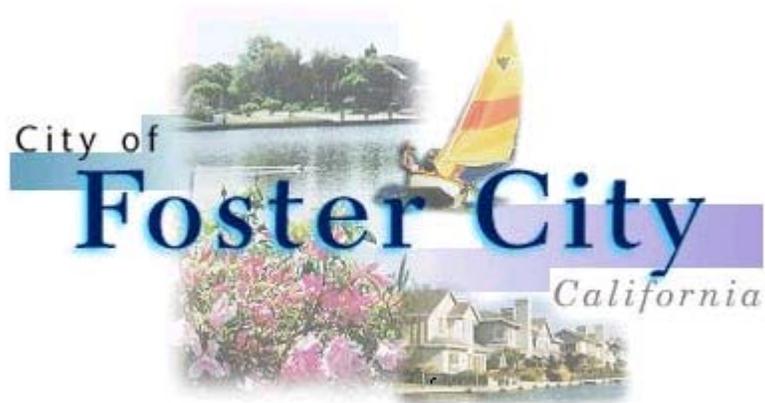

**Together
We Can Make a Difference**



**City of Foster City
Committee Handbook
2016**

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I. INTRODUCTION

Foster City's City Council relies on the volunteer members of citizens advisory committees to provide advice and assistance in many areas of City services. The members, who serve without compensation, are appointed based on their interest and expertise in areas such as audit procedures, community issues, parks and recreation services, telecommunications and technology, and youth issues.

This handbook has been prepared to explain the responsibilities of citizens advisory committee members, and their relationship with the City Council and other government officials. In addition, the committee's operating procedures, the Ralph M. Brown Act ("Open Meeting Law"), parliamentary procedure, and applicable City ordinances will be discussed in brief.

The organizational structure of Foster City's municipal government is as follows:

A. City Council

The City Council is the governing body of the City. It is vested with all the regulatory and corporate power of the municipal corporation. Since members are elected directly by the electorate, they are held accountable to the people for their actions.

B. Committees

All members of a citizens advisory committee serve in an advisory capacity to the City Council. It is their responsibility to offer recommendations -- not to set or establish either City policy or administrative direction.

C. City Manager

The Municipal Code provides that the City Manager shall be the chief executive officer and the head of the administrative branch of the City government. The City Manager is responsible to the City Council for the administration of all affairs of the City.

D. Department Heads

The heads of departments are appointed by the City Manager except the City Clerk. The City Clerk is appointed by the City Council but reports directly to the City Manager. Department heads are responsible to the City Manager for the efficient and effective operations of the functions assigned to them and to provide staff assistance, as needed, to the committees. However, committees have no authority to supervise or direct the work of a department. The City departments include City Clerk, City Manager, Community Development, Financial Services, Fire, Human Resources, Parks and Recreation, Police, and Public Works.

II. COMMITTEE ORGANIZATION

Committees provide information to the City Council. Committee members advise and help the City Council in special issue areas and open additional lines of communication between the public and the City Council. Such groups help assure that City government is responsive to its citizens. Each committee may make recommendations to the City Council on issues related to the mission of the committee. Committees are formed by official action of the City Council by adoption of a resolution establishing a policy statement, membership, officers, meetings, committee support, procedures and budget for each committee. Changes to committee membership, meeting times, etc., must be approved by the Council.

Committees benefit the City by:

- Focusing attention on specific areas of concern
- Encouraging broad citizen participation
- Providing a viewpoint from community neighborhoods
- Offering recommendations based on thorough and in depth analysis of alternatives from a citizen's perspective

A. Foster City currently has the following citizens advisory committees:

COMMITTEE	# OF MEMBERS	POLICY STATEMENT
Audit	Nine (9)	To advise the City Council regarding the selection of the independent auditor(s), the review of the annual audit process and financial statements, and other financial matters as requested by Council.
Information Technology Advisory	Nine (9)	To advise and assist the City Council and staff on information technology and telecommunications matters that have an impact on the needs of the community.
Parks and Recreation	Nine (9)	Dedicated to maintaining and improving excellent environmental and recreational resources to our community. Will contribute to creating community and quality of life through parks, people, and programs.
Traffic Review	Seven (7)*	To receive and review appeals or requests from citizens or staff regarding traffic matters and to make recommendations to the City Council.
Youth Advisory	Twelve (12)	To advise and respond to the City Council in all matters related to the needs of the youth in Foster City and to promote teen involvement in the community.

* One (1) member of the public

Additional information regarding committees can be found on our website
<http://www.fostercity.org/citygovernment/citizencommittees.cfm>

No member shall be officials or employees of the City while serving as a member of a committee.

B. Length of Term

The term of office of a member of a committee shall be three years. In the case of a vacancy in the committee, a successor shall be appointed by the City Council for the unexpired

term of such member. No member shall serve more than two full consecutive three-year terms on the same committee. Unexpired (partial) terms and appointments to fill vacancies shall not be considered as full terms.

C. Meeting Dates

Each committee shall establish a regular meeting place, day and time, and shall hold meetings as prescribed by the City Council.

