

**SAN DIEGO COUNTY
VETERANS ADVISORY COUNCIL MINUTES**
Saturday, September 8, 2012, 9:30 a.m.
San Diego County Veterans Service Office
5560 Overland Ave. Ste 310, San Diego, CA 92123

Meeting Held at the Veterans Museum and Memorial Center in Balboa Park (VMMC)

MEMBERS PRESENT

Nancy Owen; Steve Arends; John Weaver; Ben Dillingham III; Laurie Martell; Tom Splitgerber;
Jack Harkins; Will Rodriguez

MEMBERS ABSENT

Chip Dykes; Terry Jensen

OTHERS PRESENT

Sterling McHale, District Representative 75th District, Joe Brunner

1. Meeting called to order at 9:30 a.m.
2. Pledge of Allegiance – Led by John Weaver
3. Introductions/Public Input (3 minutes)
Members and Public introduced themselves.
4. Approval of Minutes Previous Meeting
Approved
5. Chairman's Remarks
None
6. Committee Reports (Limited to 5 Minutes)
 - Legislative (see attachment A)
Steve mentioned cutbacks on DoD over the next 10 years, beginning January 2013. Also stated the Veterans Home Quality of Life Fund is up to \$190,915 January through July 2012. \$250,000 is needed by the end of December 2012 to remain on for next year.
 - One VA
The next meeting is Wednesday September 19, VA Medical Center, La Jolla.
Steve mentioned on the October 17 meeting he would like a group picture to be taken.
 - United Veterans Council (UVC)
The next meeting is Saturday September 22, 2012.
 - Veterans Day Parade
November 12, 2012. Route is the same as last years. The application for participants is on our website.

- Miramar National Cemetery
Jack mentioned a new director was appointed. The announcement will be coming soon.
- Veterans Coalition (SDVC)
The next meeting will be at the October 10, 2012, 8:30 am to 10 am at the County Operations Center. Later meetings will be held on the first Thursday of each month.

- Community Reports

Steve mentioned the media focusing on veterans suicides. Nancy expressed the need to provide service members coming home with enough information on help available to them if they need it like counseling services and support groups. Steve mentioned the VA has a good system like the 800 line veterans to reach out and it is working. He also commended the 211 "Courage to Call" help line and said they were doing a great job.

Nancy asked for a minute of silence for Colonel James Stodola, Marine Corps, Retired and former CVSO. No updates on funeral services date yet.

Aspire Center got its conditional permit. They are looking for volunteers.

- Updates

Nancy mentioned the 23rd Annual Military Women's Luncheon will be on November 3, 2012 held at the Marine Corps Air Station, Miramar Officer's Club.

Steve mentioned the 4-K Fun Walk for Veterans will also be November 3rd starting at the Chula Vista Veterans Home.

Jack mentioned the Midway Madness events for veterans week start on November 8 through the 12th.

Joe also added Mount Soledad is having a Veterans Day celebration on November 10th.

Tom went over HHSA compliance requirements for all volunteers that serve in the county's councils and commissions. An Ethics training course needs to be completed every 2 years. A copy of State Mandated Ethics training (see attached AB 1234) fact sheet was given to members with information and a website for anyone needing to get their certificate updated can take it free or charge. A copy of the new certificate has to be forwarded to the Clerk of the Board of Supervisors. Also copies of updated Bylaws, County Board Policies (A-74, A-72) for members to review. (see attachment B).

Tom also went over Council Appointments expiring in January 2013 for several members and the need to decide if they want to continue or not. If they do not, they need to recommend someone to take their place.

Nancy and William will be re-appointed.

Joe found his replacement.

Steve will finish his term but will probably not continue. He already has someone in mind to replace him which will probably be Mary Beth Newton as an at large member.

