

# Role of Members

## **ROLE OF BOARD, COMMISSION AND COMMITTEE MEMBERS**

### **Responsibility of Board, Commission and Committee Members**

One of the first and most important responsibilities of a board, commission or committee member is to learn about the group's scope of responsibility and general operating procedures. This knowledge base provides each individual board, commission and committee member with the ability to understand the issues at hand and exercise good judgment in giving advice to the City Council. New board, commission and committee members are encouraged to schedule an appointment with the appropriate City staff member so they can learn some of the basic information and ask questions prior to attending their first meeting.

Each board, commission and committee member is responsible for considering the issues as they relate to and impact the Albany community as a whole. It is important that members be able to set aside personal biases in an effort to understand how policies will affect all segments of the City.

### **Conflict of Interest Prohibitions**

Members of Albany's boards, commissions and committees should be aware of the need to avoid instances of conflict of interests. Conflict of interest standards, as included in common law, statute and local policy, are generally applicable to all boards, commissions and committees. Additionally, certain boards and commissions are subject to filing requirements regarding economic interests.

The Political Reform Act of 1974 (California Government Code Section 87100 et. seq.), which was enacted by the voters of California by initiative, prohibits financial conflicts of interest on the part of public officials. The Act provides that no local official, including board, commission and committee members shall make, participate in making, or in anyway attempt to use his or her official position to influence a City decision if the official knows, or has reason to know, that the decision will have a material financial effect on his or her interests or those of his or her family. The State Fair Political Practices Commission (FPPC) enforces the State conflict of interest regulations. Albany board, commission and committee members may seek the advice of the City Attorney or the FPPC regarding conflict of interest issues and concerns; however, only a formal advice letter from the FPPC will insulate individuals from FPPC enforcement actions.

The Political Reform Act of 1974 includes requirements for filing of periodic statements of economic interests for members of the Planning & Zoning Commission. At the current time, no other City board, commission or committee members are subject to State or local filing requirements. The City Clerk routinely advises the members of the Planning & Zoning Commission of filing requirements and deadlines and will inform other advisory board members of any changes that would affect them.

Government Code section 1090, which is a separate law from the Political Reform Act provisions, states that any city officer or employee (which includes appointees of the City) shall not be financially interested in any contract made by any body or board of which they are a member.

A conflict of interest may also exist under common law doctrines. The common law doctrine against conflict of interest prohibits public officials from placing themselves in a position where their private/personal interest may conflict with their official duties. The Political Reform Act focuses on financial conflict of interest. The common law conflict of interest extends to non-economic conflicts of interest. Decisions which your committee, commission or body makes are expected to be the result of disinterested and unbiased decision makers.

Additional information regarding conflict of interest prohibitions and regulations, including the full text of both State and local laws, is available from the Albany City Clerk.

The Albany City Council has adopted a Code of Ethics to guide its own conduct. This Code can provide guidance to board, commission and committee members regarding the City Council's expectation of conduct. Applicable portions of the City Council Code of Ethics are printed below, with the language changed to reflect its applicability to board, commission and committee members.

### **Code of Ethics**

#### **1. City Policies.**

Stand behind the board, commission or committee's spokesperson and leadership. Minority opinions and viewpoints should be honored. Individuals may speak or write individually, but should note that they are speaking or writing on their own behalf.

#### **2. Build Teamwork.**

Be open with ideas, feelings and attitudes. Seek and gain an honest evaluation of your ideas and recruit assistance in implementing them.

#### **3. Show Respect, Effective Communication and Leadership.**

Respect your colleagues. For criticism to be effective, it is best to be constructive. Embarrassing a colleague or staff in public will likely be counter-productive. Follow legitimate channels of communications with the staff. Remember that staff performance is a reflection of your leadership abilities. Work together. Treat staff with respect. Do not criticize staff at public meetings.

**4. Try to Reach Decision by Consensus.**

Better decisions can be made by a level of consensus. Openly voice your individual goals and work to draft a solution to meet the largest number of goals.

**5. Value Your Vote.**

You were appointed to express your opinion by voting on matters. Vote with the Albany community and your conscience in mind. If there are conflicting goals, vote for the higher purpose. If you have a conflict of interest, abstain from voting.

**6. Give Political Assent; Do Not Misrepresent the Group.**

Accept the results of a board, commission or committee vote. Respect the decision of the group. Do not use your official capacity, unless specifically designated and authorized by your advisory body, to represent yourself as speaking or writing on behalf of a board, commission or committee. Do not suggest you represent the group (such as using the name of the board, commission or committee) or use your appointed status as a means of attempting to create an impression or influence others.

**7. Respect Non-Partisanship.**

The strength of local government in California is that it is non-partisan; be dedicated to the preservation of this system.