The meeting dates are as follows:

MEETING DATES	COMMITTEES
Twice a Year in April & Nov.	Audit
2 nd Tuesday - Bi-monthly [January, March, May, July, September and November]	Information Technology Advisory
1 st Wednesday	Parks and Recreation
Last Wednesday	Traffic Review
1 st Wednesday	Youth Advisory

Meeting places and dates may change periodically with consensus of the committee and proper notice to the public. Special meetings of the committee may be called any time by the presiding officer or by a majority of the members of the committee. Notice for a special meeting shall be as set forth in Government Code §54956. Emergency meetings may be called and noticed as set forth in Government Code §54956.5.

III. OPERATING PROCEDURE

The State Legislature adopted the Maddy Local Appointive List Act of 1975 which added Government Code §54972 et. seq. to deal with vacancies and appointments of citizens to public committees, commissions and boards. The Act provides that an appointment list be prepared each year by the City Clerk and posted by December 31 noting the names of members whose terms will expire in the upcoming year as well as their appointment date and qualifications for being a member of each committee.

A. Selection and Removal of Committee Members

Whenever a committee vacancy occurs, other than by expiration of a term, it shall be filled by the City Council. In the event a member of the committee is unable to serve because of health, moving from the City, or any other reason, a formal letter of resignation shall be submitted to the City Clerk’s Office. Any member of the committee may be removed at any time by a majority vote of the City Council.

A special notice of vacancy is advertised in the local papers and posted in four designated posting sites (Council Chambers, Foster City Library/Community Center, Parks and Recreation Center, Foster City Post Office) throughout the City. Application forms are available at City Hall, City's website www.fostercity.org or can be obtained by mail by calling the City Clerk's Office at 286-3250. Application forms should be returned to the City Clerk's Office, City Hall, 610 Foster City Boulevard, Foster City, CA 94404.

Applicants are required to attend a committee meeting before being considered for formal appointment by the City Council. The City Council will interview candidates and make formal appointments to committees at a Council meeting. All applicants are appointed by the City Council on a first-come, first-served basis.

You must be a Foster City resident to apply for appointment to all committees.

B. Election of Chair and Vice Chair

Nominations for committee officers shall be made annually at the first regular meeting on or after January 1st of each year. Election of officers shall be the first order of business under "new business" at the first regular meeting annually. The committee shall elect its chair, vice chair, and other officers, if any, by a majority of the members voting. If no individual gets a majority of the votes cast, a second vote shall be taken between the two members of the committee receiving the most votes. The term of office shall be for one year, and officers shall not succeed themselves.

C. Duties of the Chair and Vice Chair

The Chair shall have the following duties:

1. To preside at all meetings, submit all motions to vote and in general, do all things ordinarily required of a Chair.
2. The Vice Chair shall assume and perform the duties of the Chair in the Chair's absence.

D. Rules of Operation

The following rules shall apply to the operation of the committees:

1. A majority of the committee formed by resolution shall constitute a quorum or a majority of the number of members currently appointed and serving.
2. Action shall be taken only after a majority vote at a duly constituted meeting. Members should vote on all matters before them unless there is a conflict of interest. Members may abstain from voting if there is a conflict of interest. A conflict of interest exists or may exist if a committee member financially benefits or may financially benefit from action he/she may be taking on an item.

3. The committee may adopt such procedural rules and regulations as may be necessary or convenient for the orderly conduct of its business.
4. The provisions of the Ralph M. Brown Act, Government Code §54950 et. seq., relating to the conduct of regular, adjourned and special meetings shall be applicable to all committees.
5. All members of any committee shall serve without compensation.
6. Absence from any three consecutive meetings without formal notification to the committee Chair or staff liaison shall be deemed to constitute resignation from the committee. The staff liaison shall cause notice of such resignation to be given to the City Clerk for appropriate action. Members who will arrive late to meetings will be required to notify the staff liaison of the late arrival. The staff liaison will alert the committee Chair of the late arrival and the late member's expected time of arrival.
7. No items shall be considered by the committee which are not on the agenda (posted 72 hours before the regular meeting) except for those matters which are determined to be an emergency as put forth in Government Code §54954.2. Emergency items may be added to the agenda with a majority vote, or 2/3 vote is required if there is a need to take action on an item which arose after agenda was posted.

This procedure is implemented so the members of the committee will have ample opportunity to be fully informed of the matters coming before them and appropriately inform the public.

E. Minutes - Approval, Content, and Distribution

An appointed Secretary shall keep a record of the proceedings and transactions. Written minutes must be approved by the committee to become an official record of its activities and then forwarded to the City Clerk. Additions or corrections of minutes are to be made in public meetings, with the approval of the committee.

F. Recommendations

Pursuant to the Municipal Code, all committee recommendations for Council action shall be reviewed by the City Manager before presentation to the Council.

G. Budget

Each committee shall review its annual budget during the preparation period and make recommendations to the City Manager and City Council.

