconder for the record. Once the Chairperson determines that Commissioners are ready to take action, members should orally state their vote. A motion passes only when a quorum of the membership seats (i.e., a majority of the entire Commission membership seats, not just those members present or those seats that are filled) votes in support of the motion. The Chairperson is requested to state the final vote result for the record. If each Commissioner voted without orally stating their vote, the vote or abstention on that action of each member present must be publicly reported. For electronic voting, this is accomplished with a screen showing each member’s vote on the action.

Members must recuse themselves from voting if they have a conflict of interest. The reason for the recusal shall be stated for the record, and the member shall leave the room during consideration of the item. A commissioner who recuses him/herself does not count toward the quorum needed for the recused item. Furthermore, a recusal does not affect the number of votes required to approve an item; a majority of the Commission must still vote to approve it, and a majority is defined as a majority of the entire Commission membership seats, not just those members present or those seats that are filled.

**XI. FILLING A COMMISSION VACANCY**

**A. Process for filling vacancies**

It is the policy of the Board of Supervisors to give public notice of vacancies on Commissions for a period of no less than 10 days so that interested persons may apply for nomination. A listing of vacant or expired positions is posted at the same time as the agenda of the Board of Supervisors regular meetings. The list is arranged by supervisorial district according to the Supervisor who will make the nomination. Also included is information relating to the qualifications for each position, the length of the term and the expiration date of the term. In general, no Commissioner may serve more than three consecutive terms in addition to any portion of an unexpired term that he/she may have served unless stipulated in other legislation.

**B. Identification of qualified candidates**

Qualified candidates come from many sources. Commissioners should invite individuals who are interested in the Commission subject matter to submit applications for appointment to the Commission. Active recruitment efforts are always occurring, as well. Copies of applications submitted to the Office of the Clerk of the Board are distributed to the members of the Board of Supervisors.

**C. Recruitment efforts to solicit potential Commissioners**

Potential Commissioners are solicited from a variety of sources. Commissions are encouraged to forward applications from qualified applicants to the Office of the Clerk of the Board for distribution to the members of the Board of Supervisors. Other options for advertising Commission vacancies and recruitment efforts are:

- Include on agendas
- Include in neighborhood association newsletters/emails
- Include on website
- Solicit applications from interested individuals at community events

Blank applications are available online at [www.sccgov.org](http://www.sccgov.org) or through the Office of the Clerk of the Board.

**D. Appointments – How they are made**

Board members make appointments to positions that are rotating or are allocated to their Districts. The appointments are listed on the Board agendas and are approved by the Board during its regular meetings.

**XII. COMMISSIONER EXPENSES**

**A. Travel Expense Reimbursement**

Commissioners authorized to travel on Commission business are eligible for reimbursement of expenses incurred while conducting Commission business.

The Clerk of the Board has a limited budget for Commission travel, and expenditure requests should be considered carefully. After a majority vote of the Commission (a majority being defined as a majority of the entire Commission membership seats, not just those members present or those seats that are filled), the Deputy Clerk shall first confirm if a travel exception approval is necessary. Pursuant to the County Travel Policy, if a travel exception that can be known in advance of travel is necessary, a travel exception request shall be submitted to the County Executive and Finance Agency for approval prior to seeking Board approval of the travel. Next, the Deputy Clerk prepares a legislative file to the Board of Supervisors requesting allocation of funding and travel authorization pursuant to the County Travel Policy. If approved by the Board, the Deputy Clerk will assist members in submitting claims for reimbursement.

Within 14 calendar days of return from a County business trip or official function, a final accounting of all expenses must be completed on a trip expense report. Receipts are required for reimbursement, and the County Finance Agency requires that receipts for meals must be itemized to specify what was purchased, and taxi cab receipts must indicate the pick-up and drop-off locations.

Complete information relating to the parameters for travelling on County business can be found in the County Travel Policy:

<https://www.sccgov.org/sites/bos/Legislation/Pages/ExpenseReimbursementPolicies.aspx>

**B. Non-Travel Business Meal Reimbursement**

Uncompensated Commissioners are eligible to be reimbursed the cost of meals for non-travel related meetings on County business, in compliance with County policies. Business meal reimbursement is for reasonable, actual costs in accordance with County policies. Original detailed/itemized receipts, reflecting the actual costs, are required from Commissioners. Requests must be submitted to the Deputy Clerk assigned to the Commission within 30 days following the meal. Complete information relating to parameters for non-travel business meal reimbursement can be found in the Business Meal Reimbursement Policy:

<https://www.sccgov.org/sites/bos/Legislation/Pages/ExpenseReimbursementPolicies.aspx>

**C. Mileage Reimbursement**

A Commissioner who is authorized to travel to conferences and seminars relating to the work of the Commission can be reimbursed for mileage at the current rate (determined each year and printed on the travel reimbursement forms). Mileage claim forms are provided by the Deputy Clerk. Reimbursement is not available for travel from home to Commission meetings. Claims for

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mileage reimbursement must be submitted within 30 days if greater than \$100, or within 90 days if less than \$100.

