

ORDINANCE OF THE COUNTY OF SANTA CRUZ
AMENDING CHAPTER 2.38, BOARDS COMMISSIONS
AND COMMITTEES GENERALLY

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Chapter 3.28 of the Santa Cruz County Code is hereby amended to read as follows:

BOARDS, COMMISSIONS COMMITTEES AND
DEPARTMENT ADVISORY GROUPS GENERALLY

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2.38.010 Title for citation.

This chapter shall be known as the “commissions policy ordinance of Santa Cruz County.” (Prior code § 3.01.010(a): Ord. 2078, 12/17/74)

2.38.020 Policy declaration.

The public’s trust in their government may be sustained only as long as the public remains involved in the deliberations essential to responsible decision-making by that government. The board of supervisors wishes to preserve this public trust by openly seeking advice, ideas and recommendations from the citizens of the county. Accordingly, the board wishes to provide equal opportunities for public service and encourages citizens, regardless of their race, color, religion, age, sex, physical handicaps, national origin or creed, to serve on commissions and committees advisory to the board. Furthermore, the board believes the performance of this commissions and committees can be enhanced by creating and by administering them according to a consistent policy. (Prior code § 3.0 1.010(b): Ord. 2078, 12/17/74)

2.38.030 Definitions.

The following words, whenever used in this chapter, shall have the meanings set forth in this section:

- A. “Board” means any advisory body created by the board of supervisors to exist for longer than two years and designated as a “board” by a federal or state statute.
- B. “Commission” means any advisory body created by the board of supervisors to exist for longer than two years. “Commission” shall not mean any group composed solely of county staff persons. Each board shall be treated as a commission in this chapter.
- C. “Committee” means any advisory body created by the board of supervisors to

exist for two years or less. “Committee” shall not mean any group composed solely of county staff persons.

D. “Department Advisory Group” means any advisory body created by a county department or agency. “Department Advisory Group” shall not include any advisory body, a majority of whose members are county employees or other non-county public employees.

E. “Ordinance” means any local law approved as to form by the county counsel and adopted pursuant to Government Code Section 25120 et seq. by the board of supervisors. (Prior code § 3.01.020: Ord. 2078, 12/17/74)

2.38.040 Scope of provisions.

This chapter shall apply to any advisory board, commission, committee or department advisory group over which the county has appointing authority or jurisdiction. Nothing in this chapter shall be interpreted or applied so as to create any power, duty or condition in conflict with any federal or state statute. (Prior code § 3.01.030(a): Ord. 2078, 12/17/74; Ord. 2130, 5/27/75)

2.38.050 Effect of provisions.

Each existing board, commission and committee shall be deemed abolished six months from and after the effective date of the ordinance codified in this chapter unless the board, commission or committee has been reorganized and established by ordinance or resolution in conformity with this chapter before the expiration of said six months. (Prior code § 3.01.030(b): Ord. 2078, 12/17/74; Ord. 2115, 4/15/75)

2.38.060 Commission creation procedures.

A. Each commission created by the board of supervisors shall be created by an ordinance specifying:

1. The commission’s statutory authority, if any;
2. The commission’s purpose;
3. The commissions membership consistent with Section 2.38.100 of this chapter;
4. The commissioner’s terms of office, consistent with Section 2.38.100 of this chapter;

5. The commission's organization and procedures, consistent with Sections 2.38.1010 through 2.38.250 of this chapter;

6. Any necessary exceptions, consistent with Section 2.38.250 of this chapter;
and

7. The repeal of any county legislation in conflict with such ordinance.

B. An ordinance creating a commission may be amended, repealed or superseded only by an ordinance.

C. The clerk of the board shall send a copy of each ordinance creating a commission to each county department directly affected by such ordinance. (Prior code § 3.01.040: Ord. 2078, 12/17/74)

2.38.070 Committee creation procedures.

A. Each committee created by the board of supervisors shall be created by a resolution specifying:

1. The committee's statutory authority, if any;

2. The committee's purpose;

3. The committee's membership, consistent with Section 2.38.080 of this chapter;

4. The committee's termination date;

5. The committee's organization and procedures, consistent with Sections 2.38.110 through 2.38.250 of this chapter;

6. Any necessary exceptions, consistent with Section 2.38.250 of this chapter;
and

7. The repeal of any county legislation in conflict with such resolution.

B. No committee shall serve an original term of longer than two years. The board of supervisors may by resolution extend the term of any committee for a specified period of time. A committee shall automatically be deemed dissolved if its term is not extended before the committee's termination date.

