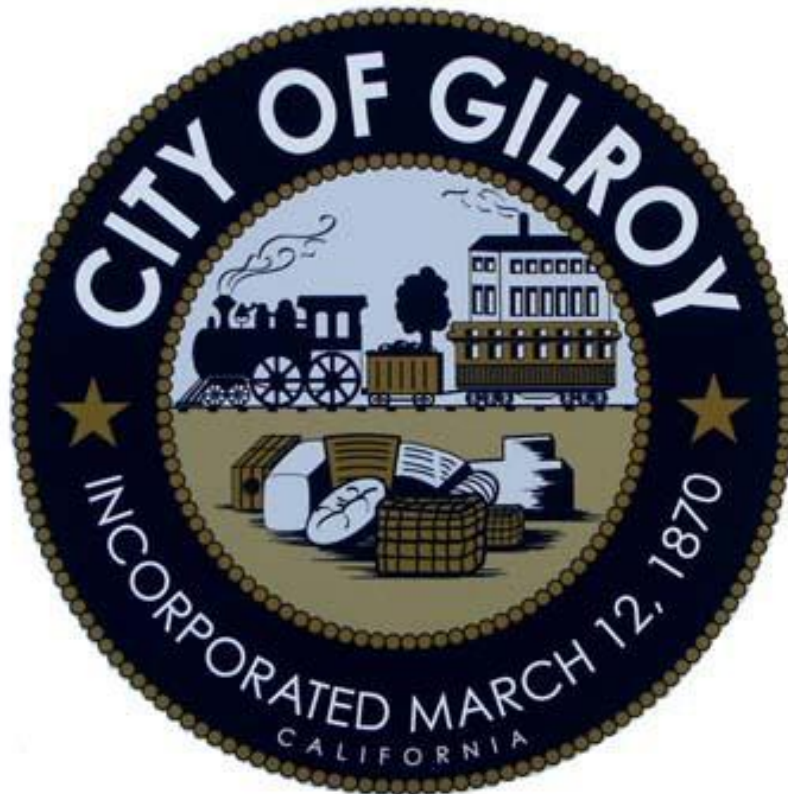


# BOARD, COMMISSION & COMMITTEE MEMBER HANDBOOK



## 2019

## WELCOME AND ORIENTATION

Welcome and thank you for your willingness to serve as a member of a City of Gilroy Board, Commission or Committee. Advisory bodies play an important role in city governance by assisting the City Council in addressing specific issues in detail, lending professional expertise, and facilitating community decision-making.

The City of Gilroy has a number of advisory bodies, each with distinct responsibilities. As a new advisory body member you will need to familiarize yourself with the documents governing your particular body including the City Charter and ordinances, bylaws, relevant element(s) of the General Plan, and current work plan goals, all available from your staff liaison. Reviewing these documents will help you get a sense of your responsibilities.

This Handbook is designed to serve as a reference of the basic procedures that apply to all City advisory bodies. Your staff liaison will facilitate a general orientation to familiarize you with your advisory body and go over current issues that have been under consideration.

Learning your role and developing an effective voice takes time and familiarity. We hope this Handbook will assist you towards a satisfying and productive experience. Your participation is deeply appreciated by the City Council, by city staff, and by your community.

The vitality and strength of our community comes from the willingness of people like you who serve Gilroy.

Respectfully,

Gilroy City Council and City Staff



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# THE STRUCTURE OF CITY GOVERNMENT



## THE STRUCTURE OF CITY GOVERNMENT

### A. FORM OF GOVERNMENT

Generally, there are two sources of authority by which California cities govern themselves. General Law cities adhere to the provisions and requirements established as general law by the state of California. Charter cities use the election process to adopt a charter or constitution, which sets forth the basis and authority for all future actions not in contradiction with pre-emptive state law. Gilroy is a Charter City as are approximately 20% of California cities.

### B. CITY COUNCIL

The City Council is a 7 member body consisting of 6 Council Members elected at large in even numbered years to staggered four-year terms, and one directly elected Mayor serving a four-year term.

