



City of Richmond Boards, Commissions and Committees Handbook



April 27, 2021

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THE CONTENTS OF THIS HANDBOOK ARE SUBJECT TO CHANGE
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MESSAGE FROM THE CITY CLERK:

Congratulations on your recent appointment to a City of Richmond board, commission or committee!

This handbook has been prepared to help orient you concerning the functions and duties of the board, commission or committee to which you have been appointed. The handbook is designed to contribute to your general knowledge and understanding of public affairs and to aid in identifying the scope and parameters of your role and responsibilities.

Members of boards, commissions or committees provide a positive service that is invaluable to the continued progress of our city. They may advise the City Council on a wide variety of issues by making recommendations on important policy matters. The detailed studies and considered advice of boards, commissions or committees are often catalysts for innovative programs and improved services.

Serving on a board, commission or committee can be a rewarding experience for community service-minded residents. It is an excellent way to participate in the functioning of local government and to make a personal contribution to the improvement of our community. If we are to have, "Government of the people, by the people, for the people", we must have the continued participation of the many dedicated board, commission and committee members. Making local government effective and responsive is everybody's responsibility.

We hope that you will enjoy your tenure as a vital part of the City's team and sincerely thank you for your willingness to devote your time and energy to serve your community.

**Pamela Christian
Clerk of the City of Richmond
450 Civic Center Plaza, Suite 300
Richmond, CA 94804
Phone: (510) 620-6513
Email: CityClerkDept@ci.richmond.ca.us**

CITY OF RICHMOND

BOARDS, COMMISSIONS AND COMMITTEES HANDBOOK

Contents

MESSAGE FROM THE CITY CLERK:.....	2
BOARD, COMMISSION AND COMMITTEE FUNCTIONS.....	5
Quasi-Judicial.....	5
Advisory to the City Manager	5
Advisory to the Council.....	5
<i>Ad Hoc</i> Committees	5
Establishing <i>Ad Hoc</i> Committees.....	6
ROLES	6
The Advisory Role	6
BOARD, COMMISSION, OR COMMITTEE NORMS	7
RESPONSIBILITIES OF BOARD, COMMISSION, OR COMMITTEE MEMBERS	7
RELATIONSHIPS	8
Working Relationships.....	8
Basic Guidelines	8
Relationships with Other Board, Commission, or Committee Members	8
Relationships with City Council Members	9
Relationships with Council and Staff Liaisons.....	9
Relationships with the Public.....	9
MEMBERSHIP.....	11
Member Privacy	11
Application, Appointments, and Reappointments	11
Oath of Office	11
Fair Political Practice Commission (FPPC) Filing Requirement and Ethics Training	11
Attendance.....	11
Excused Absences.....	12
Automatic Resignation	12
Resignation Procedure.....	12
Leaving Office Statement (Form 700).....	12
Use of City Business Cards, Logo, and Insignia	14
CONFLICT OF INTEREST PROHIBITED.....	14
Influencing the Making of Contracts and Affecting Other Financial Interests	14
Disclosure Statements Required	14
Incompatible Public Offices	15
Incompatible Activities for Compensation	15
BOARD, COMMISSION, AND COMMITTEE ORGANIZATION	15
Officers Election and Term of Office.....	15
Duties of Officers.....	15
Transfer of Chair	16
Vacancies	16
DEVELOPMENT OF A WORK PROGRAM	16
MEETING BASICS	16
Requirement to Meet in Public – Ralph M. “Brown Act”	16
Public Meetings and Public Hearings Notice Requirements	16
Public Access Requirement.....	17
Communication and Public Participation Requirement	17
Types of Meetings.....	17
Public Hearings.....	17

Study Sessions and Workshops.....	17
Preparation for Meetings	17
Conduct of Hearing	18
Action	19
Recordings of Hearings	19
Hearing from the Public	19
Impartiality and Standards of "Fair Play"	19
No Quorum – Meeting Cancellation.....	19
MEETING PROCEDURES	20
Establishment of Meeting Rules	20
Chairperson	20
Advisory Body Members	20
Addressing the Advisory Body from the Floor	20
Order and Decorum in Meetings	21
Board, Commission, and Committee Conduct	21
Conduct of Public in Attendance	21
Rules of Debate	21
Interruptions.....	21
Proceedings.....	21
Managing Difficult Meetings.....	23
CONCLUSION.....	23
APPENDICES	25
APPENDIX A: Purpose and Function of each City of Richmond Board, Commission and Committee	26
APPENDIX B: Boards, Commissions and Committees Contacts, Terms/Term Limits, Expiration Dates, Meeting Dates/Locations	27
APPENDIX C: Resolution No. 24-14 Continuation of Board, Commission and Committee Member Terms	28
APPENDIX D: Code of Ethics	29
APPENDIX E: Oath of Allegiance.....	30
APPENDIX F: Rosenberg’s Rules of Order	31
APPENDIX G: Resolution No. 117-19 Amended Conflict of Interest Code	32
APPENDIX H-1: Board or Commission Application	33
APPENDIX H-2: Community Police Review Commission Application.....	33
APPENDIX H-3: Personnel Board Application.....	33
APPENDIX H-4: Rent Board Application	33
APPENDIX H-5: Youth Council Application	33
APPENDIX H-6: Workforce Development Board Application.....	33

BOARD, COMMISSION AND COMMITTEE FUNCTIONS

The activities of boards, commissions and committees are varied but generally fall into four categories (Appendix A). Any particular board, commission or committee may belong to one or more of the types listed below and all boards, commissions and committees belong to the third type, advisory to the council. **If a conflict arises between any provision in the Boards, Commission and Committees Handbook and a board, commission, and committee adopted ordinance, the provision in the perspective ordinance prevails and overrules any other provision.**

Quasi-Judicial

Boards, commissions and committees with authority to make binding decisions that require or restrict the action of individuals are deemed quasi-judicial. For example, the Design Review Board functions as the decision-making body for the design of new development projects and most exterior changes to existing buildings. The Design Review Board also acts as an advisory body to the Planning Commission in cases also involving a land use decision. The Planning Commission acts as an advisory body to the City Council on all planning and development policy issues and is charged with the preparation, maintenance, and implementation of the city's General Plan. The Rent Board establishes base rents, makes adjustments to rents and conducts hearings. Actions of the Rent Board are not appealable to the City Council.

