



Boards, Commissions, & Committees (BCC)

**Welcome Reception &
Citywide Onboarding Training**

February 16, 2023 5:30 PM

Civic Center, Council Chambers & B8

Today's Schedule

Time	Agenda	
5:00 pm	Informal Reception hosted by Mayor and City Manager	
5:30 pm	Call to Order & Roll Call	City Clerk's Office
5:35 pm	Welcome Remarks	Mayor Pro-Tem Van Der Mark
5:40 pm	Public Comments (3-minute time limit)	City Clerk's Office
5:50 pm	Overview of the City of Huntington Beach	City Manager Al Zelinka
6:00 pm	General Roles and Responsibilities of BCCs Roles of Council and Staff Liaisons	Assistant City Manager Travis Hopkins
6:15 pm	City Policies & Guidance for BCCs	City Clerk Robin Estanislau
6:40 pm	Brown Act Training	City Attorney Michael Gates
7:10 pm	California Public Records Act (CPRA) & Other Legal Issues	City Attorney Michael Gates
7:20 pm	Closing & Adjournment	Assistant City Manager



Welcome Remark

Mayor Pro-Tem

Gracey Van Der Mark



City of Huntington Beach Overview

City Manager Al Zelinka



Welcome!

“Never doubt that a small group of thoughtful, committed citizens can change the world; indeed it’s the only thing that ever has.”

- Margaret Mead



First Things First: The OneHB Framework



We are One Team... working together to serve the people of Huntington Beach exceptionally to inspire pride in our community.

We have One Focus... to stay fanatical about achieving municipal excellence by being active caretakers of our people-centric HB culture.

We have One Goal... to ensure that HB continually improves its standing as a premier coastal enclave as measured through the health of our people, our organization, our infrastructure, and our community.



First Things First: Respectful Workplace

A workplace is anywhere that a City employee is performing official public service duties beyond the City Hall.

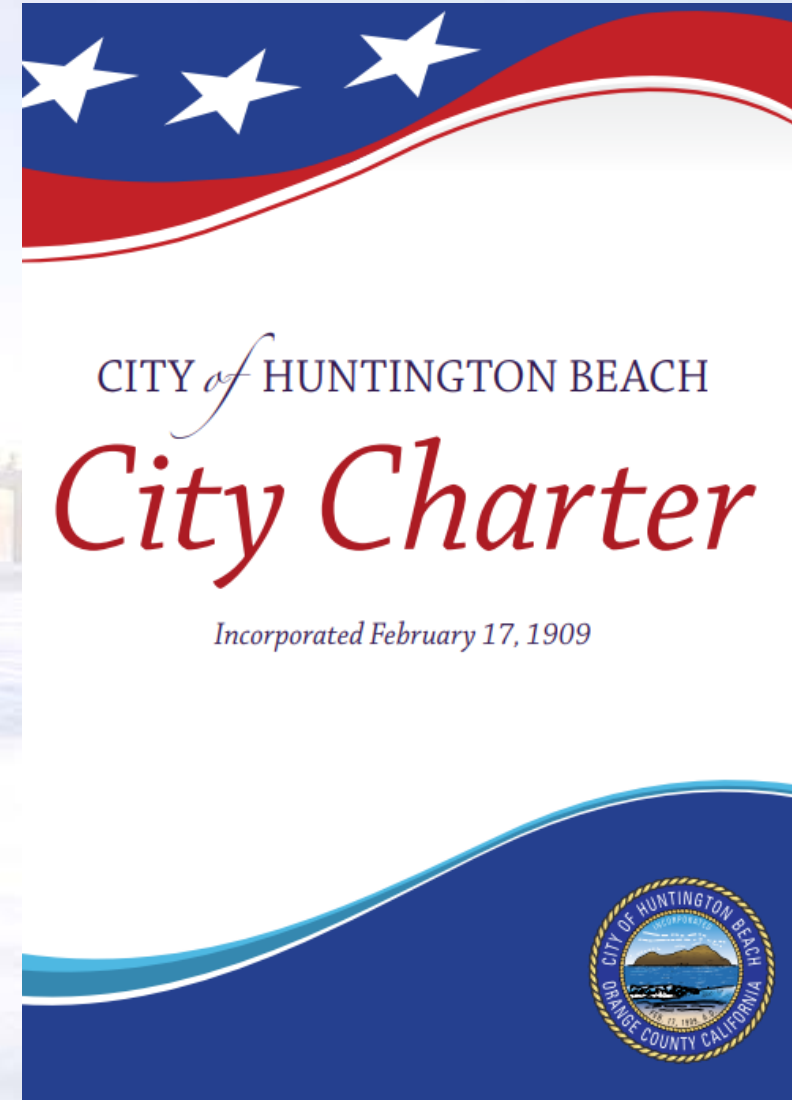
The City is committed to promoting and maintaining **a safe and respectful workplace** where every individual is treated with civility, dignity and respect.

All of us must strive to create an environment free from any forms of discrimination, harassment, retaliation, hostility and abuse.



City Structure

- HB is a full-service **Charter City** guided by a Council-Manager form of government:
 - City Council sets policies, while the City Manager implements them and manages the employees and daily operations of the City.
- HB is a municipal corporation. This form of government is analogous to a corporation governed by a board of directors and managed by a CEO.