7. Unfinished Business

None

8. New Business

None

9. Closing Remarks

10. Adjourned at 10:45 a.m.

Steve Arends' Legislative Report For San Diego County VAC Meeting 9/8/12

Federal Legislation

- **Sequestration.** Last summer the congressional "Super Committee" failed to produce a plan to address the nation's fiscal problems and federal budget deficit. That resulted in a mandatory \$500B cut to DoD funding over the next 10 years, beginning in January 2013. HASC Chairman, Rep Buck McKeon, authored **H.R. 3662**, to delay the initial \$500 billion DoD budget cuts demanded by sequestration on 1/2/13. H.R. 3662 has Rep Duncan D. Hunter among the 74 co-sponsors. The House Budget Committee has H.R. 3662 for action. A number of sequestration related bills have been written, with Rep Paul Ryan's **H.R. 5652** passing the U.S. House with a 218-199 vote on 5/10/12. When sequestration happens in January 2013, after the November elections, there will be an automatic cut of \$109B in discretionary spending across all agencies, with DoD getting hit for \$55B of the total \$109B. The Budget Control Act allows the President to exempt military personnel funding from the automatic cuts, but other DoD accounts will be hit hard. Portions of the VA's budget are also subject to sequestration cuts beginning in January 2013. Sequestration action would initially cut over 100,000 DoD civilian jobs, which would then be either filled by active duty military or just eliminated. The November 2012 general election results will determine the fate of these sequestration cuts to DoD and the VA.
- **H.R. 3435.** The "Sexual Training Oversight and Protection Act," aka the "STOP Act," was introduced by Rep Jackie Speier (D, CA 12th, San Mateo) on 11/16/11 to create a new civilian Sexual Assault Oversight Response Council and Office, independent of the DoD's chain of command, for reporting assaults. This bill has 133 co-sponsors including Rep Bob Filner (D, 51st, Chula Vista). HASC Subcommittee on Military Personnel has had this bill since 2/7/12.
- **VFW National Legislative Committee.** After serving on this committee since 2004, I have declined an invitation to be re-appointed. Past VFW State Commander Bobby Price from Chula Vista will succeed me on this national committee, and will be returning to Washington, DC next week for the next VFW semi-annual legislative conference and meetings with California's legislators in both houses of Congress.
- VFW has a web site (blog) to track veterans' legislative efforts. Go to: <http://www.vfwonthehill.org/>
- To track both U.S. House and U.S. Senate bills, go to: <http://Thomas.loc.gov>. At the center top of the web page, got to the "Legislation In Current Congress" box and simply type in the bill number or key word.

State Bills

- Our State Legislature finished its current session on 8/31/12. Hundreds of bills were sent on to the Governor for his action now. He has 30 days to either approve the bills, or veto them.
- **SB-1198.** This bill requires CalVet to publicize info relating to federal and state benefits available to homeless veterans. Bill requires CalVet to use printed materials, its web site, and other media to distribute info to homeless veterans. That includes the annual CDVA "Veterans' Resource Book." Bill passed both houses in the Legislature, and went to the Governor for his approval/veto on 8/20/12. There were no "no" votes in the Assembly nor Senate on SB-1198.
- Assemblyman Nathan Fletcher's (R, 75th, San Diego) AB-1088 from 2010 established the "**California Veterans Home Fund.**" In 2011, **19,001** California taxpayers donated **\$211,089** from their state income tax refunds to this new Fund to help the residents at our six California Veterans Homes. Taxpayers already donated **\$190,915 in Jan-Jul 2012**. We must hit a threshold of **\$250K** for the new tax year by the end of December 2012 in order for this Fund to remain on next year's state income tax forms. For those who might be late-filers this year, please remember this Fund on your state Form 540 tax return.
- **AB-1931.** ASM Paul Cook's bill would establish the CA Veterans Services & Workforce Development Division within CALVET. Would transfer some programs from EDD to this new CALVET division. Full Assembly voted on 5/30/12 with a 77-0 vote. In the Senate on 5/31/12. Senate's VA Committee passed this bill with a 7-0 vote on 6/26/12, and now the Senate's Appropriations Committee has it for action. Went to the suspense file on 8/6/12, and held under submission due to cost of implementing AB-1931.
- **AB-1904.** ASM Marty Block (D, 78th, Chula Vista) introduced this bill to allow military spouses to obtain temporary professional licenses, if licensed in another state. Intro'd 2/23/12. Full Assembly voted 76-0 to approve this bill on 5/29/12. Senate's Education Committee voted 8-0 on 7/3/12, and sent it to the Senate's Appropriations Committee. They voted 8-0 on 7/3/12, and then ordered it to the Senate's consent calendar on 8/15/12. Full Senate voted 80-0 on 8/27/12 to send the bill to the Governor.

Steve Arends' Legislative Report For San Diego County VAC Meeting 9/8/12 (Cont.)