However, actions made by the Design Review Board and Planning Commission may be appealed to the City Council, if the appeal is filed with the city clerk within 10 business days of the board, commission, or committee's action.

Advisory to the City Manager

The Personnel Board conducts hearings on employee grievances for employees in classified service, reviews all proposed changes, additions or eliminations in the personnel rules that may be presented to the City Council, and advises the city manager, on all policies regarding personnel administration. Similarly, the Community Police Review Commission investigates complaints against police officers and advises the city manager and the chief of police of its findings.

Advisory to the Council

All boards, commissions, and committees advise the City Council concerning policies and programs. For example, the Commission on Aging advises the City Council on the needs of senior citizens. The Historic Preservation Commission advises or provides recommendations to the City Council on preserving historic sites but also exercises some quasi-judicial powers where historic resources are involved.

Ad Hoc Committees

Ad hoc or "temporary" committees are treated differently under the Brown Act (see the *Meeting Basics* section for an explanation of the Brown Act). *Ad hoc* committees are *not* subject to the notice and posting requirements of the Brown Act *so long as* the committee:

1. Consists of less than the number of members which would constitute a quorum;
2. Has a defined purpose and a time frame to accomplish that purpose; and
3. Is advisory, *i.e.*, the committee has not been delegated any decision making power and will be

returning to the full board with its recommendation. See, *Joiner v. City of Sepastopol* (1981) 125 Cal App. 3d 799. *Ad hoc* committee

Ad hoc committees are commonly used in city government. For example, the chair of a city board/ commission or the board/commission as a whole might choose to appoint three or fewer commissioners (depending upon the size and quorum of the board/commission) to evaluate and report on a particular issue or subject relevant to that board/commission. Once that *ad hoc* committee has completed its work, the *ad hoc* committee is then disbanded.

Establishing Ad Hoc Committees

Members of *ad hoc* committees designed to be advisory to the board/commission may be appointed by the chair, on behalf of the entire board/commission or by an action of the entire board/commission, depending upon the rules under which the board/commission operates. Although, as noted above, the *ad hoc* committee itself is not subject to the Brown Act, but if the board/commission desires to create an *ad hoc* committee, the action to create the *ad hoc* committee must be done at a publicly noticed meeting under the Brown Act and the item placed on an agenda for that purpose.

ROLES

The mayor's role [per City of Richmond Charter, Article III-A, Sec. 2(c)] is as follows:

- The mayor shall have the authority at any regularly scheduled meeting of the City Council to make appointments to or removals from all city boards, commissions, and committees with the concurrence of a least three (3) other members of the Council.

The City Council's roles are as follows:

- Make policy.
- Direct city manager to carry out policy.
- Solicit input from boards, commissions or committees on issues in its various functional areas unless there are legal or time constraints.

The Boards', Commissions', or Committees' roles are as follows:

- Advise the Council on policies that assist the Council in carrying out its responsibilities.
- Provide citizen input by being positive representatives of a board, commission, committee, and the community.
- Committees may differ in their duties and responsibilities. Many are solely and entirely advisory to the elected body.

The City Council Liaison's role (an appointed councilmember) is as follows:

- Serve as a conduit between the board or commission and the City Council.

The Technical Staff's role (a department head) is as follows:

- Research and investigate issues, prepare alternatives and recommendations for review by the applicable board, commission, committee, and/or the Council, and implement the Council's policy decisions.

The Staff Liaison's roles are as follows:

- Provide administrative support to the boards, commissions or committees under the guidance of the department head (and ultimately, the city manager), including preparing agendas and meeting minutes and ensuring both are posted on the City's website in a timely manner.

The Advisory Role

Ad hoc committees are formed for a specific purpose and dissolve after completing their mission.

However, standing boards, commissions, and committees are an integral part of the governmental structure.

If the organization is to function effectively, there must be clarity, understanding, and acceptance of the roles assigned to the elected body, boards, commissions, committees, and staff. If advisory board members stray from their original charge and get into areas that rightfully belong to the staff or elected officials, confusion, inaction or destructive conflict can result.

BOARD, COMMISSION, OR COMMITTEE NORMS

As with all working teams, there are written and unwritten rules (norms) that boards, commissions or committees follow. These norms have been established over time and have an original basis that continues to be valid for boards, commissions or committees today.

Some examples are as follows:

- Do your homework.
- Explain actions in concise thoughts.
- Compliment colleagues and staff whenever an opportunity arises.
- Where applicable, try to involve residents in a solution.
- Work for consensus on important issues.
- Always be on time for meetings.
- Be attentive.
- Do not criticize staff or others in public.
- Only speak on issues if we have something to add.
- Our actions, including voting practices, are governed by ethical and moral principles and beliefs.

RESPONSIBILITIES OF BOARD, COMMISSION, OR COMMITTEE MEMBERS

While specific duties of each board, commission, or committee member vary widely with the purpose for which they are formed, there are certain responsibilities that are common to all members. The following is a summary of those responsibilities:

1. Understand your role and scope of responsibility and be informed of the objectives, scope of responsibility and operating procedures of your individual board, commission, or committee.
2. If you represent yourself as a member of a board, commission or committee, you should represent the majority views of your individual board, commission, or committee. Individual "opinions" to the public and press, should be identified as such.
3. Members should represent the public interest and not special interest groups.
4. Members are in a unique position of serving as a liaison between the city and its citizens and can help to reconcile contradictory viewpoints and to build a consensus around common goals and objectives. Members serve as a communication link among the community, staff, and City, presenting city programs and recommendations and providing a channel for citizen expression.
5. Do your homework and be thorough in recommendations by reviewing items prior to the meeting to be fully prepared to discuss, evaluate, and act on all matters scheduled for consideration. Conclusions based on the same facts will strengthen the value of the group's recommendations.
6. Supportive relationships with the City Council and city staff are essential for successful operation

of any board, commission, or committee. The proper channel to contact city personnel on items of consideration is through the designated city staff liaison providing staff support for your group.

