

# *County of Marin Board and Commission Handbook*

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“Everybody can be great. Because anybody can serve. You don’t have to have a college degree to serve. You don’t have to make your subject and your verb agree to serve. You don’t have to know the second theory of thermo-dynamics to serve. You only need a heart full of grace. A soul generated by love.”

Martin Luther King

## a. CITIZEN PARTICIPATION

Members of advisory Boards, Commissions and Committees (Commissions) provide an important service to our County. They advise the Board of Supervisors on a wide variety of complex and significant policy issues or programs of concern to the Board.

The County of Marin is fortunate to have many community-minded citizens who have special experience and interests and who generously volunteer their time and expertise to serve on commissions. The complexity of local government and the increasing interest in citizen participation in the decision-making process is reflected in the existence of approximately 60 such appointed bodies functioning within the County of Marin.

Serving on a commission can be a rewarding experience and is an excellent way to participate in county government and make a personal contribution to the community. If we are to have a government that is truly reflective of our democratic ideals, “of the people, by the people and for the people,” we must rely on the active participation of many dedicated commission members.

The Board of Supervisors recognizes the level of commitment and professionalism required to serve as a commission member. Your role as a commission member assists the Board immeasurably in making Marin County government both effective and responsive to its citizens. In fact, the Board of Supervisors has adopted “Defining Values” for the County that include responsiveness, collaboration, accessibility, diversity and citizenship. Commissions serve as a catalyst in supporting the Board by incorporating these values throughout the decision making process.

*“You make a living by what you get,  
but you make a life by what you give.”*  
Winston Churchill

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\* Throughout this handbook, the word commission is used to denote all members who serve on advisory boards, commissions and committees and are appointed by the Board of Supervisors.

## b. ROLES AND RESPONSIBILITIES

### *What is my role as a commission member?*

The primary purpose of a commission is to serve as an advisory body to assist governmental bodies in the decision-making process. Commissions serve as a conduit for citizen input by gathering, analyzing and recommending options to the Board of Supervisors. Some commissions are mandated by Federal or State statute or established by County ordinance or resolution; others may be established by Joint Powers Agreement. Regardless of the establishing mechanism, the Board of Supervisors usually retains the final responsibility and authority for making policy decisions. The Planning and Personnel Commissions are exceptions and have the authority to take independent actions.

### *What does a commission member do?*

Each commission shall have a set of by-laws outlining the mission, purpose and specific details on the functioning of the group. For most commissions there is typically an establishing ordinance, resolution, or legal mandate that outlines the scope and function of the commission. This is very useful in orienting members to the specific charge and focus of the assigned commission. New commission members should familiarize themselves with these documents. A County staff person is usually assigned to support the commissions' activities and is an excellent resource.

The Board of Supervisors has also adopted a resolution establishing standing rules and application and appointment procedures. This document is one that every commissioner should carefully review as it clarifies Board policies and roles and responsibilities of commissioners. (See Section 2)

Many commissions also have an annual list of goals and priorities that guide their work program for the year. Reviewing these goals and priorities will assist you in understanding the function of the commission you now serve; especially its authority, work programs and relationship to the Board of Supervisors, county staff and other commissions. The most productive and effective commissions are those whose members are clearly committed to fulfilling the mission and goals of their commission and focus on accomplishing the annual priorities.

◆ *Remember that being a commission member is not an honorary assignment, but rather an assignment of honor.*

***Are there legal requirements I should know about?***

Yes. One of your first assignments will be to familiarize yourself with the legal requirements relating to the conduct of “public business.” Commission meetings are by definition public meetings. With very few exceptions you are required by law to observe both the Brown Act, commonly called the open meeting law (See Section 3) and the Public Records Act. (See Section 4)

***How does the Brown Act affect the meetings I attend, and how do I know if the requirements are being followed?***

The following is a condensed version of the Brown Act “basics” to give you a sense of what you need to be aware of in your role as a commissioner. There is a more detailed discussion of the Brown Act in Section 3. Additionally, the staff person who supports your commission is aware of the Brown Act requirements and its application to commission meetings.

The Ralph M. Brown Act has regulated the conduct of meetings by the governing boards of local public agencies in California since 1953. The intent of the Brown Act is to “declare that the public commissions, boards and councils and the other public agencies in this state exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.”

- All regular meetings must be noticed at least 72 hours (3 days) prior to the meeting. Agendas may also be forwarded to local media.
- Special meetings require public notice and the 24 hour posting of notice, as well as delivery of the notice to commission members and the media.
- Standing committee meetings must be similarly noticed.
- Ad hoc committee meetings that do not consist of a quorum do not have to be noticed.
- Notice of all meetings must be posted in a place that is easily accessible to the public 24 hours a day, 7 days a week.

- Actions (motion or vote) can only be taken on items that have been publicly noticed on the published agenda.
- The body can declare “urgency,” and therefore discuss an item not on the agenda at a regular meeting, if the need for immediate action came to the attention of the agency subsequent to posting of the agenda. This requires a vote of at least two-thirds of the members present (or all members if less than two-thirds are present) to determine there is the need for immediate action which cannot reasonably wait for the next regularly scheduled meeting.
- The body may discuss a non-agenda item at a regular meeting in open session if, by majority vote, the body determines the matter constitutes an emergency. Declaration of an “emergency” item means that the public safety is at risk.
- Meetings must provide for public input (open time) for both regular and special meetings.
- Meetings must be accessible to all without reservation.
- Meetings may be audio or video taped by any person as long as it is not disruptive.
- Generally, meetings must be held on a regularly scheduled basis and within the jurisdiction.
- Voting must be done by voice or hand – no secret ballots or proxy votes are permitted.
- No “straw votes” either in person, phone or e-mail or other methods are permitted. Serial conversations, by phone, e-mail, in person or other methods to determine action in advance are prohibited.

### ***Taking the "Oath of Office"***

Commission members may not participate or vote on matters before their appointed commission until the Oath of Office has been fully executed before an authorized County representative. (See Section 5)

### ***What is a “Conflict of Interest” and how will I know if I have one?***

#### Financial Conflicts of Interest

A conflict of interest applies when a decision may have a financial impact on personal income or assets of an individual or the personal income or assets of their spouse or dependent children. The conflict applies whether the financial impact is positive or negative and is “material” if it exceeds a certain dollar amount as set by the Political Practices Commission. (See Section 6) Depending on the nature of

his/her financial interest and other factors, a commission member may be disqualified from voting on a matter.

Additionally, commission members may not be financially interested in any contract made by themselves in their official capacity, or by any body or board of which they are members. Depending on the nature of a commissioner's financial interest in a contract, the entire commission could be disqualified from taking action on the item.

Any commissioner who is appointed by the Board of Supervisors, and where the commission makes recommendations to the Board, will have certain filing obligations under the Fair Political Practices Commission (FPPC) Conflict of Interest Code. You may have to file a Statement of Economic Interest with the State or with the Clerk of the Board. (See Appendix 6 for Marin County's filing requirements)

Commission members with questions regarding such financial conflicts of interest are encouraged to contact the FPPC hotline at: 866-ASK-FPPC.

#### Incompatible Activities and Offices

State Law provides statutory provisions against any officer or employee of a local agency from engaging in employment or any other activity which is in conflict with his or her public duties. An officer or employee must be notified by the public agency that his or her activities constitute a conflict of interest before the state law prohibitions are applied.

A public officer must also be aware of the doctrine of incompatibility. This issue arises when a public official holds two public offices simultaneously and a potential conflict or overlap in the functions or responsibilities of the two offices may be present. The central question is whether there exists a clash of duties or loyalties between the offices. If one office exercises a supervisory, auditory, appointive or removal power over the other then it may be improper for one person to continue to hold both offices.

Section 6 contains a pamphlet titled "Can I Vote" which is published by the California Fair Political Practices Commission and may help answer additional questions regarding conflict of interest issues.

***What is Assembly Bill 1234 (Ethics Training) and who is required to take it?***

AB 1234 applies to commission members who may receive compensation and/or expense reimbursement by the County. Pursuant to AB 1234, the County adopted revised Administrative Regulation No. 1 (AR No. 1) regarding reimbursement of expenses for County commissions, committees or boards. Please refer to Appendix 10 for the full text of the policy as it relates to commission members. Additionally, commission members listed in AR No. 1, and therefore covered under AB 1234, must complete Ethics Training every two years.

## c. COMMUNICATION AND COLLABORATION

### *How does a commission member accomplish the goal of being effective?*

As with any new assignment, it is important to begin building relationships with fellow commission members, local elected officials and their staff and the department staff person(s) who provide technical support to your assigned commission. An attitude of cooperation, spirit of tolerance and understanding and a goal of promoting consensus will be key attributes in your role as a commissioner. When requesting assistance that requires direct staff support on a project or for special research, please check with the department head or supervisor in advance to get prior approval for such assignments.

You will also want to have a working knowledge of your commission's By-Laws so you are clear about the purpose, membership, meeting times and operating procedures of the group. Robert's Rules of Order are widely accepted as the "standard" rules for conducting meetings. These procedures also insure that the flow of communication is clear and everyone has an opportunity to be heard. (See Section 7)

### *Who does a commission member represent?*

Commission members represent the whole community and not the exclusive point of view of a particular group or special interest. The role of the commission is to gather and analyze public input prior to making a recommendation to the Board of Supervisors. The guiding principle of any decision or recommendation is that of addressing the overall public benefit. Please see the Marin County Code of Ethics for public officials summarizing the ethical standards that govern conduct for both elected and appointed public officials. (See Section 8)

### *Can I be a spokesperson for my Commission?*

Unless authorized as the designated spokesperson by the Commission, an individual commissioner may not represent the commission before any other commission, outside agency, to the press, or the general public. Members of commissions who are responsible for conducting public business for the County of Marin shall not knowingly or otherwise misrepresent the scope of their influence or authority in matters assigned to their commission or represent recommendations of their respective advisory body as official County policy until such time as formal action, such as adoption of a resolution, has been taken by the Board of Supervisors.

### ***Where does a commission member gather information?***

Be aware of specific issues addressed by the commission, as well as far-reaching ones that will impact all sectors of County programs and services. Be acquainted with the Board of Supervisors' priorities and interests. These are defined in the County's Mission Statement and Defining Values adopted by the Board of Supervisors in September 2001. (See Section 9) The Board of Supervisors' meeting agendas are posted at several Civic Center locations and are available on the internet. Audio/video recordings of Board of Supervisors' meetings are also available on the internet.

### ***What is the best way to prepare for commission meetings?***

You will typically receive a meeting agenda and a packet of related material a minimum of three days prior to the scheduled meeting date. This should allow adequate time for you to review any background information in preparation for agenda items to be discussed or acted upon at the meeting. Stay informed about commission matters by reading minutes, staff reports and related material. Be prepared to ask clarifying questions, invite and consider public input, and promote discussion.

### ***What happens if I need to miss a meeting?***

Regular attendance at meetings and important related events is vital to the overall functioning, success and effectiveness of the commission.

Although regular attendance at commission meetings is essential to the work program and functioning of the committee, there will be occasions when it is not possible to attend a meeting. In this situation, please give a courtesy call in advance to your staff support person, so they will be aware of your absence. This can be critical, especially if there are other member absences; this can result in less than a majority (quorum) of members present, with no formal action possible at the meeting.

### ***What about my point of view?***

Although each of us has opinions and preferences, the role of the commissioner is to represent the public—this can be achieved by being open-minded, respecting and valuing the perspective of others and inviting differing points of view. This will insure a process that is both open and inclusive. Your responsibility as a commission member is to represent the public interest, putting the needs, interests and protection of the citizens as your primary concern.

*As a commissioner, do I have access to County business cards or letterhead stationery that identifies me as an appointed representative? Where do I get these, and under what circumstances can I use them?*

The Board of Supervisors has adopted a policy addressing this issue which requires that County letterhead stationery and business cards may be used by persons appointed by the Board of Supervisors to a County board, commission, committee, task force or other advisory body **only** when such use is duly authorized for use by the County Administrator, and only when such use is consistent with the duties or the purpose of the County advisory board (see Appendix 10, Administrative Regulation No. 21).

# ***COUNTY OF MARIN***

## ***2. RESOLUTION ESTABLISHING STANDING RULES AND APPLICATION AND APPOINTMENT PROCEDURES FOR BOARD & COMMISSION MEMBERS***

**RESOLUTION NO. 2006-112**  
**RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS**  
**SPECIFYING GUIDELINES FOR THE ESTABLISHMENT AND DISSOLUTION OF**  
**COUNTY ADVISORY BOARDS, COMMISSIONS AND COMMITTEES,**  
**AND STANDING RULES AND APPLICATION AND APPOINTMENT PROCEDURES**  
**FOR THESE BODIES**

**WHEREAS**, the County of Marin depends on many boards, commissions and advisory committees to conduct the public business and to comply with applicable statutory mandates, and

**WHEREAS**, as a matter of public interest, this Board of Supervisors deems it advisable to establish guidelines for the establishment and dissolution of boards, commissions, and advisory committees (hereinafter referred to as “commission” or “commissions”) and clarify standing rules and appointment procedures for commissions and the members of these bodies.

**NOW, THEREFORE, BE IT RESOLVED:**

**I. Establishment and Dissolution of Discretionary Commissions**

1. Commissions that are not mandated by State or federal law or regulation are designated as discretionary commissions.
2. In order to conserve County resources, the Board of Supervisors may consider using ad hoc committees, advisory councils and town hall meetings prior to establishing a new discretionary commission.
3. If the Board of Supervisors deems it desirable to establish a new discretionary commission, it shall be established by a resolution of the Board. This resolution shall include a statement of purpose and a “sunset date,” or date of dissolution, for the commission. The sunset date shall be set with consideration to the projected time frame upon which the commission is expected to accomplish the special purpose for which it is being created. Although some commissions may be expected to exist for many years, the sunset date shall not be set beyond four (4) years from the date that the commission is authorized by the Board.
4. The commission shall sunset on its sunset date unless the Board of Supervisors takes action to continue the commission.
5. The 18 discretionary advisory commissions listed below were previously established by a resolution or an action of the Board of Supervisors:
  - (a) Alcohol and Drug Advisory Board
  - (b) Aviation Commission
  - (c) Economic Commission
  - (d) Emergency Medical Care Commission
  - (e) FLW Civic Center Conservancy
  - (f) Health Council
  - (g) Kentfield Planning Advisory Board
  - (h) Library Commission
  - (i) Paradise Ranch Estates Advisory Board
  - (j) Strawberry Design Review Board

- (k) Tamalpais Design Review Board
- (l) Wildlife & Fisheries Advisory Committee
- (m) CSA #6 (Gallinas Creek) Advisory Board
- (n) CSA #16 (Greenbrae) Advisory Board
- (o) CSA #18 (Las Gallinas) Advisory Board
- (p) CSA #20 (Indian Valley) Advisory Board
- (q) CSA #29 (Paradise Cay) Advisory Board
- (r) CSA #33 (Stinson Beach) Advisory Board

For consistency with the policies regarding sunset dates for new commissions, the sunset date for these existing commissions is August 15, 2010, unless the Board of Supervisors takes action to either continue or discontinue a commission prior to this date.