- **AB-1550.** This bill increases the cost of specialized veterans' license plates issued by the DMV. Cost goes up \$20 for the initial veteran license plate, and fee goes up \$10 per year to renew. Went to the Governor 8/24/12.
- **AB-1588.** ASM Toni Atkins' (D-76th) bill of 2/6/12 would waive renewal fees and continuing education requirements for reservists called to active duty. Final step was the full Senate vote on 8/29/12 of 80-0.
- **AB-342.** ASM Atkins' bill would establish the Governor's Office of Planning and Research to address possible actions by a future federal BRAC committee in Congress to close military bases in CA. Passed the Senate on 8/27/12 with a 79-1 vote.
- **AB-2548.** ASM Holly Mitchell (D, 47th, West LA) introduced this bill on 2/24/12 to require one member of the Governor's CALVET Board to have training, knowledge, or experience in issues faced by female veterans. The bill passed the Assembly's VA Committee with an 8-0 vote on 4/25/12, and Appropriations with a 17-0 vote on 5/9/12. On 5/17/12 the full Assembly voted 75-0 to approve this bill, and sent it to the Senate on 5/17/12. Senate voted 38-0 on 8/9/12, and the **Governor signed this bill on 8/27/12.**
- **AB-1739.** This bill allows the Administrators at the CA Veterans Homes to enter into an agreement with the Allied Council at their Veterans Home that authorizes the Council to operate facilities and activities at the Home. This bill passed the full Assembly on 5/17/12 with a 75-0 vote, and the Senate's VA Committee got it for action on 5/24/12. They voted 7-0 on 6/13/12, and it went to the Appropriations Committee on 6/13/12. Passed the full Senate after its 3rd reading on 7/2/12 with a 38-0 vote. The Governor signed AB-1739 into law on 7/13/12.
- **SB-1258.** This bill requires CalVet to establish a system for monitoring outcomes for veterans including employment and employment-related earnings, incidences of suicide, higher education, and veterans' involvement with the child welfare system and with the criminal justice system. SB-1258 passed the Senate with a 38-0 vote on 5/30/12, and then the Assembly's VA Committee approved the bill on 6/27/12, and sent it on to the Assembly's Appropriations Committee which approved it with a 17-0 vote on 8/8/12. Had 3rd reading in the Assembly on 8/13/12. Passed the full Senate with a 78-0 vote on 8/28/12.
- **Prop 30.** Governor Brown was here in San Diego at City College in late August promoting Prop 30, his plan to raise state income and sales taxes. This is one of two separate propositions voters will vote on in November 2012 about raising California's sales and income taxes.
- Sterling McHale has left ASM Nathan Fletcher's staff, after being his veteran community liaison person for the past two years. Sterling joined the staff of County Supervisor Ron Roberts' staff this week. We can expect to see Sterling at future VAC, UVC, and One VA meetings now as a County employee.
- To obtain updates on all California legislation, go to: <http://www.leginfo.ca.gov/bilinfo.html>.

**COUNTY OF SAN DIEGO
CLERK OF THE BOARD OF SUPERVISORS
STATE MANDATED ETHICS TRAINING (AB 1234) FACT SHEET**

WHAT DOES THIS LAW REQUIRE?

Every two years, "local agency officials," are required to complete a two-hour ethics training course (Government Code §53234). The regulation applies to all officials who receive any type of compensation, salary, or stipend to, or reimburses the expenses of a member of its "legislative body" (as that term is defined in California Government Code §54952).

WHO IS REQUIRED TO COMPLETE TRAINING?

"Local agency official" includes (a) the local government's elected officials; and (b) members of any legislative body of the local agency, who are eligible to receive compensation and/or reimbursement for expenses for service on the particular local legislative body. "Legislative body" means any decision-making or advisory committee, commission, board, or other body of the local agency (i.e., the County) that is subject to the provisions of the Brown Act. Government Code, § 53234(a), (b) and (c).

HOW DO YOU SATISFY THE ETHICS TRAINING REQUIREMENT?

It is the responsibility of the local agency official to ensure they are in compliance with this law. The law allows local agency officials to satisfy the ethics training requirement through one of the following three options:

- Option 1: In-person training courses;
- Option 2: On-line training; or
- Option 3: Self-study training (reading materials and taking a test).

The Fair Political Practices Commission offers on-line training program that allows local officials to satisfy the requirements of AB 1234 on a cost-free basis. You may access the training at the following website: <http://www.fppc.ca.gov/index.php?id=477>

WHAT DO YOU DO WITH THE CERTIFICATE OF COMPLETION OF TRAINING?

Once you have completed the training through any of the methods described above, you should receive and/or print out a certificate. Please keep the certificate for your records and send a copy to the Clerk of the Board of Supervisors for the public record. We are required to maintain these records for at least five years after the local official receives the training. These records are public records subject to disclosure under the California Public Records Act.

WHO CAN PROVIDE ASSISTANCE IF THERE ARE ANY QUESTIONS?

If you have questions regarding this requirement, please contact Rachel H. Witt, Senior Deputy County Counsel, at (619) 531-6005. Thank you.

NAME: VETERANS ADVISORY COUNCIL, SAN DIEGO COUNTY

LEGAL AUTHORITY: County Administrative Code, Article XLVIII, Section 820; Amended by Board Action on 6/7/1994 (41); Ordinance 9083 (NS), adopted on 9/21/99 (9); Ordinance 10209 (NS), adopted on 4/3/2012 (11).

