

RESOLUTION NO. 13-006

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA APPROVING THE REVISED GUIDELINES FOR THE CITY OF SANTA BARBARA ADVISORY GROUPS AND RESCINDING RESOLUTION NOS. 03-001 AND 06-092

WHEREAS, the Guidelines for the City of Santa Barbara Advisory Groups is a composite of City Council actions, administrative procedures, legal requirements, and general information regarding the City Advisory Groups, which need to be updated or revised periodically.

NOW, THEREFORE, BE RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

SECTION 1. The revised Guidelines for the City of Santa Barbara Advisory Groups, Exhibit A, are hereby approved.

SECTION 2. Resolution Nos. 03-001 and 06-092 are hereby rescinded.

**GUIDELINES  
FOR THE  
CITY OF SANTA BARBARA  
ADVISORY GROUPS**



**APPROVED BY THE CITY COUNCIL**

**Resolution No. 13-006  
Adopted February 12, 2013  
Effective February 12, 2013**

**Prepared by the Santa Barbara City Clerk's Office**

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## **CITY OF SANTA BARBARA ADVISORY GROUPS BACKGROUND INFORMATION**

Section 800 of the City of Santa Barbara Charter authorizes the establishment of City boards and commissions:

"There shall be the following named advisory boards and commissions which shall have the powers and duties herein stated. In addition, the City Council may create by ordinance such additional advisory boards or commissions as in its judgment are required, and may specify the number of members thereof, their terms and manner of appointment, and may grant to them such powers and duties as are consistent with the provisions of this Charter."

### **Charter Boards and Commissions**

Article VIII of the City Charter establishes the following 11 boards and commissions:

- Airport Commission
- Architectural Board of Review
- Civil Service Commissioners, Board of
- Fire and Police Commissioners, Board of
- Fire and Police Pension Commissioners, Board of
- Harbor Commissioners, Board of
- Historic Landmarks Commission
- Library Board
- Parks and Recreation Commission
- Planning Commission
- Water Commissioners, Board of

Except as provided in the City Charter, all charter board and commission members must be qualified to vote in the City of Santa Barbara.

Article VIII also contains provisions regarding the manner of appointment, removal from office, number and terms of members, meetings, and the powers and duties of each board and commission. These guidelines supplement the recruitment and appointment procedures specified in the City Charter. Those boards and commissions specifically established in the Charter may be eliminated only by amendment to the Charter, which must be approved by the voters.

## **Other City Council Advisory Groups**

All City Council Advisory Groups not specified in the City Charter are established by the City Council by ordinance, resolution, or minute action. Some City Council Advisory Groups are formed for a specific purpose and cease to exist when their goals have been accomplished. The current City Council Advisory Groups are:

- Access Advisory Committee
- Arts Advisory Committee
- Building and Fire Code Board of Appeals
- Community Development and Human Services Committee
- Community Events and Festivals Committee
- Creeks Restoration and Water Quality Improvement Program Citizen Advisory Committee
- Downtown Parking Committee
- Living Wage Advisory Committee
- Measure P Committee
- Neighborhood Advisory Council
- Rental Housing Mediation Task Force
- Santa Barbara Sister Cities Board
- Santa Barbara Youth Council
- Sign Committee
- Single Family Design Board
- Transportation and Circulation Committee

## **Other Appointments**

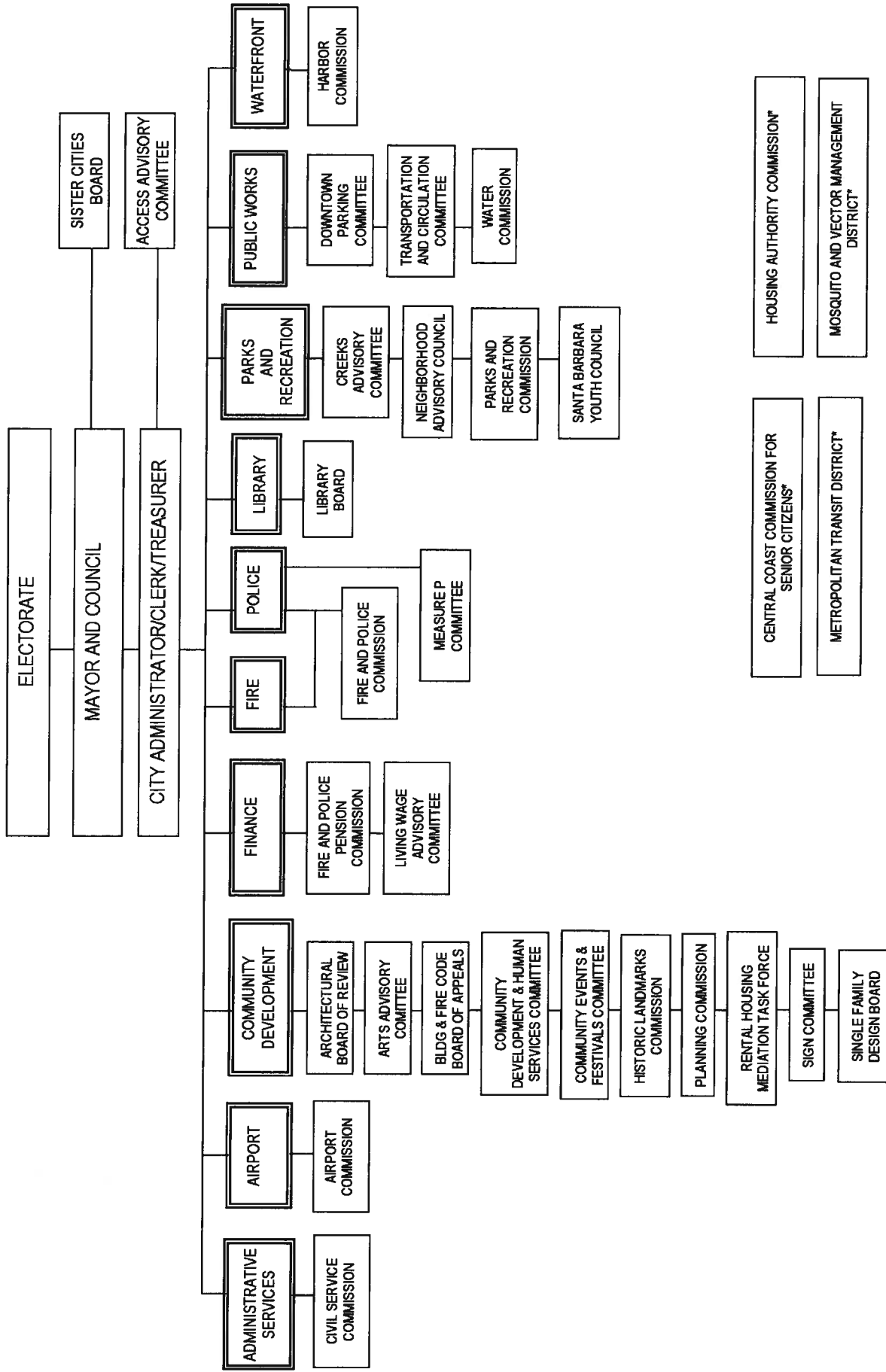
The City makes appointments to groups created by State law such as the Housing Authority Commission, the Mosquito and Vector Management District of Santa Barbara County and the Santa Barbara Metropolitan Transit District Board of Directors. The Housing Authority Commission membership may include two non-City residents. The City also appoints one member to the Central Coast Commission for Senior Citizens.