The City Council is the governing body of the City, vested with the regulatory and corporate power of the municipal corporation. The Council serves as the City's board of directors and legislative body. It sets goals and priorities and establishes policies. The Mayor is the presiding officer of the Council, and the official spokesperson and representative of the City.

It is not possible for each Council Member to know all pertinent facts of every given situation. For counsel and advice on the practical application of established policy, reliance is placed on the service of interested citizens appointed to the various advisory bodies. For technical and administrative assistance, both the Council and the advisory bodies refer to the City Administrator and the City Administrator's staff.

### C. BOARDS, COMMISSIONS AND COMMITTEES

There are two types of advisory bodies. One is permanent with duties, responsibilities, and scope of authority is set forth in an enabling ordinance or the Charter. The other is ad hoc and typically created by action of the Council to serve a particular function during a specified time.

In both instances, the primary purpose of these entities is to gather information, weigh public input, and examine issues in depth to render a recommendation to the Council and the City Administrator. Certain advisory bodies also have decision-making authority in certain circumstances.

A brief description of the various advisory bodies and their primary functions is available from the City Clerk's office.



## D. CITY OFFICERS, DEPARTMENTS, AND STAFF

The City Council appoints the City Administrator, City Clerk and City Attorney.

### 1. City Administrator

The City Administrator has complete responsibility and authority for the administration of the City's government. This individual is appointed by, and serves at the pleasure of the Council, and is the appointing authority for the City, selecting the department heads and other employees.

### 2. City Clerk

The position of the City Clerk is established by state law, and has responsibility for conducting all municipal elections, acting as legislative support to the City Council, and maintaining all official city records. This individual is appointed by, and serves at the pleasure of the City Council

### 3. City Attorney

The City Attorney is also appointed by, and serves at the pleasure of the City Council, and is retained to advise the Council and staff on questions of law, to represent the City in legal actions and other actions to which the City is a party, or as otherwise may be requested by the City Council.

### 4. Departments

The administration of Gilroy's government is provided by the City Administrator and the following departments: Administration, Community Development, Finance, Fire, Human Resources, Police, Public Works and Recreation. The heads of departments are appointed by the City Administrator with the consent of the Council, and serve at his/her pleasure. By virtue of their technical training and experience, they are assigned by the City Administrator to provide staff assistance as needed to the advisory body. However, the advisory bodies have no authority to supervise or direct the work of city staff. This is done only through the City Administrator.

**BOARD, COMMITTEE & COMMISSION  
MEMBERSHIP**



## BOARD, COMMITTEE & COMMISSION MEMBERSHIP

### A. APPOINTMENTS

In order to be eligible for appointment to an advisory body (with the exception of the Youth Commission), a person must be a qualified registered voter of the City, and may not hold any paid office or employment in the City government.

After application, interview and selection, board, committee and commission appointments are made by majority vote of the Council for specified terms, which are mostly four years in length. Each advisory body member must be administered the oath of office by the City Clerk prior to being seated. In some instances, disclosure of economic interests may be required by the city's Conflict of Interest Code under the regulations of the California Fair Political Practices Commission.

### B. RESIGNATIONS AND REMOVALS

If a member is unable to continue serving because of health, business requirements or personal reasons, a letter or email of resignation should be submitted to the staff liaison.

The position of any member is automatically vacated when the member ceases to meet the qualifications for office, when Council accepts the member's resignation, or when the Council so declares.

### C. ATTENDANCE

The City has attendance standards for all members of the City's advisory body's. A member shall be automatically removed from an advisory body under the following conditions:

1. A member has more than two excused absences and one emergency absence from regular meetings in a calendar year. (Resolution 2018-41)
2. A member absents themselves from three consecutive regular meetings without the approval of the body as expressed in its minutes.

### D. VACANCIES

Vacancies are filled by appointment by the Council. Appointments made in the middle of a term are for the unexpired portion of that term.

E. ANNUAL RECOGNITION

Advisory body members are honored annually at the city volunteer appreciation event.

F. TERMS

No person shall serve more than two consecutive full terms on the same policy body. A member who has served two consecutive full terms shall not be eligible for reappointment to the same policy body for four years.