**8. Brown Act.**

Be forthright in support and adherence to the Brown Act.

**9. Conflict of Interest.**

If disqualified by reason of any conflict of interest in any matter, do not participate in any discussion in any way or comment on any matter in any way to any person including any other commission member, council member or staff and do not vote on such a matter.

**Representing the Board, Commission or Committee**

When commenting on matters relating to your official capacity as a board, commission or committee member, you should make every effort to interpret and represent the view of the whole group. You should not represent your personal views or recommendations as those of the entire group unless a majority of the board, commission or committee has voted to approve the recommendation.

It is also important to remember that while the staff is charged with assisting advisory bodies in accomplishing their functions, City staff members are responsible to the City Administrator and City Council, and are not employees of the particular board, commission or committee. There may be occasions when staff recommendations will vary from the recommendation of the board, commission or committee.

#### *Relationships with Fellow Board, Commission or Committee Members.*

Cooperation among members plays an important role in the success of City boards, commissions and committees. To build consensus around common goals and objectives, members should define the issues and work to reconcile differing viewpoints. When advisory body members interact positively, the group as a whole will be more effective. Important points to keep in mind when working with other group members are as follows:

1. Always respect the other individual's viewpoint, even though it may be different from your own;
2. Allow other members adequate time to present their views fully before making comments;
3. Be open and honest at all times;
4. Welcome new members and help them to become acquainted with the board commission or committee; and
5. Accept responsibility, voice opinions, and be fair and factual.

#### *Relationships with the General Public.*

The fundamental purposes of advisory body meetings are to provide a forum for open discussion on specific issues in a setting that is more informal than a City Council meeting and to inform the public of what the group is doing. Good relations with the public are vital to accomplishing these goals. Boards, commissions and committees should welcome citizen input as a valuable resource to the group, to understand community concerns, and to gauge community reaction to alternative courses of action under consideration.

#### *Relationships with the Media.*

In most situations, the board, commission or committee chair is designated as the group's official spokesperson. However, reporters may seek out other advisory body members for comment. If you are contacted, please recognize the important role the press plays in informing the public and remember that most reporters do want to write accurate balanced stories and that they usually face rigid deadlines.

As an advisory body member, you should be aware of the staff time involved in preparing reports and studies and should make sure that all requests made of staff are consistent with the charge of your particular board, commission or committee. Advisory body members should not ask staff for individual reports, favors or special consideration.

When making statements to the press, you should remember the following:

1. Indicate if board, commission or committee actions are recommendations and, if so, that final action will be taken by the City Council.
2. Keep your comments factual and try to avoid giving "opinions". If given, you should identify them as such.
3. Never volunteer or release information affecting the City Council before the Council hears the information first from City staff.
4. If you cannot answer a question, say so and refer the reporter to another group member or to staff for an answer. There is nothing wrong with not knowing something; however, giving inaccurate information can do real damage.
5. Be honest.
6. Be positive in your comments and keep in mind your group's goals.
7. Go over your comments with the reporter to ensure an accurate story. If the article is printed with serious errors, call the reporter so that a correction can be printed. If the article is fair and accurate, make a special effort to thank the reporter.
8. Remember that you do not have to talk if you do not want to and that there is no such thing as "off the record".

## Five Golden Rules to Help You Become an Effective Board, Commission or Committee Member

1. *Represent the Whole City.*

As a board, commission or committee member, you have been appointed to represent the public interest and not a special group or interest. The question, "What is best for the entire Albany community?" should take precedence over "What is best for my special interest group?"

2. *Keep the Lines of Communication Open.*

As a board, commission or committee member, you are in the unique position of serving as a liaison between the City and its citizens. You are encouraged to explain and promote policies and programs established by the City Council within the scope of interest of your group. It is equally important for you to transmit back to the City Council the reactions and opinions of the citizens as they relate to these policies and programs. In doing so, it is very important that you do not substitute your own opinion for those of the general public.

3. *Do Your Homework and be Thorough In Making Recommendations.*

As a board, commission or committee member, you should be prepared to discuss the issues that are on the meeting agenda. In addition to reading the agenda packet and materials, your preparation may include discussions with staff, visiting the location of the proposed project or reviewing prior City Council actions. You should make every effort to remain objective during the fact-finding phase and to thoroughly evaluate all aspects of an issue before making a recommendation.

4. *Be Conscious of the Relationship with the City Council and City Staff.*

Successful relationships with the City Council and City staff are basic for the successful operation of any advisory body. It is important that you respect the authority of those who, in the end, will be charged with the responsibility for actions taken by the City. Further guidance on these relationships is provided in detail in the previous section of this handbook.

5. *Establish a Good Working Relationship with Other Commission Members.*

As described in detail in the previous section a positive relationship among all of the members of a board, commission or committee will help to ensure the success of the group.