Background

County government includes those standing and special citizen boards, commissions, committees and task forces formed to advise the Board of Supervisors and County staff on issues of policy and to serve as links to the community. County committees are created as a result of State and Federal legislation, agreements with public or private agencies, and local needs.

This Board Policy is outlined as follows:

A. DEFINITIONS

B. FORMATION OF NEW CITIZEN COMMITTEES

C. COMMITTEE AND COMMITTEE MEMBER RESPONSIBILITIES

D. APPOINTMENTS TO COMMITTEES/VACANCIES PROCESS

E. COMMITTEE POLICIES AND PROCEDURES

F. DEFENSE OF ADVISORY COMMITTEE

G. SUNSET REVIEW OF CITIZEN COMMITTEES

A. DEFINITIONS:

For the purpose of this policy, CITIZEN COMMITTEE will be defined as:

Any board, commission, committee, council, panel, team, task force, or other similar group which is established by the Board of Supervisors to obtain advice, make recommendations on issues of policy, to make decisions, or hear and decide appeals. Committees composed wholly of County employees or members of the Board of Supervisors are not included in this definition.

TASK FORCE will additionally be defined as:

A citizen committee established by the Board of Supervisors to provide a final written report to the Board of Supervisors making recommendations,

providing information or advice on a specific issue. The committee is of short-term duration, and the final report shall contain a recommendation for dissolution of the Task Force once their designated task is completed.

B. FORMATION OF NEW CITIZEN COMMITTEES:

1. The Board of Supervisors shall have the authority to establish new standing and special committees. Citizen committees may create sub-committees to perform specific tasks.

2. When a new committee is proposed, the Chief Administrative Officer shall first review to determine if any currently constituted committee would be appropriate and capable of fulfilling the duties proposed for the new committee.

3. Citizen advisory committees shall be established by ordinance or resolution to insure the clear delineation of the committee parameters for future reference should it become necessary to provide defense or indemnification to the committee members. When a citizen committee is created, the establishing directive shall define the purpose, responsibility of the committee, the proposed composition of committee membership, identify the nominating and appointing authorities, designate the length of terms and organizational placement, and note if committee members will receive travel expenses or compensation. A sunset review date should be noted for committees; a sunset and final report date should be noted for task forces.

4. Board letters to establish new committees shall be docketed with the Clerk of the Board in accordance with Board Policy A-72.

5. Upon formal action of the Board of Supervisors to create a new committee, the Clerk of the Board shall post a public notice of new committee positions showing vacancies.

C. COMMITTEE AND COMMITTEE MEMBER RESPONSIBILITIES:

1. Upon appointment by the Board of Supervisors, the Clerk of the Board will send to the new appointee a certificate of appointment, a copy of this Board policy, a copy of County Counsel's memorandum describing laws generally applicable to citizen committee members, oath cards and any forms which the new appointee must file. It is the responsibility of the appointee to complete and file with the Clerk of the Board the oath cards and all other required forms prior to assuming

office. It is the responsibility of the committee chairperson and staff to ensure that newly appointed members have filed all required forms with the Clerk of the Board and have received the orientation noted in Section E.5 of this policy, prior to assuming office.

2. Members of County citizen committees shall disclose to the Clerk of the Board of Supervisors in writing any outside employment or activity engaged in for compensation which relates to their County duties or to the functions and responsibilities of the County department or agency which they serve or which may be subject to approval by any County officer or employee. This does not apply to committees that are purely advisory in nature.

3. No member of an advisory committee shall make, participate in making, or in any way attempt to use his/her position as a member of a committee to influence a decision in which he/she knows or has reason to know that he/she has a financial interest, except in those cases where the member is appointed to represent an entity or group having a financial interest in a matter coming within the citizen committee's area of responsibility.

4. No person shall be appointed to or serve on a committee which participates in the making of County contracts in which such person is financially interested within the terms of Government Code section 1090 et seq. This prohibition is not applicable to persons with "remote interests" as defined in subdivision (b) of Government Code section 1091, provided that the person discloses the interest in accordance with subdivision (a) of Government Code section 1091 and the person does not influence or attempt to influence other committee members to act favorably in respect to the contract in which the person has a remote interest.

