

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION SPECIFYING STANDING RULES FOR COUNTY BOARDS,
COMMISSIONS, AND ADVISORY COMMITTEES

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, the governance of the County of San Mateo depends on many boards, commissions, and advisory committees to conduct the public business and to comply with applicable statutory mandates; and

WHEREAS, in March 1999, this Board adopted Resolution No. 62607, which set forth standing rules for those boards, commissions, and advisory committees, and the members of those bodies; and

WHEREAS, in February 2002, this Board adopted Resolution No. 65019, which restated and amended these standing rules; and

WHEREAS, this Board wishes to restate and amend the standing rules for county boards, commissions and advisory committees;

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as follows:

1. Boards, commissions, and advisory committees which are responsible for conducting public business for the County of San Mateo are subject to all provisions of the Ralph M. Brown Act, California Government Code §54950 et seq., which Act mandates open meetings for local legislative bodies.
2. Boards, commissions, and advisory committees which are responsible for conducting public business for the County of San Mateo are subject to all applicable county policies regarding non-discrimination.
3. Members of boards, commissions, and advisory committees that are listed as "designated employees" on the County of San Mateo's Conflict of Interest code shall comply with the filing requirements as set forth in the Political Reform Act and the regulations promulgated thereunder.

4. All members of boards, commissions, and advisory committees are conducting public business for the County of San Mateo and are subject to applicable California laws regarding conflicts of interests. Members of boards, commissions, and advisory committees that are not listed as “designated employees” on the County of San Mateo’s Conflict of Interest code shall sign and return an acknowledgment that financial conflict laws do apply to them

5. Members of boards, commissions, and advisory committees which are responsible for conducting public business for the County of San Mateo shall avoid impropriety and the appearance of impropriety, and shall not use their position to further their own pecuniary gain or for any other purpose not directly related to the governmental function which they have been appointed to perform.

6. The Board of Supervisors shall adopt a process for the appointment and selection of the members of county boards, commissions, and advisory bodies. The Board of Supervisors may in its sole discretion, choose to delegate the appointment and/or selection functions to another county officer, department, or employee.

7. Unless specific exception is made by the Board of Supervisors or state law, no appointed member of a board, commission, committee or advisory body may be appointed to serve more than twelve years. The twelve year limitation applies to full terms, and does not include partial terms to which the member may have been appointed at the beginning of his or her service, or any delay that is caused by the process of appointing a replacement at the end of his or her service.

8. All board members, commissioners and members of advisory bodies serve at the pleasure of the Board of Supervisors unless their terms are specified by law. Appointment and removal of all members of boards, commissions and advisory committees shall be subject to all applicable provisions of the San Mateo County Charter. Consistent with the Charter, any member of a board, commission, or advisory committee may be removed without cause upon a 4/5 vote of the Board of Supervisors.

9. On or before December 31 of each year, the clerk of the Board of Supervisors shall prepare an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the Board of Supervisors. This list shall be known as the Local Appointments List. The list shall contain the following information:

(a) A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position.

(b) A list of all boards, commissions, and committees whose members serve at the pleasure of the legislative body, and the necessary qualifications for each position.

The Local Appointments List shall be made available to members of the public upon request. A copy of the Local Appointments List shall be mailed annually to each branch library within the County Library system.

10. In the event of an unscheduled vacancy in any board, commission, or committee for which the Board of Supervisors has the appointing power, whether due to resignation, death, termination, or other causes, a special vacancy notice shall be posted in the office of the clerk of the local agency and to each branch library within the County Library system, not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final appointment to the board, commission, or committee shall not be made by the legislative body for at least 10 working days after the posting of the notice in the clerk's office. If the Board of Supervisors finds that an emergency exists, it may fill the unscheduled vacancy immediately. However, in the event of an emergency appointment,

the person appointed to fill the vacancy shall serve only on an acting basis until the final appointment is made pursuant to this resolution.

11. All “terms” of members of county boards, commissions and advisory committees are for a fixed period, commencing on a date certain and concluding on a date certain at the expiration of the term. The beginning and ending dates of the term do not change in the event of a mid-term appointment. In the case of mid-term appointments, the member shall serve a partial term in addition to any subsequent full terms to which the member may be appointed.