Your City Council



Mayor Tony Strickland



Mayor Pro Tem Gracey Van Der Mark



Pat Burns



Rhonda Bolton



Dan Kalmick



Casey McKeon



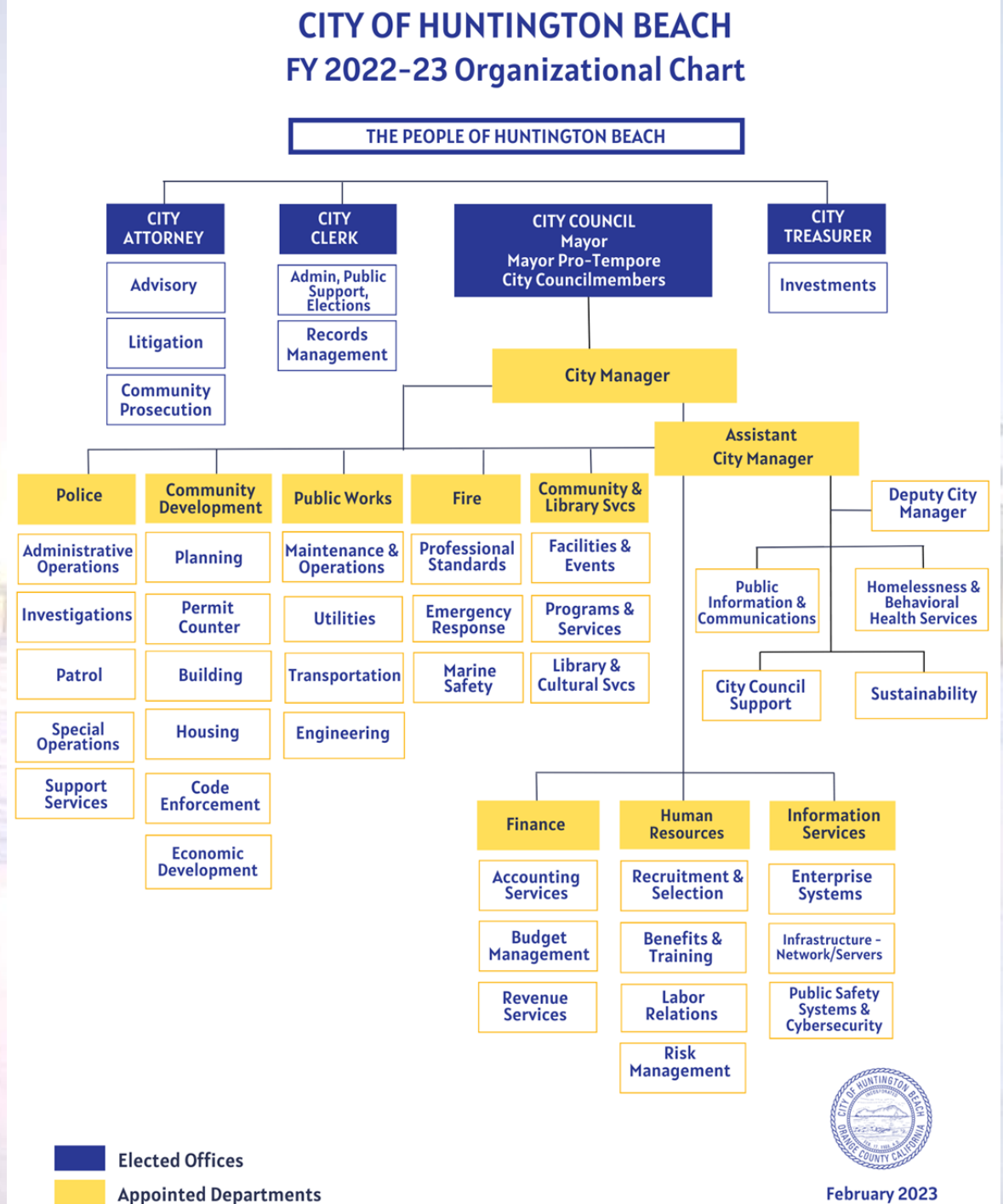
Natalie Moser

Org Chart

City of Huntington Beach

Over 1,500 full/part-time employees work in 12 City departments.

Members of City Boards, Commissions, and Committees play an integral role in the governance of our City providing public input and serving as advisory bodies to the City Council.



BCC General Roles & Responsibilities

Assistant City Manager Travis Hopkins



City's BCC Structure

- There are ~36 Boards, Commissions and Committees (BCCs) led by residents and/or Council Members.
 - Among them, 17 Boards, Commissions, & Committees with HB Citizen appointees of City Council
- Each BCC advises City Council as one body, providing a reservoir of community input to help inform City policies and operations.
- Policy is adopted by vote of the City Council only.
- All BCCs are responsible to the City Council for compliance with their respective bylaws, City policies, the Municipal Code, the Zoning Code, and the City Charter, the State laws.
- BCC members must represent the public good and take care not to represent a business, district or organization.



HBMC 2.100 Operating Policies for Boards and Commissions

- All members of BCCs shall be residents and electors of the City of HB.
- No person shall serve on more than one BCC at any one time.
- No person shall serve more than 2 consecutive terms on any one BCC. Unless otherwise specified, terms of BCC members are 4 years.
 - Incumbent members wishing to be considered for re-appointment for the 2nd term, please submit a letter to Council Liaisons and Staff Liaison.
- Members with *unexcused* absences greater than 1/3 of the scheduled meetings during a calendar year or miss more than two (2) consecutive unexcused absences shall automatically vacate the office.
- Members may be removed by individual or majority of City Council.
- Each BCC may adopt such bylaws and rules as necessary, subject to approval of the City Council.



Your General Roles & Duties

- All Board, Commission, and Committee members serve at the pleasure of the City Council.
- Your primary role is to advise, recommend, and assist the City Council with your expertise and community input, but Council makes all final policy decisions.
- Once appointed, you must:
 - Take an oath of office administered by the City Clerk or Staff liaison deputized by the City Clerk.
 - Sign your Certificate of Appointment and Certificate of Oath of Allegiance issued to you and keep the original copy.



Your General Roles & Duties

Once appointed, you must (continued):

- Review the City policies and submit an Acknowledgement of Receipt Form to City staff within 1 month
 - Code of Ethics Policy (Resolution No. 2016-73)
 - Conflict of Interest Policy (Resolution No. 2023-01)
 - AR412 Harassment in Employment Policy
 - AR416 Workplace Violence Policy
 - AR419 Equal Employment Opportunity Policy
 - AR509 Social Media Policy for Elected and Appointed Officials
- Complete the following State-mandated trainings and submit the certificate to City staff within 3 months
 - AB1234 Public Services Ethics Training (2 hours, online)
 - AB1661 Harassment Presentation Training (1 hour, non-supervisory)
 - Upon completion, the City offers an Annual Beach Parking Pass.

Your General Roles & Duties

- Attend meetings. If you are unable to attend, notify the Chair and Staff Liaison as soon as possible.
- Absences from greater than 1/3 of the scheduled meetings during a calendar year without formal consent from the Chair (unexcused absences) or more than 2 consecutive unexcused absences, will be considered to be a resignation.
- Be prepared for each meeting (i.e. reviewing the Agenda, minutes, etc.).
- Participate in subcommittees or ad-hoc committees as needed.
- Be on the alert for any conflict of interest that may exist.
- Adhere to the City's policies and regulations as well as other laws.



Roles of Council Liaisons

Each BCC has a Council Liaison(s) appointed by the Mayor subject to confirmation by City Council.

The Council Liaison is not expected to attend every meeting, but can meet with you individually when their schedule permits. The Council Liaison may:

- Be your first line of communication to the Council
- Serve as a knowledgeable source on the issues, policies, and procedural matters related to BCC.
- Review applications for vacant positions and recommend appointments to the Council.
- May not participate actively in BCC discussions or influence BCC decisions

Source of Authority: Resolution No.99-84



Roles of City Staff

Staff Liaison(s)...

- Are your first point of contact if you have any questions.
- Provide professional guidance and administrative support.
- Serve as primary conduit for the BCC members to communicate with the City.
- Work with the Chair to prepare and post the meeting agenda packet.
- If required by the Chair or by governing rules, produce/post meeting minutes.
- Schedule meetings, book meeting locations, and assist the Chair with meeting protocol as necessary.
- Conduct research and coordinate collection and distribution of info requested.
- Maintain the City's webpage and BCCs' official records including member documents and meeting minutes per the City's Records Retention guideline.
- Submit BCC recommendations to the City Council as appropriate



Roles of City Clerk's Office

City Clerk's Office

- Maintains the Maddy Act Local Appointments list,
- Provides support to staff liaisons,
- Retains BCC-related records, and manages public records requests.
- The City Clerk is also the filing officer for Fair Political Practices Commission (FPPC) Form 700 Statements of Economic Interests as required by City and State laws.
 - Boards and Commissions with filing obligations include:
 - Citizens Infrastructure Advisory Board/Public Works Commission
 - Design Review Board
 - Finance Commission
 - Visit Huntington Beach



Code of Conduct

- Act courteously during meetings and treat all members of the BCC, the public, and City staff with respect and grace.
- Focus on your BCC goals and duties, rather than side topics that may take the members off track.
- Observe good parliamentary practice, paying heed to Robert's Rules of Order and the Brown Act.
- Represent your BCC appropriately. Please do not speak on their behalf, unless that stance has been approved by the majority of the advisory body that you're part of.
- Lean on your Staff Liaison for guidance or advice – **anytime!**



Media & Social Media

- Expression of Official City Position or Policy
 - Please talk to the City's Office of Communications for guidance
 - This policy is not intended to restrict communications between Boards, Commissions and Committees and others on matters exclusively within the purview or responsibility of such Boards, Commissions or Committees, but rather is intended to avoid confusion with regard to the official City position or policy, which is defined as that of the City Council.
 - Social Media – comply with AR509



An aerial photograph of a park area. In the foreground, a dark river flows through a dense forest of trees with vibrant autumn foliage in shades of yellow, orange, and red. To the right, a large, modern building with a flat roof and large windows sits on a green lawn. A parking lot with several cars is visible near the building. The background shows more trees and a road.