H. Open Meeting Law (Ralph M. Brown Act -- Government Code §54950-§54962)

All meetings, no matter how informal, where city business is discussed, transacted, or action taken with a quorum present by any council, commission, board, or advisory board must be open to the public (except for specific closed sessions limited to litigation, personnel, and land acquisition matters.) Serial meetings where less than a quorum individually meet, telephone, email or otherwise communicate between each other or through a common person on a topic which eventually involves a quorum's commitment or action is a violation. Deliberation and/or action may be taken only on a topic placed on the agenda at least 72 hours prior to the meeting, with some narrow exceptions. The agenda must provide the public the opportunity to address the committee on any item of interest to the public that is within the subject matter jurisdiction of the committee (See Government Code §54954.3). The public has the right to speak before any vote is taken on any issue (minutes notwithstanding).

IV. COMMITTEE RESPONSIBILITIES

Each committee must know, understand, accept, and accomplish its delegated responsibilities if it is to be an effective viable force in community life. The areas of responsibility discussed in the following pages may or may not apply, depending on the individual committee, staff, community needs, political climate, and general acceptance of citizens advisory committees members.

Committee involvement in accomplishing City objectives will vary. In some agencies, the committee will be asked and expected to serve in an advisory capacity only to formulate policy. The committee, individually or collectively, may be asked to serve in other capacities, such as:

1. Committee or volunteer work;
2. Technical consultant using an area of expertise he/she may possess;
3. Functioning as an administrative body; or
4. Act as a legislative advocate.

In each instance, the committee member must recognize the changing roles and identify parameters of his/her responsibility.

The major responsibility of the committee is to participate in the review and update of the committee's short and long term goals and objectives. All other responsibilities and activity should support those objectives.

Other areas of responsibility include:

A. Policy

1. Policy should be planned action - not reaction.

2. Policies should provide for periodic review and updating.
3. Recommendations for changes in policy may be initiated by committee members, staff, or City Council.

B. Budget

1. Identify community needs and determine long and short range priorities.
2. Consideration should be given to current operating and maintenance expenses.

C. Financing

1. The committee may serve as liaison with service organizations.
2. Committee members seeking donations or items shall follow the City's fundraising policy.

D. Public Relations

1. Committee members assist staff in public relations and outreach programs as appropriate.
2. Committee members are responsible for keeping lines of communication open to the public.

E. Programming

1. Programming is a staff function.
2. The committee should monitor programs to ascertain that community needs are being met (e.g. for implementation, balance, quality, feasibility).
3. The committee must understand program philosophy.
4. The committee supports program efforts.
5. The committee serves as a buffer between staff and special interest groups in the community.
6. The committee is responsible to recommend community involvement and process community reaction.

F. Legislation

1. The committee must recognize that up-to-date knowledge of legislation is of great importance.

G. Education

1. Training for committee members is essential and should be sought.
2. Committee member attendance at committee meetings is essential.
3. Publications on the various relevant subjects should be made readily available to the committee.
4. Committee members have a personal responsibility for continuing exposure and education to further their knowledge of the concerns of their individual committee.

V. **COMMITTEE RELATIONSHIPS**

Individual committee members should present views and recommendations representing the committee as a body -- not personal individual views. Members publicly expressing views not approved by the majority of a committee should clearly express that their opinions are as “private citizens.” Individual opinions must be identified as such.

Public statements should not include promises that may be construed to be binding on the committee, City Council or staff. When making a public statement, members should indicate that committee actions are recommendations and that final action will be taken by the City Council.

Committee members may be selected on the basis of representing defined groups; however, each member should represent the overall “public good,” not an exclusive group or special interest.

A. Basic Guideline

Work to establish a good relationship with other committee members. The success or failure of committee efforts may be dependent upon the degree of cooperation evident among the individual members of the body.

B. Relationship with Other Committee Members

Each member should keep in mind these important points:

The association with other committee members is very important as you serve on the committee.

Before talking about relationships it may be well to point out a few facts about committee members. Committee members come from various backgrounds - education, occupational, religious, social, economic, physical, and cultural - and differences do exist.

It is important to recognize that the reason for serving on a committee will vary and perhaps some will have a special interest. Each member will contribute in his/her own way and is an important part of the decision-making process. Do not expect every member to give of his/her time, talent and knowledge to the same degree. Some will give more and others will give less, but in the end the community will benefit.

Bearing this in mind, the following relationships may serve as a guideline:

1. Always respect another individual's viewpoint even though it may be opposite of your own.
2. Allow the other individual to articulate his/her own views and then attempt to make an objective evaluation of those views.
3. Evaluation of our fellow member's viewpoint should be based on what is best for the total community and what is best for all concerned.
4. There will be times when political action among the committee is apparent; strive to minimize whenever possible.
5. Be open and honest at all times.
6. Each committee member has a responsibility to recognize new committee members and see that they are made welcome, become oriented, and receive training.

C. Relationship with City Council/Council Liaison

A committee member's relationship should be defined by the City Council. It may be the Committee Chair or Staff Liaison who will report to the City Council at one of its regular meetings. The City Council may, from time to time, invite the committee to attend its meeting for direct input.