- 6. Any commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Board of Supervisors. This dissolution may occur prior to a discretionary commission's established sunset date.
- 7. Discretionary commissions shall submit an annual report to the Board of Supervisors by March 1<sup>st</sup> of each year that includes a summary of their activities and accomplishments during the current fiscal year as well as commission goals and initiatives for the next fiscal year. Commissions that do not submit a report may be reviewed by the Board of Supervisors and appropriate actions, including dissolution of the commission, may be considered.

**II. Standing Rules**

- 8. Commissions which are responsible for conducting public business for the County of Marin are subject to all provisions of the Ralph M. Brown Act, California Government Code Section 54950 et seq. (as amended), which mandates open meetings for local legislative bodies.
- 9. Commissions which are responsible for conducting public business for the County of Marin are subject to all applicable county policies regarding non-discrimination.
- 10. Certain commission members who are responsible for conducting public business for the County of Marin are required to comply with the disclosure requirements of the Political Reform Act of 1974, pursuant to Resolution No. 99-100 adopted by the Board of Supervisors on July 20, 1999, and its successors, and must complete and file all necessary documents in connection therewith and are subject to all applicable California laws regarding conflict of interest.
- 11. All appointed commission members, whether new or re-appointed, shall take a loyalty Oath of Office prior to voting on any matter presented to the commission to which they have been appointed to serve.
- 12. Members of commissions which are responsible for conducting public business for the County of Marin shall avoid impropriety and the appearance of impropriety, and shall not use their appointed position to further their own financial/pecuniary gain or for any other purpose not directly related to the governmental function they have been appointed to perform.

13. Unless authorized as the designated spokesperson by the Commission, an individual commissioner may not represent the commission before any other commission, outside agency, to the press, or the general public. Commissioners are defined as "county officers" and hence are governed by Government Code Section 3201-3210 relating to political activities.
14. Members of commissions shall be responsible for having a working knowledge of the establishing ordinance, resolution, by-laws, federal or state mandates or any other governing regulations that define and set forth the intent and purpose of their assigned commission, and shall only represent and take action on matters related thereto.
15. The County Administrator's Office shall prepare a summary report of existing commissions as needed and make recommendations to the Board of Supervisors regarding the elimination of commissions whose functions or purpose have been fulfilled, or where the mandate or purpose for the creation of the commission has expired. This report may also include recommendations regarding modifications such as revisions to charters or memberships, or possible mergers of commissions.
16. No committee shall have powers other than advisory to the Board of Supervisors except as otherwise specified by the County Code. Each commission, so created, shall have adopted by-laws approved by County Counsel and the Board of Supervisors not later than January 31, 2007. Newly formed Commissions shall have adopted by-laws, approved by County Counsel and the Board of Supervisors, within 90 days of formation.
17. Members of commissions who are responsible for conducting public business for the County of Marin shall not knowingly or otherwise misrepresent the scope of their influence or authority in matters assigned to their commission or represent recommendations of their respective advisory body as official County policy until such time as formal action, such as adoption of a resolution, has been taken by the Board of Supervisors.
18. The Board of Supervisors shall retain discretion to rescind any commission appointment(s), as deemed necessary.

### *III. Application and Appointment Procedures*

19. California Government Code Section 54970 et seq. (as amended), which requires annual compilation of a Local Appointments List, is incorporated herein by reference.
20. In the event of an unscheduled vacancy on any commission for which the Board of Supervisors has the appointing authority, whether due to resignation, termination, death or other causes, a special vacancy notice shall be posted in the Clerk of the Board office and the designated library pursuant to California Government Code Section 54973 et seq. (as amended). In the case of At Large vacancies, a press release will be sent to the local newspapers. Final appointment to the commission may not be made by the legislative body for at least 10 working days after the posting of the notice in the Clerk's office.
21. If the Board of Supervisors finds that an emergency exists, it may fill an unscheduled vacancy immediately. However, in the event of an emergency appointment, the person appointed to fill the vacancy shall serve only on a formal "acting" basis until the final appointment is made pursuant to Board action.

22. In the event of a resignation by a commission member, it is the responsibility of the resigning member to send written notice of the resignation to the Clerk of the Board.
23. Members of commissions who wish to continue serving in their appointed capacity for an additional term are required to complete and submit a new application, or may update and resubmit their original application if no pertinent information has changed. All qualifying applications for the vacancy will be submitted to the Board of Supervisors for consideration, selection and appointment.
24. All applications received by commission's staff shall be forwarded to the Clerk of the Board for presentation to the Board of Supervisors. Commissions may make a recommendation regarding specific applicants to fill a vacancy for consideration by the Board of Supervisors. However, the Board of Supervisors retains full appointing authority to select and appoint new commission members.
25. In the event that multiple applications are submitted for an At Large position, the Board of Supervisors may choose to conduct interviews. If selected for interview, applicants will be notified of the date, time and location of the interviews. Interviews by the full Board shall be scheduled only for At Large appointments. Applicants for District appointments may be nominated by the District Supervisor.
26. When a vacancy exists on a commission and no applications have been submitted, the vacancy will be continued until such time as an appointment is made. The Board of Supervisors may, at any time, move to continue an appointment to a subsequent date.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this 15th day of August, 2006, by the following vote:

AYES:	SUPERVISORS	Charles McGlashan, Harold C. Brown, Jr., Cynthia L. Murray, Susan L. Adams
NOES:	NONE	
ABSENT:	SUPERVISOR	Steve Kinsey

# ***COUNTY OF MARIN***

## ***3. BROWN ACT***

***"In enacting this chapter, the Legislature finds and declares that the public commissions, boards, and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."***

## **THE RALPH M. BROWN ACT** **(Government Code Section 54950, et seq.)**

### General

The Brown Act embodies the philosophy that public agencies exist for the purpose of conducting public business, and the public has the right to know how its “collaborative decisions” are being made. It represents the determination of the balance that should be struck between access on the one hand, and the need for confidential candor on the other. There is a presumption in favor of access, with exceptions for confidentiality where there has been a demonstrated need. The exceptions are construed narrowly.

The Brown Act may be divided into six topics: to whom does the Act apply, what is a meeting, the agenda requirements, the public’s rights, closed sessions, and consequences for violation.

1. Bodies covered by the Brown Act
  - A. Legislative bodies of local agencies, e.g., boards, commissions, councils and committees. Also applies to person who is elected as part of body who has not yet taken office.
  - B. Does not apply to individual decision makers, e.g., department heads, legislative bodies acting in judicial capacity, bodies created by single decision maker.
  - C. “Local agencies” include cities, counties, school districts, special districts, municipal corporations, etc. (There is a separate law for state agencies.) Factors used in assessing “localness” include geographical coverage, duties of the agency, existence of oversight, provisions concerning membership, and appointment.
  - D. “Legislative bodies” include governing bodies and their subsidiary bodies, e.g., boards, commissions, committees or other bodies of a local agency that are created by charter, ordinance, resolution or “normal action” of a legislative body. This applies regardless of “temporary v. permanent,” and “advisory v. decision making.”
  - E. Standing committees are those which have continuing jurisdiction over a particular subject matter (e.g. budget, finance, legislation) or whose meeting schedule is fixed by resolution or action of the body that created the committee. Even if comprised of less than a quorum of the governing body, a standing committee is subject to the Brown Act.

- F. There is a specific exception for “non-standing” (or ad hoc) advisory committees that are composed of less than a quorum of the legislative body that serves a limited or single purpose, is not perpetual, and will be dissolved once its specific task is completed.
- G. If a legislative body designates less than a quorum of its members to meet with representatives from another body to exchange information, a separate body is not formed. However, if less than a quorum meets with another agency to perform a task, e.g., make a recommendation, a separate legislative body is formed.

2. What is a meeting?

- A. Any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss or deliberate on any matter within its jurisdiction. Can include lunches, social gatherings, board retreats.
- B. Serial meetings fall under the provisions of the Brown Act if they are for the purpose of developing a concurrence as to action to be taken.
  - 1. A serial meeting is a series of communications (whether in person or by phone or other media), each of which individually involves less than a quorum, *but* which, taken as a whole, involve a majority of the commission’s members. Examples include meetings of commission members’ intermediaries, chain communications (a@b@c), and hub communications (a@b, a@c).
  - 2. ‘Concurrence as to action to be taken’ includes substantive matters that are or are likely to be on a commission’s agenda, but does not include purely housekeeping matters (e.g., times, dates and locations of upcoming meetings.)
- C. Exemptions for: 1) individual contacts between members of the public and commission members; 2) \*conferences open to the general public which involve issues of interest to the body; 3) \*community meetings; 4) meetings of other bodies under same local agency; or 5) social or ceremonial occasions, as long as a majority of the members do not discuss application of specific issues to the legislative body.

(\*as long as majority does not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within their local agency's subject matter jurisdiction.)

### 3. Notice and Agenda Requirements

- A. Every regular meeting of a legislative body of a local agency must be preceded by a posted agenda.

An agenda must be posted at least 72 hours prior to meeting in a location accessible to the public 24 hours a day, 7 days a week. The agenda should contain a brief general description (generally no longer than 20 words are required) of each action or discussion item to be considered, including items to be considered in closed session.

The purpose is to notify members of public of items in which they may wish to participate.

The agenda must contain opportunity for public testimony. The legislative body may impose reasonable time limitations. The legislative body cannot take action on a matter raised for the first time during "public comment" if the item is not on the agenda.

- B. Exceptions:

1. Special meeting – requires 24 hours notice, no business may be considered except that for which meeting was called.
2. Emergency meeting - (crippling disasters, strikes, public health and/or safety threats) may be called on one-hour notice and requires majority vote of the body. No closed session permitted.
3. Urgency item – if there is a need to add an item to an existing agenda for immediate action and the need to take action came to the attention of the local agency subsequent to the agenda being posted (requires vote of 2/3 of entire body, or if fewer than 2/3 are present, 100% of all remaining members). This exception requires a degree of urgency. A "new" need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline.
4. Adjournments and continuances - need not be separately posted if subsequent meeting is continued for no more than five days. However, a copy of the order of adjournment must be posted within 24 hours after the adjournment, at or near the door of the place where the meeting was held.

- C. Public Testimony - agenda must contain opportunity for public testimony. May impose reasonable time limitations. Cannot take action on matter raised for first time in "public comment" if item not on agenda.

- D. Location of meetings - must generally be within geographic boundaries of the body's jurisdiction, except for compliance with law or court order, to inspect real property, meetings of multi-agency significance, nearest available facility if body has none available, meeting with state or federal officials to discuss regulatory issues, nearby facility to discuss facility itself, visit to legal counsel to reduce fees.

4. Rights of the Public.

- A. Access generally means the right to be notified of items to be considered (agenda), to attend meetings of legislative bodies without identifying oneself, to record the meeting, to have access to documents distributed to members of the legislative body<sup>1</sup>, not to pay for the agency's costs in complying with the Brown Act, to be free from discrimination, and to provide public comment. No meeting can be held in a facility that is inaccessible to the disabled.
- B. Legislative bodies may provide greater public access than required by the Brown Act.

5. Permissible Closed Sessions.

The Brown Act begins with a strong statement in favor of open meetings; private discussions among a majority of a legislative body are prohibited, unless expressly authorized under the Brown Act. It is not enough that a subject is sensitive, embarrassing, or controversial. Without specific authority in the Brown Act for a closed session, a matter must be discussed in public.

**\*In general, most advisory commissions do not hear matters which would qualify for a closed session. However, since there are some exceptions such as the Personnel Commission and Retirement Board, a brief discussion of the subject follows.**

In general, the most common purpose of a closed session is to avoid revealing confidential information that may, in specified circumstances, prejudice the legal or negotiating position of the agency or compromise the privacy interests of employees.

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<sup>1</sup> Recent legislation (SB343) amends Section 54957.5 of the Government Code. The new law requires that a writing that relates to an agenda item for an open session of a regular meeting shall be made available for public inspection at the time the writing is distributed to all, or a majority of all, the members of the legislative body. In order to comply with the requirement to make writing that is distributed after the 72-hour posting "available" for public inspection, the local legislative body must make the writing available at a public office location that the agency shall designate for this purpose. Therefore, each local agency is required to list the address of that office or location on the agenda for all meetings of the body. Staff should also be prepared to provide additional copies of the supplemental material to the public at the meeting.

Closed sessions require three types of notice— agenda, pre-closed session announcement, and post-closed session report of action taken. The agenda must state the specific statutory exemption that applies.

A. Litigation and attorney-client privilege.

1. Existing litigation – includes any adjudicatory proceedings before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. The legislative body may meet to receive updates on the case from attorneys, participate in developing strategy as the case develops, or to consider alternatives for resolution of the case. Generally an agreement to settle litigation may be approved in closed session. However, an agreement to settle litigation that requires actions that are subject to public hearings cannot be approved in closed session.
2. Potential litigation – closed sessions are authorized for legal counsel to inform the legislative body of facts and circumstances that suggest that the local agency has significant exposure to potential litigation. The Brown Act lists six separate categories of such facts and circumstances (Government Code section 54956.9(b))
3. Initiation of litigation – a closed session may be held when the legislative body seeks legal advice on whether to protect the agency's rights and interests by initiating litigation.

B. Personnel exception.

1. Applies to appointment, employment, evaluation of performance, discipline or dismissal of public employee.
2. Employee may request hearing be conducted in public only if purpose is to discuss specific instances of misconduct. Employee has right to 24 hours notice of any closed session to hear specific complaints or changes. However, an employee is not entitled to notice and a hearing where the purpose of the closed session is to consider a performance evaluation.
3. Employee does not include elected officials, independent contractors, member of legislative body.
4. Must pertain to particular employee, not employees in general. No abstract discussions regarding creation of new positions, unless workload discussion involves performance of a specific employee. May not be used for discussion or action on proposed compensation, except for a disciplinary reduction in pay.

C. Real Estate Negotiations

1. A legislative body may meet in closed session with its negotiator to discuss the purchase, sale, exchange, or lease of real property by or for the local agency.
2. After real estate negotiations are concluded, approval of the agreement and the substance of the agreement must be reported.