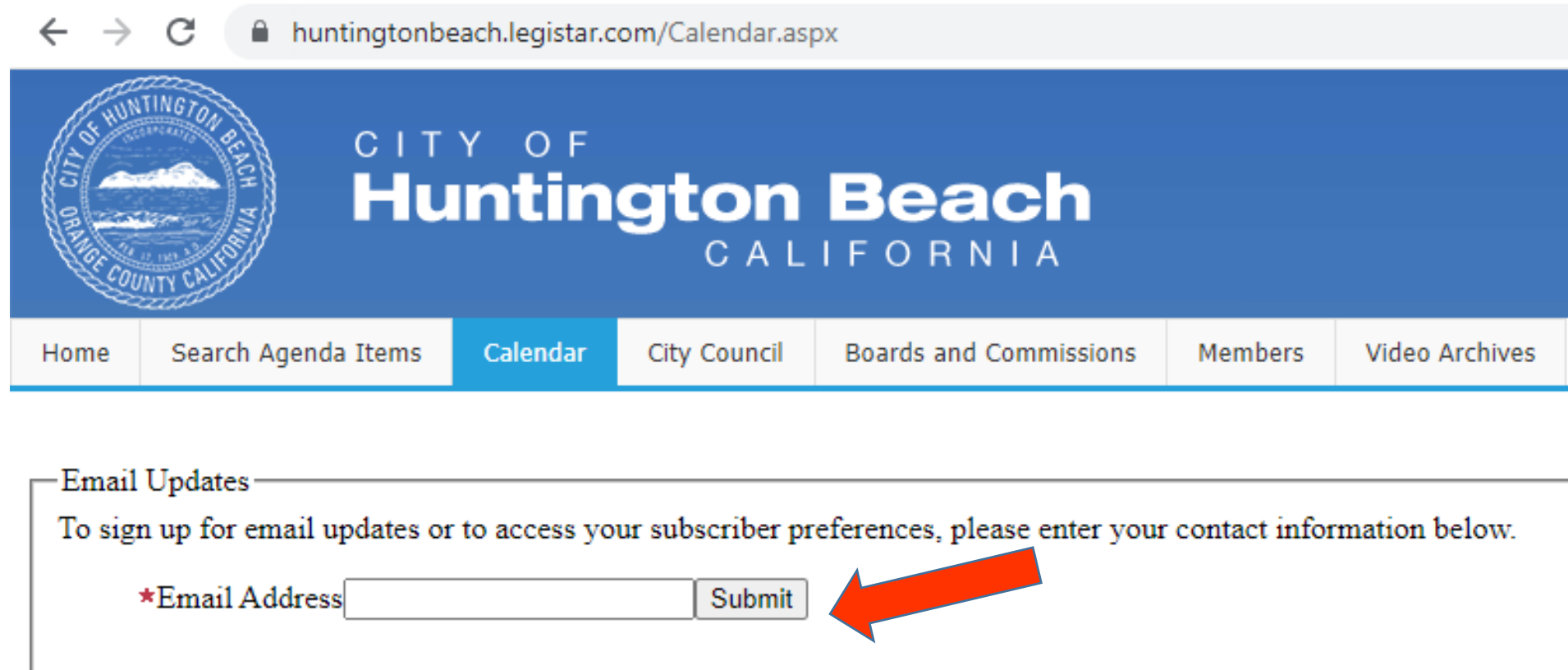
BCC Meetings & Other Guidelines

City Clerk Robin Estanislau

Meeting Notices & Documents


Meeting Materials for all BCCs are filed at:

<https://huntingtonbeach.legistar.com/Calendar.aspx> (Please use this site to sign up to receive email notifications when a meeting agenda is published online).



The screenshot shows a web browser window with the address bar displaying huntingtonbeach.legistar.com/Calendar.aspx. The page header features the City of Huntington Beach logo on the left and the text "CITY OF Huntington Beach CALIFORNIA" on the right. Below the header is a navigation menu with the following items: Home, Search Agenda Items, Calendar (highlighted in blue), City Council, Boards and Commissions, Members, and Video Archives. The main content area is titled "Email Updates" and contains the text: "To sign up for email updates or to access your subscriber preferences, please enter your contact information below." Below this text is a form with a label "★Email Address" followed by a text input field and a "Submit" button. A large red arrow points to the "Submit" button.

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 CITY OF
Huntington Beach
CALIFORNIA

Home Search Agenda Items **Calendar** City Council Boards and Commissions Members Video Archives

Email Updates

To sign up for email updates or to access your subscriber preferences, please enter your contact information below.

★Email Address Submit

Meeting Documents

Meeting Notices

- All regular meetings must be publicly noticed at least 72 hours in advance at Civic Center and the City's Website (link above). The Staff Liaison will also send a reminder email with the final agenda packet to all BCC members.
- For special meetings, such notices must be posted at least 24 hours prior.
- To meet these requirements, the Staff Liaison will work with the Chair at least two weeks in advance to plan and notice the meeting agenda.



Meeting Documents

Agendas and Agenda Packets

- Agendas are critical documents for keeping meetings on topic and progressing in an orderly manner. The Board may not vote on topics that are not on the agenda*.
- Agenda packets include supporting documents relating to items on the agenda and encompass any materials distributed to members for review and action.

Meeting Minutes

- The Staff Liaison or Secretary takes meeting minutes, which will be drafted and submitted for the next meeting. Approved minutes are posted on the City's website and accessible to the public.
- Minutes shall not be a verbatim record.

**unless a majority decides there is an “emergency situation” and 2/3 of the members present (or all members if less than 2/3 are present) vote as such.*



Meeting Procedures

Quorum Procedures

- A majority of the members in office constitutes a quorum.
- A majority vote of the members present, and voting, where a quorum is present at any regular or special meeting is required to conduct its official business such as carrying a motion, proposal or resolution.
- Upon demand of any member, the roll shall be called for yeas and nays for any question.

Parliamentary Procedures

- **Robert's Rules of Order** will govern the meeting procedures.
- For more information, please review the *Parliamentary Procedures at a Glance* document.



An aerial photograph of a coastal city. On the left, a wide sandy beach meets the ocean with gentle waves. To the right of the beach is a densely packed residential area with many houses and buildings. A winding canal or waterway cuts through the city, leading to a marina on the right side where numerous boats are docked. The overall scene is a mix of urban development and natural coastal features.

