



# ADVISORY BODY TRAINING

JEFF BOND, Community Development Director  
ANNE HSU, City Clerk

CITY OF ALBANY  
MARCH 18, 2021

# SERVING ON CITY ADVISORY BODIES

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- ADVISORY BODY ORIGINS

- City Charter (adopted April 1927)

- Planning & Zoning Commission, Board of Police & Fire Pension Fund Commissioners

- City Council Action:

- Arts Committee, Charter Review Committee, Climate Action Committee, Economic Development Committee, Financial Advisory Committee, Parks, Recreation & Open Space Commission, Social & Economic Justice Commission, Community Media Access Committee, Transportation Commission

# SERVING ON CITY ADVISORY BODIES

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- ADVISORY BODY ROLE & FUNCTION
  - Provide decision-making information including pro/con analysis to the City Council regarding City policies and programs within the Advisory Body's scope of responsibility usually based on Council's direction and/or approved work plan

# SERVING ON CITY ADVISORY BODIES

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- TERM

- Usually 2 years in length, with appointee serving through December 31<sup>st</sup> (45 days interim)
- Appointees needing to resign before the end of a term shall forward a resignation to the City Clerk
- Appointees are automatically removed if the member fails to maintain a residence in Albany or for conviction of a felony
- Vacancies are filled by appointment of the Council

# SERVING ON CITY ADVISORY BODIES

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- CONDUCT & ADMINISTRATION - ATTENDANCE
  - Attend all meetings
  - Notify staff liaison/Chair of absence a minimum of 24 hours in advance of meeting
  - Excessive Absenteeism shall be cause for removal from an Advisory body:
    - Unexcused absence from three consecutive regular meetings.
    - For bodies that meet monthly or less: absence from four meetings in any twelve-month period.
    - For bodies that meet more than once per month: absence from six meetings in any twelve-month period.

# SERVING ON CITY ADVISORY BODIES

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- CONDUCT & ADMINISTRATION - ATTENDANCE
  - Meeting End Time
  - Rotation of Chair
  - Contact Info including Emails
  - August Recess

# SERVING ON CITY ADVISORY BODIES

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- CONDUCT & ADMINISTRATION – WORK PLAN
  - Develop Work Plan annual for presentation to the City Council
  - Changes to Work Plan require Council Approval
  - No Changes after November 1<sup>st</sup> of 2<sup>nd</sup> year
- CONDUCT & ADMINISTRATION – PUBLIC RECORDS

# PUBLIC MEETINGS

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- BACKGROUND
  - How staff prepares agendas
  - Public notice
- PUBLIC COMMENT
  - Decorum
  - Emotional audiences
- ROLE OF CHAIR
- START AND END TIME OF MEETINGS



# REPRESENTING THE ADVISORY BODY

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- Members should represent the view of the whole group when commenting on matters relating to the Advisory Body.
- Defer any “official” media inquiries to City staff for assistance.
- Social Media
  - Be cautious about posting advisory body business on social media
  - Be cautious about taking action based on social media posts

# CONFLICT OF INTEREST & ETHICS

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## – Political Reform Act of 1974:

- Prohibits financial conflicts of interest on the part of advisory body members.
- Check with staff if action is within 1,000 of feet of real estate interest.
- Illegal to participate in a decision that will have a material financial effect on advisory body members.

## – Code of Ethics

- The City Council has adopted a Code of Ethics intended to guide conduct, to sustain respectful, effective leadership and communication. All Advisory Bodies are to conduct business in an ethical manner.

## – AB 1234 Training



# PUBLIC COMMENT



# **Brown Act**

**City of Albany  
March 18, 2021**



# Intent of the Brown Act

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

# Brown Act (Gov. Code 54950 et seq.)

The Brown Act applies to:

- Local agencies
- Legislative bodies
- Persons elected to legislative bodies, even prior to assuming office



# Legislative Body Includes:

- City Council
- Commission, Committee or Other Body (Permanent, Temporary, Decision-Making or Advisory, Created by Charter, Ordinance, Resolution, or Formal Action of the Legislative Body)
- Private Board, LLC, or other entity that:
  - Is created by the governing body; or
  - Receives funds and a designated member from the legislative body