D. Labor Negotiations

A legislative body may meet in closed session to instruct its bargaining representatives on employee salaries and fringe benefits. Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

E. Grand Jury Testimony

A legislative body may testify in private before a grand jury, either individually or as a group.

F. License Applicants with Criminal Records

G. Public Security

Legislative bodies may meet in closed session to discuss matters posing a threat to the security of public buildings, essential public services, or to the public's right of access to public services or facilities.

H. Multijurisdictional Drug Law Enforcement Agency

6. Consequences of Violation.

A. Criminal penalties. Misdemeanor where action taken in violation of the act.

B. Civil remedies:

1. Injunction, mandamus, declaratory relief
2. Action may be voided following notice to correct, which must be received within 90 days, and acted on within 30 days, lawsuit filed within 15 days.

C. Attorney fees

1. Awarded against agency, not individual.

7. Further information/full text

If you would like additional information regarding the Brown Act or you would like the full text, please visit the California Attorney General's website at [www.ag.ca.gov/index.htm](http://www.ag.ca.gov/index.htm) and/or the California State Code website at [www.leginfo.ca.gov/calaw.html](http://www.leginfo.ca.gov/calaw.html) and search for Government Code 54950.

Marin Independent Journal  
Tuesday, July 10, 2001

# Charter board in violation of meeting act

## Judge sends directors back to school

By Con Garretson *IJ* reporter

The Novato Charter School Board of Directors broke the state's open meetings law several times last year and board members could face fines or jail time *if* future violations occur, a judge has ruled.

Also, board members and the school's director must attend a seminar on the Ralph M. Brown Act in the next six months under the terms of a final judgment and permanent injunction signed last week by Marin County Superior Court Judge Lynn Duryee.

Officials said they weren't certain, but it might be the first such judgment against a public agency in Marin County. An expert on the Ralph M. Brown Act said it is the first time that such a legal ruling has been made against a California charter school under the 48-year-old law. Novato Charter School officials, without admitting wrongdoing, settled a civil complaint filed by the Marin County District Attorney's Office resulting from a December letter signed by a group of school parents, said Deputy District Attorney Robert Nichols, who investigated the case.

At issue are seven instances in which the board failed to meet the requirements of the state public meetings law in the second half of 2000, including failure to properly notify the public of meetings, the agendas of closed sessions and decisions made during such sessions.

The judgment notes that the charter school, established in 1996, "has limited resources and experience regarding compliance with the Ralph M. Brown Act."

The act, established by the state Legislature, is designed "to ensure the accountability of government officers and to enable citizens' oversight of government agencies by keeping official decision-making processes as open as possible to public knowledge and participation," according to the California First Amendment Coalition.

The act sets out regulations governing public information on meetings and open and closed sessions. Nichols said there was no evidence that the board or the director *intended* to break the Brown Act, which could have led to an even rarer criminal prosecution.

"Our belief was that the violations in this case were more erroneous than intentional," he said. The judgment does not specifically identify the board members — Philip Hallstein, Curt Kruger, Jeanette Longtin, Janine Perra and Mary Williams, but applies to them and school Director Rachel Bishop, who also was not named.

Nichols said the Brown Act typically applies only to elected officials, but in this case Bishop was included because of the role she plays in setting and conducting public meetings. Bishop did not return a call left at the school yesterday.

“All I can really say in response to any question you may ask is that we have been advised by our attorneys to make no comment other than to say that the issue has been resolved,” Longtin said yesterday.

Nichols said the judgment, which included an order to pay \$2,500 in DA investigative costs, also will apply to all future board members and directors. Each future violation could mean a maximum \$1,000 fine, six months in jail or both, he said. Fines could apply to individuals and the school, he said.

## ***“This is probably something that other charter schools would want to be aware of”***

*—Terry Francke— general counsel. California First Amendment Coalition*

The same penalties would apply to public officials or agencies convicted of a criminal violation of the Brown Act, however, no one has ever been found guilty of the misdemeanor, said Terry Francke, general counsel for the California First Amendment Coalition.

“Wow,” Francke said. “It’s the first time I’m aware of that a court has ever dealt with a Brown Act issue against the board of a charter school. This is probably something that other charter schools would want to be aware of.”

Francke said Novato Charter School officials could have argued that the school did not fall under the auspices of the Brown Act, although it is a public school with teachers paid by the Novato Unified School District. Because the issues will not be heard by a state appeals court, the decision will not become a state legal precedent, he said.

The violations came to light after some parents became frustrated by the way former eighth-grade teacher Chris Topham was fired by the board behind closed doors. The board failed to disclose what items were discussed on closed session agendas and what actions were taken during them, the parents wrote, both violations of the state open meetings law. Other meetings were not publicized in the manner required by the Brown Act, they wrote.

Topham, who could not be reached yesterday, was not advised of his option under the law to have his termination hearing in an open session; said Ann Falletta of Petaluma, who pulled her two children out of the school. Topham later financially settled with the school for legal costs and other expenses from his unsuccessful fight for reinstatement, she said.

Seven of the 24 children in Falletta’s daughter’s eighth-grade class left for other schools after Topham was fired. Her daughter, Ashlan, followed Topham to Summerfield Waldorf School in Santa Rosa, where he still teaches.

Falletta brought the violations to the attention of the First Amendment Project of Oakland and was advised to write a letter to the school board and the district attorney’s office to “correct” the wrongdoing. Once the letter was received, Falletta said the violations ceased for the most part.

“The board is required to notice any public meetings in an accessible way 72 hours in advance,” Falletta said. “There was one time (earlier this year) that the only notice was posted in a courtyard of the school at 3 p.m. on Friday for a special meeting on Sunday, and it was closed all weekend. That’s not following the spirit of the law.”

Falletta said she did not know much about the Brown Act until she began doing research on public access laws. “The more I looked into it the more I realized this is a tool for newspaper people,” Falletta said. “Everything I read said, ‘Call your editor. Well I don’t have an editor. It’s really a journalist’s bailiwick.”

Marin Independent Journal  
Friday, March 1, 2002

# Sanitary District settles complaint

## Las Gallinas Valley board accused of violating meeting law

By Con Garretson  
*IJ reporter*

The Las Gallinas Valley Sanitary District yesterday settled a civil complaint that accused board members of violating the state's open meetings law by deliberating in private. It was only the second judgment against Marin elected officials in connection with violations of the Ralph M. Brown Act, according to Marin Deputy District Attorney Bob Nichols, who led an investigation by his agency.

The settlement approved by Judge Lynn Duryee and filed yesterday, indicates the violations were made up of district matters being deliberated and decided upon by a majority of directors outside of a meeting setting, which is two separate violations. The illegal meetings did not have an agenda, nor were they publicized by a public notice, which made up the two other alleged violations in this case, according to the court documents.

In settling the lawsuit without admitting wrongdoing, the district agreed to pay \$7,500 in district attorney investigative expenses and have board members attend a seminar on the Brown Act, a term that was met in January.

# ***COUNTY OF MARIN***

## ***4. PUBLIC RECORDS ACT***

# Public Records Act

The Public Records Act mandates that:

“Public Records are open to inspection at all times during the office hours of a State or local agency and every citizen has the right to inspect any public record, except as hereafter provided.”

This is the heart of the Public Records Act. There are exceptions, and all fall within one of these four categories:

***Specific qualified exceptions*** (exemption must be demonstrated). Examples include:

- Internal, short-lived paperwork such as preliminary drafts, notes and memos not retained as the normal course of business by the agency.
- Pending litigation material
- Personal privacy data, such as personnel, medical or similar files.

***Specific categorical exceptions***

Certain kinds of material are categorically exempt from disclosure requirements of the Public Records Act that the agency may withhold without further demonstration. The example most relevant to government is testing and scoring keys from employment material.

***Disclosures otherwise prohibited or discretionary***

Other statutes prohibit release of certain privileged information, or give the agency discretion whether to disclose. Confidentiality statutes protect, for example:

- Adoption records
- Welfare records
- Certain prison records
- Death in custody reports
- Peace officer personnel records
- Real property change-in-ownership statements
- Mental health records
- Certain workers' compensation awards and info.
- Attorney-client communications

***Disclosures against the public interest***

Recognizing that it could not anticipate all the possible situations in which the release of a particular record to the public might cause serious harm to an interest which government is obligated to protect, the legislature made a provision to be invoked where such harm is foreseen but no applicable special exception to the disclosure rule exists. In applying the “balancing test,” the public agency is authorized to withhold by showing that in a particular case, the public interest served by not releasing the record clearly outweighs that interest served by disclosure.

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

*From "The Media Survival Pocketbook" by Marty Boyer*

***What to do upon receipt of request for public records***

Immediately send request to legal counsel for review, as generally the County must respond to a request within 10 days after receipt.

# ***COUNTY OF MARIN***

## ***5. OATH OF OFFICE***



# ***COUNTY OF MARIN***

## ***6. CONFLICT OF INTEREST***

# Conflict of Interest

## Conditions of Conflict

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

All four conditions must be met for a conflict. A material effect is considered to have occurred when the decision accrues over a certain dollar amount (which may be revised from time-to-time by the California Fair Political Practices Commission) for the individuals' personal income or assets, or the personal income or assets of their spouse or dependent children. This is regardless of the effect being positive or negative.

Attached is information from a pamphlet titled "Can I Vote" which is published by the California Fair Political Practices Commission (FPPC) and may help answer additional questions regarding conflict of interest issues.

## "Can I Vote"

***"My home is near the proposed new shopping mall. Can I vote on the issue at next month's Planning Commission meeting?"***

Many of you may have been confronted with such questions. This booklet is offered by the FPPC as a general overview of your obligations under the Political Reform Act's conflict-of-interest rules. Using non-technical terms, the booklet is aimed at helping you understand your obligations at the "big picture" level and to help guide you to more detailed resources.

Stripped of legal jargon:

- You have a conflict of interest with regard to a particular government decision if it is sufficiently likely that the outcome of the decision will have an important impact on your economic interests, **and**
- A significant portion of your jurisdiction does not also feel the important impact on their economic interests.

The voters who enacted the Political Reform Act by ballot measure in 1974 judged such circumstances to be enough to influence, or to appear to others to influence, your judgment with regard to that decision.

The most important thing you can do to comply with this law is to learn to recognize the economic interests from which a conflict of interest can arise. No one ever has a conflict of interest under the Act "on general principles" or because of personal bias regarding a person or subject. A conflict of interest can only arise from particular kinds of economic interests, which are explained in non-technical terms later in this booklet.

If you learn to understand these interests and to spot potential problems, the battle is mostly won because you can then seek help on the more technical details of the law from your agency's legal counsel or from the California Fair Political Practices Commission. **The Commission's toll-free advice line is 1-866-ASK-FPPC (1-866-275-3772).**

Under rules adopted by the FPPC, deciding whether you have a financial conflict of interest under the Political Reform Act is an eight-step process. If you methodically think through the steps whenever there may be a problem, you can avoid most, if not all, mistakes. These steps are spelled out and explained in general terms in this booklet.

**If you learn nothing else from this booklet, remember these things:**

- **This law applies only to financial conflicts of interest; that is, conflicts of interest arising from economic interests.**
- **Whether you have a conflict of interest that disqualifies you depends heavily on the facts of each governmental decision.**

- **The most important proactive step you can take to avoid conflict of interest problems is learning to recognize the economic interests from which conflicts of interest can arise.**

Here are the eight steps:

- **Step One:** Are you a "public official" within the meaning of the rules?
- **Step Two:** Are you making, participating in making, or influencing a governmental decision?
- **Step Three:** What are your economic interests? That is, what are the possible sources of a financial conflict of interest?
- **Step Four:** Are your economic interests directly or indirectly involved in the governmental decision?
- **Step Five:** What kinds of financial impacts on your economic interests are considered important enough to trigger a conflict of interest?
- **Step Six:** The important question: Is it substantially likely that the governmental decision will result in one or more of the materiality standards being met for one or more of your economic interests?
- **Step Seven:** If you have a conflict of interest, does the "public generally" exception apply?
- **Step Eight:** Even if you have a disqualifying conflict of interest, is your participation legally required?

Next, here is a non-technical explanation of each:

### *Public Official*

#### **Step One: Are you a "public official," within the meaning of the rules?**

The Act's conflict-of-interest rules apply to "public officials" as defined in the law. This first step in the analysis is usually a formality - you are probably a public official covered by the rules. If you are an elected official or an employee of a state or local government agency who is designated in your agency's conflict-of-interest code, you are a "public official." If you file a Statement of Economic Interests (Form 700) each year, you are a "public official" under the Act (even if you are not required to file a Form 700, in some cases you may still be considered a public official because the definition covers more than specifically designated employees). The cases that are tougher to determine typically involve consultants, investment managers and advisers, and public-private partnerships. If you have any doubts, contact your agency's legal counsel or the FPPC.

## *Governmental Decision*

### **Step Two: Are you making, participating in making, or influencing a governmental decision?**

The second step in the process is deciding if you are engaging in the kind of conduct regulated by the conflict-of-interest rules. The Act's conflict-of-interest rules apply when you:

- **Make** a governmental decision (for example, by voting or making an appointment).
- **Participate** in making a governmental decision (for example, by giving advice or making recommendations to the decision-maker).
- **Influence** a governmental decision (for example, by communicating with the decision-maker).

A good rule of thumb for deciding whether your actions constitute making, participating in making, or influencing a governmental decision is to ask yourself if you are exercising *discretion or judgment* with regard to the decision. If the answer is "yes," then your conduct with regard to the decision is very probably covered.

### **When you have a conflict - Regulation 18702.5 (special rule for section 87200 public officials)**

Government Code section 87105 and regulation 18702.5 outline a procedure that public officials specified in section 87200 must follow for disclosure of economic interests when they have a conflict of interest at a public meeting. The full text of this law and regulation may be viewed in the [Library and Publications section](#) of the FPPC's website at <http://www.fppc.ca.gov>.

Public officials specified in section 87200 of the Government Code, such as council members, planning commissioners, and boards of supervisors, must publicly identify in detail the economic interest that creates the conflict, step down from the dais **and must then leave the room**. This identification must be following the announcement of the agenda item to be discussed or voted upon, but before either the discussion or vote commences.

Additionally, the disqualified official may not be counted toward achieving a quorum while the item is being discussed.

The identification of the conflict and economic interest must be made orally and shall be made part of the public record.

### **Exceptions:**

- If the decision is to take place during a closed session, the identification of the economic interest must be made during the public meeting prior to the closed session but is limited to a declaration that the official has a conflict of interest. The economic interest that is the basis for the conflict need not be disclosed.