MEMBERS

APPOINTED BY: Board of Supervisors

**MEMBERSHIP
COMPOSITION:**

The Council shall consist of ten members as follows:

- ◆ Five (5) members shall be appointed by the Board of Supervisors with each Supervisor nominating one Council Member from their respective District.
- ◆ Four (4) members shall be appointed by the Board of Supervisors as Members-at-Large.
- ◆ Commander, Navy Region Southwest, or a designated representative, as an ex-officio member.

Persons appointed to the Council other than the Commander, Navy Region Southwest, or a designated representative, must meet the following requirements:

- ◆ Be a resident of San Diego County.
- ◆ Be an honorably discharged veteran of the Armed Forces of the United States of America.
- ◆ Demonstrate an interest in and knowledge of issues relating to the needs of veterans.

In addition, in selecting the members to the Council, the Board of Supervisors shall attempt to reflect in Council appointments comprehensive representation of age, socio-economic status, ethnic background, military experience, and geographical distribution.

TERMS:

Those members nominated by a Supervisor shall serve a term which shall run concurrent with the term of the Supervisor. The term shall expire on the date of expiration of the term of the nominating Supervisor, or at such time as he or she ceases to hold office, whichever occurs first. Any member whose term has expired hereunder shall continue his or her duties until his or her successor has been appointed. The reelection of a member of the Board of Supervisors shall not automatically extend the term of any member of the Council.

Those members nominated as Members-at-Large shall serve a term of office of four years.

The Commander, Navy Region Southwest, or a designated representative, shall serve a term concurrent with the term of command.

DUTIES:

The Council shall have the following duties and responsibilities:

- ◆ To serve as an information resource to the Board of Supervisors on issues related to the military veterans.
- ◆ To promote coordinated efforts of public and private sector organizations engaged in services to military veterans and to facilitate a regional approach to the provision of veterans services.
- ◆ To develop and make policy recommendations to the Chief Administrative Officer and Board of Supervisors regarding veterans issues and services.
- ◆ To provide a regional public forum for the discussion of issues relating to military veterans.
- ◆ To respond to requests from the Board of Supervisors to review issues relating to military veterans.
- ◆ To assist appropriate departments in the development of plans for services to military veterans.
- ◆ To assist appropriate departments in reviewing legislation relating to military veterans.

**MEETING DATE
AND LOCATION:**

2nd Saturday of each month, 9:30 a.m.-10:30 a.m., Location Varies.
Contact Person: Tom Splitgerber, Veterans Services Office
(858)-694-3222

COMPENSATION:

Members of the Council shall serve without compensation and shall not be reimbursed for expenses, other than mileage reimbursement incurred in performing their duties under this Article. Members of the Council are hereby designated eligible to receive mileage reimbursement.

**CONTACT
PERSON:**

Tom Splitgerber, Veterans Services Office
HHSA MS O-273
858-694-3222

REVISED: April 3, 2012

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BOARD OF SUPERVISORS POLICY

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Purpose

To provide guidelines for conduct of all activities generally related to the Board of Supervisors' Agenda.

Background

The Board of Supervisors formally conducts the business of the County and certain special districts by convening regular meetings, hearings, and conferences.

The Clerk of the Board of Supervisors prepares an agenda for each meeting based on input from the Board, the Chief Administrative Officer, the County Counsel, and the public. The Board of Supervisors' Agenda is prepared weekly.

Items for the agenda for any regular meeting of the Board may be included on the agenda only with the approval of the Chief Administrative Officer; provided, however, Board members may file an item for the agenda for a regular meeting directly with the Clerk.

The Agenda includes certain administrative items which are those matters the Board has established to be administrative in nature, require Board action order, and may be approved without extensive review or discussion.

Each Board member receives the weekly agenda and copies of the Board letter and supporting material that comprises the agenda item except for administrative items. Administrative items are only distributed upon request by an individual member of the Board.

The Clerk also prepares a list entitled Communications Received for Board of Supervisors' Official Records (CRs). These are letters/documents to the Board which do not require formal Board action. The CRs list is placed on the regular agenda for the Board to receive and file. Any member of the Board may pull for discussion an item on the list of CRs. Staff of the Board member alerts the Clerk in advance to have the item pulled for discussion, for the Clerk to seek the approval of the Chair and distribute copies of the item to Board members, the Chief Administrative Officer and County Counsel. The Agenda may also include items that are policy/presentation matters. These are matters of policy or of an issue on which a formal presentation will be made. The items are denoted on the Agenda Index with an asterisk (*). They require discussion by members of the Board and are automatically included by the Clerk of the Board during formation of the Consent Calendar to the list of items to be discussed by members of the Board.