C. A resolution creating a committee may be amended, repealed or suspended only by an ordinance or resolution which specifically refers to the original authorizing resolution.

D. The clerk of the board shall send a copy of each resolution creating a committee to each county department directly affected by such resolution. (Prior code § 3.01.050: Ord. 2078, 12/17/74)

2.38.071 Department advisory group creation procedures.

A. A department advisory group may be established, amended or abolished at the discretion of an agency or department head. Notification in writing shall be given to the board of supervisors and county administrative office by the agency or department head prior to taking any action to establish, amend or abolish a group. Notice to the board regarding the establishment of a group shall specify:

1. The group's statutory authority, if any;
2. The group's purpose;
3. The group's membership, and/or minimum qualifications for selection to the group;
4. The termination date for the group; and
5. The group's organization and procedures. A department advisory group is encouraged, but is not required to comply with the requirements of the Ralph M. Brown Act. If the group will not be utilizing the Ralph M. Brown Act, alternate procedures concerning public participation, noticing of meetings, quorum requirements, minutes, establishment of subcommittees, and any other appropriate matter shall be provided.

A. All existing advisory bodies meeting the definition of a department advisory group shall comply with the noticing requirements for establishment as a department advisory group pursuant to this section by April 1, 2000.

2.38.080 Membership qualifications and nomination.

A. Eligibility. Each member of a commission, committee or department advisory group shall be a resident of Santa Cruz County, except that residents of other counties may be appointed to a commission, committee or department advisory group when the commission, committee or department advisory group is established jointly with an out-of-

county entity or entities.

B. Equal Representation. The board of supervisors shall make appointments to commissions and committees as provided herein.

1. Allocated Nominations. When statutory provisions or special membership requirements do not restrict such a policy, each supervisor shall nominate an equal number of persons who may reside within the supervisor's district to serve on each commission or committee.

2. At-large Nominations. Equal representation of each supervisorial district may be waived, and at-large nominations may be considered for appointment by the board of supervisors when, in the opinion of the board:

- a. Members should represent socioeconomic categories;
- b. Members should represent categories of expertise;
- c. The number of members required by statute is not a multiple of five; or
- d. Members should represent specific institutions, public agencies, or community organizations in the country.

3. Appointments of At-large Nominees. Unless there is only one at-large nomination forwarded by a public agency, community organization or other designated sponsor for appointment by the board of supervisors, which may be placed on the consent agenda of the board, the board shall nominate and approve all at-large appointments as provided in subsection 2.38220.

C. Alternate Members. No alternate members shall be appointed to serve on any commission or committee unless deemed necessary by the board of supervisors.

D. Department advisory group representation. The agency or department head selecting the members of a department advisory group shall ensure that a broad range of qualified members of the public are provided an opportunity to request selection to the group. Persons meeting the minimum qualifications for service on the department advisory group, shall, as much as possible, also be generally representative of the diverse skills, backgrounds, interests, and demography of persons residing in the county.(Ord. 3305 § 1, 1983; prior code § 3.01.060: Ord. 2078, 12/17/74; Ord. 2130, 5/27/75; Ord. 2173, 8/26/75; Ord. 2218, 12/9/75; Ord. 2390, 2/8/77; Ord. 2971, 8/26/80)

2.38.090 Application for appointment.

A. Any person seeking appointment to any advisory body to which the board of supervisors makes appointments may submit to the board a written application expressing his or her interest in servicing on such advisory body.