7. Establish a good working relationship with fellow members of your board, commission, or committee. Respect individual viewpoints; allow other members time to present their views fully before making comments; be open and honest; welcome new members and strive to minimize political action on issues.

City Council appointments to boards, commissions or committees are made without regard to political party affiliation. Members are not restricted from participating in political activities. However, members may not use or involve their membership on their respective board, commission or committee in the conduct of political activities.

RELATIONSHIPS

Working Relationships

In public statements or interactions, individual board, commission or committee members should present views and recommendations representing the board, commission, or committee as a body -- not personal individual views. Members expressing views not approved by the majority of a board, commission, or committee should clearly express that their opinions reflect their personal perspective as a "private citizen." Individual opinions must be identified as such. Public statements should not include promises that may be construed to be binding on the board, commission, committee, City Council or staff. When making a public statement, if applicable, members should indicate that board, commission or committee actions are recommendations and that final action will be taken by the City Council. Members may be selected on the basis of representing defined groups; however, each member should represent the overall "public good," not an exclusive group, or special interest.

Basic Guidelines

Board, commission or committee members should work to establish good relationships with other board, commission or committee members. The success or failure of board, commission, or committee efforts may be dependent upon the degree of cooperation evident among the individual members of the body.

Relationships with Other Board, Commission, or Committee Members

The association with other board, commission or committee members is very important. Before talking about relationships, it may be well to point out a few facts about board, commission and committee members. Members come from various backgrounds - education, occupational, religious, social, economic, physical and cultural - and differences do exist. It is important to recognize that the reasons for serving on a board, commission, or committee will vary and perhaps some will have a special interest. Each member will contribute in his/her own way and is an important part of the decision-making process. Do not expect every member to give of his/her time, talent and knowledge to the same extent. Some will give more, and others will give less, but in the end, the community will benefit. Bearing this in mind, the following may serve as a guideline:

1. Always respect other individuals' viewpoints even though they may be the opposite of your own.
2. Allow the other individual to articulate his/her own views and then attempt to make an objective evaluation of those views.
3. Evaluation of other members' viewpoints should be based on what is best for the total community and for all concerned.
4. There will be times when political action among the board, commission, or committee is apparent;

- strive to minimize whenever possible.
5. Be open and honest at all times.
 6. Each member has a responsibility to see that new members are made welcome, become oriented, and receive training.

Relationships with City Council Members

The purpose of boards, commissions or committees is to expand the opportunity for citizen input and participation, study issues, and make recommendations to the City Council. As an advisor to the City Council, members must be continually aware that the decisions formed by the Council, even after receiving and evaluating the recommendations from the various advisory bodies, are not easily made.

The City Council possesses the ultimate political and legal responsibility for the conduct of local government and the overall welfare of the community. It is important to recognize that not all of the recommendations made by the various boards, commissions, and committees will be accepted by the City Council. City Council actions that vary from board, commission and committee recommendations do not imply a lack of confidence or disinterest in the advisory bodies' decisions. Councilmembers must weigh the advice provided by advisory bodies against a broader scope of considerations as they reach the decisions for which they are responsible.

Although a board, commission, or committee may disagree with the final decision that the City Council makes on an issue, it should not act in any manner contrary to the established policy adopted by the Council.

Members are expected to recognize the following items:

1. The board, commission or committee should assist the City Council in developing public trust in an advisory system; and
2. Be sensitive to City priorities and know when to take a stand.

Relationships with Council and Staff Liaisons

The **council liaison** (a councilmember) assigned to a board, commission or committee may provide advice, direction, and guidance. The council liaison also facilitates placing board, commission, or committee recommendations on the City Council agenda for council consideration.

The staff liaison handles administrative duties, prepares meeting agendas, and records minutes. Members may not direct the staff liaison to initiate programs, conduct major studies or establish official policy without the approval of the City Council.

Members should feel free to contact the assigned staff liaisons for inquiries and/or support purposes. It should be understood, however, that members are responsible for all work for its board, commission, or committee. Staff liaisons may provide clerical and administrative support to boards, commissions or committees on an as-needed basis.

Relationships with the Public

Members serve as a liaison between the city and the general public. Thus, each member functions as a communication link between the community and the city, explaining city programs and recommendations, as well as providing a channel for citizen expression.

Board, commission or committee meetings should be conducted in a manner that is conducive to a productive exchange of ideas and perspectives. A non-threatening atmosphere should be prevalent,

and steps should be taken to ensure that members of the public are free to express their views without fear of ridicule or belittlement by anyone with an opposing viewpoint.

Members should conduct themselves in a manner that demonstrates fairness and professionalism. Members should be considerate of all interests and value differences of opinion. Additionally, members should remain open-minded, objective and make no judgment or engage in any partisan position until all of the available evidence pertaining to an issue has been submitted. Common courtesy is expected from city representatives at all levels of the organization.

It is important to recognize that, as a member, your actions and comments are often interpreted to be that of the entire board, commission, committee, the staff, or the city. A member's comments to the press or other public utterances are sometimes misinterpreted even though you state that you are speaking for yourself. They may also be at odds with the board's, commission's, or committee's goals, objectives, or overall policy. It is very important that an individual be clear when stating an opinion.

Members of the public are also expected to conform to an acceptable standard of conduct. Any person who willfully interrupts a public meeting or acts to render the orderly conduct of the meeting infeasible may be barred from the meeting by the Chair. An individual so barred may not return for the remainder of the meeting unless permission is granted by a majority vote of the board, commission, or committee.

The following guidelines are offered:

1. There should be no promises made to the public that are binding on the board, commission, committee, staff, or City Council.
2. Comments to the public and the press must be factual.
3. Members have an obligation to listen to comments or complaints of the public.

City boards, commissions, and committees are not involved in the administration or operation of city departments. The city's staff reports to the department head, who in turn reports to the city manager. It is, therefore, the responsibility of the department head and/or the city manager to allocate staff time and efforts and direct the priority of work.

The staff liaisons are not considered members of a board, commission or committee and have no power to vote on matters. Because of their support position, staff does not respond to questions from the public at a meeting unless requested to do so by the chairperson.