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The Chief Administrative Officer, members of the Board, other elected officials, Planning Commission and certain other boards, committees and commissions make the recommendation to the Board for an Agenda item. Except for Planning Reports and items placed on the agenda by elected officials, the recommendation must include the recommendation of the Chief Administrative Officer, which may be in concurrence or otherwise. When there is more than one recommendation printed on the Agenda, the Board takes action on the Chief Administrative Officer's recommendation unless otherwise stated in the motion.

Any item on the Agenda, except for those placed on the agenda by elected officials, may be withdrawn in open session by the Chief Administrative Officer.

The Tuesday meeting of the Board begins at 9:00 a.m. The Wednesday meeting begins at 9:00 a.m.

Members of the public wishing to address the Board must fill out a Request to Speak slip in favor or opposition to the item/project and submit it to the Clerk of the Board prior to commencement of the meeting. If in opposition, the item is then considered pulled for discussion by a member of the public.

Following opening of the meeting by the Chair, any member of the Board may present Proclamations/Certificates of Appreciation and other forms of recognition to members of the public.

As the first matter of business the Board offers the public the opportunity to address the Board on any subject matter within the Board's jurisdiction, but not an item on the day's Agenda or on a matter related to pending litigation. Ten (10) minutes total is allocated for this period at the beginning of the meeting, with each speaker limited to two (2) minutes. Each speaker shall complete and submit a Public Communication Request to Speak form to the Clerk of the Board prior to the commencement of the meeting. In the event that more than five (5) individuals request to address the Board, the first five (5) will be heard at the beginning of the meeting. The remaining speakers will be heard at the conclusion of the meeting and granted two (2) minutes each. Any person filing a Public Communication Request to Speak form after commencement of the meeting shall not be allowed to address Board. All matters spoken to, and written material presented, will be automatically referred to the Chief Administrative Officer. The next matter of business is a review of the Agenda to develop the Consent Calendar. The Consent Calendar is composed of agenda items to which no one from the public nor any member of the Board wishes to speak and the items are approved on one roll call vote. Thereafter, the Chair

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calls on each member of the Board to announce the item(s) the member wishes to pull from the Consent Calendar for placement on the list of items for Board discussion.

A list of Agenda items pulled for discussion is formed so that the items pulled by the public are heard first, followed by the items pulled by members of the Board, followed by policy/presentation matters; except that those items which are set to be heard at a time certain and items that are noticed public hearings are heard at the designated time or later, but not earlier.

Conferences may be scheduled by the Board to allow discussion between staff and Board members, and invited guests. The date for conference and meeting place are set by the Chair, unless otherwise ordered by the Board.

The agenda process requires support from County staff in many ways. Management staff submits letters for Board action and attends Board meetings to review the staff report and respond to questions of members of the Board. The Board letter represents an attempt by management to answer anticipated concerns or questions Board members or the public may have regarding recommended actions.

The Clerk prepares the agenda, makes it available to the public, records all Board sessions, and publishes a Statement of Proceedings.

The major objective of the agenda process is to allow for open deliberation by the Board of Supervisors on all County matters not to be considered in Closed Session, with special emphasis on input from citizens.

This Board Policy is outlined as follows:

- A. Docketing Items for Regular Meeting(s), Conference(s) and Communications Received for Board of Supervisors' Official Records;
- B. Provision of Agenda Information to the Public;
- C. Provision for Public Input to Agenda Items;
- D. Other Clerk of the Board of Supervisors' Support to Agenda Processes;
- E. Closed Sessions -- Official Records;
- F. Board Assignment of Staff Studies and Requests for Information;
- G. Chief Administrative Officer Representation at Board of Supervisors' meetings.

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Policy

A. DOCKETING ITEMS FOR THE REGULAR, MEETING(S), CONFERENCE(S), AND COMMUNICATIONS RECEIVED FOR BOARD OF SUPERVISORS' OFFICIAL RECORDS.