B. Any person seeking to serve on a department advisory group may submit to the agency or department head selecting the group, a written request expressing his or her interest in servicing on such advisory body. The agency or department head shall maintain a copy of all such requests for selection to a department advisory group.(Prior code § 3.01.090: Ord. 2078, 12/17/74)

2.38.100 Terms of office.

A. Commission Members.

1. Regular Term. Each commission member whose term is not set by statute shall serve for a term of four years, commencing on April 1st of the year in which such commission member's nominating supervisor begins a full term.

2. At-large Nominations. For the purposes of this section only, the majority of all at-large nominees appointed by the board to serve on any commission shall serve for a term of four years, commencing on April 1st of the year in which the Fourth District supervisor begins a full term. The remaining at-large members of the commission shall serve for a term of four years commencing on April 1st of the year in which the Fifth District supervisor begins a full term.

B. Committee Members. Each committee member shall serve for the life of the committee.

C. Removal. Any supervisor may at any time review and remove any commission or committee member nominated to present that supervisor's district. In addition, any commission or committee member may be removed from office by a four-fifths vote of the board of supervisors favoring such removal.

D. Department advisory group members shall serve a term for the life of the group. Agency or department heads may review and remove a member of a department advisory group at any time. (Prior code § 3.01.070: Ord. 2078, 12/17/74; Ord. 2130, 5/27/75; Ord. 3044, 2/27/81)

2.38.110 Compliance with Brown Act.

A. Each commission and committee shall comply with the Ralph M. Brown Act (Government Code Section 54950 et seq.).

B. A department advisory group shall comply with the procedures specified in the notification provided to the board of supervisors pursuant to subsection A.5. of Section 2.38.071. (Prior code § 3.01.080(a): Ord. 2078, 12/17/74)

2.38.120 Officers.

A. Each commission and committee shall elect its chairperson and vice-chairperson. Commission officers shall be elected during the first meeting in April of each year. Committee officers shall be elected during the committee's first meeting at which a majority of the members are present, and shall serve for the life of the committee.

B. An agency or department head may appoint one or more officers of a department advisory group. (Prior code § 3.01.080(e))

2.38.130 Meetings.

A. Open and Public. Each commission and committee meeting shall be open and public. All commissions and committees shall hold regular meetings, the time and place for which shall be determined by a majority of the members, as specified in the commission's or committee's bylaws, and approved by the board of supervisors. All commission and committee meetings shall be held at locations which are accessible to the public and which are functional for, usable, and accessible to persons with a disability.

B. Executive Sessions. No commission or committee shall hold an executive session, or any meeting excluding the public, without first receiving written authorization from the county counsel to hold such a session or meeting. The county counsel shall be represented at all executive sessions held by any commissions or committees.

C. A department advisory group shall comply with the meeting procedures specified in the notification provided pursuant to subsection A.5. of Section 2.38.071. All department advisory group meetings shall be held at locations which are functional for, usable, and accessible to persons with a disability. (Ord. 3567 § 1, 1984; Prior code § 3.01.080(b): Ord. 2078, 12/17/74; Ord. 2130, 5/27/75; Ord. 225, 1/6/76; Ord. 2378, 1/4/77)

2.38.140 Bylaws.

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A. Procedures for the conduct of business by each commission or committee, not specified in the commission's authorizing ordinance or the committee's authorizing resolution, shall be contained in bylaws adopted by the commission or committee and submitted to the board of supervisors for final approval.

