

**Chapter 2.38**  
**BOARDS, COMMISSIONS, COMMITTEES AND DEPARTMENT ADVISORY GROUPS**  
**GENERALLY**

2.38.010 Title for citation.

This chapter shall be known as the “Commissions Policy Ordinance of Santa Cruz County.” [Ord. 5279 § 8, 2018; Ord. 4573 § 1, 1999; Ord. 2078, 1974; prior code § 3.01.010(a)].

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 political affiliation, race, color, creed, religion, national origin, ancestry, disability, medical condition (cancer related and genetic characteristics), marital status, sex, sexual orientation, gender, age (over 18), veteran status, pregnancy, or other non-merit factor, to serve on commissions and committees subordinate to the Board. Furthermore, the Board believes the performance of these commissions and committees can be enhanced by creating and by administering them according to a consistent policy. [Ord. 5440 § 1, 2023; Ord. 5279 § 8, 2018; Ord. 4573 § 1, 1999; Ord. 2078, 1974; prior code § 3.01.010(b)].

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 subordinate 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. Unless otherwise indicated, the regulations applicable to commissions shall be equally applicable to boards.
- (B) “Bylaws” means the written procedures for the conduct of business by each commission or committee which have been approved by the Board of Supervisors.
- (C) “Commission” means any subordinate 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.

(D) “Committee” means any subordinate 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.

(E) “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.

(F) “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.

(G) “Staff Liaison” means the County employee designated by the head of a department or in a board, commission, or committee’s authorizing ordinance to perform the administrative work for a board, commission, committee, or advisory group. [Ord. 5440 § 1, 2023; Ord. 5285 § 10, 2018; Ord. 5279 § 8, 2018; Ord. 4573 § 1, 1999; Ord. 2078, 1974; prior code § 3.01.020].

#### 2.38.040 Scope of provisions.

This chapter shall apply to any subordinate 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. [Ord. 5440 § 1, 2023; Ord. 4573 § 1, 1999; Ord. 2130, 1975; Ord. 2078, 1974; prior code § 3.01.030(a)].

#### 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. [Ord. 4573 § 1, 1999; Ord. 2115, 1975; Ord. 2078, 1974; prior code § 3.01.030(b)].

#### 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 commission’s membership consistent with SCCC 2.38.080;
- (4) The commissioner’s terms of office, consistent with SCCC 2.38.100;

(5) The commission's organization and procedures, consistent with SCCC 2.38.110 through 2.38.250;

(6) Any necessary exceptions, consistent with SCCC 2.38.250; and

(7) The repeal of any County ordinance in conflict with the ordinance creating the commission.

(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. [Ord. 5279 § 8, 2018; Ord. 4573 § 1, 1999; Ord. 2078, 1974; prior code § 3.01.040].

#### 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 SCCC 2.38.080;

(4) The committee's termination date;

(5) The committee's organization and procedures, consistent with SCCC 2.38.110 through 2.38.250;

(6) Any necessary exceptions, consistent with SCCC 2.38.250; and

(7) The repeal of any County ordinance 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. [Ord. 5279 § 8, 2018; Ord. 4573 § 1, 1999; Ord. 2078, 1974; prior code § 3.01.050].

#### 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 of Supervisors 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.

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. [Ord. 5279 § 8, 2018; Ord. 4573 § 1, 1999].

#### 2.38.080 Membership qualifications and nomination.

(A) Eligibility.

(1) Each member of a commission, committee or department advisory group shall be a resident of or employed in Santa Cruz County, except that non-employee 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 has designated seats for other local entities within Santa Cruz County.

(2) Any person over the age of 14, or in their freshmen year of high school or equivalent, shall be eligible to serve on any commission or committee as determined by the Board

provided that the applicant meets all other educational or experience requirements, as required in the commission or committee's authorizing ordinance or by statute.

(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 socio-economic 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 County.

(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 SCCC 2.38.220.

(C) Alternate Members. No alternate members shall be appointed to serve on any commission or committee unless deemed necessary by the Board of Supervisors, designated in a commission or committee's authorizing ordinance, or as mandated or permitted by State or Federal authority.

(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. 5440 § 1, 2023; Ord. 4573 § 1, 1999; Ord. 3305 § 1, 1982; Ord. 2971, 1980; Ord. 2390, 1977; Ord. 2218, 1975; Ord. 2173, 1975; Ord. 2130, 1975; Ord. 2078, 1974; prior code § 3.01.060].

#### 2.38.090 Application for appointment.

(A) Any person seeking appointment to any subordinate body to which the Board of Supervisors makes appointments shall submit to the Board a written application expressing their interest in serving on such 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 their interest in serving on such advisory body. The agency or department head shall maintain a copy of all such requests for selection to a department advisory group. [Ord. 5440 § 1, 2023; Ord. 5279 § 8, 2018; Ord. 4573 § 1, 1999; Ord. 2078, 1974; prior code § 3.01.090].