The Housing Authority Commission, the Mosquito and Vector Management District Board of Santa Barbara County, the Santa Barbara Metropolitan Transit Board, and the Central Coast Commission for Senior Citizens are not advisory to the City Council; and their members may serve on a board, commission, or committee that is advisory to the City Council. These groups are included in these Guidelines since the application, appointment, conflict of interest, Brown Act, and parliamentary procedure policies apply to them.

## **Organization Charts**

The Department which provides staff support to the City Council Advisory Groups is indicated on the City of Santa Barbara – City Council Advisory Groups Organization Chart. Additionally, the Parks and Recreation Department staffs volunteer committees that are appointed by the Parks and Recreation Commission. These volunteer committees include the Arts & Crafts Show Advisory Committee and other committees shown on the City of Santa Barbara Volunteer Committees Organization Chart.

# City of Santa Barbara City Council Advisory Groups Organization Chart

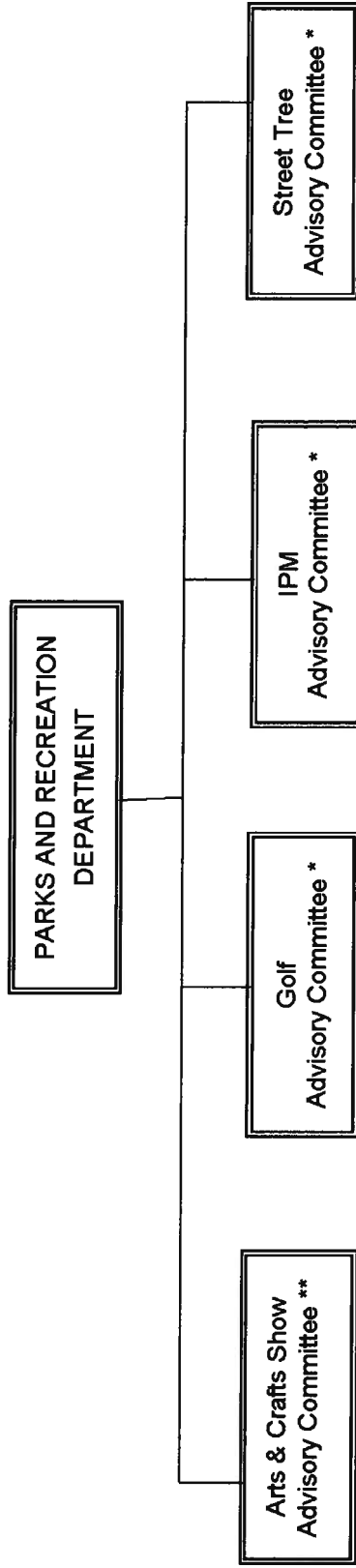


\* Separate entities. One or more members are appointed by the City Council.



**City of Santa Barbara  
Volunteer Committees**

**Organization Chart**



- \* Members are appointed by the Parks and Recreation Commission
- \*\* 3 of the 4 members are elected by the show members

August 2012

# **ROLE OF CITY ADVISORY GROUPS IN POLICY-MAKING**

## **Role of Boards, Commissions, and Committees**

In keeping with the City's philosophy of citizen involvement, the City Council appoints persons to City Council Advisory Groups to assist in formulating City policy. Santa Barbara is proud of the quality of service performed by volunteers.

In accordance with Section 800 of the Charter of the City of Santa Barbara, the actions of Charter-established boards and commissions are advisory to the City Council, with a few limited exceptions specifically set forth in the Charter.

City of Santa Barbara Resolution No. 7885 regarding recommendations from boards and commissions to government agencies (adopted April 16, 1974), states that board and commission recommendations on matters which come before their respective bodies should be forwarded to the City Council for review since those recommendations are advisory to the City Council. The resolution states that:

"When any board or commission requests that its recommendations be forwarded to another governmental agency: (1) that the recommendation be sent first to the City Council with a request that it be forwarded with or without comment by the City Council; and (2) that except in the most extraordinary circumstances the City Council shall forward such recommendation and in its discretion forward it with or without comment."

## **Serving in Advisory Capacity**

Members are responsible for attending all meetings regularly, understanding the duties of their positions, adhering to the Citywide Nondiscrimination Policy and Excellence in Customer Service Code of Conduct, and working in a manner that will contribute to the betterment of Santa Barbara.