B. Procedures for the conduct of business by a department advisory group, not otherwise specified in the notification provided to the board of supervisors pursuant to subsection A.5. of Section 2.38.071, may, at the discretion of the agency or department head, be set forth in written bylaws promulgated by the agency or department head. If written bylaws are not promulgated, the agency or department head shall be responsible for determining all matters necessary for the conduct of business of a department advisory group. (Prior code § 3.01.080(c): Ord. 2078, 12/17/74)

2.38.150 Quorum.

A majority of the voting members of each commission or committee shall constitute a quorum, and no act of any commission or committee shall be valid unless at least a majority of those members constituting a quorum concur therein; provided, however, that for five-member commissions or committees an affirmative vote of at least three of the voting members of the commission or committee shall be required. Any act of any commission or committee shall be accomplished by a roll call vote when such a vote is requested by any member in attendance. (Prior code § 3.01.080(d): Ord. 2078, 12/17/74; Ord. 2122, 4/29/75; Ord. 2387, 1/25/77)

2.38.160 Minutes of meetings.

A. Officials minutes recording the motions entertained and actions taken at each commission or committee meeting shall be prepared and submitted by each commission and committee to the board of supervisors, the clerk of the board, and the county administrative office.

B. Minutes of a department advisory group shall be prepared and maintained by the agency or department head, or his or her designee. (Prior code § 3.01.080(g))

2. 38. 170 Reports.

A. An annual report shall be submitted by each board or commission to the board of supervisors and to the county administrative office on or before January 3 1st of each year and subsequently filed with the clerk of the board of supervisors. The annual report shall

highlight the activities, accomplishments and future goals of the board or commission and shall utilize the following report format:

1. Role(s) of the board or commission;
2. Meeting dates, time and location;
3. Board or commission structure;
4. Board or commission staff (designated staff or staff assigned through department);
5. Attendance;
6. Annual goals and accomplishments (reporting year goals and attainment of those goals; summary of reporting year activities including special projects and projects and workshops or seminars that members have attended, if applicable);
7. Future goals; and
8. Recommendations (public and/or private sector actions to advance the goals of the board or commission).

B. A final report, containing a summary of activities and projects undertaken by the committee, any final committee recommendations to the board of supervisors, and any other information requested by the board, shall be submitted by teach committee to the board and the county administrative office before expiration of the committee's life, and subsequently filed with the clerk of the board.

C. An annual report shah be submitted by each department advisory group to the agency or department head on or before January 1st of each year of the group's existence. The agency or department head shall transmit the annual report to the board of supervisors and the county administrative office by January 3 1st of each year, and said report shall be filed with the clerk of the board. The annual report shall highlight the activities, accomplishments and future goals of the group and shall utilize the following report format:

1. Role(s) of the department advisory group;
2. Meeting dates, time and location;
3. Attendance;

4. Annual goals and accomplishments (reporting year goals and attainment of these goals; summary of reporting year activities including special projects and workshops or seminars that members have attended, if applicable); and

5. Future goals.

D. In addition to the annual report, any commission or committee may submit progress reports and recommendations to the board of supervisors and the county administrative office at any time. (Ord. 3989 § 1989; Prior code § 3.01.080(h): Ord. 2078, 12/17/74; Ord. 2271, 4/6/76; Ord. 2733, 8/7/79)

2.38.180 Expenses.

A. The members of each commission and committee may receive reimbursement for traveling and other expense incurred while on official business of the county when such reimbursement is approved in advance by the board of supervisors.

B. The members of a department advisory group shall not be entitled to reimbursement for traveling and other expense. (Prior code § 3.01.080(m): Ord. 2078, 12/17/74; Ord. 2130, 5/27/75)

2.38.190 County staff report.

A. The board of supervisors shall, when feasible, provide that each commission and committee be assisted by the county department most closely related to the function of such commission or committee, and may designate as administrative secretary to such commission or committee the head of such department, the department head may designate his or her representative to serve as administrative secretary.

B. An agency or department head may at his or her own discretion, designate staff to assist a department advisory group. (Prior code § 3.01.080(f): Ord. 2078, 12/17/74)

2.38.200 Vacancies--Reporting.

A. A vacancy shall exist and shall be reported in writing by the commission or committee chairperson to the board of supervisors, the clerk of the board, and the member vacating his or her seat when ever a commission or committee member fails to attend three consecutive regular meetings without good cause entered in the minutes of the commission or committee.