# Ad Hoc Committees vs. Standing Committees

- Ad Hoc Committee – temporary advisory committees that are solely less than a quorum of the legislative body and serve a limited purpose and will dissolve when the task is completed
- Standing Committee – continuing subject matter jurisdiction or a meeting schedule fixed by charter, ordinance, resolution or formal action of a legislative body





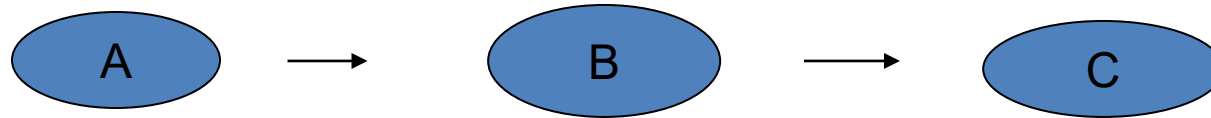
# Meeting

- Gathering of Majority – to hear, discuss, deliberate or take action on any item that is within the subject matter jurisdiction of the legislative body
- Serial Meeting – series of communications to discuss, deliberate, or take action on an item of business that is within the subject matter jurisdiction of the legislative body

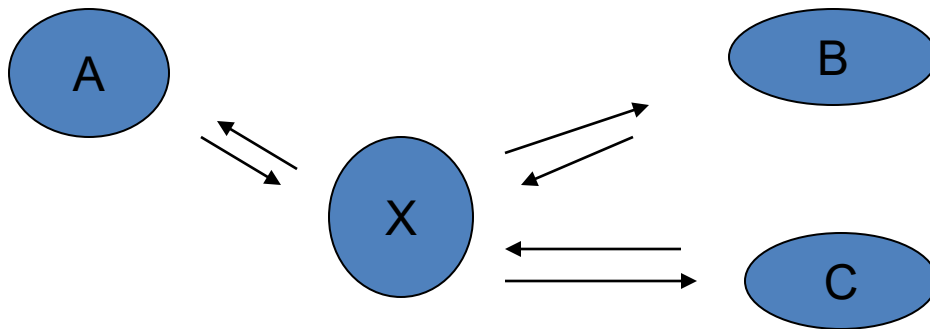


# Brown Act – Serial Meetings

- Chain



- Hub and Spoke



# Brown Act and Social Media

## AB 992

- You can post on social media about the City
- You can answer questions, provide information to the public, or solicit information from the public regarding the City
- You cannot discuss amongst yourselves City business on social media



# Brown Act and Social Media

## AB 992

### Requirements to Avoid Serial Meetings

- Must be open and accessible to the public – cannot block or deny access to post
- No direct responses to other Councilmembers/Commissioners– such as emojis or likes that express a reaction



# The Brown Act does not apply:

- Contacts with public
- Conferences open to the public on issues of general interest to the public
- Open and publicized meeting on local topic originated by person or organization other than the agency

# The Brown Act does not apply:

- Open and noticed meeting of another government agency
- Purely social or ceremonial occasions
- Committee of solely less than a quorum of the legislative body, without continuing jurisdiction (ad hoc committees)



# No Action Allowed

No action or discussion allowed for any item not listed on agenda except for:

- Adding items by 2/3 vote because of need for immediate action that came to the attention after the agenda is posted
- Adding items by majority vote for emergency situation
- Item continued from another meeting within 5 calendar days

# No Action Allowed (cont'd)

No action or discussion allowed for any item not listed on agenda except for:

- Brief response to statement or question from public
- Questions to staff for clarification of a matter based upon public comment
- Brief announcement or report on member's or staff's own activities



# No Action Allowed (cont'd)

No action or discussion allowed for any item not listed on agenda except for:

- Provide reference or information to staff
- Ask staff to report back at a future meeting on any matter

# Exceptions

## Closed Sessions:

- Litigation – Existing, Anticipated and Initiation
- Real Property Transactions
- Personnel Issues – Appointment, Performance Evaluation, Discipline/Dismissal/Release

# Conclusion

## Council/Commissioner Questions?

Mala Subramanian, City Attorney