## **SOURCES OF INFORMATION**

A variety of resources are available in the City Clerk's Office and on the City's web site at [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov) for researching the scope of authority of the City Advisory Groups:

### **Charter of the City of Santa Barbara**

The City is governed by the provisions of its Charter, which was approved by the voters of Santa Barbara. The California Constitution creates two types of cities: general law cities and charter cities. There are 121 charter cities, which include most of the larger cities in the State, and 361 general law cities in California. The provisions of their own adopted charter govern them unless the State of California has stated specifically that State laws have preempted an area of regulation. Generally, charter cities have more local authority over areas that traditionally have been considered "local" or municipal affairs, for example, zoning or local taxes.

### **Ordinances - Santa Barbara Municipal Code**

The Santa Barbara Municipal Code is a compilation of all codified ordinances, which are the laws of the City. Copies of City ordinances - old and current - are available in the City Clerk's Office. In addition, certain ordinances, generally those with a specific, limited, or temporary purpose, are not codified. These "uncodified" ordinances also are available in the City Clerk's Office.

### **Resolutions**

Resolutions constitute a written action or decision by the City Council. Copies of the resolutions, which create certain committees, set forth policy, establish membership, etc., are available in the City Clerk's Office.

### **Minutes - Official Record**

The City Clerk's Office maintains the official minutes of actions taken by the City Council since 1850. Reports presented to the City Council by the City Advisory Groups are available in the City Clerk's Office. The City Staff Liaison to each group is responsible for maintaining the original minutes of meetings of the City Advisory Group. The current agendas of the City Advisory Groups are available on the City's website at [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov) and are generally posted at the location where each City Advisory Group regularly meets.

## **VACANCIES**

There are two kinds of City Advisory Group vacancies, scheduled and unscheduled.

### **Scheduled Vacancies**

Scheduled vacancies are those created by the expiration of a term that is usually December 31.

In accordance with state law, a list of all scheduled vacancies for the upcoming calendar year is posted in the City Clerk's Office and at the Library on or before December 31, of each year.

### **Unscheduled Vacancies**

Unscheduled vacancies are those created prior to a term's expiration due to resignation, removal, or death.

A City Advisory Group member is subject to removal by a motion of the City Council adopted by the affirmative votes of a majority of the total membership of the City Council.

In accordance with state law, a special vacancy notice must be posted in the City Clerk's Office and in the Library not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final appointment to the City Advisory Group will not be made for at least 10 working days after the posting of the special vacancy notice in the City Clerk's Office.

## **RESIGNATIONS**

If a City Advisory Group member finds that he or she cannot perform the duties of the office because of health, business, moving from the city, or other reasons, he or she shall submit a written resignation to the City Council in care of the City Clerk's Office for action. The vacancy is noticed on the Council agenda.

A member who is required to be a City resident and who relocates his or her residence outside of the City shall immediately notify the City Clerk's Office and resign from the board, commission, or committee.

## **RECRUITMENT PROCESS**

### **Recruitments**

A semiannual and annual recruitment is conducted to fill numerous positions whose terms expire on June 30 of the current year and at the end of each calendar year, respectively. Additional recruitments may occur during the year, for example, to fill positions on a newly created board, commission or committee, or to provide sufficient members on a board, commission, or committee for a quorum.

As a part of the recruitment process, the City Clerk's Office notifies each incumbent as well as interested persons, about the term expirations and vacancies, the deadline for receipt of applications, and the dates for the interviews and appointments.

### **Eligibility**

Qualifications for membership vary depending on the City Advisory Group. In most cases, appointees must be residents and qualified electors of the City. A qualified elector is a United States citizen, 18 years of age or older, who resides within the city limits of Santa Barbara. Unless otherwise stated, a public at large member is a resident living within the city limits of Santa Barbara. An appointee may not hold any full-time paid office or employment in City government. Membership qualifications are listed in the vacancy notice available in the City Clerk's Office, at the Library, and on the City's web site at [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov). Additional information on the City Council Advisory Groups also is available on the City's web site.

### **Applications**

Persons interested in serving on a City Council Advisory Group, including incumbents who wish to be considered for reappointment, must file a separate application for each group with the City Clerk's Office. The application consists of four pages. **ONLY ONE ADDITIONAL PAGE OF INFORMATION MAY BE SUBMITTED.** Applications may be obtained from the City Clerk's Office or from the City's web site at [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov). Applications may be submitted to the City Clerk's Office as follows: (1) in person; (2) by mail to P.O. Box 1990, Santa Barbara, CA 93102; (3) by facsimile to 805-897-2623; or (4) by e-mail to [CityAdvisoryGroupApplications@SantaBarbaraCA.gov](mailto:CityAdvisoryGroupApplications@SantaBarbaraCA.gov). Upon receipt of an application, the City Clerk's Office will confirm receipt via e-mail or phone.

Applications may be completed for vacancies that currently exist or for consideration when future scheduled or unscheduled vacancies occur. An application remains on file in the City Clerk's Office for a period of one year from the date of receipt unless the applicant requests that it be withdrawn.

## **Interviews**

Applicants and current advisory group members applying for reappointment are required to appear for an interview before the City Council. The City Council interviews each applicant during a Council meeting open to the public. Each applicant is requested to prepare a two to three minute verbal presentation that responds to a set of general and specific questions that are provided to the applicant by the City Clerk's Office in advance. An overall time limit of five minutes for the interview is allotted if the person is applying for more than one group.

During the interview, applicants may express the desire to be appointed to a group other than that to which they have submitted an application to for the Council's consideration. If the applicant is qualified, the applicant's name will be added to the list of persons eligible for appointment. Alternatively, the Council may ask applicants if they would consider appointment to a committee for which they are qualified but did not submit an application for appointment. With the applicant's approval, the applicant's name will be added to the list of persons eligible for appointment.

The City Clerk's Office will notify applicants of the date(s) and time(s) for the interviews via e-mail, or U.S. mail when an e-mail address is not provided by the applicant.

Names of applicants failing to appear for an interview will be removed from the list of persons eligible for appointment.