5. County citizen committees are charged with advising the Board of Supervisors on the policies the Board establishes to guide the various functions of the County, and on the established procedures by which such functions are performed. Unless specifically designated in their establishing authority, the advisory committees are not charged with advising the Chief Administrative Officer regarding the CAO's function and responsibility to carry out the Board's policy decisions. Recognizing that this delineation of administrative authority has been established in County Charter, Section 501.9 - Non-interference, Board Policy A-98, and Board Policy A-72, requests from advisory committees which will involve response from County management staff should be in writing and signed by the Chairperson of the advisory committee. Staff responses requiring less than four (4) hours to research, prepare and submit an answer to specific requests readily obtainable

should be responded to in an expeditious manner by the office or department to which addressed or assigned. More involved requests shall be discussed by the Chief Administrative Officer with the Chairperson of the Board of Supervisors and if necessary the requestor, and docketed with the Board for its direction. If the Board directs the Chief Administrative Officer to respond to the request, the Chief Administrative Officer will assign the matter to the appropriate staff within the County organization and monitor its progress to assure complete, coordinated and timely response.

6. County Citizen Committees shall be subject to the provisions of Government Code section 1098 - Confidential information; use or disclosure for pecuniary gain.

7. Citizen Committee Statement - All departmental communications to the Board of Supervisors on new programs, program changes, contractual actions and requests for proposals (RFP's) where review of such contracts or RFP's is required under the establishing authority of the citizen committee, or significant information about existing programs shall include a citizen committee statement of its comments and recommendations. Proposals initiated by the Chief Administrative Office shall not be required to have a citizen committee statement, but may seek input from the various advisory groups as deemed necessary.

8. Budget Review - Citizen committees having budget review responsibilities as a specific requirement of their establishing authority shall review the annual departmental budget and provide timely written comments to the Board of Supervisors prior to the public budget hearings.

9. Minutes - All citizen committee meeting minutes shall be filed with the Clerk of the Board of Supervisors for the Communications Received for the Board of Supervisors Official Records. Copies of the minutes shall be sent to each member of the Board of Supervisors by the committee staff.

10. Changes to Membership - The office of the Clerk of the Board of Supervisors shall be advised in writing of any changes to the membership, such as resignations, etc.

11. Travel Expenses - Members of designated citizen committees shall be paid reasonable travel expenses for actual travel to and from their usual place of business to any citizen committee meeting place of which they are a member and

which is within the County. Members will be reimbursed at the mileage rate established in Section 472.2 of the Administrative Code.

12. Legislation - County citizen committees are created to advise the Board of Supervisors - not the Legislature or Congress, with the exception of those citizen committees which have been specifically mandated to advise other legislators under the government codes or laws establishing them. When a County citizen committee wishes to make a recommendation on pending legislation to a legislative body other than the San Diego County Board of Supervisors, the committee shall submit recommendations or positions on legislation to the Department Head. The Department Head shall submit the committee recommendations to the Office of Strategy and Intergovernmental Affairs, noting the departmental position, relative to the Committee recommendations. The Office of Strategy and Intergovernmental Affairs shall place the committee and its recommendation on the next Board of Supervisors agenda.

    If the Board does not agree with the committee and will not forward the recommendations to the appropriate legislative body, the committee members may, as individual citizens, contact the legislative body recommending certain actions. Transmittal of recommendations on County letterhead without prior Board approval violates the intent of Board Policy M-2 (Legislative Advocacy). The exception being those citizen committees which have been specifically mandated to advise other legislators under the government codes or laws establishing them. These citizen committees may forward their recommendations per the requirements of their mandate.

13. Evaluation and Sunset Review - A sunset evaluation will occur on a scheduled basis to determine effectiveness of committees and the need for their continued existence. The Committee will be asked to provide data on costs, benefits, committee composition and other committee information.