12. The starting and ending dates for all terms is hereby synchronized, so that all terms expire on December 31, March 31, June 30 or September 30, and new terms begin on January 1, April 1, July 1, or October 1. Existing terms that are scheduled to expire on a date certain are hereby extended so that they expire on the earliest December 31, March 31, June 30 or September 30 following the currently scheduled expiration date. In order to distribute the scheduling of appointments evenly on each of the four dates, whenever a new resolution is prepared for an individual board, commission or advisory committee, the group shall be assigned one of those four dates as the time of starting and ending its terms.

13. If the length of a term is not specified elsewhere, the length of a “standard term” is four years, except that those terms that commence with the creation of a new board, commission or advisory committee (“initial terms”) shall be staggered to make sure that all the terms do not expire at the same time.

14. Since 1999, youth members have been appointed to serve on various county boards, commissions and advisory committees. It is the intention of this board that the youth members have a voting role on those boards, commissions and advisory committees unless otherwise specified by resolution of this board or otherwise required by law.

15. Before beginning service, each member of a board, commission or advisory committee will take an oath of office, to be personally administered by the Clerk of the Board of Supervisors or a deputy of said Clerk.

16. Each board, commission and advisory committee shall adopt rules of procedure governing the conduct of meetings and other necessary administrative matters, which shall be submitted to the County Counsel for review and approval, and thereafter filed with the Clerk of the Board of Supervisors.

17. Members of boards, commissions and advisory committees are to be designated as “voting” or “non-voting” members, in order to avoid the confusion and various meanings that result from the use of the term “ex officio member.”

18. Boards, commissions and advisory committees shall select a Chair and a Vice-Chair from among their membership.

19. Boards, commissions and advisory committees may establish sub-committees as needed, which include persons who are not members of the Board.

20. Each board, commission and advisory committee will develop an annual work plan, and submit an annual report to the Board of Supervisors.

21. The Clerk of the Board of Supervisors shall provide a copy of this resolution to all county boards, commissions and advisory committees to which the board of supervisors makes appointments.

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COUNTY OF SAN MATEO

ACKNOWLEDGMENT OF FINANCIAL CONFLICT OF INTEREST LAWS

Advisory Board and Commission Members:

All members of boards and commissions are bound by Government Code §87100 which provides: “No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.”¹ In general, a public official has a financial interest if “it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally.” Govt Code §87103. These financial interests can be from various sources: income, investments, real property interests, or positions held in businesses. These financial interests are either of the member, spouse, or domestic partner. Public officials with a financial conflict of interest are required, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of a matter, to: (1) publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public; (2) recuse himself or herself from discussing and voting on the matter; and (3) leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters. Govt Code §87105.

All members of boards and commissions are also subject to Government Code § 1090 which prohibits public officers from being “financially interested” in any contract made by them in their official capacity, or by any body or board of which they are members. It also prohibits members from being purchasers at any sale, or vendors at any purchase, made by them in their official capacity. Courts have interpreted §1090’s “financially interested” element broadly as meaning any contract that could possibly result in a financial benefit to the member. *People v. Honig*, 48 Cal.App.4th 289 (1996).

Each board and commission member is urged to carefully consider the possibility of a conflict of interest before participating in a decision and to always err on the side of caution. If you need advice regarding a potential financial conflict of interest, call the County Counsel’s Office at (650) 363-4250.

Date

Signature

Name of Board and Commission

Print Name

¹ “Public Official” is defined broadly to include member, officer, employee or consultant of the County of San Mateo. Govt Code § 82048.

Regularly passed and adopted this 26th day of February, 2008.

AYES and in favor of said resolution:

Supervisors:

MARK CHURCH

JERRY HILL

RICHARD S. GORDON

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

NOES and against said resolution:

Supervisors:

NONE

Absent Supervisors:

NONE



*President, Board of Supervisors
County of San Mateo
State of California*

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.



*Marie L. Peterson, Deputy
Clerk of the Board of Supervisors*

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