#### 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 represent 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. [Ord. 4573 § 1, 1999; Ord. 3044, 1981; Ord. 2130, 1975; Ord. 2078, 1974; prior code § 3.01.070].

#### 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 SCCC 2.38.071(A)(5). [Ord. 4573 § 1, 1999; Ord. 2078, 1974; prior code § 3.01.080(a)].

#### 2.38.120 Officers.

(A) Each commission and committee shall elect its chairperson and vice-chairperson. Each commission and committee may also elect a co-chairperson in lieu of a vice-chairperson, if established in the body's authorizing ordinance or bylaws.

(1) Commission officers shall be elected during the commission's first meeting after the commission is established at which a majority of the members are present. Annually, thereafter, commission officers shall be elected during the first meeting in April, or if the commission does not meet in April, at the next subsequent meeting. Commission officers may serve for up to two consecutive years and shall be eligible to serve again after a one-year "sit-out" period.

(2) 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. [Ord. 5440 § 1, 2023; Ord. 5279 § 8, 2018; Ord. 4573 § 1, 1999; 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 as specified in the commission or committee's authorizing ordinance or bylaws, and approved by the Board of Supervisors.

(1) A calendar designating the time and place of such regular meetings shall be determined by a majority of the members at the first meeting in April, or if a commission does not meet in April, at the next subsequent meeting.

(2) 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 or Closed Sessions. No commission or committee shall hold an executive session, a closed session, or any other 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 or closed 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 SCCC 2.38.071(A)(5). All department advisory group meetings shall be held at locations which are functional for, usable, and accessible to persons with a disability. [Ord. 5440 § 1, 2023; Ord. 5279 § 8, 2018; Ord. 4573 § 1, 1999; Ord. 3567 § 1, 1984; Ord. 2378, 1977; Ord. 2225, 1976; Ord. 2130, 1975; Ord. 2078, 1974; prior code § 3.01.080(b)].

#### 2.38.140 Bylaws.

(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 SCCC 2.38.071(A)(5), 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. [Ord. 4573 § 1, 1999; Ord. 2078, 1974; prior code § 3.01.080(c)].

#### 2.38.150 Quorum.

A majority of the membership 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. [Ord. 5279 § 8, 2018; Ord. 4573 § 1, 1999; Ord. 2387, 1977; Ord. 2122, 1975; Ord. 2078, 1974; prior code § 3.01.080(d)].

#### 2.38.160 Agendas and minutes of meetings.



(A) The official agenda for each public meeting shall be prepared in accordance with any legal requirements by the designated Staff Liaison of each commission or committee unless the body's authorizing ordinance provides for a different designee. The Staff Liaison may consult with or seek input from the chair of the body, or in the chair's absence or unavailability, the vice chair or co-chairperson, during the preparation of the agenda. The Staff Liaison is also responsible for ensuring the official meeting agenda is properly noticed and posted according to law.

(B) Official minutes recording the motions entertained and actions taken at each commission or committee meeting shall be prepared by the Staff Liaison, or designee as authorized within the body's authorizing ordinance, and submitted to the Board of Supervisors, the Clerk of the Board, and the County Administrative Office.

(C) Minutes of a department advisory group shall be prepared and maintained by the agency or department head, or their designee. [Ord. 5440 § 1, 2023; Ord. 5279 § 8, 2018; Ord. 4573 § 1, 1999; prior code § 3.01.080(g)].

#### 2.38.170 Reports.

(A) A report shall be submitted by each board or commission according to a schedule set by the Board of Supervisors. The 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) Goals and accomplishments during the reporting period (goals and attainment of those goals; summary of activities including special 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 each committee to the Board before expiration of the committee's life.

(C) A report shall be issued by each department advisory group to the agency or department head according to a schedule set by the Board of Supervisors. The 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) Goals and accomplishments during the reporting period (goals and attainment of those goals; summary of activities including special projects and workshops or seminars that members have attended, if applicable); and
- (5) Future goals.

(D) In addition to any report required by this section, a commission or committee may submit progress reports and recommendations to the Board of Supervisors at any time.

(E) Each board, commission, committee, and departmental advisory group shall submit an attendance report to the Board of Supervisors at the end of each calendar year. [Ord. 5073 § 1, 2010; Ord. 4573 § 1, 1999; Ord. 3989 § 1, 1989; Ord. 2733, 1979; Ord. 2271, 1976; Ord. 2078, 1974; prior code § 3.01.080(h)].

#### 2.38.180 Stipends and expenses.

(A) The members of each commission and committee may receive a stipend as compensation for their public service as established annually by resolution of the Board of Supervisors.

(B) The members of each commission and committee may receive reimbursement for traveling and other expenses incurred while on official business of the County when such reimbursement is approved in advance by the Board of Supervisors.