D. APPOINTMENTS TO COMMITTEES/VACANCIES PROCESS:

1. General Provisions:

    a. The nominating and appointing authorities in selecting appointees to citizen committees shall seek members that have an interest, necessary expertise, time available for service, and who are representative of the County population.

b. Membership on a County citizen committee shall be limited to two consecutive terms. For the purpose of this limitation, a term shall include any appointments to fill a vacancy for one-half or more of a term. Members of a citizen committee whose terms have expired shall continue to serve until such time as they are either replaced or reappointed.

c. The Clerk of the Board shall file a monthly status report of all vacancies on County citizen committees appointed by the Board of Supervisors with each member of the Board and shall post a copy in the Clerk's office.

d. Upon the establishment of a new committee by the Board of Supervisors or receipt of a written notice of an unscheduled vacancy on a citizen committee, whether due to resignation, death, termination or other causes, the Clerk of the Board of Supervisors shall officially post said vacancies for public review.

e. All unscheduled vacancies on citizen committees appointed by the Board of Supervisors shall be publicly posted in the Clerk's office and other designated locations within 20 days after the vacancy occurs and no appointment shall be made to the position for 10 working days after posting, except on an acting basis in any emergency. New committees become unscheduled vacancies. On or before December 31st of each year, an appointments list shall be prepared by the Clerk of the Board of Supervisors and made available to the public for a reasonable fee.

f. Members of the public interested in serving on a County Board, Commission or Committee shall complete an application and forward to the Clerk of the Board for filing. Applications shall be maintained for a period of one year. After one year, it is necessary to file a new application for another year of eligibility.

g. The Clerk of the Board of Supervisors shall place nominations for committee appointments on the regular agenda, listing all supervisorial nominations by Supervisorial District on the Administrative Agenda.

2. Nominations by Supervisors/Chairperson:

a. The Supervisor's office shall provide a letter of nomination to the Clerk of the Board.

b. For appointments made by the Chairperson, the Chairperson's office shall provide a letter of nomination to the Clerk of the Board.

c. The Clerk shall review to ensure that the nomination meets appointing requirements and all appropriate postings have been conformed to, and shall place on the next agenda on the appointments Board letter.

3. Nominations by the Full Board:

a. The Chairperson shall request nominations from the other Supervisors, indicating a closing date for receipt of their nominations.

b. The Chairperson shall consider all nominations and provide a letter of nomination to the Clerk of the Board.

c. The Clerk shall review to ensure that the nomination meets appointing requirements and all appropriate postings have been conformed to, and shall place on the next agenda on the appointments Board letter.

4. Nominations by Other Agencies or Advisory Boards:

a. The agency or advisory board shall provide a letter of nomination to the Clerk of the Board.

b. The Clerk shall review to ensure that the nomination meets appointment requirements and all appropriate postings have been conformed to, and shall place on the next agenda on the appointments Board letter.

E. ADVISORY COMMITTEE POLICIES AND PROCEDURES:

1. Governing Rules

Conduct and operation of citizen advisory committees is governed by this policy, and the establishing authority for the committee as well as Standing Rules of Order or By-laws adopted by the committee and approved by the Board of Supervisors. Standing Rules or By-laws supplement this and other policies and authorities but do not supersede it in any manner.

Citizen advisory committees are advisors to County departments, the Chief Administrative Officer, and the Board of Supervisors only. Such committees are

not empowered by establishing authority, ordinance, or policy to render decisions of any kind on behalf of the County of San Diego or its appointed or elected officials.

No advisory committee or any member thereof shall request any group or person to make contribution of money, goods, services or any other things of value to the committee, community, or any person or organization within the community as a condition of receiving the favorable vote of the committee member.

2. Citizen Advisory Committee Meetings

   All meetings of citizen advisory committees shall be open to the public to the extent required by the Ralph M. Brown Act. Meetings shall be held in an accessible public place in accordance with the Ralph M. Brown Act. Agenda notices of all committee meetings shall be posted in a publicly accessible area for a period of 72 hours prior to the meeting (Special meetings require 24 hours notice). In addition, notices will be sent to the County to anyone requesting them. A fee may be charged for sending such notices.

   Subcommittees may be formed to work on advisory committee business. All interested citizens are invited and urged to participate in subcommittee functions and upon appointment by the advisory committee chairperson may become voting members of the subcommittee. However, at the advisory committee meetings, only advisory committee members are eligible to vote. Secret meetings or secret ballots of the advisory committee or its subcommittees are expressly prohibited.