B. Any notice of resignation shall be submitted in writing to the commission or

committee chairperson and forwarded by the chairperson to the board and the clerk of the board. Any vacancy caused by the death, disability or any other circumstance shall be reported in writing by the commission or committee chairperson to the board and the clerk of the board.

C. Whenever the board receives knowledge of a vacancy, from whatever source, it shall proceed to fill the vacancy pursuant to Section 2.38.220 (Prior code § 3.01.080(j)(3): Ord. 2078, 12/17/74; Ord. 2390, 2/8/77; Ord. 3044, 2/27/81; Ord. 3285, 8/3/82)

2.38.210 Filling scheduled vacancies.

On or before December 31st of each year, the clerk of the board of supervisors shall prepare an appointment list of all regular and ongoing commissions and committees, which 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 commissions and committees whose members serve at the pleasure of the board of supervisors and the necessary qualifications for each position. (Prior code § 3.01.080(j)(3): Ord. 2078, 12/17/74 Ord. 2390, 2/8/77; Ord. 3044, 2/27/81; Ord. 3285, 8/3/82)

2.38.220 Filling unscheduled vacancies.

A. Whenever any unscheduled vacancy occurs in any commission or committee, whether due to removal, resignation, death, termination, or other causes, a special notice of vacancy shall be posted in the office of the clerk of the board, and no appointment to fill such vacancy shall be made until at least ten working days have passed after the posting of such notice, except as provided herein.

B. If the vacancy is for an appointment to be made by an individual supervisor, the appointing supervisor may make a nomination to fill such vacancy at any time after the ten-day period has expired, by placing a letter recommending a person for appointment on the board's consent agenda.

C. When an unscheduled vacancy is for an appointment to be made by the board as a whole, on an at-large basis, the special notice of vacancy shall be placed on the consent agenda of the board within twenty days after the vacancy occurs. Nominations for appointment to fill any such at-large vacancy may be made at any meeting held at least two

weeks after the date that the notice of vacancy appears on the board's consent agenda, and the final appointment to fill such at-large vacancy shall be made at the next succeeding meeting of the board, or at any later meeting, as an item on its regular agenda. Notwithstanding the above, when there is only one at-large nomination forwarded by a public agency, community organization or other designated sponsor for appointment by the board of supervisors, the nomination may be placed on the board's consent agenda.

D. Notwithstanding the foregoing, the board may, if it finds that an emergency exists, fill any vacancy immediately by appointing a person to serve on an acting basis until a final appointment is made, pursuant to this section and Sections 2.38.200 and 2.38.210. Except for emergency appointments, all vacancies shall be filled by personnel appointed by the board to serve for the remainder of the unexpired term. The commissions' or committees' recommendations concerning successors may be submitted to the board of supervisors.

E. For the purpose of this section, a vacancy shall exist from the date of removal, resignation, death, termination or other completion of the term. (Prior code § 3.01.080(j)(2): Ord. 2078, 12/17/74; Ord. 2390, 2/8/77; Ord. 3044, 2/24/81, Ord. 3285, 8/3/83)

2.38.230 Subcommittee establishment or dissolution.

A. The establishment and dissolution of all subcommittees shall be reported in writing to the board by the commission or committee which appointed the sub-committee. Member of any subcommittee need not be commission or committee members, except that the commission or committee chairperson shall designate a commission or committee member to serve on the subcommittee.