## **APPOINTMENT PROCESS**

### **Appointments**

In an effort to fill all vacancies, the Council may contact eligible applicants to determine if they are eligible and are interested in being appointed to a group other than that to which the applicant has applied and interviewed.

After interviewing the applicants, the City Council makes appointments by majority vote in open session. In making these appointments, the Council is guided by the City's Equal Opportunity Goals. The appointees are notified of the Council's decision by mail. A list of the appointments is posted to the City's web site at [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov).

### **Equal Opportunity Goals**

The City Council established a policy for the appointment process of members to the City's various boards, commissions, and committees, which included widespread distribution within the community of information including the number of vacancies and length of term, a full description of the purposes of the City Council Advisory Group, meeting times, deadline for applying, and the appointment process.

In making appointments, the City Council is guided by the City's commitment to nondiscriminatory employment practices and its intention to "serve as a model for equal opportunity through its prerogative of commission and board appointments." (Resolution No. 8022, adopted March 18, 1975)

The City Council and staff are committed to equal opportunity without discrimination or harassment. The City maintains its commitment to equality in the conduct of City business and encourages applications from all qualified candidates. The City of Santa Barbara prohibits any policy, plan, program, custom or practice which has a discriminatory effect related to race, creed, color, national origin, ancestry, sex (male or female; includes pregnancy/childbirth), political affiliation, religious belief, disability (mental and physical, including HIV and AIDS), medical condition (cancer and genetic characteristics) sexual orientation, gender identity and expression (including transgenderism) marital status or age. This policy shall apply to members of the City Council, all advisory boards, commissions and committees, citizen volunteers, City employees and to those who do business with or who seek to do business with the City of Santa Barbara.

### **Diversity and Inclusion**

Diversity and inclusion is important to the City because a successful workplace must not only be comprised of people from different backgrounds and perspectives but also capitalize on their talents and perspectives. Adopting practices that value and include diversity at all levels of the organization is an essential step to developing strategies that meet the needs of a diverse community.

## **Serving On More than One City Council Advisory Group**

Because of the wealth of expertise available in our community, it is the City Council's preference that people serve on just one board, commission, or committee that is advisory to the City Council. The exception is in the case of the City Council Advisory Groups that are created for a limited term and purpose and that require a limited time commitment from their members, or meet infrequently. This does not include those members serving on a board, commission, or committee that is not advisory to the City Council such as the Housing Authority Commission, Santa Barbara Metropolitan Transit Board, Mosquito and Vector Management District Board of Santa Barbara County, and the Central Coast Commission for Senior Citizens. In furtherance of this policy, the City Council may ask an applicant who is a current member of a City board, commission, or committee to resign from that position as a condition of appointment to another board, commission, or committee.

## **Term of Appointment**

Terms of office for the City Council Advisory Groups are generally four years. The terms are staggered so that all terms do not expire in any one year. Members serve until their successors are appointed and qualified. If a member resigns before the expiration of a term, his or her replacement serves out the remainder of that term.

Terms of office for the Access Advisory Committee are three years. Terms of office for the Central Coast Commission for Senior Citizens, the Mosquito and Vector Management District Board of Santa Barbara County, the Santa Barbara Youth Council, and the tenant members of the Housing Authority Commission are two years.

## **Successive Terms of Members of Boards, Commissions, and Committees**

It is the policy of the City Council that wide community participation be sought in affairs of municipal government and that membership on the City Council Advisory Groups be open, insofar as is practicable, to all competent and interested persons who meet the stated qualifications. Pursuant to that policy, no member of an advisory group shall serve for longer than two consecutive full terms, consisting of an uninterrupted period of eight years. If the Council finds that a particular member of an advisory group has unique qualifications that are of special benefit to the City, then said member may be reappointed to the same advisory group.

Members of boards and commissions not advisory to the City Council, such as the Central Coast Commission for Senior Citizens, the Housing Authority Commission, the Mosquito and Vector Management District of Santa Barbara County, and the Santa Barbara Metropolitan Transit District Board, shall comply with the term limits specified in the law establishing the board or commission.



## **Oath of Office**

Article XX, Section 3, of the Constitution of the State of California requires that an oath of office be administered. After appointments are made, a Deputy administers a written oath in the City Clerk's Office or by a Notary Public.

## **Orientation Process**

Each department conducts an orientation session for its City Council Advisory Group(s) and distributes a reference manual to new City Council Advisory Group appointees.

## **Advisory Group Membership List**

The members of all City Council Advisory Groups are listed in the "City of Santa Barbara Advisory Group Membership List" and is available in the City Clerk's Office. The membership list (Roster) is also available on the City's web site at [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov).

## **Compensation**

Most members of the Council-appointed City Advisory Groups receive no payment, however, the Planning Commission, Architectural Board of Review, Historic Landmarks Commission, Single Family Design Board, Housing Authority Commission, Santa Barbara Metropolitan Transit District, and the Mosquito and Vector Management District of Santa Barbara County have special provisions for compensation. Compensation information for City Advisory Groups can be found on the City's web site at [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov).

## **Advisory Group Member Role Definitions**

The following are definitions for the roles of the advisory group members.

### **Regular Members:**

Regular members participate and vote during regular and special meetings of the City Council Advisory Group, unless required to step-down due to a potential conflict of interest. In general, a regular member of an advisory group is entitled to participate in all actions of the advisory group. Deviations from this general rule would be found in the charter section, ordinance or council resolution establishing the advisory group and specifies the manner of participation.

### **Alternate Members:**

Advisory groups may have alternate members. Alternate members participate in the place of an absent or conflicted regular member. The appointment of alternate members and the manner of their participation would be found in the charter section, ordinance or council resolution establishing the advisory group.