3. Political Activity:

   The advisory committee will not endorse, support or oppose any political activity or candidate for elective offices or any ballot measure.

4. Goals for Citizen Advisory Committees:

   Each advisory committee will prepare goals and timetables for the completion of those goals for acceptance by the Board of Supervisors. These goals shall be reflective of the advisory committee duties and responsibilities and their interaction with County departments and the Chief Administrative Officer.

5. Orientation:

Each advisory committee will prepare an orientation for new members which includes:

a. A copy of this Board Policy.

b. Copies of laws, regulations, administrative codes, and/or other applicable Board policies pertaining to the operation of County advisory committees in general, and the advisory committee specifically, including establishing authority, by-laws, and plans and goals of the committee.

c. A copy of County Counsel's memorandum regarding duties and responsibilities, the requirements of the Ralph M. Brown Act, open meetings, conflict of interest, political practices and defense and indemnification criteria and procedures as they pertain to advisory committees;

d. Copies of the last three (3) committee minutes and recent reports prepared for committee review;

e. Information regarding the subcommittee activities for the committee, such as descriptions of subcommittees, list of subcommittee members, or other pertinent materials; and

f. A list of all current committee members, and their appointing authority, and County staff which regularly interacts or presents to the advisory committee.

This orientation shall be provided by the Chairperson or designee to new committee members prior to being seated as a member.

6. By-laws of Citizen Advisory Committees:

Each advisory committee will prepare By-laws, which must be approved by County Counsel and accepted by the Board of Supervisors.

By-laws of advisory committees shall contain the following sections and information (exceptions may be made to cover unique situations).

Article 1 - Purpose and Authority

Section A - Indicate the establishing authority for the committee such as State Code, Ordinance, (County Administrative Code Article, Section), Board Resolution dated, Board Order dated, or Joint Powers Agreement dated.

Section B - The purpose of the group as set forth in the establishing authority or reference the section of the Administrative Code.

Section C - The advisory committee is a non-partisan, non-sectarian, non-profit making organization. It does not take part officially in, nor does it lend its influence to any political issues.

Section D - Advisory committees are advisory to <list department(s)>, the Chief Administrative Officer and the Board of Supervisors only. The advisory committee is not empowered by ordinance, establishing authority or policy to render a decision of any kind on behalf of the County of San Diego or its appointed or elected officials.

Article 2 - Membership and Term of Office

Section A - Membership as set forth in the establishing authority or by referencing the Administrative Code Section.

Section B - The advisory committee is limited to <number> members in accordance with the establishing authority.

Section C - Term of office as set forth in the establishing authority.

Section D - Method for filling vacancies as set forth in the establishing authority.

Article 3 - Duties

Outline the duties of the advisory committee as set forth in the establishing authority, or by referencing the Administrative Code Section.

Article 4 - Officers

Section A - The election of officers is a responsibility of the advisory committee membership and is governed in accordance with the establishing authority. If not addressed in the establishing authority, the following Sections B through F are in

force.

Section B - The advisory committee annually elects from its members the following officers: Chairperson and Vice-Chairperson (Co-officers may be elected, if deemed necessary). A Secretary may be elected if none is otherwise available to the advisory committee.

Section C - If an office is vacated, the Chairperson will temporarily appoint a member of the advisory committee to fill the vacancy until a new officer is elected. Such election shall be held within 30 days of the vacancy.

Section D - The Chairperson provides general supervisory guidance to the advisory committee and presides over its meetings. The Chairperson assigns coordinating duties to the Vice Chairperson as necessary. The Chairperson is the sole official spokesperson for the advisory committee unless this responsibility is delegated in writing.

Section E - In the absence of the Chairperson, the Vice Chairperson assumes the duties and responsibilities of that office.

Section F - The Secretary, or assigned staff, records the minutes of all advisory committee meetings and handles committee correspondence. The Secretary keeps the roll, certifies the presence of a quorum, maintains a list of all active representatives, and keeps records of actions as they occur at each meeting. It is the responsibility of the County staff assigned to the advisory committee to assure that posting of meeting notices in a publicly accessible place for 72 hours prior to the committee meeting occurs, to keep a record of such posting, and to reproduce and distribute the advisory committee notices and minutes of all meetings.