### D. Childcare Reimbursement

Reimbursement is for reasonable, actual child care expenses incurred in the performance of official County duties in compliance with the County's Child Care Expense Reimbursement Policy and is limited to four (4) hours per child, per day, and the California Department of Education's published part-time hour Average Rate for Child Care Centers in Santa Clara County, available at <http://www3.cde.ca.gov/rcscc>.

Requests must be submitted to the Deputy Clerk assigned to the Commission within 30 days from the date the expenses were incurred.

### E. Business cards

Commissioners may order business cards utilizing a form available from the Deputy Clerk and arrange to pay for the cards directly to the vendor who is authorized to print County business cards. Business cards must contain only information concerning the Commission, not personal business information. Business cards should be one-sided unless otherwise authorized by the Clerk of the Board.

**XIII. MISCELLANEOUS**

**A. Parking permits for County parking lots**

When the Board of Supervisors appoints a Commissioner to serve on a Commission, the Commissioner can request an application for an “A” parking permit from the Office of the Clerk of the Board. Applications for “A” permit parking are not distributed to County employees who already have “C” permits due to the limited number of “A” parking spaces available.

After the completed application is returned to the Office of the Clerk of the Board, it will be processed and the parking permit will be distributed to the Commissioner. This process can take up to two weeks.

“A” permit holders can park in any “A” or “C” parking space in County parking lots. It should be noted that no parking permit is required to park in the County parking lot directly across the street from 70 West Hedding Street after 5:00 p.m. Commissioners cannot park in reserved spaces.

**B. Commission Brochures**

Pursuant to Board of Supervisors’ Policy 3.41, Commissions may develop or produce informational and educational materials for distribution in hard copy or for inclusion on the County website relating to their roles, responsibilities and meeting information. Material and information shall be in compliance with enabling legislation, State statutes and local Ordinance Codes, the Boards and Commissions Handbook, County Board and Administrative policies, and Board direction.

Informational and educational information may be distributed in the form of handouts, brochures, fact sheets, and pamphlet or booklet as well as on the County website so long as the distribution is cost-sensitive and complies with Board policy.

For more information visit: <https://www.sccgov.org/sites/bos/Legislation/BOS-Policy-Manual/>

**C. Commission Webpages**

The website of the Office of the Clerk of the Board includes information on County Commissions, including a link to the County webpage listing agendas and minutes of Commission meetings.

In addition, some Commissions post information on Commission-specific webpages maintained by County departments.

**D. Language Access Policy**

The County of Santa Clara Language Access Policy provides for language interpretation services for members of the public with limited English proficiency to enable all residents to have

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meaningful access to County programs, services, benefits, and information. Included in this policy is simultaneous interpretation services for Board of Supervisors and Board Policy Committee meetings. With advance notice, the Clerk of the Board or supporting department may provide similar services for Commission meetings, events, or other public outreach events.

**XIV. APPENDIX**

**A. Annual Boards and Commissions Work Plan Template and Instructions**

Instructions for Completion of Annual Boards and Commissions Work Plans and Prior Year Accomplishments

A committee comprised of Board Policy Aides and the Office of the Clerk of the Board developed a standard template for use by Boards and Commissions in completing their annual Work Plans. Work Plans are based on a fiscal year rather than a calendar year. Work Plans are to be completed by each Board and Commission and approved at a regular Board or Commission meeting no later than April 1 of each year. The Office of the Clerk of the Board will then transmit the Work Plans to the appropriate Board Committee for review in May of each year and to the Board of Supervisors for approval in June.

Please use the following instructions when completing the Work Plan:

Cover Sheet (Page 1):

This area should include the name of the Board or Commission, the timeframe covered by the Work Plan (i.e. Fiscal Year 2016, July 1, 2015 – June 30, 2016), members' names, Chairperson's name, and vacancies as of April 1. Do not list Commissioner addresses or phone numbers on the Work Plan. The Board offices have access to that information if necessary. This page will need to be updated each year.

Mission Statement (Page 2):

This area of the Work Plan should clearly state the mission of the Board or Commission. The mission may be extracted from the enabling legislation (i.e. Ordinance, Board action, Resolution) that formed the Board or Commission or may be a purpose statement approved by the Board or Commission and derived from the enabling legislation. This section may also contain the roles and responsibilities of the Board or Commission. This page may not need to be updated each year.

Historical Background (Page 2):

This area should provide the reader with some historical information about the Board or Commission (i.e. when it was formed, issues of focus in years' past, significant outcomes of work by the Board or Commission). NOTE: Accomplishments from the previous year should not be discussed here – there is another area on the Work Plan where this is done. This page may not need to be updated each year.

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### Fiscal Year Work Plan (Page 3):

This area should provide the goals/objectives (no more than five) of the Work Plan, the activities planned to accomplish the goals, the priority ranking of each goal and the timeline anticipated to accomplish the goal. This page will need to be updated each year.

### Prior Year Accomplishments (Page 4):

This area should address the prior year Work Plan accomplishments including each goal/objective, activities that supported the successful completion of the goal and the status of the goal. The status column should inform the reader whether the goal was a) completed, b) not started and why, c) in process and expected completion date, or d) eliminated and why. This page will need to be updated each year.