## **Advisory Group Member Role Definitions (Cont'd)**

For example, the Sign Committee membership includes one alternate member appointed by the Architectural Board of Review (ABR) and one alternate member appointed by the Historic Landmarks Commission (HLC). Resolution No. 06-084, adopted October 3, 2006, states "Alternate members shall serve on the Sign Committee as replacements for regular members appointed by the Architectural Board of Review or the Historic Landmarks Commission. If one regular member appointed by the ABR or the HLC is absent, either of the alternate members may serve in the regular member's place. If both regular members appointed by the ABR and the HLC are absent, both alternate members may participate. Alternate members shall not serve as replacement for at large members appointed by the City Council."

### **Staff Liaisons:**

In most cases, the department director is responsible for designating a City Staff Liaison to each City Council Advisory Group. Staff liaisons attend advisory group meetings and may participate in the proceedings, but staff liaisons are not voting members of the advisory group.

### **Council Liaisons**

A City Councilmember is usually appointed as a liaison to each City Council Advisory Group in January of each year. Councilmember liaisons may attend meetings and participate in the proceedings, but Councilmember liaisons are not voting members of the advisory group. Councilmember liaisons may provide a verbal report of the proceedings to the full Council during a regular City Council meeting.

## **CONFLICT OF INTEREST – STATEMENTS OF ECONOMIC INTERESTS**

### **Purpose**

The Political Reform Act of 1974 (Government Code Sections 81000, et seq.), which was approved by the voters of the State of California, is intended to prevent conflicts of interest by requiring public officials to disclose certain personal financial interests, which could foreseeably cause conflicts. In addition, a public official may be required to disqualify himself/herself from making, participating in, or attempting to influence any government decision which will affect any of his/her financial interests, not just those that are required to be disclosed.

The Fair Political Practices Commission (FPPC) Office is available at their toll free telephone number (866-275-3772) to explain what a conflict of interest is and when the law requires disqualification, and the information is available at the FPPC web site at [www.fppc.ca.gov](http://www.fppc.ca.gov). The City Clerk's Office and the City's web site at [www.SantaBarbaraCA.gov](http://www.SantaBarbaraCA.gov) also provide conflict of interest information.

### **Public Inspection**

The City Clerk's Office provides the Statement of Economic Interests forms. All forms are filed with the City Clerk's Office except for the original statements of Planning Commissioners, which are sent to the Fair Political Practices Commission; the City Clerk's Office retains a copy.

The original statements are retained in the City Clerk's Office for seven years, after which time they may be properly destroyed (Government Code Section 81009). All such forms are open for public inspection and reproduction at 10 cents per page (Government Code Section 81008).

### **Filers**

Members of the following groups must file statements:

- Airport Commission
- Architectural Board of Review
- Arts Advisory Committee
- Building and Fire Code Board of Appeals
- Civil Service Commissioners, Board of
- Community Development and Human Services Committee
- Community Events and Festivals Committee
- Creeks Restoration and Water Quality Improvement Program Citizen Advisory Committee
- Downtown Parking Committee
- Fire and Police Commissioners, Board of
- Fire and Police Pension Commissioners, Board of
- Harbor Commissioners, Board of
- Historic Landmarks Commission
- Housing Authority Commission

## **Filers (Cont'd)**

Living Wage Advisory Committee  
Parks and Recreation Commission  
Planning Commission  
Sign Committee  
Single Family Design Board  
Transportation and Circulation Committee  
Water Commissioners, Board of

## **Type of Statements**

The following statements must be filed:

### **Assuming Office Statement**

Within 30 days of assuming office.

### **Annual Statement**

No later than April 1, of each year for the reporting period of January 1, through December 31, of the previous year.

### **Leaving Office Statement**

Within 30 days after leaving the designated position.

## **Additional Late Filing, Non-Filing, and Fine Provisions**

In addition to the late filing, non-filing, and fine provisions contained in the Political Reform Act, the following will apply:

### **Late Filings**

The City Council Advisory Group members who fail to file statements within 30 days of the statutory deadline will not be allowed to participate in meetings of the boards, commissions, or committees to which they have been appointed until the statement is filed with the City Clerk's Office.

### **Non-Filings**

The City Council Advisory Group members who fail to file statements within 60 days of the statutory deadline will be subject to removal from the boards, commissions, or committees to which they have been appointed by motion of the City Council adopted by the affirmative votes of a majority of the total membership of the City Council.

## **Additional Late Filing, Non-Filing, and Fine Provisions (Cont'd)**

### **Fines**

The fines assessed to the City Council Advisory Group members are due and payable within 30 days of receiving specific written notice of the fine unless prior written arrangements are agreed to by the City Clerk's Office and met by the City Council Advisory Group member; and they will not be allowed to participate in meetings of the boards, commissions, or committees to which they have been appointed until the fine is paid to the City Clerk's Office.

### **Unpaid Fines**

The City Council Advisory Group members who do not pay their fines within 30 days of receiving specific written notice will be subject to removal from the boards, commissions, or committees to which they have been appointed by motion of the City Council adopted by the affirmative votes of a majority of the total membership of the City Council.

## **AB 1234 ETHICS TRAINING**

In October 2005, the Governor signed Assembly Bill (AB) 1234, which requires that if a local agency provides 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 Section 54952), that local agency's officials must receive training in ethics. The training must encompass both general ethics principles, as well as a summary of specific laws concerning conflicts of interests, rules and limitations on gifts, and government transparency. The initial training must be completed no later than one year after the first day of service; and then the training course must be completed once every two years thereafter. The official training sessions last a minimum of two hours.