City staff liaisons serve boards, commissions and committees in an advisory capacity – much the same as the board, commission, or committee serves the Council. Staff liaisons are selected on the basis of their technical and professional abilities and are expected to provide recommendations based on their professional analysis of the situation, regardless of personal opinion or consideration of political consequence. It is not expected that every staff recommendation will be followed; however, because of staff's technical expertise, full consideration should be given to the staff liaison's recommendation.

Members should be aware of staff's responsibility to also provide professional advice to the City Council. In instances where a staff liaison disagrees with a recommendation of the board, commission, or committee he/she serves, he/she is obligated to advise the City Council of his/her recommendation through the city manager or a subsequent staff report. The City Council values both the opinion of the board, commission, or committee as well as staff since staff expresses its opinion from a strictly technical perspective, and boards, commissions, and committees may provide counsel and advice on the issue's practical application.

All communications from the board, commission, or committee to the public are transmitted through the staff liaison. Similarly, arriving communications are received by the staff liaison and relayed to the

board, commission, or committee through the agenda.

MEMBERSHIP

Member Privacy

The City Clerk's Office does not release the personal contact information of board, commission or committee members without their consent. Requestors will be directed to the staff liaison to verify consent with the member.

Application, Appointments, and Reappointments

All residents interested in serving on a City of Richmond board, commission, or committee must complete and submit the appropriate application form (Appendix H) to the city clerk. *Employees cannot serve on any city board, commission, or committee.* Recommendations for appointment are made by the mayor and approved by the City Council, with the exception of the Richmond Fund for Children and Youth Oversight Board, appointed by the mayor and City Council.

Any person who has served on a board, commission or committee for a period of less than one full calendar year may be appointed to the same body for a full term.

Reappointment is not automatic; therefore, board members, commissioners, and committee members are required to submit a new application to the city clerk prior to each term expiration date (Appendix B), to be considered for reappointment. Members with expired terms may continue to serve until a replacement appointment has been approved (Appendix C, Resolution 24-14).

Oath of Office

Before new board members, commissioners, and committee members can participate as voting members of their respective body, they must complete and file an Oath of Allegiance form (Appendix E) with the city clerk. Failure to take the oath of office within 30 days of the date of the appointment letter shall be cause for automatic termination. Staff liaisons must check with the City Clerk's Office prior to the first meeting of the board, commission, or committee following the appointment to verify that all newly-appointed members have taken the oath.

Fair Political Practice Commission (FPPC) Filing Requirement and Ethics Training

Pursuant to the City of Richmond's Conflict of Interest Code (Appendix G), members of certain boards, commissions, and committees must complete a FPPC, Statement of Economic Interests, Form 700 upon assuming or leaving office and annually during their term. Form 700 filers must also complete mandatory ethics training (AB 1234) every two years. Failure to comply with the FPPC filing and training requirements can result in automatic resignation. **The city clerk will notify the specific board members, commissioners, and committee members that are subject to this provision.** It is the responsibility of the board member, commissioner, or committee member to notify the City Clerk's Office immediately upon any changes to their mailing and/or email address.

Attendance

Board members, commissioners, and committee members should inform the staff liaison in advance if they are unable to attend a meeting. Failure to comply with the following attendance rules can result in automatic resignation:

- a. Absence from more than three regular meetings within a twelve-month period shall be

deemed an automatic resignation, with the following exception:

The absence of any member from more than eight regularly scheduled meetings of the Design Review Board within any twelve consecutive-month period constitutes an automatic resignation from the Design Review Board.

Within one week of the third absence (eighth absence for Design Review Board members), the board, commission, or committee staff liaison shall remind the board member or commissioner of the absence rule. Upon the fourth absence (ninth absence for Design Review Board members), the staff liaison shall notify the city clerk to issue a notice of automatic resignation and post the vacancy.

- b. A member must be present at least one hour, or 50% of the entire meeting, whichever is less, to be counted as present for purposes of attendance.**

Excused Absences

Board members, commissioners, and committee members may make a written request to the chair and staff liaison in advance of a meeting to excuse an absence due to scheduling conflicts and religious or cultural holiday. Requests for all other excused absences may be considered on a case-by-case basis by the chair, with consultation from the city clerk (or his/her representative), as necessary.

Automatic Resignation

The following can result in automatic resignation:

- a. Failure to comply with the membership requirements outlined in this handbook.
- b. Failure to meet any eligibility requirements of the ordinance, resolution or other law establishing the board, commission, or committee or regulating its membership.

Automatic resignation from a board, commission, or committee does not disqualify an individual from subsequently being appointed to the same or any other board, commission or committee. However, if a member is automatically resigned more than two times due to any of the aforementioned reasons or any combination thereof, he/she may not be appointed again to any board, commission, or committee for one year. No board member, commissioner, or committee member shall be appointed to any board, commission, or committee if there are outstanding Conflict of Interest statements or fines; and no board member, commissioner, or committee member shall be appointed to any board, commission, or committee for a period of one year if automatically resigned more than once for failure to file such statements.

Resignation Procedure

A board member, commissioner, or committee member wishing to resign shall submit a letter or e-mail of resignation directly to the city clerk stating his/her effective date of resignation. Once submitted and the Clerk's Office acknowledges acceptance, a letter of resignation may not be withdrawn. The city clerk shall notify the mayor and staff liaison of such vacancy.

Leaving Office Statement (Form 700)

Within 30 days of an automatic or voluntary resignation, a board member, commissioner or committee member serving on a board, commission or committee subject to annual Fair Political Practice Commission, Statement of Economic Interests, Form 700, will be required to submit a Form 700 leaving

office statement.

Use of City Business Cards, Logo, and Insignia

Board, commission, and committee members may request city business cards, at their own expense, to be used only for official City of Richmond business or promoting the city. The City Clerk's Office is not responsible for ordering business cards; this is the responsibility of the staff liaison to order business cards from the city's approved printing vendor. **The City Attorney's Office advises against individual board members, commissioners, and committee members privately printing their own business cards using the city logo or insignia.**

CONFLICT OF INTEREST PROHIBITED

Board members, commissioners, and committee members provide advice to the City Council, study various projects and, in the case of certain boards, commissions, and committees, function in a quasi-judicial capacity. Precise relationships vary in that certain of these quasi-judicial determinations may be appealed to the City Council; others may not be. All board members, commissioners, and committee members should be aware of the need to avoid any instances of conflict of interest (Appendix G). Conflict of interest standards are generally applicable to all boards, commissions, and committees. Additional requirements may be applicable to particular boards, commissions, and committees.