The official may not be present during consideration of the closed session item and may not obtain or review any non-public information regarding the decision.

- A public official is not required to leave the room for an agenda item on the consent calendar provided that the official recuses himself or herself and publicly discloses the economic interest as described above.
- A public official may speak as a member of the general public only when the economic interest that is the basis for the conflict is a personal economic interest, for example, his or her personal residence or wholly owned business. The official must leave the dais to speak from the same area as the members of the public and may listen to the public discussion of the matter.

### **Examples:**

- The Arroyo City Council is considering widening the street in front of council member Smith's personal residence, which he solely owns. Council member Smith must disclose on the record that his home creates a conflict of interest preventing him from participating in the vote. He must leave the dais but can sit in the public area, speak on the matter as it applies to him and listen to the public discussion.
- Planning Commissioner Garcia is a greater than 10% partner in an engineering firm. The firm represents a client who is an applicant on a project pending before the planning commission. Commissioner Garcia must publicly disclose that the applicant is a source of income to her requiring her recusal. Commissioner Garcia must step down from the dais and leave the room. Since this is not a personal interest that is the basis for the conflict, she **may not** sit in the public area and listen to the discussion.
- Supervisor Robertson rents a home to a county employee. The county employee is the subject of a disciplinary matter in a closed session of the Board of Supervisors. During the open session prior to adjourning to closed session, Supervisor Robertson announces that he must recuse himself from participating in the closed session **but does not disclose that the reason for his recusal is a source of income nor does he name the county employee that is the source of income to him**. He may not attend the closed session or obtain any non-public information from the closed session.

### *Economic Interests*

#### **Step Three: What are your economic interests? That is, what are the possible sources of a financial conflict of interest?**

From a practical point of view, this third step is the most important part of the law for you. The Act's conflict-of-interest provisions apply only to conflicts of interest arising

from economic interests. There are six kinds of such economic interests from which conflicts of interest can arise:

- **Business Investment.** You have an economic interest in a business entity in which you, your spouse, your registered domestic partner, or your dependent children or anyone acting on your behalf has invested \$2,000 or more.
- **Business Employment or Management.** You have an economic interest in a business entity for which you are a director, officer, partner, trustee, employee, or hold any position of management.
- **Real Property.** You have an economic interest in real property in which you, your spouse, your registered domestic partner, or your dependent children or anyone acting on your behalf has invested \$2,000 or more, and also in certain leasehold interests.
- **Sources of Income.** You have an economic interest in anyone, whether an individual or an organization, from whom you have received (or from whom you have been promised) \$500 or more in income within 12 months prior to the decision about which you are concerned. When thinking about sources of income, keep in mind that you have a community property interest in your spouse's or registered domestic partner's income, a person from whom your spouse or registered domestic partner receives income may also be a source of a conflict of interest to you. Also keep in mind that if you, your spouse, your registered domestic partner or your dependent children own 10 percent or more of a business, you are considered to be receiving "pass-through" income from the business's clients. In other words, the business's clients may be considered sources of income to you.
- **Gifts.** You have an economic interest in anyone, whether an individual or an organization, who has given you gifts which total \$360 or more (**changes to \$390 or more beginning January 1, 2007**) within 12 months prior to the decision about which you are concerned.
- **Personal Financial Effect.** You have an economic interest in your personal expenses, income, assets, or liabilities, as well as those of your immediate family. This is known as the "personal financial effects" rule. If these expenses, income, assets or liabilities are likely to go up or down by \$250 or more in a 12-month period as a result of the governmental decision, then the decision has a "personal financial effect" on you.

On the Statement of Economic Interests (Form 700) you file each year, you disclose many of the economic interests that could cause a conflict of interest for you. However, be aware that not all of the economic interests that may cause a conflict of interest are listed on the Form 700. A good example is your home. It is common for a personal residence to be the economic interest that triggers a conflict of interest even though you are not required to disclose your home on the Form 700.

### *Directly or Indirectly Involved?*

#### **Step Four : Are your economic interests directly or indirectly involved in the governmental decision?**

An economic interest which is directly involved in " and therefore directly affected by " a governmental decision creates a bigger risk of a conflict of interest than does an economic interest which is only indirectly involved in the decision. As a result, the FPPC's conflict-of-interest regulations distinguish between economic interests that are directly involved and interests that are indirectly involved.

Once you have identified your economic interests, you must next decide if they are directly involved in the governmental decision about which you are concerned. The FPPC has established specific rules for determining whether each kind of economic interest is directly or indirectly involved in a governmental decision.

The details of these rules are beyond the scope of this guide. In general, however, an economic interest is directly involved if it is the subject of the governmental decision. For example, if the interest is real property, and the decision is about building a donut shop down the block from the property, then the interest is directly involved. If the interest is a business, and the decision is whether to grant a license for which the business has applied, the interest is directly involved.

These are just examples; you should contact your agency counsel, the FPPC and the specific regulations if you have questions as each case arises. Note also that the next step in the analysis "applying the right standard to determine whether an impact is material" depends in part on whether the interest is directly or indirectly involved. The regulations, Sections 18704 through 18704.5, and other helpful information can be found on the FPPC's web site, <http://www.fppc.ca.gov>.

### *Materiality (Importance)*

#### **Step Five : What kinds of financial impacts on your economic interests are considered important enough to trigger a conflict of interest?**

At the heart of deciding whether you have a conflict of interest is a prediction: Is it sufficiently likely that the governmental decision will have a material financial effect on your economic interests? As used here, the word "material" is akin to the term "important." You will have a conflict of interest only if it is reasonably foreseeable that the governmental decision will have an important impact on your economic interests.

The FPPC has adopted rules for deciding what kinds of financial effects are important enough to trigger a conflict of interest. These rules are called "materiality standards," that is, they are the standards that should be used for judging what kinds of financial impacts resulting from governmental decisions are considered material or important.

There are too many of these rules to review in detail in this booklet. Again, you can seek advice for your agency counsel or the FPPC. However, to understand the rules at a "big picture" level, remember these facts:

- If the economic interest is directly involved in the governmental decision, the standard or threshold for deeming a financial impact to be material is stricter (i.e. lower). This is because an economic interest that is directly involved in a governmental decision presents a bigger conflict-of-interest risk for the public official who holds the interest.
- On the other hand, if the economic interest is not directly involved, the materiality standard is more lenient because the indirectly involved interest presents a lesser danger of a conflict of interest.
- There are different sets of standards for the different types of economic interests. That is, there is one set of materiality standards for business entities, another set for real property interests, and so on.
- The rules vary by the size and situation of the economic interest. For example, a moment's thought will tell you that a \$20,000 impact resulting from a governmental decision may be crucial to a small business, but may be a drop in the bucket for a big corporation. For example, the materiality standards distinguish between large and small businesses, between real property which is close or far from property which is the subject of the decision.

#### *Does a Conflict of Interest Result?*

#### **Step Six: Is it substantially likely that the governmental decision will result in one or more of the materiality standards being met for one or more of your economic interests?**

As already mentioned in the introduction, the heart of the matter is deciding whether it is sufficiently likely that the outcome of the decision will have an important impact on your economic interests.

What does "sufficiently likely" mean? Put another way, how "likely" is "likely enough?" The Political Reform Act uses the words "reasonably foreseeable." The FPPC has interpreted these words to mean "substantially likely." Generally speaking, the likelihood need not be a certainty, but it must be more than merely possible.

A concrete way to think about this is to ask yourself the following question: Is it substantially likely that one of the materiality standards I identified in step five will be met as a result of the government decision? Step six calls for a factual determination, not necessarily a legal one. Also, an agency may sometimes segment (break down into separate decisions) a decision to allow participation by an official if certain conditions are met. Therefore, you should always look at your economic interest and how it fits into the entire factual picture surrounding the decision.

### *"Public Generally" Exception*

#### **Step Seven: If you have a conflict of interest, does the "public generally" exception apply?**

Now that you have determined that you will have a conflict of interest for a particular decision, you should see if the exceptions in Step 7 and Step 8 permit you to participate anyway. Not all conflicts of interest prevent you from lawfully taking part in the government decision at hand. Even if you otherwise have a conflict of interest, you are not disqualified from the decision if the "public generally" exception applies.

This exception exists because you are less likely to be biased by a financial impact when a significant part of the community has economic interests that are substantially likely to feel essentially the same impact from a governmental decision that your economic interests are likely to feel. If you can show that a significant segment of your jurisdiction has an economic interest that feels a financial impact which is substantially similar to the impact on your economic interest, then the exception applies.

The "public generally" exception must be considered with care. You may not just assume that it applies. There are specific rules for identifying the specific segments of the general population with which you may compare your economic interest, and specific rules for deciding whether the financial impact is substantially similar. Again, contact your agency counsel, the FPPC and the specific rules for advice and details. The regulations outlining the steps to apply the "public generally" exception can be found on the FPPC website at <http://www.fppc.ca.gov> under regulations 18707-18707.9.

*Are you required to participate?*

#### **Step Eight: Even if you have a disqualifying conflict of interest, is your participation legally required?**

In certain rare circumstances, you may be called upon to take part in a decision despite the fact that you have a disqualifying conflict of interest. This "legally required participation" rule applies only in certain very specific circumstances in which your government agency would be paralyzed, unable to act. You are most strongly encouraged to seek advice from your agency legal counsel or the FPPC before you act under this rule.

### *Conclusion*

Generally speaking, here are the keys to meeting your obligations under the Political Reform Act's conflict-of-interest laws:

- Know the purpose of the law, which is to prevent biases, actual and apparent, which result from the financial interests of the decision-makers.
- Learn to spot potential trouble early. Understand which of your economic interests could give rise to a conflict of interest.

- Understand the "big picture" of the rules. For example, know why the rules distinguish between directly and indirectly involved interests, and why the public generally exception exists.
- Realize the importance of the facts. Deciding whether you have a disqualifying conflict of interest depends just as much , if not more , on the facts of your particular situation as it does on the law.
- Don't try to memorize all of the specific conflict-of-interest rules. The rules are complex, and the penalties for violating them are significant. Learn to understand the "big picture." You'll then be able to look up or ask about the particular rules you need to apply to any given case.
- Don't be afraid to ask for advice. It is available from your agency's legal counsel and from the FPPC.

### **An important note'**

You should not rely solely on this booklet to ensure compliance with the Political Reform Act, but should also consult the Act and Commission regulations. The Political Reform Act is set forth at Cal. Gov. Code §§81000-91014, and the Fair Political Practices Commission regulations are contained in Title 2, Division 6 of the California Code of Regulations. Both the Act and regulations are available on the FPPC's web site, <http://www.fppc.ca.gov>. Persons with obligations under the Act or their authorized representatives are also encouraged to call the FPPC toll-free advice line "1-866-ASK-FPPC" as far in advance as possible.

### **How to Contact Us:**

- **Mail:**  
Fair Political Practices Commission  
428 J Street, Suite 620  
Sacramento, CA 95814

- **Website:**  
[www.fppc.ca.gov](http://www.fppc.ca.gov)

- **Telephone:**

Toll-free advice line: 1-866-ASK-FPPC(1-866-275-3772)

Regular line: 1-916-322-5660

Enforcement hot-line: 1-800-561-1861

## Marin County's Conflict of Interest Code

The Marin County Board of Supervisors is required by the Political Reform Act to adopt and promulgate a conflict of interest code, which requires members of certain Commissions to report their economic interests.

Attached is a portion of the most recent version of Marin's Conflict of Interest Code (Resolution No. 2008-62) as it pertains to Commissions, which was adopted on June 17, 2008. **Please be advised that this Code may be updated from time-to-time, so please check with your Commission staff member for the most recent information.**

Also attached is information from a pamphlet titled "Your Duty to File," which is published by the California Fair Political Practices Commission and is a basic overview of the State Economic Disclosure Law and reporting requirements for Public Officials.

## **PLEASE NOTE**

**The attached information is current as of June 17, 2008. However, the County of Marin's Conflict of Interest Code is updated from time-to-time.**

**Please check with staff for the most current information.**

**RESOLUTION NO. 2008- 62**  
**RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS**  
**AMENDING ITS CONFLICT OF INTEREST CODE**

**WHEREAS**, on July 20, 1999, the Board of Supervisors adopted Resolution No. 99-100 to adopt and promulgate a conflict of interest code, as required by the Political Reform Act, Government Code Section 81000, et seq.

**WHEREAS**, the Political Reform Act also requires each state and local government agency to review its conflict of interest code biennially to determine if it is accurate or, alternatively, that the code must be amended; and

**WHEREAS**, a review of the designated positions that make or participate in government decisions has shown that certain positions should be added, others deleted, position titles revised due to position changes, County departmental structure changes and changes in boards and commissions and language changes are needed to conform to the code; and

**WHEREAS**, on December 18, 2007, the Board of Supervisors adopted Resolution No. 2007-170 approving revisions to the County of Marin's conflict of interest code updating designation of these individuals and board and commission members who are required to report their economic interests; and

**WHEREAS**, modifications of attachment A, "Required Filers," of Resolution No. 2007-170 is necessary to reflect the deletion of the Director of Parks, Open Space and Cultural Services, the addition of the Director of Parks and Open Space, and the addition of the Director of Cultural and Visitor Services; and

**WHEREAS**, modifications of Attachment B, "Designated Employees," of Resolution No. 2007-120 is necessary to reflect the following revisions:

- (1) The renaming of the Department of Parks, Open Space and Cultural Services to the Department of Parks and Open Space; and
- (2) The addition of the Department of Cultural and Visitor Services; and
- (3) The renaming of various positions under the Department of Parks and Open Space; and
- (4) The addition of Deputy Director Cultural and Visitor Services

**WHEREAS**, a modification of Attachment C, "Designated Committees and Commissions," of Resolution No. 2007-170 identifying the Board appointed committees and commissions who are required to file statements of economic interest have been determined necessary to reflect the addition of the Marin Economic Commission.