(C) The members of a department advisory group shall not be entitled to a stipend nor to reimbursement for traveling and other expenses. [Ord. 5440 § 1, 2023; Ord. 4573 § 1, 1999; Ord. 2130, 1975; Ord. 2078, 1974; prior code § 3.01.080(m)].

#### 2.38.190 County staff support.

(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 the head of such department may designate a Staff Liaison to support such commission or committee.

(B) An agency or department head may, at their discretion, designate a staff liaison to assist a department advisory group.

(C) The Staff Liaison duties shall include:

(1) Assisting with any administrative operation and functions of the commission or committee;

(2) Serving as the clerk in preparation of and during any public meeting;

(3) Facilitating the onboarding orientation for each new commission or committee member in compliance with the procedures set forth in the applicable section of the Clerk of the Board's Policies and Procedures Manual;

(4) Recording the attendance of any trainings required by the commission or committee's authorizing ordinance, bylaws, or State or Federal law;

(5) Ensuring that each commissioner or committee member complies with all relevant laws and provisions of this chapter; and

(6) Other duties as assigned by the Staff Liaison's department head or as necessary for the support of the commission or committee. [Ord. 5440 § 1, 2023; Ord. 5279 § 8, 2018; Ord. 4573 § 1, 1999; Ord. 2078, 1974; prior code § 3.01.080(f)].

#### 2.38.200 Vacancies.

(A) Reporting Unscheduled Vacancies.

(1) An unscheduled vacancy due to an abandoned seat shall be created whenever a commission or committee member fails to:

(a) Attend two consecutive regular meetings, or another attendance number as designated in the body's bylaws, without prior notice to the Staff Liaison, and as documented in the minutes of the commission or committee; or

(b) Complete any training, ethical, or legal requirements mandated by law or as required in the body's authorizing ordinance or bylaws.

(2) Any unscheduled vacancy created by the death, incapacitation, removal, or voluntary resignation of a commission or committee member shall be reported in writing by the commission or committee Staff Liaison to the Board and the Clerk of the Board. Where an unscheduled vacancy has occurred as set forth in subsection (A)(1) of this section, the Staff Liaison shall inform the Board of Supervisors and the Clerk of the Board and request initiation of the process to fill the abandoned seat, with a copy of the notification sent to the vacating commission or committee member.

(3) Whenever the Board receives notification of an unscheduled vacancy, from a Staff Liaison and/or affiliated department, it shall proceed to fill the vacancy pursuant to subsection (B) of this section.

(4) A commission or committee may not adopt a rule providing for the removal or suspension of a member which differs from subsection (A)(1) of this section without approval of the Board of Supervisors.

**(B) Filling Unscheduled Vacancies.**

(1) Whenever any unscheduled vacancy occurs in any commission or committee as set forth in subsection (A) of this section, a special notice of vacancy shall be posted by the Clerk of the Board in a physical location at the County Building and on the County's Commissions, Committees, and Subordinate Bodies Vacancy webpage.

(2) To fill an unscheduled vacancy for a specific district-nominated seat, the nominating Supervisor may make a nomination to fill such vacancy at any time 10 days after the special notice of vacancy has been posted, by placing a letter recommending a person for appointment on the Board's consent agenda.

(3) To fill an unscheduled vacancy for an at-large seat, nominations may be made at any time at least 20 days after the special notice of vacancy has been posted. Final appointment to fill such an 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 nomination for an at-large vacancy 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 pursuant to the procedure in subsection (B)(2) of this section.

**(C) Filling Scheduled Vacancies.**

(1) 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.

(2) Scheduled vacancies shall be filled in compliance with the provisions of SCCC 2.38.080(B).

(D) Emergency Appointments. 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.

(E) Except for emergency appointments, all vacancies shall be filled by a person appointed by the Board to serve for the remainder of the unexpired term. A commission or committee's recommendation for the filling of vacancies may be submitted to the Board of Supervisors for consideration. [Ord. 5440 § 1, 2023; Ord. 5279 § 8, 2018; Ord. 4608 § 1, 2001; Ord. 4573 § 1, 1999; Ord. 3285 § 1, 1982; Ord. 3044, 1981; Ord. 2390, 1977; Ord. 2078, 1974; prior code § 3.01.080(j)(1)].

2.38.210 Filling scheduled vacancies.

Repealed by Ord. 5279. [Ord. 4573 § 1, 1999; Ord. 3044, 1981; Ord. 2390, 1977; Ord. 2078, 1974; prior code § 3.01.080(j)(3)].

2.38.220 Filling unscheduled vacancies.

Repealed by Ord. 5279. [Ord. 4573 § 1, 1999; Ord. 3306 § 1, 1982; Ord. 3044, 1981; Ord. 2390, 1977; Ord. 2078, 1974; prior code § 3.01.080(j)(2)].