# BOARD, COMMITTEE & COMMISSION OFFICERS AND STAFF



## OFFICERS AND STAFF

### A. OFFICERS

Each year, every advisory body will select from its membership a chairperson and a vice chairperson who serve at the pleasure of the advisory body. The term is for one year. It is the chairperson's duty to preside over meetings and to present such reports as are required or requested by the Council, and to act as the formal representative in communications with the Council. The vice chairperson acts in this capacity when the chairperson is not available.

### B. STAFF

The services of the city staff assigned to the advisory body are coordinated by the City Administrator. The City Administrator shall provide a secretary for the recording of the minutes of each advisory body who shall keep a record of its proceedings and transactions.

### C. RECORDS

The agenda, meeting reports, minutes, audio or video and other official records of an advisory body are public records. Agendas, minutes and notices of adjournment or special meetings must be posted as required by the Ralph M. Brown Act and Gilroy Open Government Ordinance.

### D. EXPENSES

Necessary meeting space and equipment will be made available to the advisory body. If a budget is provided, the advisory body is required to operate within budgetary limitations, with all expenditures requiring prior approval by the advisory body. Mileage and personal expenditures associated with attendance at approved conferences, hearings and other meetings will be reimbursed according to city policy. In all instances, the purchasing procedures of the City apply.





# PREPARATION FOR MEETINGS



## PREPARATION FOR MEETINGS

### A. PREPARATION

Be prepared. Thoroughly review the agenda packet, including agenda reports, and any other materials *before* the meeting. The issues that come before advisory bodies are important to the community as a whole and demand your consistent attention. In agreeing to serve on an advisory body, you make a commitment to put in the time required to prepare fully for each meeting.

### B. ACTION

Understand what action you are being called upon to take for each particular agenda item. Your agenda will clearly identify the recommendation the policy body is being asked to make.

### C. AGENDA QUESTIONS

If you have questions about the agenda or agenda report, contact your staff liaison before the meeting to clarify questions or request further information.

### D. LIMITS OF AUTHORITY

Know the responsibilities of your advisory body, as well as the limitations of your individual authority. As a member of an advisory body you will be asked to provide recommendations to the City Council about specific issues through your policy body as a whole. Keep in mind that your appointment does not empower you to supervise or direct City staff.

### E. OBJECTIVITY

Keep an open mind. An objective, balanced, and receptive approach will help you assess the facets of a given issue, and evaluate new ideas. When receiving written and oral public testimony it will be necessary to discern between fact and opinion, as well as between those concerns which are relevant and those which are secondary to the issue at hand. Keeping an open mind will make it easier for you to understand all sides of an issue before you make a judgment or take a position. You will need to ensure you've been provided with all of the facts before taking action.

### F. OPENNESS

Strive to appreciate differences in approach and point of view. Diversity of ideas sustains a thoughtful dialogue and a vibrant community. Likewise, take care to articulate your own ideas: remember that your individual voice is a critical part of the whole dialogue. Again, furthering common goals takes cooperation,

flexibility, and a broad-based view of the public interest. If in doubt, return to the foundational documents to guide your understanding of the complexities of an issue.

#### G. CLARIFICATIONS

If you are unsure about something *before* or *during* the meeting, ask for clarification from you staff liaison to ensure your decisions are based on the facts presented. On behalf of the public, your understanding of issues is important. Each advisory body has a City staff liaison to provide information to assist the members throughout the decision-making process.

#### H. CONFLICTS OF INTERESTS

Review each agenda item ahead of the meeting to determine if you may have a conflict due to property or monetary interests. Speak with your staff liaison before the meeting if you believe there is an item you must recuse from deliberating on due to conflict of interest. Staff may need to consult with the City Clerk or City Attorney You will be required to identify the reason for recusal and must leave the dais of the body during the deliberation of the item.

#### I. REMOTE PARTICIPATION

If a member of the body wishes to participate in a meeting remotely, they may be offered the opportunity to participate by teleconference or other means under certain conditions. See you staff liaison well in advance to coordinate any participation from a remote location as not all circumstances will afford you the opportunity to participate remotely. The location must be freely accessible to the public at all times during the meeting and shall be identified on the agenda which will be posted at the remote location. At least a quorum of the members of the body must participate from within the City boundaries.