In addition to the State mandate, the City of Santa Barbara requires that members of certain City Council Advisory Groups must also take AB 1234 training because their roles may involve making decisions that impact individuals' or businesses' financial or real property interests or they may be involved in approving leases, contracts or other City budgetary decisions. For the following City Council Advisory Groups, the initial training must be completed within six months of the adoption of the Guidelines; thereafter, the AB 1234 training course must be completed within one year after a member is appointed or reappointed to the following board or commission:

- Airport Commission
- Architectural Board of Review
- Community Development and Human Services Committee
- Creeks Advisory Committee
- Downtown Parking Committee
- Fire and Police Commission
- Harbor Commission
- Historic Landmarks Commission
- Neighborhood Advisory Council
- Parks and Recreation Commission

## **AB 1234 Ethics Training (Cont'd)**

Planning Commission (Already State Mandated)  
Street Tree Advisory Committee  
Single Family Design Board  
Water Commission

There are numerous AB 1234 training options, but the City recommends that advisory board and commission members complete the free on-line training program offered by the California FPPC at <http://localethics.fppc.ca.gov/login.aspx>. Both the FPPC (<http://www.fppc.ca.gov/index.php?id=477>) and the California Institute of Local Government (<http://www.ca-ilg.org/ethics-education-ab-1234-training>) contain valuable information on their websites regarding the AB 1234 Ethics Training requirement.

**Although only certain City Council Advisory Groups are required to fulfill this requirement (including submitting a certificate of completion to the City Clerk's Office), it is recommended that all City Council Advisory Group Members complete the training at least once after appointment.**

## **BROWN ACT COMPLIANCE**

### **Purpose**

The Ralph M. Brown Act was enacted in 1953 to assure that government action is taken openly. It is also known as the "California Open Meetings Law." (Government Code Sections 54950, et seq.)

### **Provisions**

All meetings of City boards, commissions, committees, and groups are to be open and public, and all persons are to be permitted to attend any meeting.

Each City Council Advisory Group should adopt a written resolution, which establishes the time and place of its regular meetings.

### **Agenda**

A written agenda must be prepared for each regular or special meeting of every legislative body. The agenda must contain a brief general description of each item of business to be transacted or discussed at the meeting and must specify the time and location of the meeting. No action shall be taken on any item not appearing on the posted agenda. (Sections 54954.2 and 54956)

### **Posting of Agenda**

The agenda must be posted at least 72 hours before a regular meeting and 24 hours before a special meeting, and must be posted in a location that is freely accessible to members of the public 24 hours per day. (Sections 54954.2 and 54956)

## **Ex-Agenda Items**

An item may be added to the agenda after the agenda has been published and posted upon a determination by a two-thirds vote of the members (or unanimous vote if less than two-thirds of the members are present) that there is an emergency or exigent need to consider an agenda item on an ex-agenda basis . The vote shall be on a motion stating that the need to take immediate action arose after the agenda was published and posted. Any such motion shall be accompanied by distribution of a written findings statement, to be included in the record, stating the facts upon which it can be determined that the need to take action arose after the agenda was published and posted and could not have been agendized as a regular agenda item. In addition, action may be taken on an item not on the posted agenda only under the circumstances stated in Government Code Sections 54954.2(b)(1) dealing with emergencies or 54954.2(b)(3) dealing with duly continued regular meeting agenda items.

## **Agendas and Written Materials as Public Records**

The Brown Act provides that agendas of a public meeting of the legislative body, as well as any other "writings" currently defined by law as public records, must be available for inspection when distributed to all, or a majority of all, of the members of the legislative body. Such documents are required to be available for inspection at the same time that they are distributed to the members of the body. If the material is distributed during the meeting and prepared by the City, it must be made available for public inspection at the meeting. If it is distributed during the meeting by anyone else, it will be made available by City staff for public inspection after the meeting. In addition, copies of such documents must be made available to the public without delay pursuant to the California Public Records Act. (Section 54957.5[a]/[b])

## **Regular Meetings**

Legislative bodies must set a date, time, and place for holding regular meetings. (Section 54954[a])

Members of the public shall be given the opportunity to directly address the legislative body concerning a specific item of business described in the agenda for the meeting. (Section 54954.4[a])

## **Special Meetings**

The Brown Act permits special meetings to be called at any time either by the presiding officer of a board or commission or a majority of the members of a legislative body. The meeting can be called by delivering personally, or by any other means written notice to each member of the legislative body, as well as to each local newspaper of general circulation, radio, and/or television station requesting notice. The notice must be received at least 24 hours before the time of the meeting set forth in the notice.

Notice is not required for those members of the legislative body who have waived it or who attend the meeting despite the absence of formal notice. Notice is required even if no action is taken at the special meeting (Section 54956). The signatures of the City Council Advisory Group body may be obtained or other proof of service may be prepared to serve as proof that an agenda was received in a timely fashion.

## **Special Meetings (Cont'd)**

The notice also must be posted at least 24 hours before the time of the meeting in a location which is freely accessible to the public 24 hours per day. The notice must include the time and place of the meeting, and identify the business to be transacted at the special meeting. Only the business set forth in the notice may be considered at the special meeting.

Members of the public shall be given the opportunity to directly address the legislative body concerning any item that has been described in the agenda for the meeting. (Section 54954.3[a])

## **Adjourned Meetings**

Regular or special meetings may be adjourned (continued) to a specific time and place (within the City limits unless it meets a certain exception). Less than a quorum can adjourn a meeting. A notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment provided that if the matter is continued to a time less than 24 hours after the adjournment, a copy of the order shall be posted immediately following the meeting at which the order or declaration of continuance was made. (Section 54955)

## **Emergency Meetings**

An exception to the 24-hour notice requirement for special meetings is allowed in the case of a public emergency situation involving matters that require prompt action due to the disruption or threatened disruption of public facilities. (Section 54956.5) The applicability under the Brown Act of such emergency situations shall be determined exclusively by the City Attorney's Office.

## **Quorum**

Unless otherwise specified by the City Charter, an ordinance, or a resolution of the City Council, a majority of the members shall constitute a quorum (i.e., e.g. seven members on the advisory group, four members present at a meeting constitutes a quorum or majority).

## **Public Comment**

Every agenda for regular meetings shall provide an opportunity for members of the public to address the legislative body directly on items of interest to the public that are within the jurisdiction of the legislative body provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by the Brown Act.