Individual contacts with the City Council to discuss problems are neither encouraged nor discouraged. This will have to be handled on an individual basis. Should a controversy arise within the committee, counsel and guidance are available from the Staff Liaison as well as from the individual City Council members.

Should a split opinion exist on committee action, it would be appropriate for a majority and minority report to accompany the recommendation to the City Council.

Committee members are expected to recognize the following items:

1. The committee should assist the City Council in developing public trust in the advisory committee system; and
2. The committee should be sensitive to city priorities and know when to take a stand.

All advisory committees are assigned a Council Liaison. Your Council Liaison functions as an intermediary between the committee and the City Council. The Council Liaison provides policy direction to the committee as needed. The Council Liaison is a non-voting member of the committee.

D. Relationship with Staff Liaison

The City Manager assigns a Staff Liaison to each advisory committee. The Staff Liaison makes sure that required committee meetings occur and in conjunction with the committee chair, prepares the monthly meeting agendas. He/she is also responsible for the coordination, distribution, and posting of all committee agendas pursuant to the Ralph M. Brown Act. Committee members should feel free to contact the Staff Liaison for inquiries and/or support purposes. It should be understood, however, that ***committee members are responsible for all committee work***. Staff Liaisons will provide direction, guidance, as well as clerical and/or organizational or administrative support to committees on an as needed basis. The Staff Liaison is a non-voting member of the committee.

E. Intra-agency Relationships

The success of each committee in a community is directly proportional to the level of priority it attains in the City's operation. Governing body and administrative perceptions on the importance and contribution of the various committee services to the community's quality of life will inevitably influence decisions on budget, planning, staffing, land use, policies and procedures.

The citizens advisory committee is in a position to provide for significant positive relationships that can contribute to an understanding of parks and recreation, cultural environment, community, and senior services and their role in contributing to a better quality of life.

Some guidelines include:

1. Know the relationship and roles of various departments within the City.
2. Establish effective lines of communication between City committees to ensure liaison with other City departments (e.g. Community Development, Police, etc.).

F. Inter-agency Relationships

Interdependence is not only a way of life but necessary for survival. An effective committee will recognize that relationships with agencies or groups outside the City can contribute to improving the quality of community life.

1. Similar park, recreation, cultural, community, or senior agencies at local or county level.
2. Governmental agencies responsible for parks and recreation, or community services in constituency area (e.g. school, city, county).
3. Associations of groups with similar goals and objectives, some include the League of California Cities, Foster City Chamber of Commerce, San Mateo-Foster City School District, San Mateo Union High School District, and Airport/Community Roundtable.
4. Private enterprise.
5. Financial groups.
6. Non-profit and charitable organizations.

G. Relationship with the Public

It is important to recognize that as a committee member your actions and comments are often interpreted to be that of the entire committee, the staff, or the City. A committee member's comments to the press or other public utterances are sometimes misinterpreted even though you state that you are speaking for yourself. They may be at odds with the committee's goals, objectives or overall policy. It is very important that an individual be clear when stating opinion.

The citizens advisory committee is expected to fill two major functions: serving as a communication link between community, staff and City Council and providing feedback to the public with respect to agency philosophies and policies, as well as issues that are being considered by the appointing authority.

The following guidelines are offered:

1. Statements to the public should be coordinated through the committee's Council Liaison and Staff Liaison through news releases, etc.
2. There should be no promises made to the public that are binding on the committee, staff, or City Council.
3. Comments to the public and the press must be factual.

4. The committee members have an obligation to listen to comments or complaints of the public.

VI. QUESTIONS AND ANSWERS

1. Do I have to be a Foster City resident to be a committee member? **Yes.**
2. Can I stay on the committee if I move out of Foster City? **No.**
3. Can I be on more than one committee at a time? **Yes.**
4. Can I be on the Planning Commission and an advisory committee? **No.**
5. Who do I call if I can't attend a meeting? **Staff Liaison and/or Committee Chair.**
6. Who do I call if I want to put an item on a committee agenda? **Staff Liaison and/or Committee Chair.**
7. Who do I call if I want to know when my term is up? **Staff Liaison or City Clerk's Office.**
8. What do I do if I don't have time to attend meetings but can help the committee in other ways? **Resign as committee member and help in a volunteer capacity.**
9. What if a committee member is rude to other members, council, and staff or public? **Inform person that such action will not be tolerated. Involve the Council Liaison and Staff Liaison if behavior continues.**
10. Does the committee have to vote publicly or can we vote by secret ballot? **All votes must be held in public. Secret ballots are illegal.**
11. Who do I call if I would like a copy of an agenda and/or information for a meeting? **Staff Liaison.**
12. Who do I call if I feel frustrated on a committee? **Talk to the Council Liaison or the City Clerk.**
13. Can I go out and purchase something and then get reimbursed later? **Only with prior approval from the Staff Liaison. Check with the Staff Liaison regarding the purchase prior to actually buying an item or service.**
14. How do I purchase supplies? **Ask the Staff Liaison.**

VII. HOW TO CONDUCT A SUCCESSFUL MEETING

When running a meeting, a comfortable and productive environment should be facilitated throughout the meeting. Group members have certain responsibilities when participating in a meeting. It is important that each member of the group share their ideas. It is easy to share ideas when three steps are followed: be prepared, practice good communication skills, and give your peers the common courtesy you would expect.