Influencing the Making of Contracts and Affecting Other Financial Interests

The State Political Reform Act, Government Code Sections 81000 et. seq., and the Fair Political Practices Commission (FPPC) Regulation 2 California Administration Code Section 18730 prohibit a board member, commissioner, or committee member from making, participating in making, or attempting to influence the making of any city decision if the board member, commissioner, or committee member knows or has reason to know that it is reasonably foreseeable that the decision will have a material financial effect on specified interests of the board member, commissioner, or committee member or a member of their family distinguishable from its effect on the public generally. A board member, commissioner, or committee member may seek the advice of the City Attorney as to whether he/she should recuse themselves. However, only a formal advice letter from the FPPC will insulate you from enforcement actions by the FPPC. Be sure to seek the advice of the City Attorney or FPPC well before you are required to participate in a matter which would create a possible conflict of interest.

In addition to filing required disclosure statements described below, any such conflict of interest should be publicly disclosed and noted in the official record of the board, commission, or committee. In such cases it is not sufficient simply to abstain from voting; the positive act of verbal disclosure is required.

Disclosure Statements Required

The Government Code of the State of California requires that designated commissions file Fair Political Practices Commission (FPPC), Statements of Economic Interests (Form 700), in which they disclose specified financial interests. The latest City of Richmond Conflict of Interest resolution, located on the City Clerk's website, specifies each board, commission, or committee which is subject to this requirement and the interests which must be disclosed.

Board members, commissioners, and committee members specified in the current Conflict of Interest resolution must file a Form 700, with the city clerk annually and within thirty days of assuming or leaving office.

If a member has been auto-resigned more than thirty days from a board, commission, or committee for any reason, and the mayor wishes to reappoint that person, the member must first file a "Leaving Office" statement prior to the new appointment. He/she is then required to file another "Assuming Office" statement within thirty days of the new appointment date.

Any board member, commissioner, or committee member who fails to file any required Form 700 within the time specified for such statement will be fined and may be automatically resigned. No board member, commissioner, or committee member shall be appointed to any board, commission, or committee if there is an outstanding Form 700 or fines; and no board member, commissioner, or committee member shall be re-appointed to any board, commission, or committee for one year if auto-resigned for failure to file such disclosure statements.

Incompatible Public Offices

The common law doctrine of incompatible public offices prohibits a public official from occupying two public offices which are incompatible in terms of their duties and/or the likelihood of divided loyalties. **Effective immediately, board members, commissioners, and committee members may no longer be appointed to multiple Richmond boards, commissions or committees.** Board members, commissioners, and committee members may apply for appointment to other Richmond boards or commissions in their current position prior to term expiration. However, upon appointment to the new board, commission, or committee, he/she shall immediately submit written notification to the city clerk resigning from their former appointment. Board members, commissioners, and committee members appointed to more than one Richmond board, commission, or committee prior to the date of this handbook, may continue to serve on multiple boards, commissions, and committees to complete each term.

Incompatible Activities for Compensation

Government Code Section 1126 prohibits a public official from engaging in activities for compensation incompatible with their public office. If you are engaged in compensated activities which may be incompatible with your duties as a board member, commissioner, or committee member, please consult the city attorney.

BOARD, COMMISSION, AND COMMITTEE ORGANIZATION

Officers Election and Term of Office

The election of board, commission, and committee officers shall occur annually pursuant to the resolution, ordinance, or bylaws that govern each body. The chairperson and vice chairperson are elected by the majority of the board, commission, or committee for a one-year term and hold office until their successors are elected. No board member, commissioner, or committee member shall serve as chairperson for more than two consecutive years. The results of the vote shall be publicly announced and the vote recorded in the minutes.

Duties of Officers

The chairperson, or in her/his absence, the vice chairperson, performs the following duties:

- Presides at all meetings of the board, commission, or committee and ensures that the work of the board, commission, or committee is accomplished. To this end, the chairperson must exert sufficient control of the meeting and ensure that all viewpoints are heard and are considered in a fair and impartial manner.
- Approves and signs correspondence and reports on behalf of the board, commission, or committee.
- Represents the board, commission, or committee before the City Council with the approval of the board, commission, or committee.
- Performs other duties necessary or customary to the office.

Transfer of Chair

In the absence of the chairperson or his/her inability to act, the vice chairperson presides in place of the chairperson. In the event of the absence or the inability to act of both the chairperson and the vice chairperson, the remaining members elect one of their members to act as temporary chairperson.

Vacancies

Board, commission, and committee vacancies as a result of final term expiration and resignations are publicly announced by the mayor at City Council meetings and posted on the city's website. On or before December 31st of each year, a Notice of Expiration of Terms and Vacancies is published in a newspaper of general circulation, in compliance with the requirements of the Maddy Act, Government Code Section 54972.

DEVELOPMENT OF A WORK PROGRAM

Many boards, commissions, and committees find it effective to establish an optional yearly work program or goals statement. A work program is a planning document that specifies how and when the objectives (outcomes) which the board, commission, or committee expects to accomplish during the fiscal year will be achieved. Goal statements explain the nature and scope of the work to be performed and the time needed to accomplish the goal. The nature of the duties of specific boards, commissions, and committees may determine which method is most suitable.

Designing yearly work programs or goal statements may be done in conjunction with the development of the relevant departmental work plan so that the department and board, commission, or committee's work will complement each other throughout the year.

MEETING BASICS

Requirement to Meet in Public – Ralph M. “Brown Act”

The Ralph M. Brown Act, commonly referred to as the “Brown Act,” is codified in the California Government Code beginning at Section 54950. The Brown Act mandates that local government business be conducted at open and public meetings, except in certain limited situations (i.e. closed sessions). The central provision of the Brown Act requires all “meetings” of a “legislative body” to be open and public. The Brown Act broadly defines the term “meeting” to include any congregation of a majority of the members of a particular legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body. Richmond boards, commissions, and committees are a “legislative body”. Under the Brown Act, a majority of the members of the legislative body are prohibited from discussing, deliberating about or developing a collective concurrence regarding any item that is within the legislative body's jurisdiction except as part of a duly noticed public meeting. The purpose of these provisions is to ensure that local governing bodies deliberate in public.