Brown Act, CPRA & Other Legal Issues

Michael Gates, City Attorney

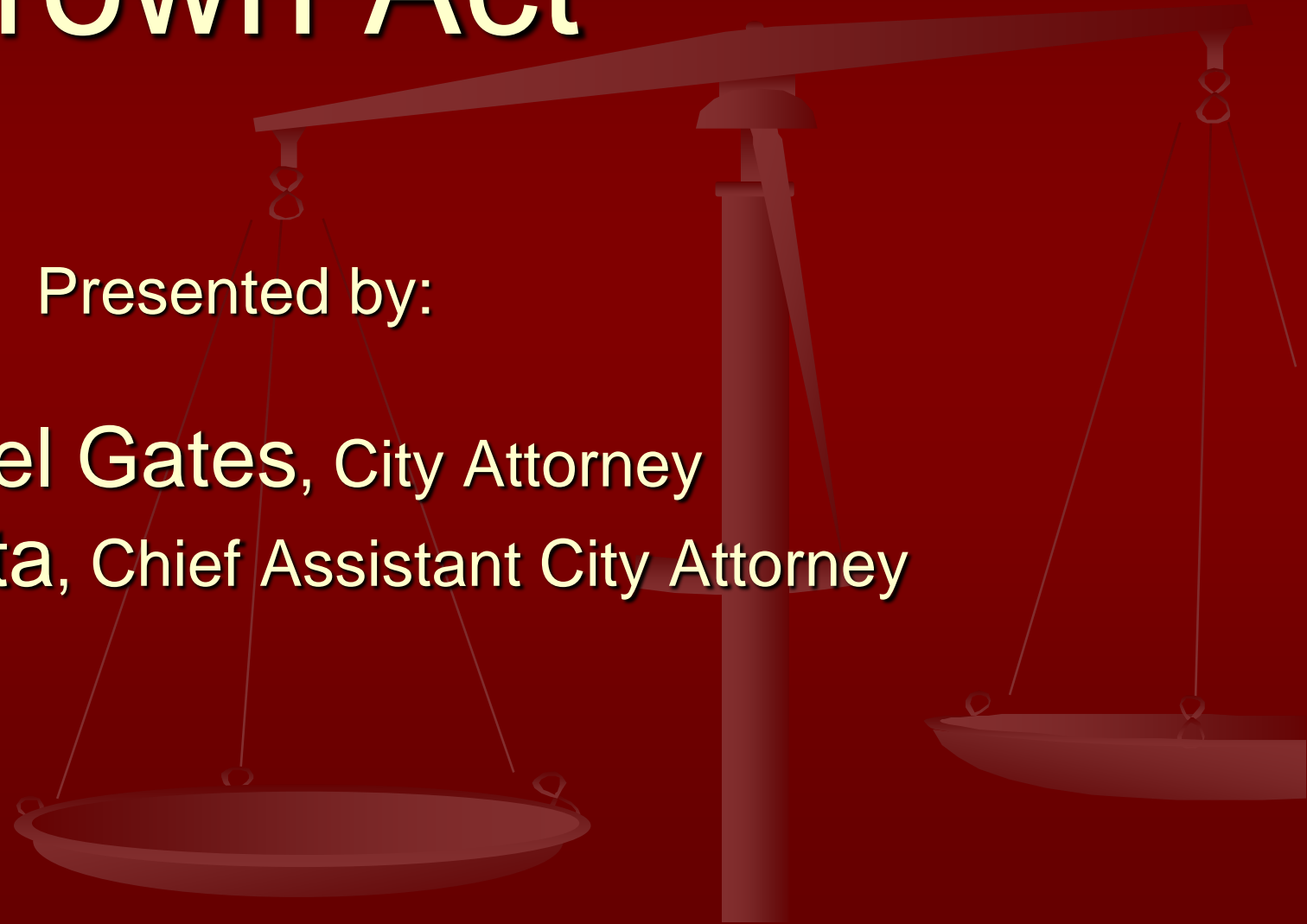
Mike Vigliotta, Chief Assistant City Attorney

MARINA

Brown Act

Presented by:

Michael Gates, City Attorney
Mike Vigliotta, Chief Assistant City Attorney



Open and Public



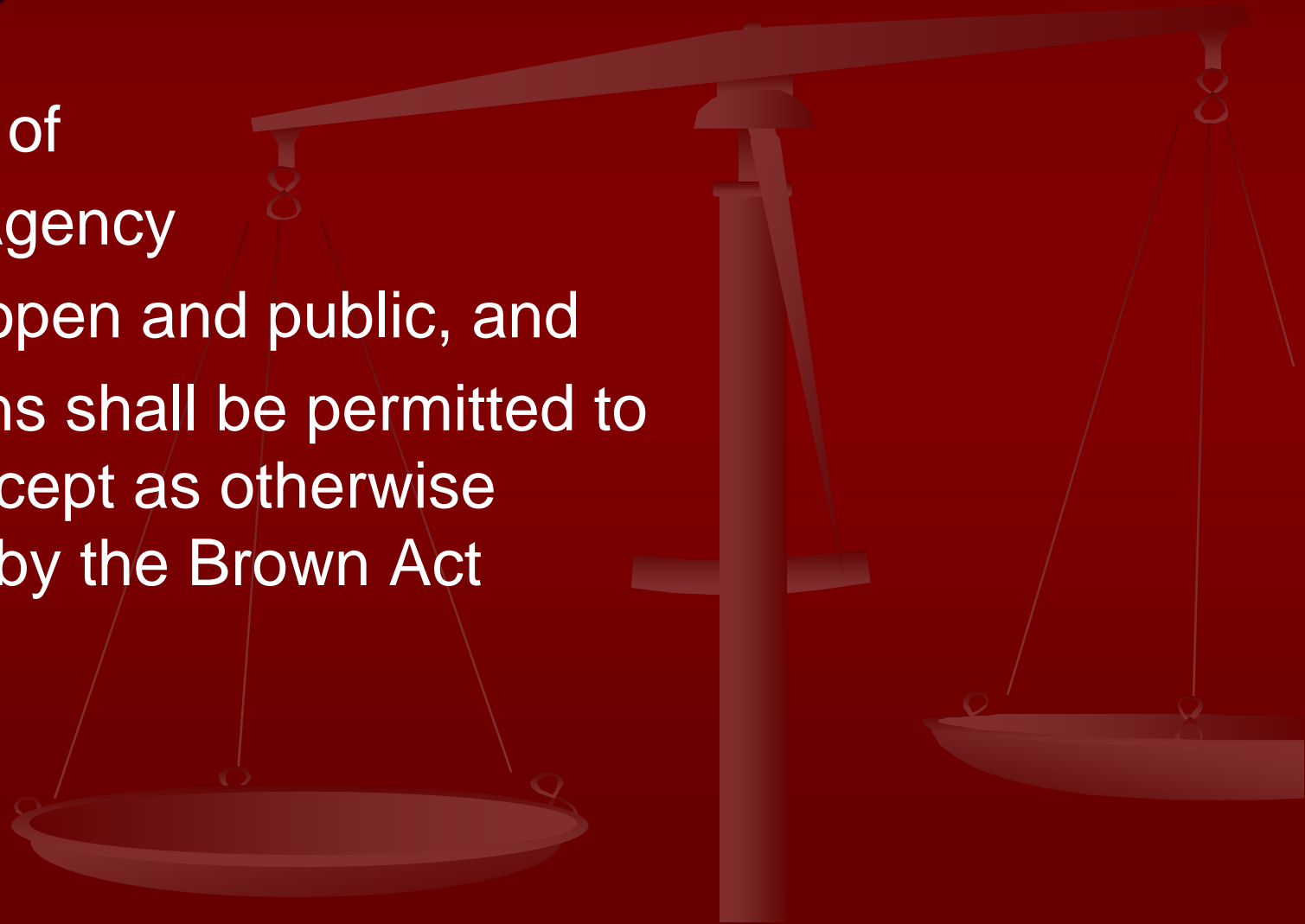
Ralph M. Brown 1959

Photo courtesy The Modesto Bee

...in delegating authority, the people do not give their public servants the right to decide what is good for the people to know and not to know.” (California Government Code, Section 54950)