In order to be prepared for a meeting, group members should understand the purpose of the meeting. It is best if each group member reviews the meeting agenda and does any necessary research before the meeting. It is also important to ask questions so that any unclear issues are explained.

Good communication skills are critical to a meeting's success. When speaking, it is important to express yourself clearly, include everyone, and summarize as needed. When someone else is speaking, it is important to give them your full attention, and to listen to them with an open mind.

As a group member, there are many things one can do to practice common courtesy during a meeting. It is always best to arrive on time and stay for the entire meeting. It is a good idea to avoid unwarranted interruptions and distractions. Also, one should stay on the subject and stick to the agenda. As a speaker, one should be aware of, and respect, specified time limits for speaking.

VIII. PARLIAMENTARY PROCEDURE

Parliamentary procedure is a set of rules for conduct at meetings. It allows all participants to express their views and make decisions in an orderly fashion.

A. General Principles of Parliamentary Law

1. One subject at a time and one speaker at a time.
2. Business must be conducted.
3. All members are equal.
4. The majority decides.
5. The rights of a minority must be protected.
6. Silence denotes consent.
7. A question once settled may not be reintroduced in the same meeting.
8. Human feelings must be respected. One should not use a person's name. Use appropriate titles (i.e. Chair, member, etc.)

B. Agenda

An agenda is an outline that dictates the order of business. Organizations using parliamentary procedure usually follow a fixed agenda. In the case of Foster City committees, business should be considered and disposed of in the following order:

1. Call to Order
2. Roll Call
3. Introductions
4. Public Forum
5. Approval of Minutes
6. Reports
7. Old Business
8. New Business
9. Communications
10. Adjournment

C. Making Motions

A motion is a formal proposal that certain action be taken, or that a certain statement express the sense, opinion, desire, or will of the assembly.

There are four types of motions:

1. Main Motions -- A motion that introduces business to an assembly.
2. Subsidiary Motion -- Motions that assist the assembly in treating or disposing of a main motion.
3. Privileged Motions -- A class of motions which, although they are not directly concerned with the business before the assembly, are of such immediate importance that they have the privilege of interrupting the consideration of anything else. All motions of this class are not debatable (e.g. room temperature control, recess, ventilation, restroom use).
4. Incidental Motions -- Motions that deal with questions of procedure arising out of other motions or items of business.

D. Preparing Motions

Advisory body meetings are usually conducted according to parliamentary procedure. The Chair directs the meeting, and his/her rulings must be followed unless they are overruled by the body. When a member wishes to propose an action on a particular item on the posted agenda for the advisory body to consider, the member makes a motion. A motion goes through the following steps:

1. The member asks to be recognized by the Chair.
2. After being recognized, the member makes the motion, "I move that we..."
3. Another member seconds the motion, "I second the motion."
4. The Chair restates the motion and asks for discussion on the motion.
5. When the Chair determines that there has been enough discussion, the debate may be closed with, "Is there any further discussion?"

6. If no one asks for permission to speak, the Chair then puts the motion to a vote, “All those in favor say aye.” “All those opposed say nay.” The Chair should restate the motion prior to the vote to ensure the motion is clearly understood by all. Any member may request a roll call vote on a motion.

7. After the vote, the Chair announces the decision.

Properly phrasing a motion can be difficult and corrections may be necessary before it is acted upon. Until the Chair states the motion, the member making the motion may rephrase or withdraw it.

E. Voting

The method of voting on a motion depends on the situation and on the laws of the organization. A motion is sometimes referred to as a question. Four voting methods are described below.

VOTING BY	DESCRIPTION
1. Voice	The Chair asks those in favor to say “aye” and those opposed to say “no.”
2. Show of Hands	Members raise their hands as sight verification of or as an alternative to a voice vote. It does not require a count. A member may move for an exact count.
3. Roll Call	If a record of each person’s vote is needed, each member answers “yes,” “no” or “abstain” (indicating the choice not to vote) as his or her name is called.
4. General Consent	Members show agreement by their silence.

More about voting: A question (motion) is pending when it has been stated by the Chair but not yet voted on. The main motion is always the last voted on.

A motion to table is used to lay something aside temporarily to take care of a more urgent matter. There is always the option to “take from the table” any motion for reconsideration by the committee.

A motion to postpone indefinitely allows members to dispose of a motion without making a decision for or against.

F. Parliamentary Terms

AGENDA: an outlined plan of an entire business session; an order business.

ACCEPT: adopt, approve, agree to.

ADOPT: approve, agree to, accept.

AMEND: modify or change the wording of a motion before action is taken upon the motion itself.

ANNOUNCING THE VOTE: declaration by the chair of the result of the vote.

ASSEMBLY: a body of people assembled for the transaction of business.

BYLAWS: basic rules of a society which relate to itself as an organization.

CARRIED: adopted, approved.

CHAIR: the presiding officer; the place or station of the presiding officer.