**NOW, THEREFORE, BE IT RESOLVED**, that the Conflict of Interest Code be amended as follows:

Attachment A to the County's Conflict of Interest Code is replaced with the attached revised Attachment A, reflecting the deletion of the Director of Parks, Open Space and Cultural Services, the addition of the Director of Parks and Open Space, and the addition of the Director of Cultural and Visitor Services. Attachment B to the County's

Conflict of Interest Code is replaced with the attached revised Attachment B, reflecting the renaming of the Department of Parks, Open Space and Cultural Services to the Department of Parks and Open Space, the addition of the Department of Cultural and Visitor Services, the renaming of various positions under the Department of Parks and Open Space, and the addition of Deputy Director Cultural and Visitor Services. Attachment C to the County's Conflict of Interest Code is replaced with the attached revised Attachment C, reflecting the addition of the Marin Economic Commission

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this 17th day of June, 2008, by the following vote:

AYES: SUPERVISORS Harold C. Brown, Jr., Judy Arnold, Susan L. Adams,  
Charles McGlashan

NOES: NONE

ABSENT: SUPERVISOR Steve Kinsey

**ATTACHMENT C**  
**DESIGNATED COMMITTEES & COMMISSIONS**  
 CONFLICT OF INTEREST CODE  
 COUNTY OF MARIN

Voting members of the following County appointed committees and commissions shall file statements of economic interests:

<b>COMMISSION/COMMITTEES:</b>	<b>DISCLOSURE CATEGORIES</b>
Aging, Marin Commission on	6
Airport Land Use Planning Commission	1
Alcohol & Drug Advisory Board	10
Assessment Appeals Boards #1 and #2	1
Aviation Commission	10
Building Board of Appeals	1
Child Care Commission	10
Civic Center Conservancy Commission	10
County Service Area #6 (Gallinas Creek)	10
County Service Area #9 (Northbridge)	10
County Service Area #13 (Upper Lucas Valley)	10
County Service Area #14 (Homestead Valley)	10
County Service Area #16 (Greenbrae)	10
County Service Area #18 (Gallinas Village)	10
County Service Area #28 (West Marin Paramedic)	10
County Service Area #29 (Paradise Cay)	10
County Service Area #33 (Stinson Beach)	10
Cultural Services Commission	1
Disability Access Appeals Board	1
Disaster Council	10
Economic Commission	1
Flood Control Zone #1 (Novato)	10
Flood Control Zone #3 (Richardson Bay)	10
Flood Control Zone #4 (Bel-Aire Tiburon)	10
Flood Control Zone #5 (Stinson Beach)	10
Flood Control Zone #6 (Rafael Meadows)	10
Flood Control Zone #7 (Santa Venetia)	10
Flood Control Zone #9 (Corte Madera Creek)	10
Flood Control Zone #10 (Inverness)	10
Health Council of Marin	6
Human Rights Commission	10
Integrated Pest Management Commission	10
Kentfield Planning Advisory Board	1
Law Library Board of Trustees	3
Library Commission	3
Mental Health Board	6
Parks & Open Space Commission	1
Peace Conversion Commission	1
Personnel Commission	1

Planning Commission	1
Residential Rehabilitation Loan Committee	10
Retirement Board	1
Strawberry Design Review Board	1
Tamalpais Design Review Board	1
Wildlife and Fisheries Committee	10
Women's Commission	10
Workforce Investment Board	10

**ATTACHMENT D**  
**DISCLOSURE CATEGORIES FOR DESIGNATED POSITIONS**  
CONFLICT OF INTEREST CODE  
COUNTY OF MARIN

**CATEGORY 1**

All sources of income, reportable interests in real property and investments and business positions in business entities located in or doing business in Marin County.

**CATEGORY 2**

Investments and business positions in business entities and sources of income which provide services, supplies, materials, machinery or equipment of the type utilized by the agency.

**CATEGORY 3**

Investments and business positions in business entities and sources of income which provide library services, supplies, materials, machinery or equipment of the type utilized by the library.

**CATEGORY 4**

Investments and business positions in business entities and sources of income which provide fire fighting services, supplies, materials, machinery or equipment of the type utilized by the Fire Chief.

**CATEGORY 5**

Any reportable interests in real property; any reportable investments and business positions held in business entities which have done business with the county government in the previous two (2) years; any reportable income from business entities which have done business with the county government in the previous two (2) years; any reportable income from individuals who are County employees.

**CATEGORY 6**

Investments and business positions in business entities and income from sources which are providers of health care services, including but not limited to pharmacies, physicians, etc.

Investments and business positions in business entities and/or nonprofit corporations and income from sources which may be the recipient of patient referrals for the delivery of health care services or supplies by the employee's hospitals.

Investments and business positions in business entities or nonprofit corporations and income from sources which are of the type which provide consultant services to any business entity or nonprofit corporation made reportable by this disclosure category.

**CATEGORY 7**

All sources of income, investments and business positions in business entities located in or doing business in Marin County.

**CATEGORY 8**

Investments and business positions in business entities and sources of income which provide transportation and road services, supplies, materials, machinery or equipment for review or approval by the Public Works Department; any reportable interests in real property.

**CATEGORY 9**

Any income from any employee of the County.

**CATEGORY 10**

Reportable interests in real property.

Investments and business positions in any business entity located in or doing business in Marin County or income from any source if the business entity or source of income manufactures or sells supplies, machinery or equipment of the type utilized by the County.

Investments and business positions in any business entity or income from any source if the business entity or source of income is a contractor or subcontractor engaged in the performance of work or services of the type utilized by the County.

**CATEGORY 11**

\*Consultants.

Consultants shall disclose pursuant to Category I, subject to the following limitation:

The chief administrative officer of the County may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

**ATTACHMENT E**  
**PLACE OF FILING**  
CONFLICT OF INTEREST CODE  
COUNTY OF MARIN

**DESIGNATED EMPLOYEES:**

Where: Elections Department  
3501 Civic Center Dr., Room 121  
San Rafael, CA 94903

From the list of designated employees the Director of Human Resources shall be required to enclose in each appointment packet and termination packet a Form 700 – Statement of Economic Interests. The employee will submit the completed statement to his or her department, which shall make and retain a copy and forward the original to the County Clerk for filing.

**PLANNING COMMISSIONERS:**

Where: Elections Department  
3501 Civic Center Dr., Room 121  
San Rafael, CA 94904

The County Clerk shall furnish to each Planning Commissioner upon their appointment, annually and upon their termination, a Form 700 - Statement of Economic Interests. The members will submit the completed Form 700 - Statement of Economic Interests to the County Clerk for filing.

**COMMITTEES & COMMISSIONS:**

Where: Clerk of the Board of Supervisors  
3501 Civic Center Dr., Room 329  
San Rafael, CA 94903

The Clerk of the Marin County Board of Supervisors shall furnish to each designated member upon their appointment, annually and upon termination a Form 700 – Statement of Economic Interests. The members will submit the completed Form 700 – Statement of Economic Interests to the Clerk of the Marin County Board of Supervisors for filing.

# ***COUNTY OF MARIN***

## **7. BY-LAWS/SAMPLE BY-LAWS**

### **ROBERT'S RULES OF ORDER**

## COMMISSION BY-LAWS

Each commission shall have adopted by-laws reviewed by County Counsel and approved by the Board of Supervisors (See Resolution No. 2006-112 in Section 2 of this Handbook). By-laws should serve as "rules" for internal administration and management of each Commission. Well-crafted By-laws should include the following, at the least:

1. Name of Commission
2. Authority for organization (i.e. establishing legislation such as resolution, ordinance, etc.)
3. Purpose
  - a. Restate purpose and mission as defined by establishing legislation
  - b. Describe means of reporting to Board of Supervisors
4. Membership
  - a. Number of individuals on the commission
  - b. Method of appointment
  - c. Qualifications/designations for each seat
  - d. Term
  - e. Rules for resignation (i.e., to be submitted in writing)
  - f. Rules for discipline or removal of members for non-attendance
5. Meetings
  - a. Provision that meetings must adhere to the Ralph M. Brown Act
  - b. Place, time, date
  - c. Procedure for noticing
  - d. Procedure for agenda
  - e. Procedures for conducting meetings (e.g. Roberts' Rules of Order)
  - f. What constitutes a quorum?
  - g. Voting procedures
  - h. Procedure for calling special meetings
  - i. General procedures for taking minutes

6. Officers
  - a. Positions
  - b. Duties
  - c. Method for selecting and removing officers; term limitations
  - d. Executive committee, who and what authority
  
7. Committees
  - a. Is Commission permitted to create and operate sub-committees?
  - b. Is sub-committee a "Brown Act" committee? (e.g. standing committee vs. ad-hoc committee)
  - c. Procedure for appointment
  - d. Roles, responsibilities and authority
  - e. Time, place and manner of calling meetings
  
8. Compensation
  - a. Are members entitled to compensation, either for meetings or for reimbursement for travel, etc. If so, they must take a 2-hour AB1234 "Ethics" training once every two years.
  
9. Miscellaneous
  - a. Procedures for amending By-laws
  
10. Please see attached samples of By-Laws for ideas

**SAMPLE BYLAWS**

**Bylaws of the County of Marin  
Community Service Area (CSA) 16 Advisory Board**

**ARTICLE I: NAME**

Community Service Area (CSA) 16 exists by virtue of Resolutions 71-46 of the Local Agency Formation Commission and Numbers 71-330 and 2006-112 adopted by the Board of Supervisors. The CSA 16 Advisory Board was created by action of the Board of Supervisors.

**ARTICLE II: PURPOSE**

The purpose of the CSA 16 Advisory Board is to advise Parks and Open Space staff and the Board of Supervisors on matters relating to projects and programs (a) that can be conducted with funding from the budget of County Service Area (“CSA”) 16; and (b) that affect County lands contained within the boundaries of CSA 16.

**ARTICLE III: MEMBERSHIP**

The CSA 16 Advisory Board shall consist of five (5) members appointed by the Marin County Board of Supervisors.

Appointed members may resign their appointment by submitting a letter of resignation to the Board of Supervisors with a copy to the Department of Parks and Open Space.

**ARTICLE IV: TERM OF OFFICE**

Each member shall serve a term of two (2) years.

**1. Compensation:**

All members of the CSA 16 Advisory Board shall serve without compensation.

**ARTICLE V: MEETINGS**

**1. General**

All meetings of the CSA 16 Advisory Board shall be open to the public and the public shall be notified in accordance with the provisions of the Brown Act.

**2. Meetings**

CSA 16 shall hold its regular meetings twice a year, on the second Thursday of February, and September at 7:00 p.m. All meetings shall be properly noticed and time shall be provided for public comment at each meeting.

### **3. Quorum**

Three members shall constitute a quorum of the CSA 16 Advisory Board for the transaction of business, with a quorum needed to approve any actions. A lesser number than a quorum may adjourn a meeting.

### **4. Conduct of Meetings**

Proceedings of all meetings generally shall be governed the current edition of Robert's Rules of Order. Robert's Rules of Order shall be the parliamentary guide for all matters of procedure for the CSA 16 Advisory Board not specifically covered in these by-laws.

### **5. Voting**

A quorum must be present for the transaction of any business. If requested by any member in attendance, a roll call vote must be held.

### **6. Meeting Attendance**

If an Advisory Board member is unable to attend a meeting, he/she must notify the Advisory Board staff liaison at least twenty-four (24) hours prior to said meeting. Otherwise, member's absence will be unexcused. The Advisory Board may recommend to the Board of Supervisors that a member with two consecutive unexcused absences be removed for the CSA Advisory Board. In addition, a member of the CSA 16 Advisory Board may be removed from office by a majority vote of the Board of Supervisors.

## **ARTICLE VI: OFFICERS**

### **1. Officers of the Advisory Board**

The officers of the CSA 16 Advisory Board shall be elected at an annual meeting of the Advisory Board, and shall be as follows: Chair, Vice-Chair, and Secretary. The term of office shall begin immediately following the adjournment of the meeting at which they are elected. No officer may serve in the same capacity for more than two consecutive years.

### **2. Duties of Officers**

**Chair:** The Chair shall preside at all meetings, appoint ad hoc committees, and generally perform the duties and functions of the presiding officer.

**Vice-Chair:** The Vice-Chair, in the event of the absence or disability of the Chair, or a vacancy in the office of the Chair, shall assume and perform the duties of the presiding officer.

**Secretary:** The Secretary of the CSA 16 Advisory Committee shall be responsible for keeping an attendance record for CSA 16 members and for the taking of action minutes at each meeting and providing them, within 14 days of the meeting, to Department of Parks and Open Space staff.

## **ARTICLE IX: AD HOC COMMITTEES**

### **1. Ad Hoc Committees**

Members of ad hoc committees shall be appointed by the Chair and shall consist solely of members of the CSA 16 Advisory Committee. Ad hoc committees shall consist of not more than two members.

### **2. Purpose and Duration**

Ad hoc committees shall be appointed by the chair for a specified period of time and purpose.

## **ARTICLE X: BYLAWS**

### **1. Enactment**

These bylaws are subject to review by County Counsel. They shall become effective upon approval by the Board of Supervisors.

### **2. Amendment**

Any proposal to amend these bylaws shall be subject to approval by a majority vote of the full CSA 16 Advisory Board. Such proposed amendments to the bylaws shall be subject to review by County Counsel and to approval by the Board of Supervisors.

### **3. Notice**

Written notice of any proposed amendment shall be mailed to all members at least ten (10) calendar days prior to the meeting at which such action is proposed to be taken.

### **4. Effective Date of Amendment**

No amendment to these bylaws shall take effect or be binding until said amendment(s) have been reviewed by County Counsel and approved by the Board of Supervisors.

# **S A M P L E**

## **MARIN ECONOMIC COMMISSION BYLAWS**

### **ARTICLE I: NAME**

The Marin Economic Commission was created by action of the Board of Supervisors on August 25, 1992.

### **ARTICLE II: PURPOSE**

The purpose of the Marin Economic Commission is to advise and recommend to the Board of Supervisors economic policies to enhance the vitality of Marin County's economy in alignment with the Economy Section of the Marin Countywide Plan and other policies to enhance the vitality of Marin County's economy.

### **ARTICLE III: MEMBERSHIP**

Membership of the Marin Economic Commission shall be composed of ten (10) members appointed by the Board of Supervisors, eight of whom are nominated or otherwise representatives of the following organizations: Marin Builders Association, North Bay Leadership Council, Marin Association of Realtors, Marin Housing Leadership Alliance, Marin County Council of Mayors and Councilmembers, North Bay Labor Council, Center for Volunteer and Nonprofit Leadership, and the Marin Council of Chambers of Commerce. Of the two other members, one shall be representative of environmental interests, one shall be representative of agricultural interests, and each shall be appointed directly by the Board of Supervisors through its standard application, interview, and selection process.

Appointed members may resign their appointment by submitting a letter of resignation to the Board of Supervisors with a copy to the Community Development Agency.

### **ARTICLE IV: TERM OF OFFICE**

#### **1. Terms**

Terms shall be for a period of three (3) years, and all appointments must be ratified by the Board of Supervisors. Terms shall expire on the last day of the month of expiration.