1. TIMELY PRESENTATION OF MATTERS ON THE REGULAR AGENDA - APPROVAL OF AGENDA AND OFF-AGENDA ITEMS

As provided in Administrative Code Section 503, all matters, including time certain matters and conferences, to be listed on the agendas for the regular Tuesday meetings of the Board, but not including Closed Session matters, must be filed in the Office of the Clerk no later than 12:00 noon on the Monday, eight days before the Tuesday meeting, provided that if the Monday is a holiday, such matters must be filed in the Office of the Clerk no later than 12:00 noon on the Friday of the second preceding week. All matters for the Wednesday agenda, except Closed Session matters, must be filed in the Office of the Clerk no later than 12:00 noon on the Thursday, thirteen days before the Wednesday meeting, provided that if the Thursday is a holiday, said matters must be filed in the Office of the Clerk no later than 12:00 noon on the Wednesday of the second week preceding the holiday. If the Board continues a scheduled Tuesday agenda item for one or up to four weeks (30 days) in order to receive an additional staff report, the docketing deadline for the additional staff report shall be noon on the Wednesday immediately preceding the Tuesday agenda to which the item has been continued, or noon on the Thursday immediately preceding the Wednesday agenda. The Closed Session agendas for the Tuesday and the Wednesday meeting shall be filed by County Counsel with the Office of the Clerk by 8:30 a.m. on the preceding Friday, provided if the Friday is a holiday, the Closed Session agenda shall be filed at 8:30 a.m. on the last business day preceding the Friday holiday. These periods will allow time for Board members and the public to review docketed materials and recommendations. Written disclosures required by Section 1000.1 of the San Diego County Charter filed with the Clerk of the Board will automatically be processed by the Clerk in accordance with the requirements of the Charter. Supplemental disclosures will be announced by the Clerk of the Board. Government Code Sections 66016 through 66018.5 provide for a public hearing process prior to establishing or increasing a fee; exempt from this procedure are the establishing or increasing rates or charges for water, sewer, electrical service, or if there is another specific statutory notice requirement applicable to the proposed new or increased fee other than the Brown Act provision which is applicable to all matters. Agenda items subject to the public hearing process by proposing a new or increased fee, either by resolution or ordinance, are to be docketed with the Chief Administrative Officer in

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accordance with the standard docketing procedure and are to contain the appropriate ordinance/summary of ordinance/resolution hearing notice and legal advertisement request form. The Clerk of the Board, with concurrence of the Chief Administrative Officer, will set the matter for hearing, inform the initiating official/department of the hearing date, publish the notice two times ten days in advance of the hearing, and place the item on the Board's agenda for the date set for the hearing.

Administrative items on the Agenda may be pulled and discussed as part of the regular agenda.

In general, deadline decision situations should be avoided and slippage of Board-set due dates minimized.

If a Board-set due date cannot be met, a recommendation for a new date should be docketed with the Board along with reasons for such recommendations.

The Board of Supervisors will not consider any item not listed on the Board of Supervisors' meeting agenda except if the item qualifies under the Ralph M. Brown Act (Government Code Section 54950, et seq.) and as permitted by San Diego County Administrative Code Section 503.

Prior to the commencement of the meeting, the County staff person requesting the Board to accept a matter for consideration as an off-docket item shall furnish the Board, along with the Board letter of recommendation, the Chairperson's Statement to Public to be Read on the Record cover sheet stating the reason for not listing the item on the current or next regular agenda; and the necessity for having such item considered at the current meeting; a brief summary statement (subject title and short explanation of subject matter and recommendation) which the Chair will read upon introducing the item for Board consideration; and the finding to be made by the Board.

The Chairperson's Statement to the Public to be Read on the Record and attachments, if any, shall be submitted for approval to the Chief Administrative Officer, along with seven copies of the item for distribution to the Board of Supervisors. If approved, the Chief Administrative Officer will affix the off-docket stamp to the Chairperson's Statement to the Public to be Read on the Record cover sheet and transmit the item to the Chair's Office.

The Chairperson's Statement to the Public to be Read on the Record cover sheet with the off-docket stamp is placed on top of the regular Board letter for submittal to the Chair.

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The Clerk's Office will obtain the initials of each Board member to be present at the meeting and submit one copy of the item to each Board member, the Chair's signature to be sought last.

Board members submit off-docket requests directly to the Chair's office with four copies, one for each other Board member. The Board will consider off-docket items on Tuesday and on Wednesday at the call of the Chair.

2. EFFICIENT PACKAGING OF SIMILAR ITEMS

Compensation Ordinance Amendments. Routine and similar items should be consolidated for presentation to the Board at one time, provided time and other constraints allow.

Accordingly, proposed amendments to the Compensation Ordinance shall be consolidated and docketed no more than once each month for consideration by the Board at the regular Tuesday meeting eight days thereafter. However, when the Chief Administrative Officer deems it to be in the best interest of the County, such items may be presented at any time.

**3. SIGNIFICANT ISSUES SET FOR DISCUSSION AT BOARD CONFERENCES --
CONFERENCE REPORTS**

Information should be developed and provided which will increase the Board of Supervisors' understanding and ability to make the decision in certain difficult subject areas. Accordingly, Board conferences will be scheduled for this purpose with the approval of the Chair.

When setting Board of Supervisors' conferences, the Board shall allow sufficient time for staff to prepare the necessary information and reports for such conference. Such information and reports should be submitted to the Clerk no later than 12:00 noon on Monday, eight days prior to the date of the meeting. An Agenda outlining the format of the conference including speaking times and names of presenters, if known, shall be included in the material docketed for each conference.