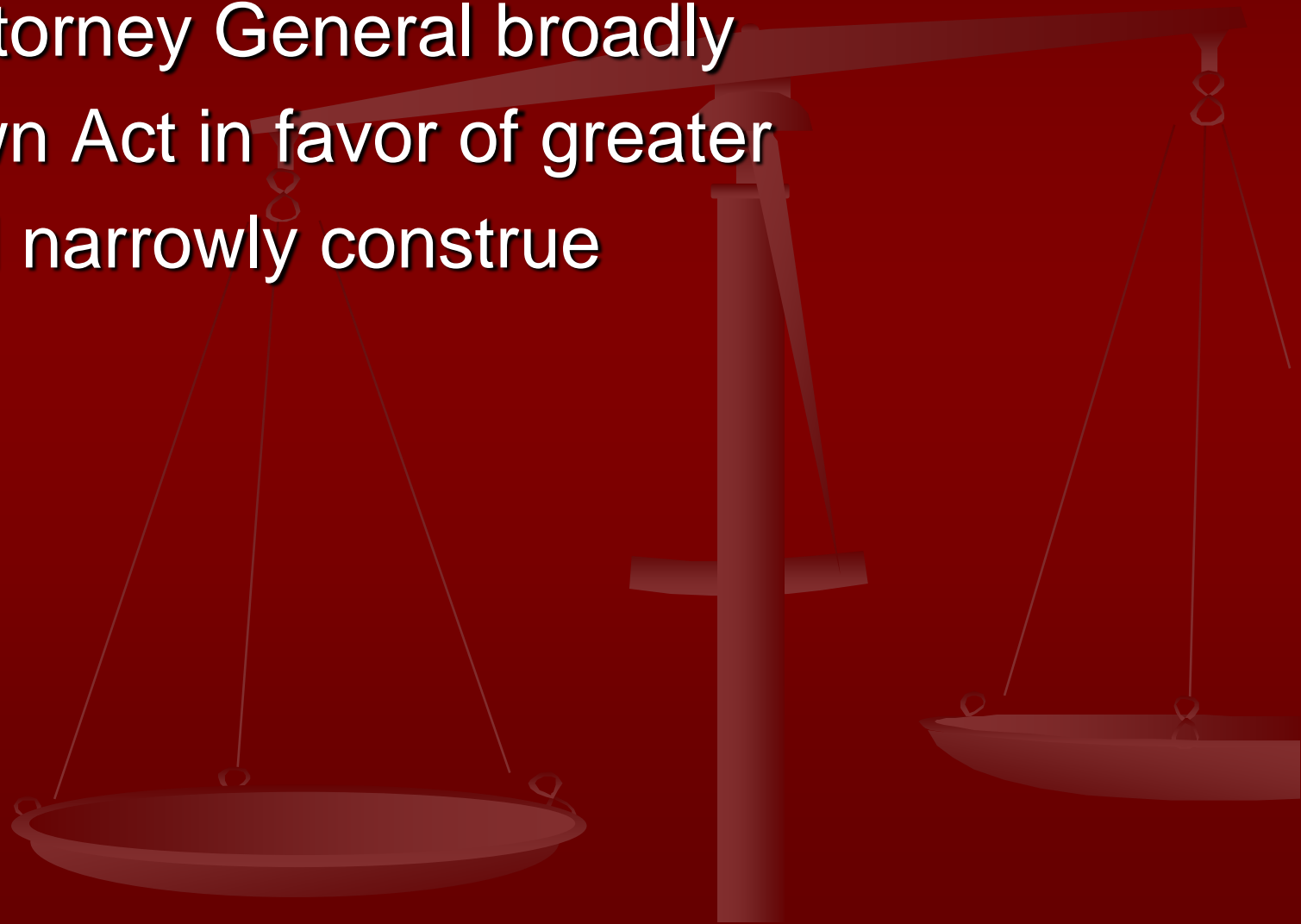
Summary of the Brown Act

1. Meetings of
2. A Local Agency
3. Shall be open and public, and
4. All persons shall be permitted to attend except as otherwise provided by the Brown Act



Narrow Exemptions

Courts and the Attorney General broadly construe the Brown Act in favor of greater public access and narrowly construe exemptions.