#### **2. Mid-Term Appointments**

In the event a commissioner resigns prior to expiration of their term, the Board of Supervisors shall appoint a new commissioner for the completion of the term. If there are six or fewer months remaining of the resigning commissioner's term, the Board shall appoint the replacement to serve the remainder of the current term plus a full three-year term.

## **ARTICLE V: MEETINGS**

### **1. General**

All meetings of the Marin Economic Commission shall be open to the public and the public shall be notified in accordance with the provisions of the Brown Act.

### **2. Meetings**

The Commission shall hold at least one regular meeting each month, at such hour and on such day as may be designated from time to time by the Chair. Meetings may be held at any time upon the call of the Chair or by a majority of the Commission, or upon request of the Board of Supervisors. Said meeting shall be scheduled and conducted in accordance with California's open meeting laws (Brown Act).

### **3. Quorum**

A majority of the seated members of the Commission shall constitute a quorum for the transaction of business and the adoption of action items. A lesser number than a quorum may adjourn a meeting.

### **4. Conduct of Meetings**

Roberts Rules of Order are hereby adopted for the Government of the Commission in all cases not otherwise provided in these bylaws, provided, however, that the Chair may make a motion.

### **5. Voting**

At every regular or special meeting of the Marin Economic Commission, each member present in person must vote on all motions and questions put before the Commission by voting either "yes" or "no" or "abstain". Decisions on any motion or question shall be determined by a majority vote by those members present.

### **6. Meeting Attendance**

The Chair shall be notified in advance of potential absences by any Commissioner. Any member of the Commission who is absent 3 (three) consecutive regular meetings shall have such absences reported to their sponsoring agency, if any.

## **ARTICLE VI: OFFICERS**

### **1. Officers of the Commission**

The Commission, at its first meeting in March of each year, shall elect from among its members, a Chair and a Vice Chair.

## **2. Duties of Officers**

Chair: the Chair shall preside at all meetings, appoint committees, authorize calls for any special meetings, and generally perform the duties and functions of the presiding officer.

Vice Chair: The Vice Chair, in the event of the absence or disability of the Chair, or a vacancy in the office of the Chair, shall assume and perform the duties of the presiding officer.

## **ARTICLE VII: COMMITTEES**

Ad hoc committees shall be appointed by the Chair.

## **ARTICLE VIII: BYLAWS**

### **1. Amendment**

These bylaws may be amended at any meeting by a vote of the majority of the members of the Commission.

### **2. Notice**

Written notice of any proposed amendment shall be mailed to all members at least five (5) calendar days prior to the meeting at which such action is proposed.

### **3. Effective Date of Amendment**

No amendment to these bylaws shall take effect or be binding until said amendment(s) have been reviewed by County Counsel and approved by the Board of Supervisors.

## **ARTICLE IX: ENDORSEMENTS**

The Economic Commission may not take independent positions on matters of a political nature including, but not limited to, ballot measures, candidates for office, or public policy matters. The Economic Commission may sponsor or co-sponsor events related to its charge without Board approval excepting events or organizations of a strictly political nature.

## **ARTICLE X: RECOMMENDATIONS**

Matters referred to the Commission by the Board of Supervisors shall be placed on the calendar for consideration and action at the first meeting of the Commission after such reference. If there is an issue of importance to the Commission, the Commission may submit recommendations to the Board of Supervisors for their consideration. The Board of Supervisors may adopt, amend, or reject the recommendations of the Commission.

# ROBERT'S RULES OF ORDER

The following is an introduction to Robert's Rules of Order. Please note that Robert's Rules are not the only way to conduct public meetings. However, they are a well-established and accepted method that allows everyone to be heard and to make decisions without confusion.

Robert's Rules of Order in no way preclude Brown Act rules such as including a "public comment" or "open time" on every meeting agenda.

# **Robert's Rules of Order**

## **What is Parliamentary Procedure?**

It is a set of rules for conduct at meetings that allows everyone to be heard and to make decisions without confusion,

## **Why is Parliamentary Procedure Important?**

Because it's a time tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. Today, Robert's Rules of Order newly revised is the basic handbook of operation for most clubs, organizations and other groups. So it's important that everyone know these basic rules.

Public bodies using parliamentary procedure usually follow a fixed order of business. Below is a typical example:

1. Call to order.
2. Reading of minutes of last meeting.
3. Administrator's or Officer's reports.
4. Committee reports.
5. Agendized new and previously unfinished business.
6. Open Time for Public Expression.
7. Adjournment.

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership take action or a stand on an issue. Individual members can:

1. Call to order.
2. Second motions.
3. Debate motions.
4. Vote on motions.

## **There are two Basic Types of Motions:**

1. **Main Motions:** The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.
2. **Subsidiary Motions:** Their purpose is to change or affect how a main motion is handled, and is voted on before a main motion.

## **How are Motions Presented?**

1. **Obtaining the floor**
  - a. Wait until the last speaker has finished.
  - b. Rise and address the Chair.
  - c. Wait until the Chair recognizes you.
2. **Make your Motion**
  - a. Speak in a clear and concise manner.
  - b. Always state a motion affirmatively. Say, "I move that we... ." rather than, "I move that we do not...".
  - c. Avoid personalities and stay on your subject.
3. **Wait for someone to second Your Motion**
4. **Another member will second your motion or the Chair will call for a second.**
5. **If there is no second to your motion, it is lost.**
6. **The Chair states your Motion**
  - a. The Chair will say, "It has been moved and seconded that we...", thus placing your motion before the membership for consideration and action.
  - b. The membership then either debates your motion, or may move directly to a vote.
  - c. Once your motion is presented to the membership by the Chair, it becomes "assembly property", and cannot be changed by you without the consent of the members.

7. Expanding on your Motion
  - a. The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
  - b. The mover is always allowed to speak first.
  - c. All comments and debate must be directed to the Chair.
  - d. Keep to the time limit for speaking that has been established.
  - e. The mover may speak again only after other speakers are finished, unless called upon by the Chair.
  
8. Putting the Question to the Membership
  - a. The Chair asks, “Are you ready to vote on the question?”
  - b. If there is no more discussion, a vote is taken.
  - c. On a motion to move, the previous question may be adapted.

### **Voting on a Motion**

The method of vote on any motion depends on the situation and the by-laws of policy of your organization. There are two methods used to vote by most organizations, they are:

1. By voice - the Chair asks those in favor to say “aye”, those opposed to say “no”. Any member may move for an exact account.
2. By Roll Call - each member answers “yes” or “no” as his name is called. This method is used when a record of each person’s vote is required.

There is one other motion that is commonly used that relates to voting:

1. Motion to Table - This motion is often used in the attempt to “kill” a motion. The option is always present, however, to “take from the table”, for reconsideration by the membership.

Parliamentary Procedure is the best way to get things done at your meetings. But, it will only work if you use it properly.

1. Allow motions that are in order
2. Have members obtain the floor properly.
3. Speak clearly and concisely.
4. Obey the rules of debate.
5. Most importantly, *BE COURTEOUS*.

# Roberts Rules Made Simple

## Points

The following three points are always in order:

- 1. Point of Order: a question about process, or** objection and suggestion of alternative process. May include a request for the facilitator to rule on process.
  - 2. Point of Information:** a request for information on a specific question, either about process or about the content of a motion. This is not a way to get the floor to say something you think people should know. People misusing points of information in this fashion will be defenestrated, or otherwise sanctioned forcefully.
  - 3. Point of Personal Privilege:** a comment addressing a personal need - a direct response to a comment defaming one's character, a plea to open the windows, etc.
- 

## Motions

All motions must be seconded, and are adopted by a majority vote unless otherwise noted. All motions may be debated unless otherwise noted. Motions are in order of precedence: motions may be made only if no motion of equal or higher precedence is on the floor (i.e., don't do a number 5 (move to end debate) when the body is discussing a number 4 (move to suspend rules).

- 1. Motion to Adjourn:** not debatable; goes to immediate majority vote.
- 2. Motion to Recess:** not debatable. May be for a specific time.
- 3. Motion to Appeal the Facilitator's Decision:** Not debatable; goes to immediate vote. Allows the body to overrule a decision made by the chair.
- 4. Motion to Suspend the Rules:** suspends formal process for dealing with a specific question. Debatable; requires 2/3 vote.
- 5. Motion to End Debate and Vote or Call the Question:** applies only to the motion on the floor. Not debatable; requires 2/3 vote.

6. **Motion to Extend Debate:** can be general, or for a specific time or number of speakers. Not debatable.
7. **Motion to Refer to Committee:** applies only to the main motion. Refers question to a specific group with a specific time and charge.
8. **Motion to Divide the Question:** breaks the motion on the floor into two parts, in manner suggested by mover.
9. **Motion to Amend:** must be voted for by a majority to be considered and by a 2/3 to be passed. If amendment is accepted as “friendly” by the proposer of the amendment then many bodies will allow it to be accepted without a formal vote; this is a way of including a consensus-building process into procedure without endless debate over amendments to amendments. Strictly speaking, however, once the main motion is made it is the property of the body to amend.
10. **Main Motion:** what it is you’re debating and amending.

## **Other Meeting Guidelines:**

1. **When a topic is first introduced** or a main motion is made, allow all questions for information purposes to be asked before opening to debate.
2. **Discourage the repetition of arguments.** Attempt to call on people who have not yet spoken before those who have already spoken. Discourage dialogues that start up between two individuals in debate.
3. **If debate carries on too long,** impose time limits on speakers.
4. **Discourage people from talking in initials** - spell them out.

# ***COUNTY OF MARIN***

## ***8. CODE OF ETHICS***

## MARIN COUNTY CODE OF ETHICS

- I. Purpose: To establish standards of conduct and to delineate the ethical responsibilities of all officers, employees and officials of Marin County.
- II. Discrimination: There shall be no discrimination in any County activity, organization or pursuit because of race, religion, sex, national origin or political affiliation.
- III. Acceptance of gratuities: No officer, official or employee shall accept a fee, compensation, gift, payment of expenses or any other thing of monetary value in any circumstances in which acceptance may result in or create the appearance of any one or more of the following:
  1. Use of public office and/or employment for private gain.
  2. Preferential treatment of any person.
  3. Impeding government efficiency or economy.
  4. Any loss of complete independence or impartiality.
  5. The making of a County decision outside of official channels.
  6. Any reduction of public confidence in the integrity of County government and/or its employees.
- IV. Ethical responsibilities: Each officer, official and employee has an obligation to the citizen, to the people's elected representatives and to fellow employees to cooperate in accomplishing the County's goals, to expose corruption wherever discovered, to refrain from disclosing any confidential information, to preserve and safeguard the County's assets and to be consistently mindful of the fact that public office and/or employment shall be considered a trust at all times.

Adopted by  
Board of Supervisors  
2/7/67

# *Code of Ethics*

## *Board and Commission Members*



The following code of ethics represents the guiding principles for public officials. Marin County is committed to the highest standards of conduct by and among elected and appointed county officials in the performance of their duties. This Code of Ethics seeks to insure that promoting the common good is the hallmark of the decision making process.

- Promote decisions that serve the public interest and promote the greatest public good.
- Actively promote public confidence in county government through your actions.
- Recognize and support the public's right to know the public's business.
- Involve citizens in the decision making process and welcome divergent points of view.
- Respond to the public in ways that are complete, clear and easy to understand.
- Maintain a respectful attitude toward employees, other public officials and colleagues.
- Respect and protect privileged information (i.e., personnel matters, litigation).
- Be a good listener, carefully considering all opinions and points of view.
- Be informed on the background on issues before your commission or board.
- Work in partnership with other governmental agencies, political subdivisions and organizations to further the interest of the county.
- Reference to an appointed position or title will only be used when attending official meetings or functions and in no case shall my appointed title be used to promote or advance personal or political interests.
- Avoid outside interests that will interfere or conflict with maintaining an objective and impartial perspective.

- Carefully guard against conflict of interest or its appearance in your actions or decisions.
- Accepting gifts, services or any object of value from any source offered to influence a decision is prohibited.
- Efforts to influence or attempt to influence other officials to act in a manner benefiting your personal/financial interests are prohibited.
- Evaluate recommendations (or decisions) to identify the best service, product or alternative at minimal cost without sacrificing quality or fiscal responsibility.
- Comply with all laws and regulations applicable to an appointed official and those governing the conduct of meetings.

*7/01*

# ***COUNTY OF MARIN***

## ***9. MISSION STATEMENT & DEFINING VALUES***

# COUNTY OF MARIN

## MISSION

*The mission of the County of Marin is to provide excellent services that support healthy, safe and sustainable communities; preserve Marin's unique environmental heritage; and encourage meaningful participation in the governance of the County by all.*

## GOALS

*Provide Excellent Public Service*

*Create a Sustainable Future*

*Promote Service Excellence*

*Encourage Community  
Collaboration and Partnering*

*Promote Innovative Management  
and Employee Development*

## VALUES

*Trust*

*Justice*

*Quality*

*Respect*

*Equality*

*Integrity*

*Diversity*

*Innovation*

*Excellence*

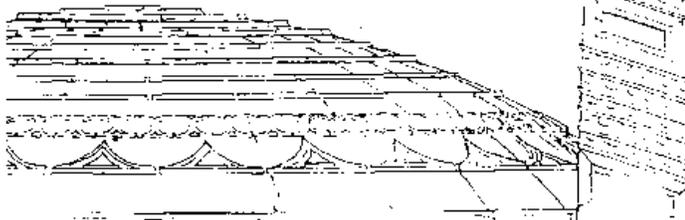
*Citizenship*

*Accessibility*

*Collaboration*

*Accountability*

*Responsiveness*



*Adopted by Board of Supervisors  
September 25, 2001*

# ***COUNTY OF MARIN***

## ***10. APPENDICES***

# ***COUNTY OF MARIN***

## ***10a. Marin County Administrative Regulations Pertaining to Boards/Commissions/Committees***

**COUNTY OF MARIN**

**OFFICE OF THE COUNTY ADMINISTRATOR**

**ADMINISTRATIVE REGULATION NO. 21**

---

**SUBJECT:** MARIN COUNTY POLICY ON USE OF COUNTY BUSINESS CARDS AND COUNTY LETTER STATIONERY BY APPOINTED ADVISORY BODIES AND COUNTY EMPLOYEES

**EFFECTIVE DATE:** September 26, 2000

This regulation is issued pursuant to Chapters 2.08 and 2.84 of the Marin County Code and has been approved by the Board of Supervisors.

**Definition**

This regulation covers (I) Statement of Policy; (II) Authorized Use; (III) Unauthorized Use; and the enforcement of Administrative Policy 21 (IV).