The Brown Act also requires that the public be given notice of the time and place meetings are to be held. As a general rule, a legislative body may not act on or discuss any item that does not appear on the agenda posted for the meeting.

Public Meetings and Public Hearings Notice Requirements

The staff liaison will handle all noticing requirements including posting the agenda at City Hall and on the city's website. The Brown Act does not apply to ad hoc committees.

- Regular meetings must be posted seventy-two (72) hours prior to the meeting time.
- Special meetings must be posted twenty-four (24) hours prior to the meeting time.
- Where a public hearing is mandated by law, it may vary and the form and timing of the advance notice is most often specified by the law (i.e., land use public hearings).

Public Access Requirement

All public meetings must be held in a wheelchair accessible location. Disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, may be requested by contacting the City Attorney's Office Americans with Disabilities Act coordinator at (510) 620-6509 at least three business days before the meeting date.

Communication and Public Participation Requirement

The Brown Act protects the public's right to attend and participate in meetings and requires that agendas for legislative bodies provide an opportunity for the public to address the body. Consult the city clerk for specific requirements and procedures for establishing public comment procedures and time limits for speakers. Boards, commissions, and committees can also conduct public hearings on specific subjects.

The Brown Act requires that an agenda allow for two types of public comment periods. The first is a general audience comment period (i.e., "Public Forum" or "Open Forum"), where the public can comment on any item of interest that is not on the agenda within the jurisdiction of the legislative body. The second type of public comment period specifically pertains to items on the agenda.

Types of Meetings

Public Hearings

Public hearings are held when required by law or when the board, commission, or committee determines that such a hearing would be desirable. When a hearing is required by law, the procedure for that hearing may also be specified by that law. Most hearings and board, commission, and committee matters are quasi-legislative; the board, commission, or committee is making policy or programmatic recommendations to the City Council. Some hearings are quasi-judicial, such as hearings or permits before the Planning Commission, or Design Review Board. In such quasi-judicial proceedings, special rules may apply. Refer to the specific law or consult the City Attorney's Office.

Study Sessions and Workshops

Study Sessions are designed to elicit community input and participation in an informal manner, allowing maximum interaction between citizens and board members, commissioners, or committee members to work on issues in an in-depth manner. Study sessions and workshops do not culminate in action at that meeting. Actions or recommendations should be taken at either the next regular meeting or at another publicly announced date and time. In both cases, the board, commission, or committee, when establishing the time and place for the study session or workshop, should determine the period of time available and establish the portion of time to be devoted to comments or presentations by the public. Public access and communication access requirements must be met for all public hearings, study sessions, and workshops.

Preparation for Meetings

- Be prepared. Thoroughly review the agenda packet, including agenda reports, and any other materials before the meeting. The issues that come before advisory bodies are important to the community as a whole and demand your undivided attention. In agreeing to serve on an advisory body, you make a commitment to put in the time required to be fully prepared for

each meeting.

- Understand the recommended action you are being asked to take for each agenda item.
- If you have questions regarding the agenda or an agenda report, contact your staff liaison before the meeting to clarify questions or request further information.
- Know the responsibilities of your advisory body, as well as the limitations of your individual authority. As a member of an advisory body, you will among other things, be asked to provide recommendations to the City Council about specific issues. Keep in mind that your appointment does not empower you to supervise city staff.
- Keep an open mind. An objective, balanced, and receptive approach will help you assess the facets of a given issue and evaluate new ideas. When receiving written and oral public testimony it will be necessary to discern between fact and opinion, as well as between those concerns which are relevant and those which are secondary to the issue at hand. Keeping an open mind will make it easier for you to understand all aspects of an issue before you make a judgment or take a position.
- Strive to appreciate differences in approach and point of view. Likewise, take care to articulate your own ideas; remember that your individual voice is a critical part of the whole dialogue. Again, furthering common goals takes cooperation, flexibility, and a broad-based view of the public interest. If in doubt, return to the foundational documents to guide your understanding of the complexities of an issue.
- If you are unsure about something *during* the meeting, ask for clarification. On behalf of the public, your understanding of issues is important. Each advisory body has a staff liaison to provide information to assist the members throughout the decision-making process.
- E-mail communications can ultimately lead to the exchange of information intended to create collective concurrence among a quorum of advisory body members in violation of the Ralph M. Brown Act. Therefore, e-mail communications between advisory body members relative to advisory body business should be avoided. While less than a quorum, for example, may appropriately communicate with one another by way of e-mail, the "forwarding" of such an e-mail message on to an additional member could result in a Brown Act violation.
- The applicant has the right to an efficient process. Unreasonable delay or lack of action is unacceptable. If necessary, make an alternate or additional recommendation that may help to move the item along.

Conduct of Hearing

The procedure to be followed for a public hearing may vary depending, again, on the subject matter and the time available for the hearing. In the instances where a board, commission, or committee acts in quasi-judicial fashion, certain standards of receiving testimony must be met. These would include, but not necessarily be limited to:

- Announcement or reading of the subject into the record by the secretary.
- An overview of the subject and recommendation by the chairperson, board member, commissioner, committee member or staff requesting the public hearing.
- Public comment from affected parties or interested citizens and receipt of any pertinent documentation.

The hearing shall be formally declared open by the chairperson prior to public comment and formally closed by the chairperson at the conclusion of public comment. If findings are required as a part of the board, commission, or committee action, such findings should be clearly stated for the record. If a board member, commissioner, or committee member must abstain or recuse oneself from participation

due to a potential conflict of interest, or has a disclosure of interest which does not prevent participation, a statement shall be given at the commencement of the hearing.

Action

Any action resulting from the hearing shall be clearly stated in the form of a motion, properly seconded and voted upon. The record should in such cases identify those voting "aye", those voting "no", those abstaining, and those absent.

Action must be by an affirmative vote of at least a quorum of the board, commission, or committee. Under State law, action is prohibited on any matters which have not been properly noticed.