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 subcommittee. Members 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 SCCC 2.38.110 through 2.38.250 only, “subcommittee” means any subsidiary study group appointed by a commission or committee to assist that commission or committee for longer than six months. [Ord. 4573 § 1, 1999; Ord. 2130, 1975; Ord. 2078, 1974; prior code § 3.01.080(i)].

#### 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. [Ord. 4573 § 1, 1999; Ord. 2078, 1974; prior code § 3.01.080(k)].

#### 2.38.250 Exceptions.

To the extent that any provision of SCCC 2.38.100 or 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 SCCC 2.38.100 or 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. [Ord. 4573 § 1, 1999; Ord. 2078, 1974; prior code § 3.01.080(l)].

#### 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 member. 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 bylaws 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 noticed 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.) [Ord. 4573 § 1, 1999; Ord. 2130, 1975; Ord. 2078, 1974; prior code § 3.01.100].

#### 2.38.270 Ethical obligations.

(A) Once a commission or committee member accepts appointment, the member becomes a representative of the County. Upon taking their oath of office, a member must comport themselves in a manner consistent with the public trust and carry out their duties in a manner that serves the residents of the County and the Board of Supervisors.

(B) Those subordinate bodies 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. Members of these bodies shall be responsible for the timely and accurate filing of a Statement of Economic Interests financial disclosure (Form 700) in compliance with the applicable conflict- of-interest code.

(1) As defined under Title 2, California Code of Regulations, Section 18700, a commission or committee is deemed to possess decision-making authority if within its duties:

(a) It may make a final governmental decision;

(b) It may compel or 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

(c) It makes substantive recommendations and, over an extended period of time, those recommendations have been regularly approved without significant amendment or modification by another public official or governmental agency.

(2) When acting in a decision-making or “quasi-judicial” role, commission and committee members must ensure that the parties appearing before them receive a fair and unbiased hearing under the Due Process clause of the U.S. Constitution. Commissioners must listen to and consider all evidence presented during the hearing by the parties and make decisions based upon the evidence and governing law. Bodies that act in a quasi-judicial capacity may adopt additional rules or procedures for conducting the hearings and the conduct of the commissioners regarding evidence and witnesses, subject to approval of the Board of Supervisors.

(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) Workforce Development Board;

(2) Commissions:

- (a) Agricultural Policy Advisory Commission;
- (b) Arts Commission;
- (c) Civil Service Commission;
- (d) Emergency Management Council;
- (e) Environmental Health Appeals Commission;
- (f) First 5 Commission;
- (g) Fish and Wildlife Advisory Commission;
- (h) Integrated Community Health Centers Co-Applicant Commission;
- (i) Mental Health Advisory Board;
- (j) Parks and Recreation Commission;
- (k) Planning Commission; and
- (l) Treasury Oversight Commission.



(D) Any commission or committee member with a conflict of interest shall refrain from participating in any item placed on a meeting agenda of their appointed body. A “conflict of interest” includes both statutory and common law conflicts, as described herein:

(1) A public official at any level of State or local government may not make, participate in making, or in any way use or attempt to use their official position to influence a governmental decision when the official knows or has reason to know that the official has a disqualifying financial interest. A public official has a disqualifying financial interest if the decision will have a reasonably foreseeable material financial effect, distinguishable from the effect on the public generally, directly on the official or the official’s immediate family, or any financial interest, as further described in 2 California Code of Regulations Section 18700(a)(6).

(2) A common law conflict of interest may exist and is prohibited when a member is placed in a position where a decision creates a division between the member’s duty of loyalty to the public and their private, personal interests, including but not limited to non-economic interests and/or the appearance of impropriety due to personal, professional and/or business relationships.

(E) A board, commission or committee member may not use their appointment for private gain or advantage, or for prestige or influence of the individual’s position, including but not limited to:

(1) Directly or indirectly soliciting, seeking or accepting loans, gifts, gratuities, business, contracts, compensation, or favors from business firms or agents who deal with the County.

(2) Using information not readily available to the general public, gained in the course of service to the commission, for private gain or advantage, or for the gain or advantage of another. [Ord. 5440 § 1, 2023; Ord. 5279 § 8, 2018; Ord. 5024 § 1, 2008; Ord. 4776 § 1, 2004; Ord. 4573 § 1, 1999; Ord. 4541 § 1, 1999; Ord. 3495 § 1, 1984; Ord. 2677, 1979; Ord. 2455, 1977; Ord. 2398, 1977; Ord. 2195, 1975; prior code § 3.01.085].

#### 2.38.280 Noncompliance—Penalty.

In addition to any other penalty provided for by law, any willful 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. [Ord. 5279 § 8, 2018; Ord. 4573 § 1, 1999; Ord. 2078, 1974; prior code § 3.01.110].