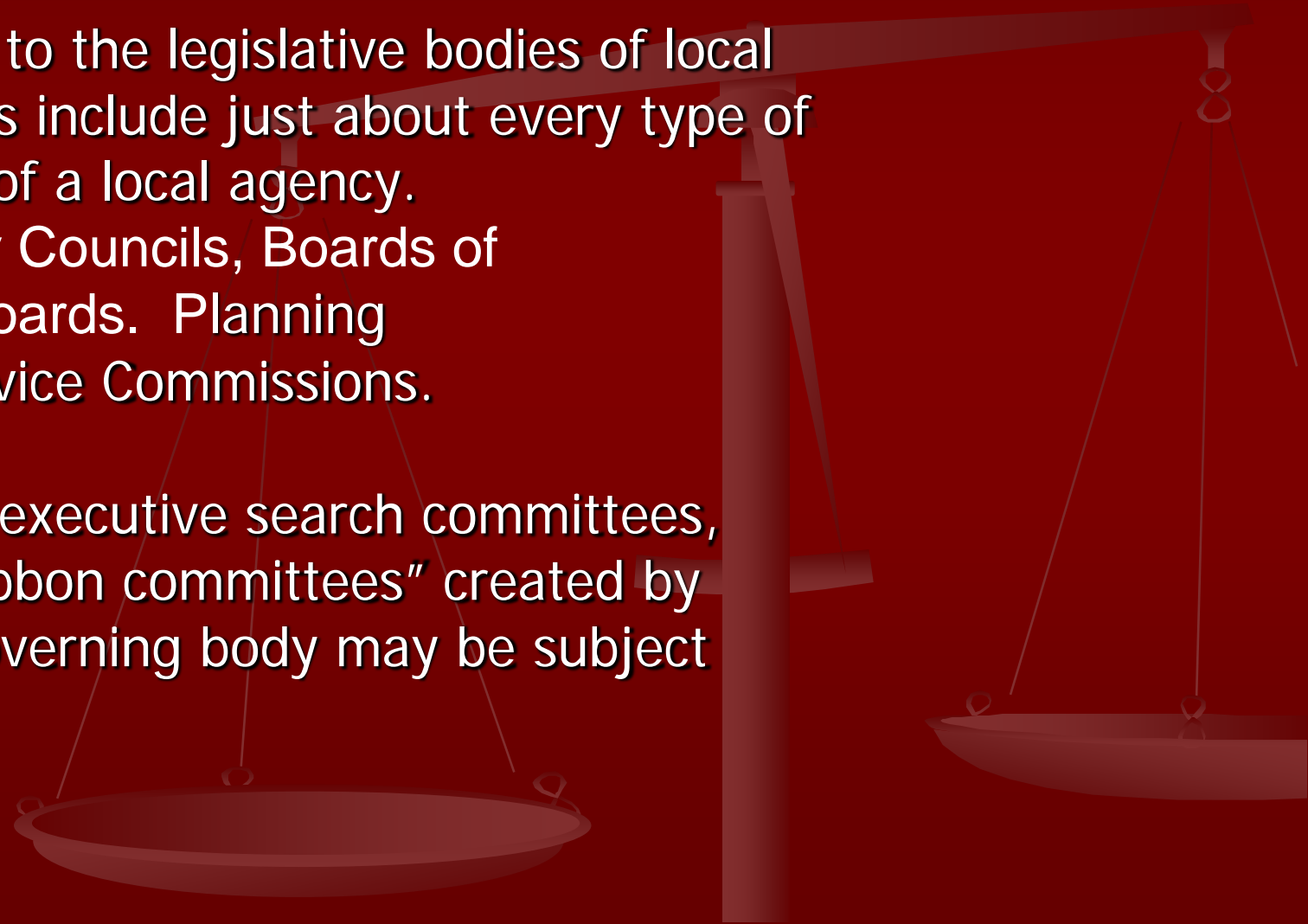


Who is subject to the Brown Act?

The Brown Act applies to the legislative bodies of local agencies. These groups include just about every type of decision-making body of a local agency.

Examples include: City Councils, Boards of Supervisors, School Boards. Planning Commissions, Civil Service Commissions.

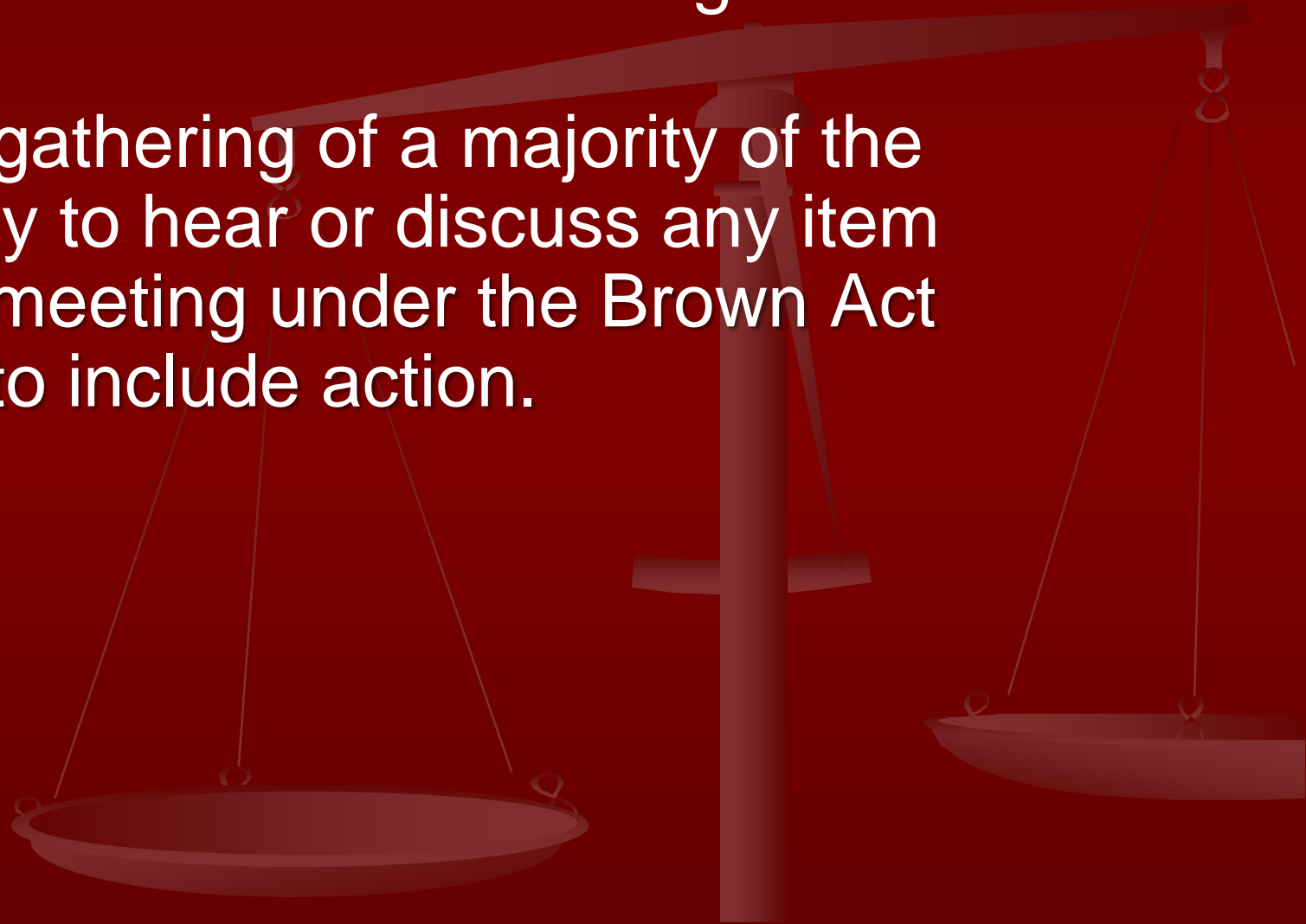
Any volunteer groups, executive search committees, task forces, or "blue ribbon committees" created by formal action of the governing body may be subject to the Brown Act .



Meetings

Definition of a Brown Act Meeting:

A meeting is a gathering of a majority of the Legislative Body to hear or discuss any item of business. A meeting under the Brown Act does not have to include action.