***I. STATEMENT OF POLICY***

County letterhead stationery, and County business cards, may be used by County employees; and by persons appointed by the Board of Supervisors to a County board, commission, committee, task force or other advisory body; only when such County letterhead stationery or business cards are duly authorized for use, and only when such use is consistent with the duties of the employee or the purpose of the County advisory body.

No County employee; and no person appointed by the Board of Supervisors to a County board, commission, committee, task force or other advisory body; shall at any time make improper use of any stationery or business card appearing to constitute an official business card or stationery of the County of Marin.

***II. AUTHORIZED USE***

To the extent their use has been authorized, proper use of County letterhead stationery or business cards by County boards, commissions, committees, task forces or other advisory bodies is limited to communications with the Board of Supervisors and County officials; and functions and tasks associated with the administration of the board, commission, committee, task force or other advisory body (e.g., meeting notices and confirmations, room reservations, agendas, meeting minutes, etc.).

To the extent their use has been authorized, proper use of County letterhead stationery or business cards by a County employee is limited to official correspondence or informational exchanges made necessary or appropriate as a result of the nature and scope of the employee's official duties and responsibilities.

### ***III. UNAUTHORIZED USE***

An improper use of letterhead stationery or business card occurs under any of the following circumstances:

the letterhead stationery or business card was not authorized by the Board of Supervisors or its designee (i.e., the County Administrator in the case of an appointed advisory body, or a County department head);

or the letterhead stationery or business card was used by a person who was not authorized to use the stationery or business card (e.g., the person was not an authorized County employee or an authorized member of a County board, commission, committee, task force or other advisory body);

or the letterhead stationery or business card was used for an improper or illegal purpose (e.g., to mislead or misrepresent, to create the appearance of authority where none exists, or to facilitate any harassing, unprofessional or inappropriate behavior or act);

or the letterhead stationery or business card was used in a manner that is inconsistent with the mission or purpose of the appointed advisory body, or that a reasonable person would anticipate to reflect poorly on the County of Marin.

### **IV. Enforcement**

Violations of this policy shall be handled as follows:

A violation of this policy involving a County employee should be brought to the attention of the employee's appointing authority. Such a violation shall be cause for disciplinary action, the nature of which shall depend on the nature of the violation. Established procedures for disciplinary actions involving County employees shall apply; including compliance with the procedures of any applicable collective bargaining agreement with the employee's bargaining representative, the Personnel Commission Rules and Regulations, and the County Merit System Ordinance.

A violation of this policy involving a person appointed by the Board of Supervisors to a County board, commission, committee, task force or other advisory body should be brought to the attention of the County Administrator, who shall investigate the reported violation and report his or her findings to the Board of Supervisors. A violation may be cause for immediate removal of the person from their appointed position by the Board of Supervisors, or such other remedy as the Board may determine to be appropriate.

# ***COUNTY OF MARIN***

## ***10b. Agenda Posting Guidelines and Accessibility Information***

## Agenda Posting Guidelines

The Brown Act (Government Code Section 54950) requires that agendas for regular meetings be posted at least 72 hours in advance in a location which is accessible to the public 7 days a week, 24 hours a day.

To ensure that both Brown Act and Americans with Disabilities Act (ADA) requirements are being met by Commissions, please incorporate the following agenda posting guidelines:

1. Meeting Venues

ALL meetings, whether taking place in an outside venue or at the Civic Center, need to be ADA accessible. Please review the attached document titled "Accessibility Bulletin-Public Meeting Access" for further information. If you have additional questions, please contact the County's Disability Access Coordinator at (415) 473-4381 or [disabilityaccess@co.marin.co.us](mailto:disabilityaccess@co.marin.co.us).

2. Agenda Posting

The Clerk of the Board staff will post your agendas in the Sheriff's lobby **IF** they are received in the Clerk's office (Room 329) **no later than 8:30 a.m. Thursday morning**. If your Commission does not have the Clerk of the Board post your agendas or if you miss the Clerk's posting deadline, you must arrange to have them posted in the Sheriff's lobby within the appropriate timeframe to comply with Brown Act requirements.

Your Commission may email your agendas to the Clerk's office for posting by sending them to the following email address:

BOS-Adv Comm Agendas (for in-house email)

[BOS-AdvCommAgendas@co.marin.ca.us](mailto:BOS-AdvCommAgendas@co.marin.ca.us) (for outside email)

Additionally, if you post an agenda for your Commission outside of the Civic Center, please make sure you follow Brown Act rules and ADA requirements for posting as outlined in this guide.

3. Agenda Format

The County's ADA Coordinator has recommended that ALL agendas be formatted to ensure that ADA requirements are being met. An "Agenda Template" is attached to assist you with the required components. **Please incorporate this Template into your current agenda format.**

4. Agenda Materials for Review by the Public

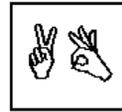
Recent changes in law (SB343) amended Section 54957.5 of the Government Code. The new law requires that a writing that is public record and that relates to an agenda item for an open session of a regular meeting **shall be made available for public inspection at the time the writing is distributed to all, or a majority of all, the members of the legislative body.** In order to comply with the requirement to make writing that is distributed after the 72-hour posting "available" for public inspection, the local legislative body must make the writing **available to the public at a public office location that the agency shall designate for this purpose.** Therefore, each local agency is required to list the address of that office or location on the agenda for all meetings of the body. The sample template includes the suggested language.

Some of the basic components of the Agenda Template are:

- Font should be at least 12 pt. Arial (14 pt. is better)
- All agendas should include an ADA footer (see attached template). Please note that this footer requires the County to provide auxiliary aids or services (such as American sign language interpreters and assistive listening devices) upon reasonable notice -- at no charge to the individual requiring the accommodation(s).
- On the bottom of the agenda, the name of your Commission should be shown in large, boldface type. This will allow members of the public who are thumbing through a number of agendas on the clipboard to easily find what they are looking for.

Please contact the Clerk of the Board office at 499-7331 if you have further questions.

## SAMPLE AGENDA FOOTER



Late agenda material can be inspected in the office of the \_\_\_\_\_, between the hours of 8:00 a.m. and 5:00 p.m. The \_\_\_\_\_ office is located in \_\_\_\_\_.

All County public meetings are conducted in accessible locations.

Requests for accommodations may be made by calling (415) 473-4381 (voice/TTY) or 711 for the California Relay Service or e-mailing [disabilityaccess@co.marin.ca.us](mailto:disabilityaccess@co.marin.ca.us) at least four work days in advance of the event. Copies of documents are available in alternative formats, upon written request.

HUMAN RIGHTS COMMISSION

AGENDA FOR 9/16/2008 MEETING

**COUNTY OF MARIN**  
**Disability Access Program**

**ACCESSIBILITY GUIDANCE BULLETIN**

**PLANNING ACCESSIBLE PUBLIC MEETINGS**

The opportunity to participate in government, including participation in public meetings, is a fundamental right of citizens of the United States. Both state and federal laws guarantee this right. The Americans with Disabilities Act (ADA) requires that an individual with a disability not be denied the opportunity to participate in any government program, service or activity because a government entity's facilities are inaccessible. The Brown Act, as amended by AB 3035, specifically requires that a public entity ensure that individuals with disabilities are not denied physical or communication access to public meetings. Furthermore, a public entity must ensure that communication with members of the public with disabilities is as effective as its communications with others.

When planning public meetings, County agencies must assure that the meetings are accessible to members of the public who have a disability. Accessible public meetings require not only physical access to the meeting facility, but also access to the information communicated through the meeting.

This Guidance Bulletin is designed to identify the primary areas of concern related to public meetings, the responsibilities of the meeting planner, and alternatives for providing solutions.

**SELECTING AN ACCESSIBLE MEETING LOCATION**

All public meetings must take place in locations that are accessible to persons with disabilities. All parts of the building do not need to be accessible, but parking (if provided), the path of travel into and through the facility, the meeting area, and the restrooms must be accessible. If overnight stays are involved, conveniently located accessible accommodations should also be considered.

**PUBLIC MEETING NOTICES**

To facilitate accessibility, use a simple, uncluttered page design for written meeting announcements. It is recommended that the font be clear and simple, such as 12 to 14 point Ariel or Courier, and that text be in a contrasting color to the paper to increase legibility for readers with low vision. Be aware that some software programs may not allow people using assistive devices, such as screen readers, to read a document. Be prepared to design forms that can be made accessible, or post or have available a word version of the agenda, if needed for an accommodation.

Always include the name and telephone number of the contact person and timelines for requesting accommodations needed, as well as, a TTY number that can be used by individuals with hearing impairments.

Designate an individual to be responsible for ensuring the meeting notice and other written materials contain the proper information for requesting accommodations and for processing requests received.

### **ALTERNATIVE FORMATS**

Written materials that are distributed to members of the public, such as an agenda or hand-outs, are subject to the requirement that communication be equally effective to persons with disabilities. Therefore, upon receipt of a specific request, a public entity that provides information in written form must make that information available to individuals in a form that is usable by them. Alternative formats may include computer diskette, audiotape, large print or Braille. The type of format necessary to ensure effective communication will vary with the individual's needs and the length and complexity of the communication involved. (U.S. Department of Justice, ADA, Title II Technical Assistance Manual [TAM] section 7.1000)

The public entity should provide an opportunity for individuals with disabilities to request the alternative format of their choice. An interactive discussion with the individual is encouraged when clarification regarding the type of alternative format to be provided is needed. This discussion may result in identifying practical options for the public entity that are also suited to meet the requestor's needs. According to the U.S. Department of Justice, the expressed choice of the individual must be given primary consideration unless the public entity can demonstrate that another effective means of communication exists. (Title II TAM section 7.1100)

Although providing documents in alternative formats may result in some additional cost, a public entity may not place a surcharge on individuals with disabilities to cover these expenses. If a document is available to the public free of charge, it must also be available in an alternative format free of charge. If a fee is charged for documents provided to the general public, this fee must be the same for documents provided in alternative formats. (TAM section 3.500, CA Govt. Code section 11125.1[e])

### **AUXILIARY AIDS AND SERVICES**

Upon receipt of a specific request, it may be necessary to provide auxiliary aids and services to individuals with disabilities to allow full participation in a public meeting. These may include, but are not limited to:

### **Sign Language Interpreters**

A qualified interpreter is an individual who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any specialized vocabulary that may be necessary.

### **Audio Tape**

Providing materials in recorded format is a method of making information accessible to persons who have visual, learning or physical disabilities. Audio material is commonly recorded on cassette tapes, but it may also be stored on CD-ROM.

### **Real-Time Transcription**

A method of making information accessible to individuals who are hearing-impaired, real-time transcription permits verbal input to be transcribed to a computer which displays a running transcript of the proceedings, much like closed-captioning on a television.

### **Assistive Listening Devices**

An assistive listening device (ALD) is a communication system that enables individuals who are hard-of-hearing to better comprehend speech or music. The four main types of ALDs are: Acoustic, Frequency Modulated, Induction (loop) and Infrared.

### **Open and Closed Video Captioning**

Open captions are captions that have been decoded, so they are a part of the video or television picture, similar to sub-titles in a film. Open captions cannot be turned off. Closed captions are captions hidden in the video signal that remain invisible without a special decoder to decipher them.

## **PUBLIC TRANSPORTATION**

It is always a good practice to conduct public meetings in close proximity to accessible public transportation. There must be a safe and accessible path of travel leading from the transportation stop to the facility entrance. (Title 24, CCR section 1114B.1.2)

## **PARKING**

If parking is provided, the parking area must have the correct number of appropriately marked accessible parking spaces. In most circumstances both van and passenger vehicle access aisles must be provided. In addition, there must be a safe path of travel provided between the parking area and the entrance to the facility. (Title 24, CCR section 1129B.1)

## **RESTROOMS**

At least one set of restrooms within the facility must be accessible. If there is more than one set of restrooms, but not all are accessible, there must be directional signage that indicates where the accessible restrooms are located. (Title 24, CCR section 1117B.5)

## **TELEPHONES AND DRINKING FOUNTAINS**

Whenever possible, public meeting locations should have at least one accessible telephone and one accessible drinking fountain. At least one telephone per floor should have amplification capabilities and be accessible to persons using wheelchairs. Where drinking fountains are provided, at least one per floor must be accessible to persons using wheelchairs and must be enclosed in an alcove or not encroach into an accessible route. (Title 24, CCR section 1117B1.2 and 1117B.2)

## **MEETING ROOMS AND BREAK-OUT ROOMS**

Meeting rooms and break-out rooms must be arranged with consideration for the full participation of persons with disabilities. All public meeting space should be wheelchair accessible. This should include integrated wheelchair seating, turning room, and adequate aisle space. (Title 24, CCR section 1118B)

## **SPEAKER PLATFORM**

If there is a raised platform, an accessible ramp must be provided, as well as an accessible path of travel leading to the platform. Microphones should be adjustable in order to adapt to the height of the speaker. (Title 24, CCR section 1133B.5)

## **EMERGENCY EVACUATION**

There must be an emergency evacuation plan for individuals with disabilities. One should not assume that all individuals with disabilities need special assistance in an evacuation, but should always ask before providing assistance.

For information in locating accessible meeting sites and other access resources contact the Disability Access Coordinator at: 499-7002.

Additional information may be obtained from:

The Federal Access Board  
1331 F Street NW, Suite 1000  
Washington, DC 20004-1111  
(800) 872-2253  
(800) 993-2822 TTY  
(202) 272-0081 FAX  
[www.access-board.gov](http://www.access-board.gov)

U.S. Department of Justice  
Disability Rights Section  
950 Pennsylvania Ave. NW  
Washington, DC 20530  
(800) 514-0301  
(800) 514-0383 TTY  
(202) 307-1198 FAX  
[www.usdoj.gov/crt/ada](http://www.usdoj.gov/crt/ada)

Division of the State Architect  
Universal Design Program  
1102 Q Street, Suite 5100  
Sacramento, CA 95814  
(916) 445-8100 (Voice/TTY)  
[www.dsa.dgs.ca.gov/UniversalDesign](http://www.dsa.dgs.ca.gov/UniversalDesign)

California Department of Rehabilitation  
Disability Access Section  
2000 Evergreen Street  
Sacramento, CA 95815  
(916) 263-8670 (Voice/TTY)  
[www.disabilityaccessinfo.ca.gov](http://www.disabilityaccessinfo.ca.gov)

County of Marin  
Department of Public Works  
Disability Access Division  
Marin Civic Center, Room 304  
San Rafael, CA 94913  
(415) 499-6528  
(415) 499-6530 TTY  
(415) 499-3799 FAX  
[www.co.marin.ca.us/depts/pw/main/ADA/ada.cfm](http://www.co.marin.ca.us/depts/pw/main/ADA/ada.cfm)

# ACCESSIBLE PUBLIC EVENT CHECKLIST

**It is the policy of the County of Marin that all County sponsored public meetings and events are physically and programmatically accessible to people with disabilities. This checklist has been developed in order to assist County departments in assessing potential sites and to ensure that all County meetings and events comply with Federal and state law in being accessible to persons with disabilities.**

**Event Name/Description:**

---

**Event Location/Address:**

---

**Event On-Site Contact:**

---

**Telephone #:** \_\_\_\_\_ **e-mail:** \_\_\_\_\_

**Date & Time of Event:**

---

**Responsible Department:**

---

**Dept. ADA Coordinator or Contact Person:**

---

**Telephone #:** \_\_\_\_\_ **e-mail:** \_\_\_\_\_

**Department ADA Coordinators or designated department staff** is responsible for ensuring that this form is completed and that accessibility is verified at least 10 working days prior to any county-sponsored public meeting or event. It is not necessary to fill out this form more than once for regularly scheduled County meetings, so long as the ADA Coordinator of the Department continues to ensure that the provisions herein are being complied with at each meeting. If upon filling out or reviewing this form, it is apparent that additional information is required, or it appears that the meeting or event cannot be made physically or programmatically accessible, please contact the County Disability Access Program Manager at (415) 499-6065 (Voice/TTY) to discuss possible alternative solutions or sites.