DIVISION OF THE ASSEMBLY: a motion requiring that a vote taken by voice or by show of hands be retaken by rising.

EX OFFICIO: "from the office" or by virtue of the office or chairmanship.

FLOOR, OBTAIN THE: securing recognition by the chair as having the right to speak in a meeting.

GENERAL CONSENT: unanimous consent; informal agreement of the assembly. The chair asks if there is any objection to a certain procedure; *silence denotes consent*.

GERMANE: closely related; of the same subject matter. Example: an amendment must be germane to the motion to which it is applied.

IMMEDIATELY PENDING QUESTION: the latest question (motion) stated by the chair when more than one question is pending.

INCIDENTAL MOTIONS: motions which deal with questions of procedure arising out of other motions or items of business.

MAIN MOTION: A motion that introduces business to an assembly.

MAJORITY VOTE: over half of the votes *cast*.

MEETING: a single gathering of persons or members of an organization, usually for the purpose of transacting business. See *Session*.

MINUTES: the record of the proceedings of an assembly. Sometimes referred to as the *journal*.

MOTION: a formal proposal that certain action be taken, or that a certain statement express the sense, opinion, desire, or will of the assembly.

PARLIAMENTARY LAW: a consistent system of rules which govern procedure in all deliberative assemblies, founded upon certain fundamental principles originated in the unwritten customs of the House of Parliament in England; first compiled for use in this country by Thomas Jefferson, whose manual has been the foundation for rules used in the United States House of Representatives and Senate.

PENDING: before the assembly. A motion is "pending" after it has been stated by the chair and until it is disposed of temporarily or permanently.

PLURALITY VOTE: the largest number of votes received by a candidate or proposition when three or more choices are possible. A plurality vote never decides a question or election except by specific rule of the organization.

PRECEDENCE, TAKES: outranks; used in reference to the order in which motions can be introduced and must be considered by the assembly.

PREVIOUS NOTICE: announcement that a specific motion will be introduced at the next meeting; substance of the proposal should be described at least briefly; unless specified otherwise in the bylaws, must be made at the preceding meeting or included in the call of the meeting at which it is to be brought up.

PRIVILEGED MOTIONS: a class of motions which, although they are not directly concerned with the business before the assembly, are of such immediate importance that they have the privilege of interrupting the consideration of anything else, All motions of this class are *not debatable*.

PRO TEM: for the time being; most frequently applies to the office of secretary.

PUTTING THE QUESTION: putting the motion to a vote.

QUESTION: the business before the assembly; the motion as stated by the chair. (See "motion.")

QUORUM: the number of members who must be present in order that business can be transacted legally, the quorum is a majority of all members unless the bylaws state otherwise.

RECESS: an intermission taken by the assembly.

RESOLUTION: a main motion usually of such importance and length as to be written; may or may not have a preamble setting forth the reasons for the resolution.

REVISION OF THE BYLAWS: a complete set of bylaws submitted as a substitute for existing bylaws.

RONR: acronym *Robert's Rules of Order Newly Revised*.

SECONDARY MOTIONS: motions which can be made while a main motion is pending and which relate to business already before the assembly, to questions of order or procedure, or to matters of comfort or privilege. There are three classes of secondary motions: subsidiary, privileged, and incidental.

SECONDING A MOTION: agreeing that a motion should come before a meeting.

SESSION: a meeting or a series of meetings with a single order of business, agenda, or program.

STANDING RULES: regulations for the guidance of an organization usually adopted by majority vote without previous notice.

STATING THE QUESTION: formally placing a motion before the assembly and indicating (where appropriate) that it is open to debate. Wording of a motion in the minutes should be exactly the same as when *stated* by the chair.

SUBSIDIARY MOTIONS: Motions that assist the assembly in treating or disposing of a main motion (and sometimes other motions).

TWO-THIRDS VOTE: two out of three of the votes cast. For two-thirds approval, the affirmative vote is at least twice as large as the negative.

UNFINISHED BUSINESS: questions that have come over from the previous meeting because that meeting adjourned without completing its order of business.

VOTE: a formal expression of the will, opinion, or preference of the members of an assembly in regard to a matter submitted to it.

YIELD: give way to. A pending question yields to one of higher rank.

IX. RALPH M. BROWN ACT

The Ralph M. Brown Act, “Open Meeting Law,” more commonly referred to as The Brown Act, is California’s “sunshine” law for local government. It requires local government to conduct business in meetings that are open to the public.

Chapter 9, Sections 54950 - 54963 of the California Government Code provides the complete text of The Brown Act. However, the following may be useful as a guide to understanding the basics of The Brown Act:

GC §54950. Policy declaration

In enacting this chapter [*The Ralph M. Brown Act*], the Legislature finds and declares that the public commissions, boards and councils and other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

All members of legislative bodies which include the City Council, Standing Advisory Committees, Planning Commission, Standing Subcommittees, as well as new members of these bodies who have been elected or appointed but who have not assumed duties of office.