## PARLIAMENTARY PROCEDURE

### **Robert's Rules of Order**

All City Council Advisory Groups appointed by the City Council shall conduct their meetings in accordance with the current edition of *Robert's Rules of Order* except as provided by other rules adopted by the City Council. (Municipal Code Section 2.04.040 - Ordinance No. 3363, adopted 1969; and Resolution No. 79-093).

### **Bylaws**

The City Council Advisory Groups may develop guidelines or rules and regulations, i.e., bylaws, provided that the bylaws are within the City Council Advisory Group's powers and duties established by the City Council and are consistent with the requirements of these guidelines. The bylaws shall include the regular meeting day, time, and place of meeting. A City Council Advisory Group's bylaws are subject to approval by the City Council.

# CODE OF CONDUCT

## Purpose

The City has adopted an Excellence in Customer Service Code of Conduct to guide appointed members of Boards and Commissions, City employees and its volunteers on the core values that the City expects when conducting city business. The primary purpose for establishing a Code of Conduct is to affirm that Council Advisory Group members are independent, impartial and fair in their judgment and actions, and to ensure that all process participants are treated courteously and respectfully. Advisory group members are considered public officials and must obey all state conflict of interest laws, including the state Political Reform Act 1974. The City has developed additional comportment procedures and adopted policies for appointed advisory board members to follow to help avoid situations that may cause the appearance of a conflict. The following City policies apply:

**1. Contact with Individual Advisory Board or Commission Member Outside a Noticed Public Meeting.**

The City recommends that advisory board members not communicate with applicants or other interested persons about pending projects outside a properly agendized meeting. This recommendation extends to communicating by telephone, email, and in-person meetings. The City believes that such communications can give the appearance of improper influence on a City board or commission member, can be an inordinate burden on the member's personal time, and can expose the City to allegations that the Brown Act has possibly been violated.

**2. Disqualification for Potential Conflict of Interest (Stepping Down.)**

Any advisory board member who may be disqualified from participating in a City decision (such as by voting on a particular matter) by reason of a potential conflict of interest under the state Political Reform Act of 1974 shall, immediately prior to consideration of the item at a public meeting, do all of the following: 1. identify the nature of the possible financial interest that gives rise to the conflict of interest in detail sufficient for the public to understand the conflict (disclosure of an actual street address is not required), 2. recuse himself or herself from discussing or voting, and 3. leave the meeting room until after the discussion, vote, or other disposition of or decision on the item, unless the matter has been placed on the consent calendar of uncontested matters. A Board or Commission member stating such disqualification shall not be counted as a part of a necessary quorum and shall be considered to be absent for the purpose of determining the outcome of any vote on such matter.

A primary form of conflict of interest disqualification is one involving a potential "material financial interest" where non-participation in the City decision is legally mandated under the state Political Reform Act. However, in some instances, potential conflicts not regulated by the state Political Reform Act, (such as a board member with a familial, personal, or prior business relationship with the applicant) can be perceived as the appearance of an improper conflict of interest or as a potential for the public official to be biased (i.e., either for or against) a particular applicant. The City believes that it is a good ethical practice to avoid even the appearance of a conflict or impropriety in these situations as well by stepping down and abstaining in a manner similar to that required by the state Political Reform Act of 1974 and the FPPC regulations interpreting that Act.

3. **Abstention on Continued Items.** Abstention procedures are established to ensure fair project reviews while maintaining consistent direction on projects from boards and commission. An advisory board member who was absent in a previous review meeting should only comment on a continued project if the member has subsequently thoroughly informed himself or herself of the previous board discussion and direction. A board member may inform himself or herself of the prior discussion by reviewing the submitted plans, reading the minutes of the relevant portions of the missed meeting(s), or viewing the video of the previous hearing. The amount of review necessary in order for a board member to properly inform himself or herself of the prior discussion is a personal judgment and will depend upon the nature and complexity of the application and project under review. If an advisory board member has not fully informed himself or herself of what occurred during the prior reviews, the member should generally abstain from commenting, conditioning, or participating in the vote on the project. The advisory board member who decides to abstain due to a prior absence shall publicly state on the record the reason for the abstention immediately prior to the hearing of agenda item.

If a board member abstains from participating in a review and a vote because the board member missed a prior meeting, but remains present for the discussion and vote, the board member's presence counts toward the quorum.

The City believes that advisory board members should not abstain or refuse to consider a City application based on their personal or political beliefs or the personal or political views of an applicant since such beliefs or views do not relate to the merits of the application or to the basis for City review of the application. All applicants and projects shall be treated solely based on the merits of their project proposal or a project's design and the Municipal Code basis for the City review of the Project. The City also believes that advisory board members should not use abstention votes in order to not vote on the ratification of meeting minutes or as an objection or as a form of personal protest to a particular project or an applicant.

4. **Failure to vote.** Every board or commission member shall vote unless disqualified by reason of a conflict of interest as described herein. A board or commission member who abstains from voting in effect consents that a majority of the quorum may decide the question voted upon.
5. **Attendance.** In order to conduct efficient meetings, best serve the public's interest, and to avoid the loss of a quorum, regular attendance by all members is necessary. If an advisory board member cannot attend a scheduled meeting, or must step down from a particular item due to conflict of interest, the member is asked to contact Staff at the earliest possible opportunity prior to the meeting date. The purpose for this staff notification is to ensure a minimum quorum of members is maintained for review of all items. Advisory board members should stay for the duration of the meetings, in fairness to all applicants scheduled for that meeting. If absences are necessary due to unplanned circumstances members should contact staff immediately in advance of meetings. If members need to leave meetings early, advisory board members shall announce such intention at the beginning of each meeting.
6. **Attempting to Influence a Governmental Decision**

The state Fair Political Practices Commission (FPPC) provides guidance on the requirements of the state Political Reform Act of 1974 and state regulations and

interpretations implementing the Political Reform Act which provide for some very narrow exceptions to the general rule that a member may not attempt to influence a governmental decision by participating in a decision when there is a conflict of interest. The following exceptions are recognized:

- A. **“Technical Drawings” Exception** (2 Cal Code of Regulations Sec. 18702.4(b)(4)) allows architects, engineers, and other professionals to submit to City staff drawings and plan submissions which they have prepared on behalf of a client even though they may be a City “public official.” This provision applies only if the public official has no other direct or written contact with the City except to respond to questions concerning their technical drawings or plans. It is the policy of the City that appointed Board and Commission members have very limited contact with City staff while processing City applications filed on behalf of a private client even when such officials can qualify to use the “technical drawings” exception. The City prefers that an associate of the architect, engineer, or other similar design profession primarily interact with City staff and that a City public official not advocate for their client’s projects or attempt to influence a City decision involving a private client, even when the “technical drawings” exception can properly be utilized.
- B. **The “Sole-Proprietor” Exception** (2 Cal Code of Regulations Sec. 18702.4(b)(5)) allows certain architects, engineers, and persons in related design professions who serve on City design review committees to “present” projects to their own City board or commission on behalf of a client. This narrow exception is based on the practical need to allow design professionals who are sole-proprietors and who serve on design review committees in a particular community to practice their profession in that community. The “sole proprietor” exception only applies to design review committees. If the public official is a member of a design firm with other professionals (whether as partners, associates, or employees) this exception does not apply and, the public official must rely on his or her partners, associates or employees to present the drawings or architectural plans submission prepared by that member to their board or commission as well as for any required inter-action with the staff of the board or commission upon which he or she sits.

It is the policy of the City that appointed Board and Commission members only use this exception to allow for a presentation of their own technical drawings and plans and to answer specific technical questions on such drawings. This is not an exception to the rule that the design professional may not participate in or try to influence a City decision being considered by their own board or commission. Any City board or commission member who has questions about how this narrow exception works or its applicability to any particular situation is encouraged to contact the City Attorney’s office for assistance in consulting with the FPPC for advice.

If the Sole-Proprietor Exception is used by an advisory design board member, the chair of the Board or Commission shall announce this fact prior to the presentation of that particular agenda item and read an advisory notice concerning the information attached hereto as Exhibit A.

Note: Advisory board members are advised to consult the FPPC **prior** to taking any action which may implicate or pertaining to possible state conflict of interest and disqualification requirements and may consult with the City Attorney’s office in order to receive assistance in doing so.

## EXHIBIT A

### **STATEMENT TO BE READ BY DESIGN REVIEW BOARD CHAIR WHEN A MEMBER OF THAT BOARD WILL BE MAKING A PRESENTATION – TO BE READ IMMEDIATELY AFTER THE AGENDA ITEM IS CALLED AND TO BE PRINTED ON THE AGENDAS.**

The State Political Reform Act's conflict of interest provisions are intended to ensure that local public officials will perform their duties in an impartial manner, free from bias caused by their own financial interest. As a result, the Political Reform Act prohibits local public officials from "making, participating in making or using their official position to influence a governmental decision in which they may have a financial interest."

When a governmental decision is being made by the same board to which a local public official has been appointed, the official is attempting to use his or her official position to influence the decision of their own board if the official contacts other board members or city employees in order to discuss the possible decision and does so in a manner which appears to be an attempt to influence the decision. Generally, such an official is also attempting to use his or her official position to influence a decision if he or she appears before his or her own board.

However, a narrow exception to these conflict provisions allow a local public official who is an architect, engineer, or similar design professional to make a presentation to his or her own board if the following limited circumstances apply:

- a. the official is only presenting drawings or submissions of an architectural, engineering, or similar nature which the official himself or herself has prepared for a client and he or she only explains the drawings or responds to questions about the drawings and only so long as the official does not advocate any specific board decision or otherwise attempt to influence or "participate" in a board decision related to the drawings and the official's client;
- b. The board qualifies as a "design review committee" as that term is used by Title 2, California Code of Regulations, section 18702.4, subparagraph (b)(5), (and the opinions and decisions of the state Fair Political Practices Commission) such as the Santa Barbara ABR, HLC, or the SFDB:
- c. the official is an architect, engineer, or a person in a related profession and he or she was appointed to the board to fulfill a legal requirement that the board contain an architect, engineer, or other similar professional in a related profession;
- d. the official is a "sole practitioner," as that term is defined by Title 2, California Code of Regulations section 18702.4 (and in the opinions and decisions of the state Fair Political Practices Commission.)



## **ACKNOWLEDGMENT OF RECEIPT OF GUIDELINES**

This is to acknowledge that I have received a copy of the GUIDELINES FOR CITY OF SANTA BARBARA ADVISORY GROUPS, approved by the City Council on February 12, 2013, and understand that it contains important information on the City's rules and regulations and on my obligations and responsibilities as an advisory group member. I acknowledge that I am expected to read, understand, and adhere to City policies and will familiarize myself with the provisions in the handbook. I understand that I am governed by the provisions in the handbook; and that the City may change, rescind or add to any policies or practices declared in the handbook from time to time in its sole and absolute discretion with or without prior notice. The City will advise advisory group members of substantive changes within a reasonable time.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (Typed or Printed)

This document shall be signed by the member and placed in the City Clerk's file.

**RESOLUTION NO. 13-006**

STATE OF CALIFORNIA                     )  
   )  
COUNTY OF SANTA BARBARA             ) ss.  
   )  
CITY OF SANTA BARBARA                 )

I HEREBY CERTIFY that the foregoing resolution was adopted by the Council of the City of Santa Barbara at a meeting held on February 12, 2013, by the following roll call vote:


- AYES:                     Councilmembers Dale Francisco, Frank Hotchkiss, Grant House, Cathy Murillo, Randy Rowse, Bendy White; Mayor Helene Schneider
  
- NOES:                    None
  
- ABSENT:                 None
  
- ABSTENTIONS:        None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on February 13, 2013.



  
\_\_\_\_\_  
Gwen Peirce, CMC  
City Clerk Services Manager

I HEREBY APPROVE the foregoing resolution on February 13, 2013.

  
\_\_\_\_\_  
Helene Schneider  
Mayor