B. For the purpose of Sections 2.38.110 through 2.38.250 only, "sub-committee" means any subsidiary study group appointed by a commission or committee to assist that commission or committee for longer than six months. (Prior code § 3.01.080(i): Ord. 2078, 12/17/74; Ord. 2130, 5/27/75)

2.38.240 Additional regulations.

Each commission or committee shall observe any additional provision deemed necessary by the board of supervisors and included in the commission's authorizing ordinance or the committee's authorizing resolution. (Prior code § 3.01.080(k): Ord. 2078, 12/17/74)

2.38.250 Exceptions.

To the extent that any provision of Section 2.38.100 or Sections 2.38.110 through 2.38.250 may be demonstrated to be unfeasible in their application to a particular commission or committee, an exception to Section 2.38.100 or Sections 2.38.110 through 2.38.250 may be granted by the board only after the exceptions are specified as "exceptions" in the commission's authorizing ordinance or the committee's authorizing resolution. (Prior code § 3.01.080(1): Ord. 2078, 12/17/74)

2.38.260 Public records maintenance.

A. Records Required. The clerk of the board shall be responsible for maintaining custody of:

1. Current membership lists recording the name, term of office, nominating supervisors, and expiration of term of each commission and committee members. The appropriate membership list shall appear inside the jacket of each commission and committee file, along with a copy of the commission's or committee's by laws and authorizing ordinance or resolution;
2. All minutes from each commission and committee meeting;
3. All annual reports, final reports, progress reports or recommendations to the board from each commission and committee; and
4. All other public documents pertaining to the business of any commission or committee.

B. Inventory of Vacancies. A complete inventory of all commission and committee vacancies shall be conducted by the clerk of the board each month, and a list of such vacancies shall be reported in writing to the board on the first business day of each month.

C. Notice of Vacancies. All vacancies caused by expired terms on any advisory body to which the board makes appointments shall be notice publicly by the clerk of the board on a quarterly basis. All such vacancies occurring during a three month period shall be publicly noticed on the first business day of the month immediately preceding such three month period. All public notices shall be given in a newspaper of general circulation printed and published in the county.

D. California Public Records Act. All public records of each commission and

committee and department advisory group shall be accessible to the public pursuant to the California Public Records Act. (Government Code Section 6250 et seq.). (Prior code § 3.01.100: Ord. 2078, 12/17/74: Ord. 2130, 5/27/75)

2.38.270 Conflict of interest code adoption required when.

A. Those boards, commissions and committees referred to in this chapter which possess decision-making authority shall develop and adopt a conflict of interest code in accordance with the Political Reform Act of 1974, which shall take effect upon approval by the board of supervisors.

B. A commission or committee possesses decision-making authority whenever (2 California Administrative Code Section 18700):

1. It may make a final governmental decision;
2. It may compel a governmental decision, or it may prevent a governmental decision, either by reason of an exclusive power to initiate the decision, or by reason of a veto which may not be overridden; or
3. It makes substantive recommendations which are, and over an extended period of time, have been regularly approved without significant amendment or modification by another public official or governmental agency.

C. For the purposes of this section, the following boards, commissions and committees shall be deemed to possess decision-making authority:

1. Boards.
 - a. Assessment appeals board,
 - b. Building appeals board,
2. Commissions.
 - a. Agricultural policy advisory commission,
 - b. Arts commission,
 - c. Civil service commission,
 - d. Fish and game advisory commission,
 - e. Nuisance abatement appeals commission,
 - f. Parks and recreation commission,
 - g. Planning commission,
 - h. Private industry council,
 - i. Human resources commission

- j. Santa Cruz-Monterey managed medical care commission
- k. Children and families commission.

3. Committees.

- a. Environmental review committee.

(Ord. 4541 § 1, 1999; Ord. 3495 § 1, 1984; Prior code § 3.01.085: Ord. 2195, 10/21/75; Ord. 2398, 3/1/77; Ord. 2455, 7/12/77; Ord. 2677, 5/15/79)

2.38.280 Noncompliance--Penalty.

In addition to any other penalty provided for by law, any wilful or knowing failure by any commission or committee to comply with any provision of this chapter may result in the removal of any or all of the commission's or committee's members. (Prior code § 3.01.090: Ord. 2078, 12/17/74)

SECTION II

This ordinance shall take effect on the 3 1st day after the date of final passage.

PASSED AND ADOPTED this ____ day of _____, 1999, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS

ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

JEFF ALMQUIST
Chairperson of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:



Assistant County Counsel

DISTRIBUTION: CAO