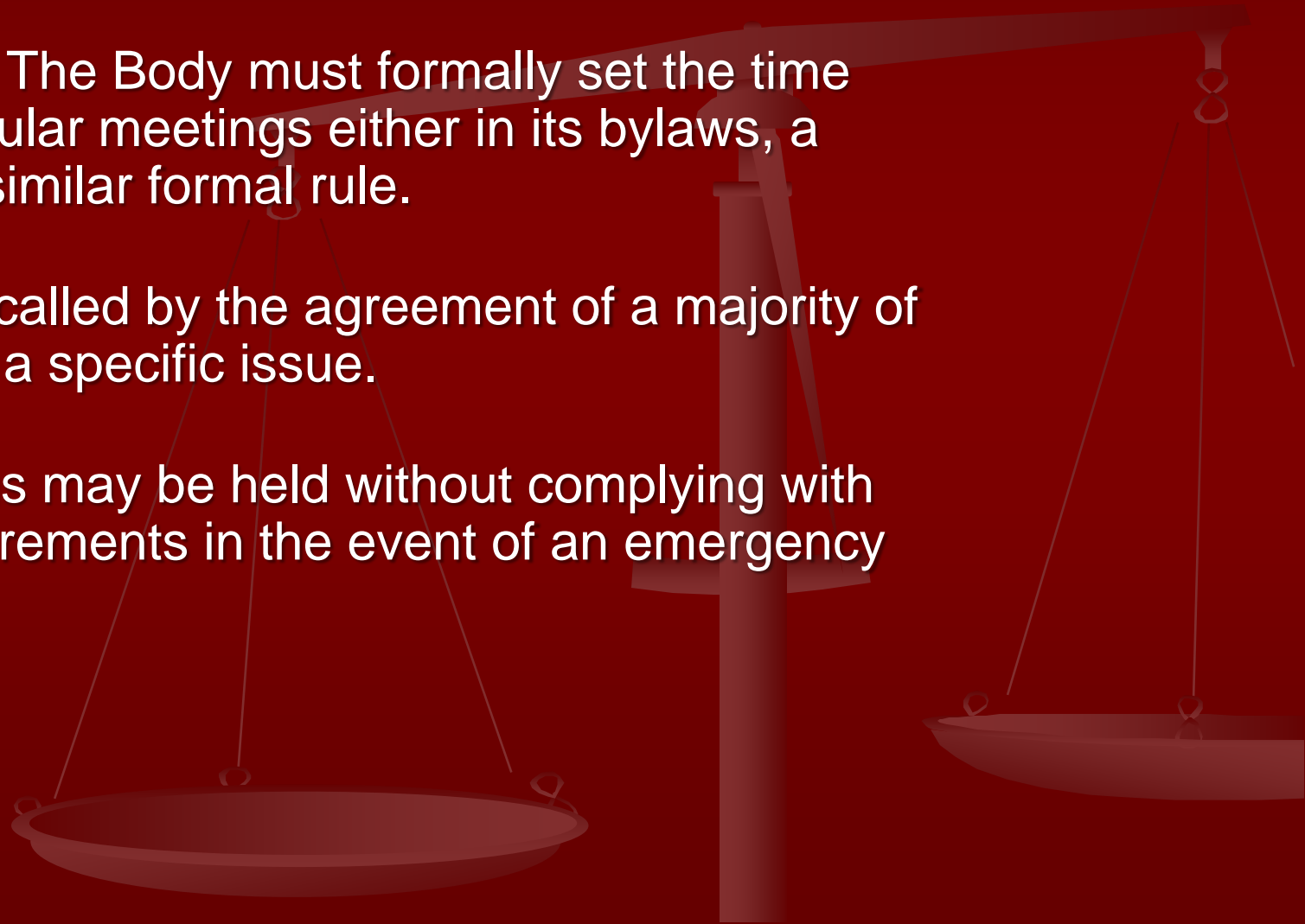


Types of Meetings

Regular - meetings. The Body must formally set the time and place for its regular meetings either in its bylaws, a resolution or some similar formal rule.

Special – meetings called by the agreement of a majority of the Body to discuss a specific issue.

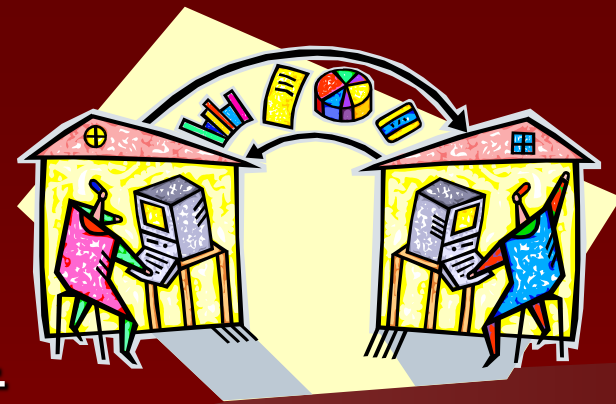
Emergency meetings may be held without complying with 72 hour notice requirements in the event of an emergency situation.



Exceptions

- ***Individual Contacts*** . The first exception involves individual contacts between a member of the legislative body and any other person. The Brown Act does not limit a legislative body member acting on his or her own. This exception recognizes the right to confer with constituents, advocates, consultants, news reporters, local agency staff or a colleague
- ***Conferences***: It is okay to attend a conference together provided you do not discuss business.
- ***Standing Committees***: The attendance of a majority at an open and noticed meeting of a standing committee of the legislative body, provided that the legislative body members who are not members of the standing committee attend only as observers (meaning that they cannot speak or otherwise participate in the meeting).

Serial Meetings



- Serial meetings are not allowed.
- Serial meetings occur when a majority of the members have communicated about an issue and have developed a collective concurrence.
- A collective concurrence is developed when:
Members have either directly or indirectly heard each other's opinion on a topic enough to collectively develop or begin to develop an agreement on an issue.
 - ✓ BE WARY OF EMAILS; BLOGS; FACE BOOK PAGES!!!!

Types of Serial Meetings

- Daisy chain meeting:
 - **Example:** Member Arthur calls member Bill to talk about an issue, Bill calls member Charlie to talk about it, and finally Charlie calls member David. A majority of the members have talked about the topic and a collective concurrence has been established.
- Hub and spoke meeting:
 - **Example:** For instance, if employee Eric calls member Arthur and discusses a issue to get his opinion with him, then calls member Bill, then calls member Charlie, and then calls member David, telling each what the other has said, a majority of the Body has indirectly discussed the topic without public notice and is therefore in violation of the Brown Act.

Meeting Agendas

All meetings must have a properly noticed and posted agenda.



Agendas

- Posting Requirements: Agendas must be posted at least **72 hours** before the regular meeting in a location freely accessible to the members of the public.
- Content Requirements: The Agenda should contain a brief general description of each item of business to be transacted or discussed at the meeting.

Response to Public

Generally, the public can talk about anything even if not on the agenda, but the legislative body cannot act, respond or discuss items not on the agenda.

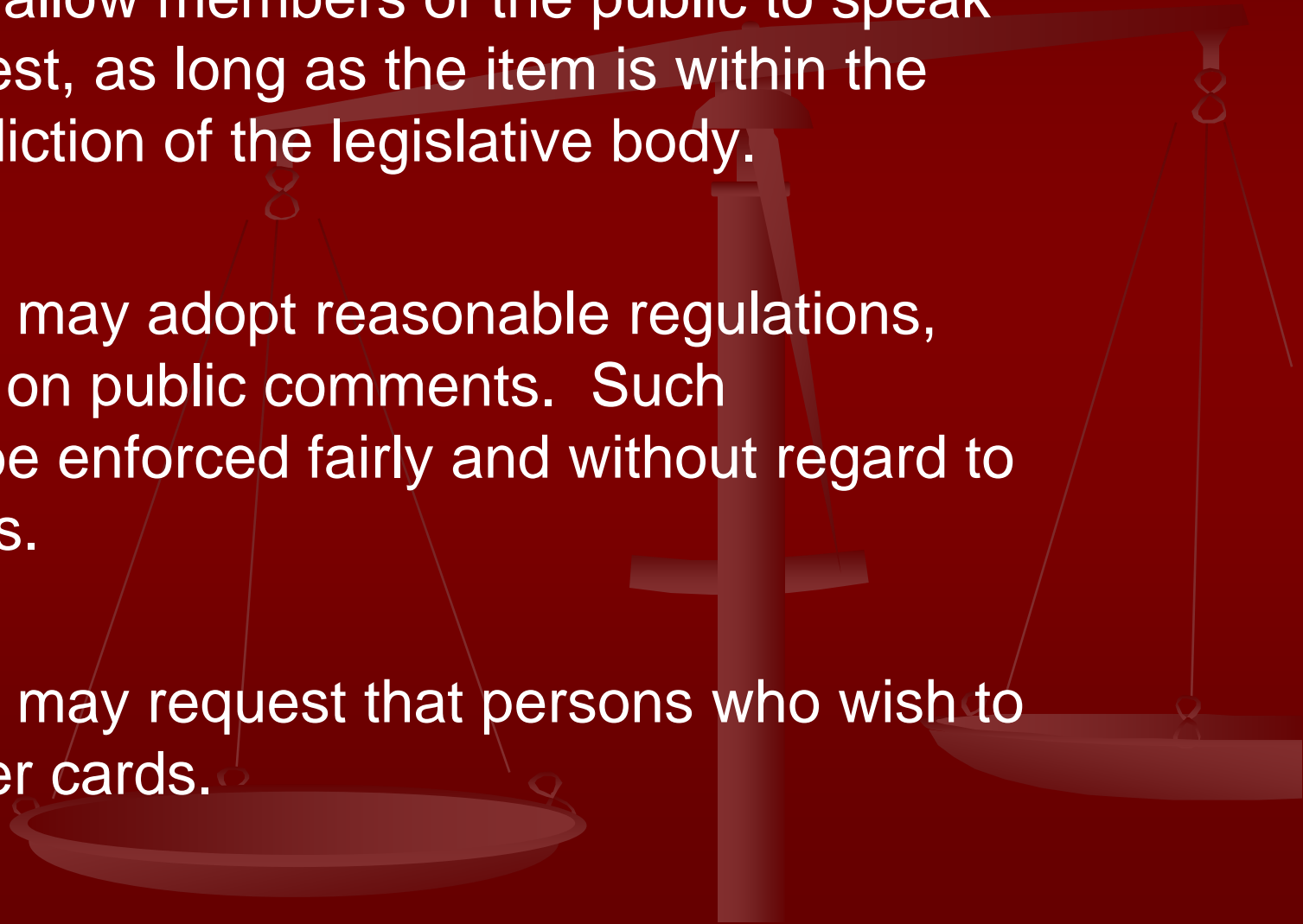
Exception: The legislative body may “briefly respond” to comments or questions from members of the public, or direct staff to place the issue on a future agenda.