**Section One** of this checklist is designed to assess compliance with “programmatically” accessibility standards, to ensure that events will be accessible not only to persons with physical disabilities, but to people with sensory, cognitive, and other disabilities, as well.

**Section Two** of this checklist is designed to ensure that potential meeting sites and event locations comply with physical accessibility standards.

Individual Terms that are underlined are defined in the Definitions section of this document.

Please provide comments as needed.

*NOTE: ITEMS LISTED FIRST AND IN **BOLD** ARE MINIMUM REQUIREMENTS. PLEASE DO NOT CONSIDER HOLDING A PUBLIC EVENT WITHOUT THESE IN PLACE. ITEMS LISTED LAST, IN ITALICS ARE STRONGLY RECOMMENDED.*

## **PROGRAMMATIC ACCESSIBILITY CHECKLIST**

<b><u>Notice</u></b>	<b>YES</b>	<b>NO</b>
<b>1. All notices and announcements for the event or meeting include accessibility information (See sample in Appendix)</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. All notices and announcements for the event or meeting include information on whom to contact to request accessibility accommodations.</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b><u>Communication Access</u></b>		
<b>1. If a microphone is provided for public participation, the microphone cable is long enough to serve accessible seating areas or a wireless unit is provided.</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. Film or video materials used at this event are captioned.</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. Printed materials are available upon request, in alternative formats.</b> This generally requires an electronic version of any materials. Large print copies (18 point) are recommended.	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. For meetings of 50 or more people, Assistive Listening Devices (ALDs) are available.</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. Signage of where to obtain ALDs is posted with ALD symbol at the site.</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6. For meetings of 100 or more people, Real-Time Captioning has been scheduled.</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>7. For meetings of 500 or more people, two American Sign Language Interpreters have been scheduled.</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8. An oral description is available, either through the presenter or through pre-recorded audiotape.</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>9. The meeting is accessible by speakerphone or Bridge Line.</b>	<input type="checkbox"/>	<input type="checkbox"/>

## PHYSICAL ACCESSIBILITY CHECKLIST

### Getting to the Event:

YES NO

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 1. An accessible route exists from the street to the event and all event activities.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. All public events should have signage to direct the public to the location. In the unusual situation in which the main route to the meeting is not accessible, the accessible route with directional signage is provided. | <input type="checkbox"/> | <input type="checkbox"/> |

### Transportation:

- |   |                          |                          |
|---|--------------------------|--------------------------|
| 1. If the event itself includes transportation, wheelchair accessible vehicles are also available and advertised as available to the public. <input type="checkbox"/> | <input type="checkbox"/> |                          |
| 2. The meeting or event is located close to accessible public transportation.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. An accessible route is provided from the public transportation stop to the building or facility entrance.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Accessible parking is available (review # of car and van accessible spaces).   | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. There is accessible passenger loading and unloading space.   | <input type="checkbox"/> | <input type="checkbox"/> |

### Amenities:

- |   |                          |                          |
|---|--------------------------|--------------------------|
| 1. <u>Accessible restrooms</u> are available within 200 feet of the event's location  | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. <u>Accessible drinking fountains</u> are available (if drinking fountains provided).   | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. <u>Accessible telephones</u> are available (if telephones are provided).   | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Art displays or exhibits are positioned to provide an <u>accessible route</u> and to not be a <u>hazard to people who are blind or have visual disabilities</u> .  | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. If food or beverages are provided, the service is located on an accessible route. Self-service items are reachable from a seated position with accessible operating mechanisms. [Countertops are 28 – 34 inches high.] | <input type="checkbox"/> | <input type="checkbox"/> |

### Seating:

- |   |                          |                          |
|---|--------------------------|--------------------------|
| 1. If seating is provided, wheelchair and companion seating is dispersed in multiple location(s) and seating ratio. (see definitions for ratio chart)     | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Seating is available for deaf and hard of hearing people near the front of the space so that attendees may see the interpreter/captioner, or lip read. | <input type="checkbox"/> | <input type="checkbox"/> |

- |  | YES                      | NO                       |
|--|--------------------------|--------------------------|
| 3. Signs are provided indicating the accessible seating areas for both wheelchair users and persons who are deaf or hard of hearing. | <input type="checkbox"/> | <input type="checkbox"/> |

**Event Set-up:**

- |   |                          |                          |
|---|--------------------------|--------------------------|
| 1. If a stage or platform is provided, it is accessible by means of a ramp, wheelchair lift, or portable wheelchair lift.                                 | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. If a dais or podium is provided for the public, an accessible dais or podium is also provided.   | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Fencing or other crowd control barriers are placed so as to provide an accessible route, and barricading complies with County DPW barricade standards. | <input type="checkbox"/> | <input type="checkbox"/> |

## ***ACCESSIBLE PUBLIC EVENT POLICY DEFINITIONS***

**Accessibility information** – Meeting or Event Notice shall include information on how to request accommodations, including alternative formats or auxiliary aids and services, notice of wheelchair accessibility, and information on whom to contact to make accommodation requests. Please see "Sample Accessible Meeting Notice," and "Sample Accessible Event Notice" below.

**Accessible Podium (Dais)** – A fixed or mobile speaker or presenter's table or podium that is no higher than 34" on which a microphone and presentation materials can be placed.

**Accessible drinking fountains** – Drinking fountain with the bubbler no higher than 36" with knee clearance underneath that is 27" high x 18" minimum deep and a level clear floor area in front of it.

**Accessible Entrance** – An entry door or gate is a minimum 32 inches clear when opened 90 degrees; threshold is no higher than ½ inch (¾ inch may be permitted in existing conditions if beveled), and door is easily opened, or has automatic door opener.

**Accessible exhibit materials** – Alternative formats or services that provide equivalent exhibit information for people with sensory disabilities in a manner appropriate to the program material. Examples include but are not limited to:

1. Titles of work and narrative using large 14 point sans serif fonts on a high contrast background
2. Taped audio descriptions of photographs/artwork
3. Tactile replicas of art objects
4. Captioning of video or film presentations
5. Trained staff available to provide descriptions or tours

**Accessible surface** – Firm, stable and slip resistant surfaces, such as concrete, asphalt, wood, carpet, portable flooring etc. Grass, dirt, wood chips and sand are not accessible surfaces.

**Accessible parking** – A ratio of parking provided for the exclusive use of people with disabilities, located near the accessible entrance to the facility. Note: temporary accessible spaces can be created using signs and cones or chalk powder lines, provided that the minimum parking space and side access aisle dimensional requirements are met.

The minimum parking ratios required are:

1 to 25 spaces	One van accessible space
28 to 50	One auto and one van accessible spaces
51 to 75	Two auto and one van accessible spaces
76 to 100	Two auto and one van accessible spaces
101 to 150	Four auto and one van accessible spaces
151 to 200	Five auto and one van accessible spaces
201 to 300	Six auto and one van accessible spaces
301 to 400	Seven auto and one van accessible spaces
401 to 500	Seven auto and two van accessible spaces
501 to 1000	2% autos with a minimum of one out of eight or fraction thereof van accessible

**Accessible Parking Space** – an auto parking space with identification signage that is 9 feet minimum width and 19 feet minimum length with an adjacent 5 feet clear access aisle. The parking space and access aisle shall be level.

**Accessible Van Parking Space.** A van accessible parking space with identification signage that is 9 feet minimum wide, 19 feet minimum long with an adjacent 8 feet clear access aisle. The parking and side access aisle space shall be level and have an 84 inch minimum clear height.

**Accessible Passenger Drop Off** – a 25-foot long vehicular passenger drop off area with a 5 feet min with adjacent aisle space that is level and 25 feet.

**Accessible portable toilets and sinks** – Toilets and sinks that meet state and federal requirements for wheelchair accessibility. Acceptable toilet manufacturers include, but are not limited to, Satellite and L&L Manufacturing. If one unit is to be provided, it must be accessible. When multiple units are provided, a minimum of 10%, but not less than one unit, and not less than one unit per cluster of units. Accessible toilets and sinks shall be located on a level area, along an accessible route, with an accessible surface. Ramps to accessible units shall not exceed 1:12 slope, have handrails on both sides, and a 60 inch square level landing at the unit door. **Please note: this information is provided for situations in which the general public will be using portable toilets. A portable, accessible toilet is NEVER equivalent access if the general public is using indoor toilets.**

**Accessible restrooms** – Toilet rooms that are located on an accessible route and contain accessible features including 32” minimum entry, an interior 60” turning space, lavatory with 27” min. knee space, wide toilet compartments with grab bars, and all accessories mounted no higher than 44 inches to the upper most control, etc.

**Accessible route** – A continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

**Accessible tables** – A table providing knee space that is a minimum of 27” high, 30” wide and 19” deep unobstructed knee space with the tabletop no higher than 34”.

**Accessible Telephones** – Telephones that are located on an accessible route, mounted at 48” from the floor to the coin slot and have volume controls.

**Assistive Listening Device** – A device that takes a signal from a microphone or public address system and sends it to a personal amplification system. Assistive Listening Devices (ALDs) can be procured through companies that provide public address systems (see Resource lists) or through the Department of Human Resources.

**Captioned** – Video or film program with subtitles reflecting the content of the spoken or descriptive material.

**Directional Signage** – Signage that indicate the direction of the accessible route when the accessible route is not the same as that of the general public. **The signage may be directional arrows that include the International Symbol of Accessibility (ISA).** Directional signage should be placed at any directional change that is not the same as that of the path of the general public.

**Hazard to people who are blind or have visual disabilities** – Pedestrian and participant areas shall be clear of objects (including plant branches and public art) which overhang less than 80” from the floor surface, or wall, and post mounted or freestanding objects that protrude 4” or more between 27” and 80” above the floor or ground into circulation areas.

**Portable wheelchair lift** – A lift that is not built into the structure but can be available for a specific event. Portable wheelchair lifts can be rented by calling (415) 863-1414, ext.105.

**Accessible Seating location** - Accessible seating must be situated so those individuals who cannot stand can view the meeting or event over seated or standing participants. Seating for persons who are deaf must be provided in a location near the stage/ presentation area with direct view to the stage/presentation location of sign language interpreters.

**Seating ratio** – The number of accessible seats in relation to the number of seats provided as follows:

1 to 25	One seat
26 to 50	Two seats
51 to 300	Four seats
301 to 500	Six seats
over 500	Six, plus one additional space for each increase of 100

**Wheelchair and companion seating** – Seating for wheelchair users and adjacent, shoulder aligned seating for individuals accompanying wheelchair users that is located on the same level as that of the wheelchair user.

**To receive a copy of this document in an alternate format or for additional information, please contact:**

**Marin County Disability Access Program**

3501 Civic Center Drive, Room 304

San Rafael, CA 94903-4157

415.499.6065 (Voice/TTY)

415.499.3799 fax

[wcampagna@co.marin.ca.us](mailto:wcampagna@co.marin.ca.us)

# SAMPLE ACCESSIBLE MEETING / EVENT NOTICES

## **Accessible Meeting Information**

[Site] is accessible to persons using wheelchairs and others with disabilities. Assistive listening devices are available and meetings are open-captioned. Agendas are available in large print. Materials in alternative formats, American Sign Language interpreters, and other accommodations will be made available upon request. Please make your request for alternative format or other accommodations, to [Name, Phone, Email]. Providing at least 72 hours notice prior to the meeting will help to ensure availability.

The nearest bus stop is located at: \_\_\_\_\_.

In order to assist the County's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based scented products. Please help the County to accommodate these individuals.

For inquiries or requests for accommodations, please call \_\_\_\_\_ (V), \_\_\_\_\_ (TTY)

## **(Shorter Version)**

### Disability Access

[Site] is accessible to persons using wheelchairs and others with disabilities. Informational materials will be available in large print. Assistive listening devices, materials in other alternative formats, American Sign Language interpreters and other accommodations will be made available upon request. Please contact [Name, Phone, Email]. Providing at least 72 hours notice will help to help ensure availability.

In order to assist the County's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based scented products. Please help the County to accommodate these individuals.

## **(Flyer/Limited Space Version)**

### Disability Access

[Site] is wheelchair accessible. Assistive listening devices and [any other provided accommodations, such as materials in large print] will be available at the meeting. To request real time captioning, a sign language interpreter or other accommodations, please contact [Name, Phone, Email]. Providing at least 72 hours advance notice will help to ensure availability.

## **RESOURCES**

### **Accessible portable toilets**

Ajax Portable Toilets – 800-282-8988

JW Enterprises Portable Toilets – 800-350-3331

Portosan Portable Toilets – 800-545-5516

Waste Management – 800-422-5606

**Accessible portable sinks and toilets** – Acme & Sons – 800-322-2263

**Portable wheelchair lifts** - somArts - 863-1414 Extension 105

**Accessible Van Transportation** - MV Transportation – 468-4300

**Accessible Bus Services** – <http://transit.511.org/disabled/index.asp>

### **Physical and Programmatic Accessibility Assistance:**

Marin County Disability Access Program– (415) 499-6065 Voice/TTY)

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**For additional information, please contact:**

### **Marin County Disability Access Program**

3501 Civic Center Drive, Room 304

San Rafael, CA 94903-4157

415.499.6065 (Voice/TTY)

415.499.3799 fax

[wcampaigna@co.marin.ca.us](mailto:wcampaigna@co.marin.ca.us)