1. Who is subject to the Brown Act? [See GC §54952 & §54952.1]

All members of legislative bodies which include the City Council, Standing Advisory Committees, Planning Commission, Standing Subcommittees, as well as new members of these bodies who have been elected or appointed but who have not assumed duties of office.

2. Who is *not* subject to the Brown Act? [See GC §54952]

Non-standing ad hoc committees as well as ad hoc subcommittees composed of less than a quorum of the legislative body.

3. What is the difference between *standing* and *ad hoc* committees or subcommittees?

A *standing* committee is formed by ordinance or resolution with a continuing subject matter or meeting schedule fixed by ordinance, resolution, or other formal action.

An *ad hoc* committee is formed for a specific period of time for a particular purpose.

A *standing subcommittee* is composed of less than a quorum of members of a legislative body with a continuing subject matter or a fixed meeting schedule.

An *ad hoc subcommittee* is composed of less than a quorum of members of a legislative body existing for a specific period of time for a particular purpose.

4. What is a meeting? [See GC §54952.2]

Any congregation of a majority of members, in the same place, at the same time, to hear, discuss or deliberate on anything within the subject matter of the jurisdiction. Meetings include any communication through intermediaries or technological devices such as a telephone, fax machine, computer, etc. to develop a collective concurrence as to action to be taken.

5. What are not considered meetings? [See GC §54952.2]

Individual contacts between members; individual contacts between members and third parties; conferences that are open to the public and involve a discussion of matters of general interest to the public or public agencies as long as members attending do not discuss local business; attendance at a community meeting other than that of the local agency, provided the majority do not discuss business; attendance at a purely social occasion.

Gatherings That Are Not Meetings

There are six types of gatherings that are not subject to the Brown Act. If a gathering does not fall within any of the six exceptions listed below, a majority of members in the same room who are merely listening to a discussion of the body's business will be participating in a meeting that requires notice, an agenda, and an opportunity for public comment. The six exceptions are as follows:

1. Individual Contacts: Conversations between a member of the body and any other person, that does not serve to "poll" members of the body does not constitute a meeting for the purposes of the Brown Act.
2. Conferences: Attendance of a majority of the members of the body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the body, provided a majority of the members do not discuss among themselves specific business within the body's subject matter jurisdiction.
3. Community Meetings: Attendance of a majority of the members of the body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction.
4. Other Legislative Bodies: This exception allows a majority of the members of the legislative body to attend an open and publicized meeting of the local agency, provided that the majority of members do not discuss among themselves other than as part of the scheduled meeting, specific business within the body's subject matter jurisdiction.

5. Standing Committees: Attendance by a majority of the members of the body at an open and noticed meeting of a standing committee of that body, provided that the members of the body who are not members of the standing committee attend only as observers.

6. Social or Ceremonial Events: Attendance of a majority of the members of the body at a purely social or ceremonial occasion, provided a majority of the members do not discuss among themselves specific business within the body's subject matter jurisdiction.

Example

Scenarios:

A. Four members of a seven-member art commission meet at an art gallery to evaluate the art for a proposed gallery exhibit at City Hall. OR

B. Four members of a seven-member recreation commission meet at a store to buy decorations for a City event.

Outcome: Violation of the Brown Act

Both of these interactions are considered to be private "meetings" since there was no public notice posted of the agenda and a quorum met without providing the public an opportunity to participate. If only three of the seven members got together to buy decorations or evaluate the art (as directed by the entire commission) and later reported back to the commission about their activities, then this would not be a violation of the Brown Act.

6. Can meetings be teleconferenced? [See GC §54953]

The legislative body of a local agency may use teleconferencing for the benefit of the public only if the following requirements are met: 1) All votes taken during the teleconferenced meeting shall be by roll call; 2) The agenda must be posted at all teleconference locations and the meeting must be conducted in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body; 3) Each teleconference location must be identified in the notice and agenda of the meeting, and each teleconference location must be accessible to the public; 4) The agenda must provide an opportunity for members of the public to address the legislative body directly at each teleconference location.

7. What is a regular meeting? [See GC §54954; FCMC §2.36.160; EMIDC §2.28.160]

A regular meeting is a meeting held on a regular basis at a time and place established by resolution, ordinance, by-laws or other rule.

8. What is an adjourned meeting? [See GC §54955]

The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

9. What is a special meeting? [See GC §54956; FCMC §2.36.170; EMIDC §2.28.170]

A special meeting is any meeting other than a regular meeting or adjourned regular meeting.

10. What are the requirements for holding a special meeting? [See GC §54956; FCMC §2.36.170; EMIDC §2.28.170]

A special meeting may be called at any time by the presiding officer (e.g., Committee Chair), or by a majority of the members of the committee, by delivering personally or by mail written notice to each member of the legislative body and to each local newspaper of general circulation, radio or television station requesting notice in writing. The notice shall be delivered personally or by mail and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the secretary of the committee a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. Notice shall be required regardless of whether any action is taken at the special meeting.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public. The call and notice should be forwarded to the City Clerk for posting in the public notice board outside the Council Chambers at least 24 hours prior to the special meeting.

Every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the legislative body concerning that item prior to action on that item.