If no action is to be taken the chairperson should announce this fact, and, if possible, advise the public of the date when action may be expected.

Recordings of Hearings

All hearings should be audio recorded (whenever possible) in addition to the required written set of summary and action minutes that must be provided for every meeting. The minutes once approved by the board, commission, or committee, shall constitute the legal record. Audio recordings of public hearings of quasi-judicial boards, commissions or committees where the minutes have been approved, shall be retained by the staff liaison for at least one year following the decision of the board, commission, or committee or following the final decision of the City Council.

Hearing from the Public

At public meetings, boards, commissions, and committees have the responsibility to hear all viewpoints of the public. In order to ensure all parties are adequately heard, it is necessary to follow the rules of procedures which are often established by the bylaws of the boards, commissions and committees.

These rules most commonly include:

- Limiting the time of speakers.
- Establishing strict rules regarding rebuttal, if it is decided that rebuttal is permitted.
- Requesting board, commission, and committee members to hold questions and comments to the end of the public presentation portion of the hearing.

Impartiality and Standards of "Fair Play"

Boards, commissions, and committees shall be aware of the need to maintain basic standards of fair play and impartiality. This awareness must also speak to the need to avoid the appearance of bias. The chairperson has the primary responsibility to ensure that the varying points of view are heard, that the hearing or workshop proceeds in a timely manner, and that the options for future action by the board, commission or committee are clearly stated. Awareness of the varying interests within the Richmond community is essential, and the City Council depends on its boards, commissions, and committees to provide thoughtful advice based on the fullest possible study of the subject and contact with all relevant segments of the community to obtain their input.

No Quorum – Meeting Cancellation

When a quorum cannot be assembled at the time of a meeting, the meeting must be cancelled and those members who are absent will have an absence counted against them. Those members that are present shall wait a maximum time limit of 20 minutes for a quorum prior to cancelling the meeting.

Board members, commissioners, and committee members should inform the staff liaison as far in advance as possible if they are unable to attend a meeting. If it is known in advance that a quorum will not be achieved, the staff liaison should notify all members that the meeting will be cancelled and no

absences will be recorded. The staff liaison must also post a meeting cancellation notice for the public at the meeting location.

MEETING PROCEDURES

Establishment of Meeting Rules

Richmond boards, commissions, and committees follow Rosenberg's Rules of Order for public meeting proceedings (Appendix F). Each board, commission, or committee may establish additional rules and limit debate. It is the responsibility of the chairperson to control public debate so that everyone has an opportunity to speak and to expedite the business at hand.

Rules of Debate

Chairperson

The chair may debate and may make or second motions. The chair is subject to the limitations of debate that are imposed on all members and shall not be deprived of any of the rights and privileges of a member.

Advisory Body Members

Every advisory body member desiring to speak shall address the chair. Upon recognition by the chair, the member shall confine comments to the question under debate, avoiding all undignified language and references to personalities and abiding by the following rules of civil debate. A member, once recognized, shall not be interrupted except according to rules of parliamentary procedure (e.g., for a point of order, parliamentary inquiry, question of privilege, or appeal of the chair's procedural ruling).

Public meetings will proceed smoothly if all participants keep the following tenets in mind:

- (1) We may disagree, but we will be respectful of one another.
- (2) All comments will be directed to the issue at hand.
- (3) Personal attacks shall be avoided. They are unacceptable and may result in termination from an appointed position.

Addressing the Advisory Body from the Floor

Securing Permission to Speak - Any person desiring to address the advisory body shall first secure permission from the chair. Any advisory body member may also request of the chair that a member of the public be recognized to speak. Remarks should be directed to the matter being considered.

Individuals addressing the advisory body are requested to give their name in an audible tone of voice for the record and fill out a speaker card if provided. They are not, however, required to provide their name or complete a speaker card. Any applicable time limit shall be as stated in the agenda, or as directed by the chair.

All remarks shall be addressed to the advisory body as a whole and not to any individual member or to members of the audience. Without the permission of the chair, only members and the person addressing the advisory body shall be permitted to enter into any discussion. However, while advisory body members may ask speakers questions, they should not debate matters with them. All remarks shall be delivered in a respectful manner.

Addressing the Advisory Body after Motion Made - After a motion is made by the advisory body, no person shall address the advisory body in regard to that topic except upon the request of the chair, or a

member of the advisory body through the chair.

Order and Decorum in Meetings

Board, Commission, and Committee Conduct

While the board, commission, or committee is in session, the members shall not interrupt the proceedings of any other member or any member of the public who has the floor.

Conduct of Public in Attendance

Persons attending the meeting should observe the rules and procedures of the board, commission, or committee and should not disrupt the business at hand. For example, no one should disrupt the meeting by shouting, making disruptive noises, such as “boos” or hissing sounds; creating or participating in a physical disturbance; speaking out of turn or in violation of the meeting's procedures or rules; preventing or attempting to prevent others who have the floor from speaking; preventing others from observing the meeting; entering into or remaining in an area of the meeting room that is not open to the public; or approaching the advisory body without consent. Any message to or contact with any member of the advisory body while it is in session should be through the staff liaison.

All public comments shall be addressed to the advisory body as a whole and not to any specific member. No one other than the advisory body and the person having the floor may enter into any discussion, either directly or through a member of the advisory body, without the permission of the chairperson. No question may be asked of a member of the advisory body except through the chair. After being recognized for this purpose by the chair, any member of the advisory body may briefly respond to comments made during the public comment period or may pose a question to the person speaking at public comment or during a public hearing but may not discuss the matter.

Interested persons may address the advisory body on any issue concerning city business and items on the agenda during the period assigned to public comment on the agenda. Members of the advisory body may ask questions but should not discuss or act in connection with such citizen comment, if the subject is not on the agenda for action. A member of the advisory body may, however, refer a subject to staff or other resources for factual information or for action, if appropriate. The public may also comment during a public hearing on the subject of the public hearing in accordance with any procedures established by the advisory board for this purpose.

Rules of Debate

Presiding Officer May Debate. The presiding officer may debate from the chair, subject only to such limitations of debate by rules imposed on all members of the advisory board, and should not be deprived of any of the rights and privileges of any other member by reason of his/her acting as the presiding officer.