# MEETINGS



## MEETINGS

### A. REGULAR MEETINGS

Advisory bodies are required to hold regular meetings open to the public as provided by the enabling ordinance or the City Charter. All such meetings are held in City Hall or another City meeting facility, and may take place from time to time elsewhere within the City limits for specific purposes. The agenda for these meetings must be publically noticed on the City website and at City hall no less than 72 hours prior to the meeting.

### B. ADJOURNED MEETINGS

If the business to be considered at a regular meeting cannot be completed, the advisory body then may designate a time and date for an adjourned meeting. This must be announced to the members of the public who are present at the time of adjournment, and so recorded in the minutes. A Notice of Adjournment must be posted within 24 hours of the adjournment.

### C. SPECIAL MEETINGS

A special meeting may be called by the chairperson or a majority of the members. A Special Meeting Notice must be delivered to all advisory body members, the City Clerk, and any interested parties, including news media, which have made a request for such notification. The notice must contain the time and place for such a meeting and the subject matter to be considered, and be delivered at least 24 hours prior to the meeting.

### D. SUBCOMMITTEES

The advisory body may request to appoint special subcommittees of less than a majority of the advisory body to address issues within their scope who then may meet to carry out the purpose of the subcommittee. Your staff liaison can assist the body in determining the scope of proposed subcommittees. If the subcommittee has a continuing subject matter or a regularly scheduled meeting time, it may qualify as a Brown Act committee and public notice provisions will apply.

### E. QUORUM

A quorum consists of a majority of the total number of members of the advisory body. A quorum is required to conduct business at any meeting whether it is a regular, adjourned, or special meeting. Certain approvals require a majority of the entire authorized membership. While it is expected that members be present at all meetings, the staff liaison should be notified 72 hours in advance if a member knows that he/she will be absent.



## F. AGENDAS

Each advisory body has a staff liaison responsible for preparing an agenda in consultation with the Chair, and distributing the agenda and supporting documents in the agenda packet prior to each meeting. Future items to be heard before an advisory body should be identified by the policy body at an agenda meeting to assure placement on the desired agenda. Each policy body may have its own agenda format, but each agenda must adhere to the Brown Act and Gilroy Open Government Ordinance.

The *Title* and *possible action* of each item on the agenda shall be descriptive and understandable to the public. The posted agenda also shall indicate when opportunity is provided for members of the public to address the advisory body. If an advisory body member or staff intends to bring up an item for discussion or action, the item must be included on the agenda. Members of advisory bodies may request that an item within the purview of the advisory body be placed on a future agenda by making such a request at a meeting of the body. Information items placed on an agenda may not be acted upon at the meeting. Any member may, however, request that the informational item be placed on a future agenda for action. Regular meeting agenda shall be posted at least 72 hours prior to any meeting in the public notice case and on the city website. A notice of adjournment shall be posted at the door of the meeting, within 24 hours of the adjournment of a meeting if a quorum is not present. Staff shall maintain a record of the agenda and notice of adjournment posting.

Only those items appearing on an agenda may be considered at each meeting. However, in cases of extreme emergency unanimous consent of all members present may allow other matters to be introduced and action taken, if urgency exists and delay would be harmful to the public interest.

## G. MINUTES

Minutes are taken at each meeting to provide a record of when and where the meeting took place, who was present, the type of meeting and what was considered, decided and agreed upon. Summary minutes will reflect action taken and any input the body was given to enable it to make its decisions. Emphasis is given on the body's thought process, not individual members' thought processes. The minutes will summarize only the main points which arose in discussion if, and only if, they are relevant to the decision. The minutes are submitted to the body for approval and are posted on the City website for public access no less than 10 business days following the meeting. While other avenues exist for communication of interest or opinion, the minutes of the advisory body remain the official document of record.

## H. PROCEDURE

Each advisory body may adopt such rules and procedures as it feels necessary to accomplish its duties. Such rules are subject to Council approval before becoming effective. In the absence of such rules, the guidelines on parliamentary procedure contained in Roberts' Rules of Order may be followed.