**4. COMMUNICATIONS RECEIVED FOR BOARD OF SUPERVISORS' OFFICIAL
RECORDS -- NOTIFICATION OF PENDING COUNTY LITIGATION**

Routine informational reports which need to be brought to the attention of the Board of Supervisors yet not requiring Board action should be sent via the Chief Administrative

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Officer to the Clerk for distribution to Board members and listing on Communications Received for Board of Supervisors' Official Records. If there happens to be a substantive public or Board concern, a matter may be pulled and discussed as part of the regular agenda. Accordingly, this procedure shall be utilized by County staff to notify the Board of service on, and status of, pending County litigation. Reports requested by the Board of Supervisors shall appear on the Regular Meeting or Conference Agenda.

5. ADMINISTRATIVE MANUAL PROCEDURES

The Chief Administrative Officer and Clerk of the Board of Supervisors may establish the necessary docketing procedures. See Administrative Manual Items 0020-1 and following.

6. PLACEMENT OF ITEMS ON THE REGULAR AGENDA

- a. The following persons and agencies are authorized to place matters on the regular agenda of the Board:
 - (1) Members of the Board of Supervisors.
 - (2) The Chief Administrative Officer and designees.
 - (3) The County Counsel with Chair's approval for closed session only; the Chair shall coordinate scheduling and notification of Closed Session meetings with all Board members and appropriate County Staff.
- b. Requests for placement of items on the Board's regular agenda by persons or agencies will be referred by the Clerk of the Board to the Chief Administrative Officer for a report. If appropriate, the Chief Administrative Officer will place the item, and report, on the Board's agenda.
- c. The Clerk shall screen items submitted for inclusion on the regular agenda to determine if they more appropriately should be placed on the Administrative Agenda or Communications Received for Board of Supervisors' Official Records, and shall consult with the Chair in doubtful cases.

B. PROVISION OF AGENDA INFORMATION TO THE PUBLIC -- COPIES OF AGENDA AND BACK-UP MATERIAL

Persons actively interested in receiving agenda information shall be assisted promptly, but at minimal cost to the County. Each agenda shall be posted at the South Entrance of the first floor of the San Diego County Administration Center and on the bulletin board located at the North Chamber (Room 310), Third Floor, County Administration Center.

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Copies of the agenda and back-up material, Board of Supervisors Policies, Board of Supervisors Rules of Procedure and Statement of Proceedings shall be available in the office of the Clerk of the Board of Supervisors and on the County's Internet Web Site. Copies of these documents may be provided by the Clerk via electronic mail or facsimile (fax) transmission. Mail subscriptions to the agendas and Statements of Proceedings may be procured through the Department of General Services – Document Services Unit, at a cost in accordance with Section 62.1 of the Administrative Code. Hard copies of the above documents may be procured through the Clerk of the Board, Public Services Unit, at a cost in accordance with Section 62.1 of the Administrative Code.

C. PUBLIC INPUT TO AGENDA ITEMS -- ORDER FOR LISTING HEARINGS ON BOARD OF SUPERVISORS' AGENDA

Persons actively interested in making public input are to be facilitated, and Board deliberations structured where possible to minimize inconvenience to such persons. In order to accommodate persons who may travel long distances to provide input at Board hearings, it is the policy of the Board of Supervisors that: In preparing the calendar for each day for public hearing matters, the Clerk of the Board shall list:

1. In descending order, those hearings set for projects in geographical area located most distant from the site of the Board of Supervisors' meeting chamber followed by those located closer;
2. Those hearings set for projects situated in Supervisorial District 5 first, Supervisorial District 2 next, and then Supervisorial Districts 1, 3 and 4 whenever more than one hearing is geographically located at a point approximately of equal distance from the site of the Board of Supervisors' meeting chamber;
3. Following the directions prescribed in 1 and 2, hearings continued from a previous date ahead of new hearings;
4. Those hearings dealing with subjects not involving geographical location last, but if there is known large public interest, they shall be scheduled after consultation with and as directed by the Chair of the Board.

Other rules regarding public input to the agenda process may be found in the Board of Supervisors' Rules of Procedure.

D. OTHER CLERK OF THE BOARD OF SUPERVISORS' AGENDA SUPPORT TO AGENDA PROCESS

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1. PERFORMANCE OF ROUTINE RESPONSIBILITIES FOR THE BOARD OF SUPERVISORS -- EXECUTION OF DOCUMENTS

Whenever legal and feasible, the Clerk of the Board of Supervisors may be called upon to perform routine functions for the Board of Supervisors. Accordingly, all minute orders and resolutions by the Board of Supervisors authorizing the execution of a document on behalf of the County shall authorize the execution thereof by either the Chair or the Clerk of the Board of Supervisors, unless another specific designee is named. In most cases, the Clerk of the Board shall execute such documents to expedite processing and assure that a copy is on file in the Clerk's office as part of the official County records.