### Ongoing Projects: (Page 5)

This area provides the Board or Commission with an opportunity to inform the reader of ongoing projects that the Board or Commission is continuing to work on. This page may not need to be updated each year.

## **B. Rules of the Board Chapter 8, Section 42**

<https://www.sccgov.org/sites/bos/Legislation/Rules-of-the-Board-of-Supervisors/>

### Section 42 - Advisory Organizations.

The Board of Supervisors shall have four different kinds of advisory organizations as described below. The three kinds of organizations set forth in (a), (b) and (c) shall be ongoing and the fourth type, Task Forces, shall be temporary, designed to cover a single subject for a defined period of time. These are:

- (a) Board of Supervisors' Joint Conference Committees (JCC) shall be created by minute action as a result of a formerly agendized proposal and shall consist of no more than two members of the Board of Supervisors of which one shall be the Chair of the JCC and the other the JCC Vice Chair, assisted by the leading County administrators associated with the assigned subject matter. Minutes shall be maintained and the meeting noticed by the County agency most permanently involved with the assigned subject matter.
- (b) County Boards and Commissions shall be created as a result of a formal ordinance adopted by the Board with proper notice. The members of these organizations are sworn state officials subject to the appropriate conflict of interest codes. Formal minutes shall be maintained by the Clerk of the Board and all meetings shall be noticed, conducted in the County Building, and open to the public.
- (c) Community Councils shall be created by minute action in response to an agendized proposal. These organizations are typically formed to represent unincorporated pockets and are primarily advisory to the Supervisor representing the area from which the Council is

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selected. Meetings shall be formally noticed, minutes maintained, and the meetings shall be open to the public. Examples of these organizations are the Burbank and Cambrian Community Councils.

- (d) Task Forces may be created by the Board of Supervisors as a result of minute action presented pursuant to an agenda proposal. The unique aspect of this type of advisory body is that it is for a specific, limited subject and for a defined period of time not to exceed two years.

When any Board member, or member of the administration, wants to create any of the four types of advisory organizations, a transmittal should be developed which should include a formal resolution in the case of items (a), (c) and (d), or an ordinance in the case of (b), above. The draft of the resolution or ordinance should be reviewed and approved by County Counsel as to form and legality before being agenda. The resolution or ordinance should include specifics regarding the subject to be advised upon; specific departments or outside organizations to be called upon for support or otherwise involved; the number, term and specific qualifications of appointees; the deadline for submitting reports, if any; financial requirements and staffing; and the required termination date of the organization, if appropriate.

Any request for advice should be assigned to current existing advisory organizations whenever possible. When a unique subject requires the creation of a new advisory organization, one of the four types of structures listed above must be used. It should be stressed that each of these four types of organizations is advisory only to the Board of Supervisors and cannot, without the Board's prior consent, communicate with any organization outside of County structure.

### **C. Charter of the County of Santa Clara Section 506**

<https://www.sccgov.org/sites/bos/Legislation/County-Charter/>

**Section 506.** The Board of Supervisors may create by ordinance such advisory boards or commissions as in its judgment are required and may grant to them such powers and duties as are consistent with this Charter.

The ordinance shall provide for the number of members, the manner of appointment, the term of office, the number of terms a member may serve, meeting times, attendance requirements to retain office and the extent of subpoena authority. The ordinance may provide for the qualifications of members, the remuneration of members, and any other necessary provisions. When required by federal or state law, the ordinance may provide for the manner of appointment of officers and employees authorized to provide services to a board or commission.

Notice shall be given of vacancies on boards and commissions which shall also indicate the nominating and appointing Authority. Any person interested in an appointment shall file an application with the Board of Supervisors. Appointments shall be filled from such applications with appropriate regard for representation by all segments and elements of the county.

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Members of boards and commissions shall be residents of the county. If any member ceases to be a resident of the county, or fails to maintain qualifications for the office, the office shall become vacant and the Board of Supervisors shall so declare. Members of boards and commissions appointed by the Board of Supervisors shall be subject to removal by the board for willful or corrupt misconduct in office.

The members first appointed to boards and commissions shall so classify themselves by lot that on each succeeding July 1 the term of one of their number shall expire. If the total number exceeds four, the classification by lot shall provide for the grouping of terms so that the term of at least one member shall expire on each succeeding July 1.

As soon as practicable, following the first day of July of every year, each board and commission shall organize by electing a chairperson and vice-chairperson to serve at the pleasure of such board or commission. Each board or commission shall hold regular meetings as are required by ordinance and such special meetings as it may require. Each board and commission shall adopt rules of procedure subject to approval by the Board of Supervisors. A majority of the members of a board or commission shall constitute a quorum for the transaction of business and no act of a board or commission shall be valid unless at least a majority of the entire membership concurs therein. All meetings shall be open to the public.

The Board of Supervisors shall periodically evaluate the need for the boards and commissions established pursuant to this section and shall abolish those which no longer serve their intended function.