Article 5 - Subcommittees

Section A - If formation of subcommittees is not addressed in the advisory committee establishing authority, then the following Sections II through V are in force.

Section B - The advisory committee may select from its membership, subcommittee chairpersons and/or members to direct studies, conduct research or make recommendations on committee activities.

Section C - The purpose and scope of each subcommittee shall be outlined in writing.

Section D - Each subcommittee chairperson shall be responsible for the keeping of records of all actions and reports of the subcommittee, and shall submit these actions and reports to the advisory committee on a regular basis. A subcommittee chairperson shall not act as spokesperson for the advisory committee unless authorized to do so in writing as set forth in Article 4, Section D, of these By-laws.

Section E - A coordinating committee comprised of the chairpersons of the subcommittees may be formed to assemble information from each subcommittee for presentation to the advisory committee. The Chairperson or Vice-Chairperson shall act as the chairperson of the coordinating committee.

Article 6 - Organization Procedures

Section A - Robert's Rules of Order govern the operation of the advisory committee in all cases not covered by these by-laws. The advisory committee may formulate specific procedural rules of order to govern the conduct of its meetings.

Section B - Any group voting is on the basis of one vote per person and no proxy, telephone or absentee voting is permitted.

Section C - All meetings of the advisory committee and its subcommittee are open to the public to the extent required by the Ralph M. Brown Act. Meetings are to be held in accessible, public places. Notice of all advisory committee meetings shall be posted in a publicly accessible place for a period of 72 hours prior to the meeting (Special meetings require 24 hour notice). In addition, such notice will be mailed on request.

Section D - If a quorum is not defined by the establishing authority, a majority of the members currently appointed shall constitute a quorum. No vote of advisory committee shall be considered as reflecting an official position of the advisory committee unless passed by a majority of its quorum present at the specific meeting where the vote was taken.

F. DEFENSE OF ADVISORY COMMITTEE:

1. Committee members qualifying as employees or servants of San Diego County:

   The members of citizen advisory committees qualify as employees or servants of the County of San Diego, if they meet the following criteria.

   A. The advisory committee was established by an ordinance, resolution or other order of the Board of Supervisors.

   B. The membership of the advisory committee is identifiable.

   C. The member was appointed as a representative of the County by the Board of Supervisors; or the member was appointed pursuant to an ordinance, resolution or order of the Board of Supervisors which provides for his/her appointment by some other County official or other person or entity

   D. The powers, duties, purposes or functions are established by the Board of Supervisors or under the authority of the Board of Supervisors.

   E. The powers, duties, purposes or functions require the member to perform specified services for the County, such as representing the County or investigating, examining, reporting and recommending on issues to the County, and these powers and duties place them under the control of the Board of Supervisors, or someone delegated by the Board of Supervisors, or if the services are not specified, the Board of Supervisors or a County official designated by the Board of Supervisors can direct them to provide a specific purpose for the County.

   F. Sub-committees of the citizen advisory committees will not be covered for defense and indemnification as a general rule. Those advisory committees requesting such coverage for specific sub-committees will request this by Board letter, accompanied by by-laws revisions which designate the sub-committees in question as standing sub-committees, stipulate the membership, and the scope of the responsibilities of such sub-committees. On Board action, these sub-committees shall then be covered under this Board Policy for defense and indemnification.

      A member of an advisory committee shall be entitled to defense and indemnification in civil actions brought against that member for injury resulting from acts or omissions within the scope of employment, to the same extent as authorized for County employees.

2. Indemnification Policy:

It is the policy of the Board of Supervisors:

A. To defend and indemnify, in the manner authorized for defense and indemnification of County employees under Division 3.6 (commencing at Section 810) of Title I of the Government Code, any member of a County citizen advisory committee meeting the criteria set forth above, against any claim or injury resulting from acts or omissions within the scope of employment, if in addition the following circumstances exist:

1. The alleged act or omission occurred during a lawful meeting of the recognized citizen advisory committee or at a lawful meeting of a sub-committee appointed by the citizen advisory committee at a lawful meeting and required to report action back to the citizen advisory committee at a lawful meeting.