Getting the Floor. Improper references are to be avoided. Every member desiring to speak should address the chair, and upon recognition by the presiding officer, should confine him/herself to the question under debate.

Interruptions

A member of the advisory board, once recognized, should not be interrupted when speaking unless it is to call him to order, or as herein otherwise provided. If a member, while speaking, is called to order, he/she should cease speaking until the question of order can be determined, and if, in order, he/she should be permitted to proceed.

Proceedings

- Start meetings on time and keep the size of the agenda in mind in order to give each item the appropriate time.

- Announce at the start of a meeting if the order of agenda items is to be rearranged for convenience, for response to those attending only for certain items, or for better pacing of the agenda.
- Let the chair run the meeting.
- Be fair, impartial, and respectful of the public, staff, and each other.
- Give your full attention when others speak.
- Learn to trust your own good judgment on decisions.
- Remember that people may be attending a meeting for the first time, and may be unfamiliar with the procedures. In your discussion, either avoid or explain technical terms or verbal acronyms and abbreviations.
- Listen to audience concerns and do not engage in side conversations or otherwise be distracted during public testimony. The opportunity for public testimony is central to the strength of democracy and is therefore encouraged. Active listening, however, does not mean engaging the public in debate. Your response is appropriately saved for after the public testimony is closed.
- Close the public testimony before you begin serious deliberation on an issue.
- Sometimes questions can most effectively focus discussion and direct decision- making. For example,

For staff:

- What is the history behind this item?
- What are the benefits and drawbacks?
- What other alternatives did you consider?
- Is it within this advisory body's scope of responsibility? If not, would it be best referred to another advisory body or staff?

For other advisory body members:

- What do you think about this item?
- What have you heard from the residents?
- What would it take for you to support this?

For the public (at a hearing):

- What are your concerns?
- How will this proposal affect you?
- What specific, constructive, alternatives can you recommend?
- How does the public comment or question relate to the decision at hand?

For yourself:

- What are we trying to accomplish?
- What are the long-range interests of the community?
- What guidance can be found in our foundational documents?
- Often you must balance multiple views, neither favoring nor ignoring one individual or group over another. Your obligation is to represent a broad-based view of the community's long-range interests.
- Remember that your advisory body exists to take actions and/or make recommendations. It is not simply a discussion group or debating society.
- Endeavor to end meetings at a reasonable hour. Extending the meeting beyond an

appointed hour may be subjected to a vote when that hour nears.

Managing Difficult Meetings

From time to time, boards, commissions, and committees are faced with conducting highly charged controversial meetings. These meetings may involve one unified group or two or more conflicting groups. The group demeanor may be characterized by aggressiveness and hostility. Such meetings really test the mettle of the advisory body and staff. Consider the following:

Before the Meeting

- Make agendas and back-up reports easily available to participants.
- Make sure adequate seating is available. Consider moving to a larger venue if necessary.
- Make sure audio and visual equipment are adequate and operational, if applicable.
- Chairperson and staff should engage in contingency planning before the meeting.

During the Meeting

- Establish and announce rules at the beginning of the meeting.
- Before public comment, ask the participants to designate one or more spokespersons, if possible. This may help reduce redundancy and make sure that all sides of the issue will be heard.
- Explain the issues, the possible actions, and the procedures that will be followed at the meeting.
- Have speakers address the advisory body and not the audience. Some speakers are very adept at inciting audiences; especially if they are permitted to face the audience.
- Stop shouting. Explain the reasons why such actions are disruptive and counterproductive. For instance: the meeting should provide a forum for all points of view and such displays of support or opposition could intimidate those with an opposing point of view from speaking. In addition, such displays delay the discussion.
- Do not hesitate to use recesses to help diffuse hostility or aggressiveness.
- Strongly consider limiting speakers to a set time such as two to three minutes. If such a procedure is used, make sure it is applied fairly and consistently.
- Consider using speaker cards. These can help identify how many people wish to speak and also whether they support or contest an issue. They also are invaluable in recording the names and addresses of speakers. Recognize, however, that if a person does not wish to fill out a card or give their name, they still have the legal right to speak.
- Continue items to a date certain that cannot be decided at the meeting. Items on the agenda that do not get addressed before the meeting adjournment time will automatically be held over to the next regularly scheduled meeting.

CONCLUSION

There is no desire on the part of the City Council or city staff to control a board, commission or committee member's independent thought or judgment. The City Council appoints only those persons who have the knowledge, ability, and interest in the specific advisory body's purposes so that their contributions will be of assistance. All suggestions and ideas are most welcome, whether presented as a citizen, member of an advisory body, or as a majority vote of an advisory body. However, board,

commission, and committee membership limits a member's freedom of advocacy before the City Council or other advisory bodies on those issues that are to be considered by the member's advisory body so that the member can hear the item with an impartial mind. The recommendation of the board, commission, or committee to the City Council should include the position of the body 'as a whole' based on the majority vote.

A board, commission, or committee is created as an advisory arm of the City Council as the result of a policy decision. Each has been charged with responsibilities in specified areas. It may be that a member may disagree with an established policy. This is part of the democratic process, as is the expression of that disagreement in a minority vote. In spite of conflicting viewpoints, however, it is the process of addressing the issues that are served by the board, commission, or committee action.

The City of Richmond is proud of its citizen participation and extends a hearty welcome to all board, commission, and committee appointees.

APPENDICES

APPENDIX A: Purpose and Function of each City of Richmond Board, Commission and Committee

**APPENDIX B: Boards, Commissions and Committees Contacts, Terms/Term Limits, Expiration Dates,
Meeting Dates/Locations**

APPENDIX C: Resolution No. 24-14 Continuation of Board, Commission and Committee Member Terms

APPENDIX D: Code of Ethics

APPENDIX E: Oath of Allegiance

APPENDIX F: Rosenberg's Rules of Order

APPENDIX G: Resolution No. 117-19 Amended Conflict of Interest Code

APPENDIX H-1: Board or Commission Application

APPENDIX H-2: Community Police Review Commission Application

APPENDIX H-3: Personnel Board Application

APPENDIX H-4: Rent Board Application

APPENDIX H-5: Youth Council Application

APPENDIX H-6: Workforce Development Board Application