2. OFFICIAL RECORDS

The Clerk of the Board of Supervisors shall maintain on written microphotographic or computer file, or on magnetic tape or scanned media, official County records including all Board of Supervisors' public deliberations and actions.

E. CLOSED SESSIONS -- OFFICIAL RECORDS

1. With respect to Closed Sessions:

- a. The County Counsel shall attend in person or by deputy all Closed Sessions of the Board of Supervisors and shall keep and enter in a minutes book a record of topic discussed and decisions made at such Closed Sessions.
- b. The County Counsel shall identify each entry as to date of Closed Session and those attending the session.
- c. The minutes book shall be retained by the County Counsel in a locked cabinet in the Office of County Counsel in such a manner as to assure its confidentiality.
- d. The minutes book of any Closed Session of the Board of Supervisor shall be made available only to members of the Board of Supervisors when specifically requested by a Board member.
- e. A written record of actions taken at Closed Sessions will be prepared.
- f. The minutes book of a Closed Session shall not be removed from the Office of County Counsel, and any person reviewing the minutes book shall do so in the Office of the County Counsel.
- g. The County Counsel shall keep a confidential register of persons who review the minutes book of a closed Session.

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F. BOARD ASSIGNMENT OF STAFF STUDIES AND REQUESTS FOR INFORMATION

Requests from the public or members of the Board which will involve response from County management staff should informally be in writing and signed, in the case of an organization, by one of its principal officers. Staff response requiring less than one staff day (8 hours) to research, prepare and submit such an answer to specific problems, complaints, or requests for information 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 Chair of the Board of Supervisors, and if necessary the requestor, and docketed with the Board for its direction, if deemed appropriate. 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.

G. CHIEF ADMINISTRATIVE OFFICER REPRESENTATION AT BOARD OF SUPERVISORS' MEETINGS

In order to (1) utilize the advice and guidance of the Chief Administrative Officer at Board of Supervisors' meetings when required without placing an unnecessary burden on the Chief Administrative Officer's time, and (2) provide a significant training experience for the Assistant Chief Administrative Officer in the techniques of leadership, advice, informational input, guidance and persuasion, the following policy has been established.

1. The Chief Administrative Officer (or in the Chief Administrative Officer's absence, the Assistant Chief Administrative Officer) shall personally attend the Tuesday meetings of the Board of Supervisors during:

- a. the formulation of the Consent Calendar;
- b. the consideration of items determined to be of an especially critical nature;
- c. most special sessions such as those on County budget; and
- d. Closed Sessions.

2. Once the Consent Calendar is determined and approved, the Chief Administrative Officer's place at the Board may be taken by the Assistant Chief Administrative Officer or the Deputy Chief Administrative Officer.

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3. The Chief Administrative Officer may delegate the responsibility of attendance at the Wednesday meetings, to the Deputy Chief Administrative Officer.

4. At any time during a meeting that any Board member determines that a matter requires the personal attendance, attention and input of the Chief Administrative Officer, the items shall be trailed and the Chief Administrative Officer (or in the Chief Administrative Officer's absence, the Assistant Chief Administrative Officer or Deputy Chief Administrative Officer) shall be present when the Board subsequently addresses the matter.

Sunset Date

This policy will be reviewed for continuance by 12/31/17.

Previous Board Action

- 9-20-77 (7)
- 1-21-78 (61) to be effective 3-9-78
- 3-6-79 (5)
- 9-25-79 (14)
- 11-13-79 (15)
- 8-24-82 (20)
- 5-3-83 (10)
- 7-5-83 (81)
- 5-15-84 (32)
- 7-3-84 (9)
- 1-15-85 (77)
- 1-28-86 (89)
- 4-7-87 (26)
- 8-18-87 (14)
- 10-18-88 (48)
- 4-19-94 (38)
- 9/26/00 (16)
- 1/23/01 (26)
- 12/9/08 (33)
- 12/07/10 (27)

CAO Reference

- 1. Clerk of the Board of Supervisors

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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,

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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

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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

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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

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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.

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- 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.

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- 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

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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:

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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

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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

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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.

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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:

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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.

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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

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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

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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.

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- 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 12-31-2013.

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.

BOARD ACTION:

12/8/98 (24)
05/11/04 (04)
12/09/08 (33)

CAO Reference:

1. Clerk of the Board of Supervisors