The Public's Place on the Agenda

Every agenda must allow members of the public to speak on any item of interest, as long as the item is within the subject matter jurisdiction of the legislative body.

The legislative body may adopt reasonable regulations, including time limits on public comments. Such regulations should be enforced fairly and without regard to speakers' viewpoints.

The legislative body may request that persons who wish to speak fill out speaker cards.



Closed Sessions



Without specific authority in the Brown Act for a closed session, all business must be discussed in public.



Disruptive Attendees

- The Body must allow for negative public comment however, willful interruptions of meetings may be addressed.
- One way is for the legislative body to clear the room and continue the meeting. However, all press and other members of the public who were not part of the interruption must be allowed to stay.



For more information

- View the CA Attorney General's publication:
[http://www.ag.ca.gov/publications/2003_Intro_Brown Act.pdf](http://www.ag.ca.gov/publications/2003_Intro_Brown_Act.pdf)
- Attorney General's Opinion Regarding the Use of email: <http://ag.ca.gov/opinions/published/00-906.pdf>
- Text of the Brown Act: <http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=6815592595+1+0+0&WAISaction=retrieve>
- Ask your attorney!

California Public Records Act

The California Public Records Act (CPRA) expressly provides everyone's fundamental right to have access to information concerning the conduct of the people's business.

- Materials provided to BCC members at a public meeting must be made available to the public.
- Members should avoid the use of electronic devices during meetings as such communications (social media posts, emails and text messages) may be subject to the CPRA.
- For additional guidance, review the Public Records Act document.



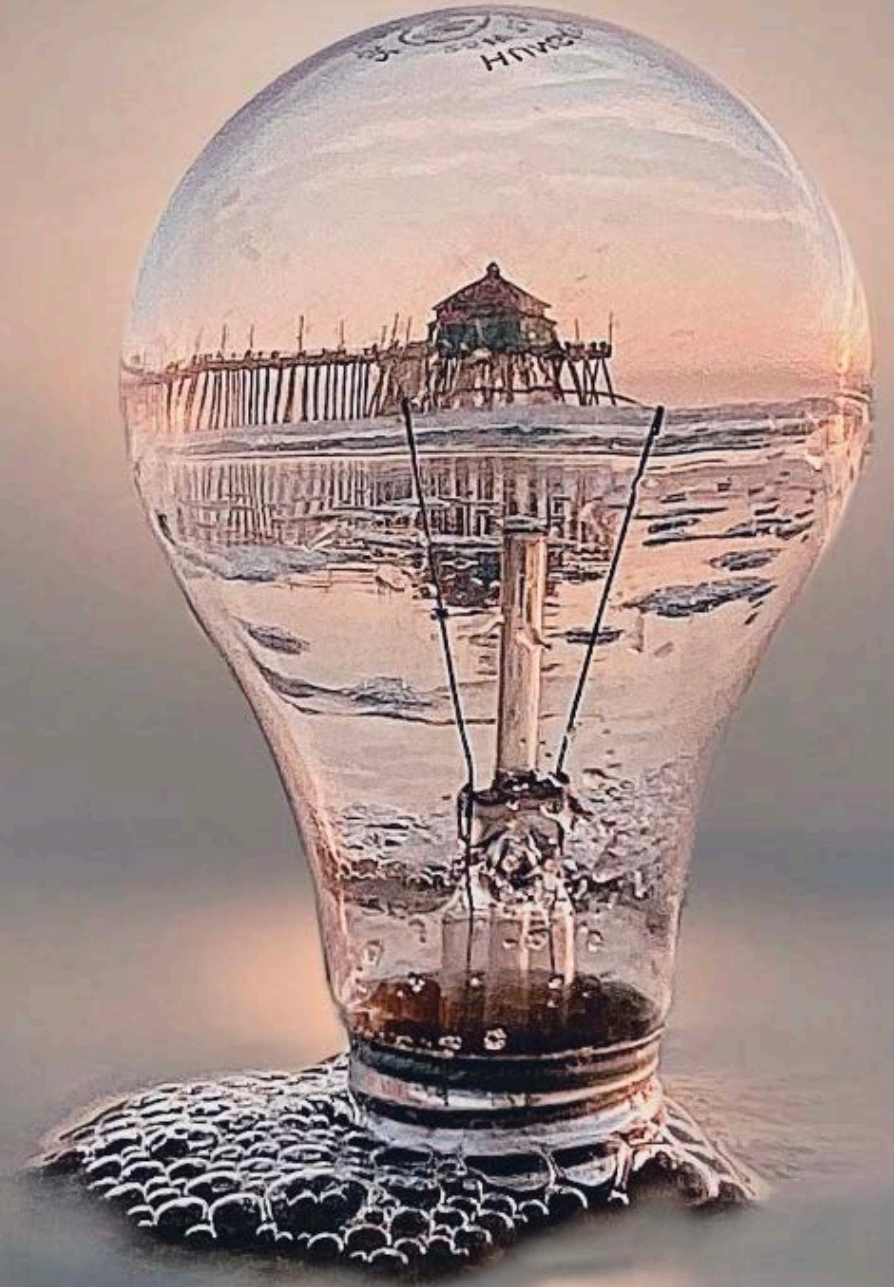
Questions?

City Manager's Office
(714) 536-5202

City Attorney's Office
(714) 536-5555

City Clerk's Office
(714) 536-5227

www.huntingtonbeachca.gov



Thank you for your service to Huntington Beach!