11. Where must meetings be held? [See GC §54954; FCMC §2.36.160; EMIDC §2.28.160]

Regular and Special Meetings must be held within the boundaries of Foster City with certain exceptions. These include:

- a. Complying with State and Federal law;
- b. Inspecting real or personal property;
- c. Participating in a meeting that involves multiple agencies outside Foster City;
- d. Complying with a Court Order;
- e. Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries;
- f. Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility;
- g. Meeting with State or Federal elected officials;
- h. Visiting legal counsel for a closed session.

12. What type of facility can meetings be held in? [See GC §54961]

No legislative body of a local agency shall conduct any meeting in any facility that prohibits the admittance of any person, or persons, on the basis of race, religious creed, color, national origin, ancestry, or sex, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase.

13. What needs to be on an agenda? [See GC §54954.2]

An agenda must specify the time and location of the regular meeting and show a brief general description of each item of business to be transacted or discussed, not needing to exceed twenty (20) words per agenda item.

See also FCMC §2.36.230 and EMIDC §2.28.230 regarding Order of Business for advisory committee agendas.

14. When does an agenda need to be posted? [See GC §54954.2]

An agenda for a regular meeting must be posted at least 72 hours before the meeting.

15. Where is the agenda posted? [See GC §54954.2; FCMC §2.36.160; EMIDC §2.28.160]

The City Clerk shall post agendas of regular meetings on the bulletin board outside the fire department and may also post agendas in other locations.

16. Can an item be discussed or acted upon if it is not on the agenda? [See GC §54954.2]

No action or discussion can be taken on any item not appearing on the posted agenda, except that members of the committee may briefly respond to statements made or questions posed by persons exercising their public testimony rights. In addition, on their own initiative, or in response to questions posed by the public, committee members may ask a question for clarification, provide a reference to staff or other resources for factual information, or request staff to report back to the body at a subsequent meeting concerning any matter. Furthermore, a committee member or the committee itself may take action to direct staff to place a matter of business on a future agenda.

17. When can an item not on the agenda be discussed or acted upon? [See GC §54954.2]

The committee may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item, the committee shall publicly identify the item, and (1) upon a determination by a majority vote of the committee that an emergency situation exists which prompt action is necessary due to the disruption or threatened disruption of public facilities, as defined in Government Code §54956.5; or (2) upon a determination by a two-thirds vote of the committee, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted; or (3) the item was posted on an agenda for a prior committee meeting occurring not more than 5 calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

18. Is it required for an agenda to allow public comment? [See GC §54954.3; FCMC§2.36.180; EMIDC §2.28.180]

Yes. Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the legislative body concerning that item prior to action on that item.

19. Can the committee limit the total amount of time for public testimony? [See GC §54954.3]

The legislative body may adopt reasonable regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

20. Can the committee prohibit public criticism? [See GC §54954.3]

The legislative body shall not prohibit public criticism of the policies, procedures, programs, or services of the agency or the acts or omissions of the legislative body.

21. Are there any conditions of attendance for members of the public? [See GC §54953.3]

No. A member of the public shall not be required, as a condition to attend a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

22. Can secret ballots be used? [See GC §54953; FCMC §2.36.110 & EMIDC §2.28.110 will be amended]

No action can be taken by secret ballot, whether it is for a preliminary or final vote.

23. Can the public tape record or use a video camera to record a meeting? [GC §54953.5]

Recording of a meeting by a member of the public can be done either by audio or visual means. Meetings may also be broadcast in either one of those mediums. The Brown Act allows the legislative body to disallow recording of the meetings only if it disrupts the meeting due to noise, illumination, or obstruction of view.

24. What materials, such as agendas, must be made available to the public? [See GC §54957.5]

Agendas of public meetings and any other writings, when distributed to all, or a majority of all of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at a public meeting of the body, are

public records under the California Public Records Act and shall be made available *to the public* without delay.

Writings which are public records and which are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person.

25. What is the penalty for holding an unlawful meeting? [See GC §54959]

Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of the Brown Act, with wrongful intent to deprive the public of information to which it is entitled, is guilty of a misdemeanor.

26. What is a serial meeting?

The Brown Act prohibits a “serial” meeting – a series of communications that result in a majority of governing body members having conferred on an issue. **EXAMPLE:** If two members of a five-member governing body consult outside of a public meeting (which is not in and of itself violation) about an issue before the body and then one of those individuals consults with a third member on the same issue and shares what the first member is thinking, a majority of the body has consulted on the same issue. Note the communication does not need to be in person and can occur through a third party. For example, sending or forwarding e-mail can be sufficient to create a serial meeting, as can a staff member’s polling governing body members in a way that reveals the members’ positions to one another.

27. What is confidential information? [See GC §54963]

“Confidential information” means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in a closed session. A person may not disclose confidential information that has been acquired by being present in a closed session to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

Section 54963 does not prohibit (1) making a confidential inquiry or complaint to the district attorney or grand jury concerning a perceived violation of law, (2) expressing an opinion concerning the propriety or legality of actions taken by the local agency in closed session.

REFERENCES

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Notes