2. The alleged act or omission was within the reasonable scope of duties of the citizen advisory committee as described within the establishing authority for that citizen advisory committee including this Board Policy and was not in violation of any of the provisions of the establishing authority, this policy, or the regularly adopted by-laws of the citizen advisory committee.

3. The member has reviewed the orientation materials noted in Section E.5 of this policy prior to the alleged act or omission.

4. The member has made a request in writing to County Counsel for defense and indemnification within five (5) working days of having been served with legal papers.

5. The member has performed his/her duties in good faith with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

It should be recognized that, under Division 3.6 (commencing at Section 810) of Title 1 of the Government Code, and as authorized therein, among other things, the County of San Diego may decline to represent a

member of a citizen advisory committee who would otherwise be entitled to defense and indemnification under this policy if:

6. The member does not reasonably cooperate in good faith with County Counsel in the defense of the claim for action.

7. The members acted or failed to act because of fraud, corruption, actual malice or bad faith.

8. The member is part of an advisory committee which does not meet the criteria for qualification as a "public employee."

B. In the event County Counsel determines that a member of a citizen advisory committee is not entitled to or should not receive a defense and indemnification under this policy, the County Counsel will promptly advise the citizen advisory group member and either the Supervisor who nominated the member for appointment or the Chairperson of the Board and the Supervisors in whose district the member resides, if the member was nominated/appointed by other than a member of the Board of Supervisors. It will be the responsibility of the Supervisor to bring the matter before the Board for further consideration.

C. Nothing in this policy authorizes the County of San Diego:

1. To pay any part of a claim or judgement as is for punitive or exemplary damages.

2. To take any action not authorized by law.

D. This policy applies only to County citizen advisory committees authorized and/or recognized by the Board of Supervisors, and under this Board Policy, and to County of San Diego representatives on citizen advisory committees for other jurisdictions.

G. SUNSET REVIEW OF CITIZEN COMMITTEES:

1. Sunset Reviews:

Sunset review dates shall be applied to all citizen advisory committees which are formed by the Board of Supervisors by Federal or State mandate, County

Ordinance, Joint Powers Agreement, Regulatory Code, Board Order or Action, or Board Resolution.

2. Exceptions:

   Those advisory committees, such as Task Forces, where a discontinuance date is included in the establishing authority, and this date is within four (4) calendar years of the establishment of such a committee, shall not be subject to sunset review under this policy.

3. Schedule of Sunset Reviews:

   Each fiscal year, the Clerk of the Board shall schedule one fourth of the active advisory committees for review.

4. Sunset Review Process:

   a. The Clerk of the Board shall notify committees scheduled for review by July 1.

   b. The citizen advisory committee shall, by December 1 of that same year, review establishing ordinance, policy, or resolution as scheduled; develop recommendations for continuance, deletion or revisions and provide a written report to the Clerk of the Board of Supervisors. This shall include an evaluation of the committee's level of involvement in County programs relative to the duties and responsibilities defined in their establishing authority, actions accomplished or completed on issues assigned to the committee by the Board of Supervisors, and/or status of goals set by the committee; the justification for continuance (if recommended), with appropriate goals and timetables for the term on continuance; a budget analysis of the County cost and the benefit to the County of the committee; citation of the appropriate government codes mandating the committee and its activities (where applicable), and develop an ordinance establishing the committee within the County Administrative Code in those cases where the committee is not currently a part of the Administrative Code.

   c. The Clerk of the Board will package all committee responses and provide copies to each member of the Board, the Chief Administrative Officer and Communications Received for Board of Supervisors Official Records.

d. The Chief Administrative Officer will review committee responses, receive input from appropriate departments and agencies and docket CAO recommended changes for the Board of Supervisors consideration before or during the next scheduled budget deliberations.

Sunset Date: This policy will be reviewed for continuance by 12-31-2011.
Previous Board Action: This policy is a consolidation of previous Board Policies A-74, A-74a, A-74b, A-74c, A-74d, A-74e, and A-74f.
CAO Reference:
Clerk of the Board of Supervisors

1. Chief Administrative Officer
2. County Counsel

BOARD ACTION:
12/8/98 (24)
05/11/04 (04)