## I. WORK PLAN

A work plan is the advisory body's plan and statement of goals within the purview of the advisory body for the year, prepared in coordination with staff. It should reflect the goals, priorities and policies of the City Council. It identifies important problems, challenges, and opportunities, offers a jointly developed plan to address these over the course of the year, and furthers a sense of shared purpose and responsibility among advisory body members. An adopted and published work plan will:

- Establish viable short-range objectives that further the long-range goals of the advisory body
- Provide group direction, and keep the advisory body on course
- Provide a basis for measuring accomplishment
- Assist in the allocation of time, energy, and resources
- Promote continuity of action, and help keep the big picture focused

For example, a work program may include community outreach activity, a plan for addressing critical community issues, an education component, or any other tasks the advisory body identifies as key work challenges for the upcoming year.



# MEETING MANAGEMENT



## MEETING MANAGEMENT

The City of Gilroy is committed to conducting efficient, effective and accessible government operations. The following material outlines techniques you can use to ensure that your advisory body meetings are efficiently run and give all residents an equal opportunity to address the issues.

### A. PROCEEDINGS

1. Let the Chair run the meeting.
2. Start meetings on time. Keep the agenda in mind in order to give each item the appropriate time.
3. Announce at the start of a meeting if the order of agenda items is to be rearranged for convenience for those attending for certain items, or for better pacing of the agenda.
4. Be fair, impartial, and respectful of the public, staff, and each other. Give your full attention when others speak.
5. Remember that people may be attending a meeting for the first time, and may be unfamiliar with your procedures. In your discussion, either avoid or explain technical terms or verbal shorthand.
6. Listen to audience concerns. Don't engage in side conversations or otherwise be distracted during public testimony. The opportunity for public testimony is central to the strength of democracy, and is therefore encouraged. Active listening, however, does not mean engaging the public in debate. Your response is appropriately saved for after the public testimony is closed. Recognize differences of opinion and remain neutral when listening to concerns.
7. Close the public testimony before you begin deliberations on an issue.
8. Sometimes questions can most effectively focus discussion and direct decision-making. For example,

*For staff:*

- What is the history behind this item?
- What are the benefits and drawbacks?
- What other alternatives did you consider?

*For other advisory body members:*

- What do you think about this item?
- What have you heard from the residents?

*For the public (at a hearing):*

- What are your concerns?
- How will this proposal affect you?
- What specific, constructive, alternatives can you recommend?

*For yourself:*

- What are we trying to accomplish?
- What are the long-range interests of the community?
- What guidance can be found in our foundational documents?
  - Gilroy City Code
  - Budget
  - Capital Improvement Program
  - General Plan
  - Specific Plans
  - Park Master Plans
  - Council Goals
  - Brown Act

9. Often you must balance multiple views, neither favoring nor ignoring one individual or group over another. Your obligation is to represent a broad-based view of the community's long-range interests.
10. Remember that most of the actions of your advisory body will be to make recommendations. It is not simply a discussion group or debating society.
11. Endeavor to end meetings by 9:00 p.m. Short breaks may be helpful during long meetings. Late meetings can reduce the quality of the advisory body's work.
12. Meeting Types  
Advisory bodies may meet in different types of meeting formats including the conventional public meeting, and study sessions. Please contact your staff liaison for a detailed explanation of these formats and when they are appropriate.

## B. DECORUM AT MEETINGS

1. Limit Speakers to your established speaking time. A suggested ten minutes is recommended for a group or an applicant, and three minutes for other members of the public.
2. Discourage outward signs of agreement or disagreement from the audience such as applause or statements from the floor. Such demonstrations can intimidate those with an opposing view and unintentionally discourage open public discussion of all the issues and points of view.
3. Limit your own comments to the issues before the advisory body. Avoid the appearance of straying from the subject or "grandstanding". Do not interrupt speakers during their comments and save your qualifying questions for them until after they've finished speaking.

## C. EFFECTIVE CONFLICT MANAGEMENT

Public Hearings or citizen input can sometimes be difficult to manage. Participants are sometimes highly motivated and often nervous. When there is a group of potential adversaries in one room, the possibility of conflict is high. As an advisory body member, your role is to guide opposing views to positive results, not to eliminate them.

The following suggestions may help you manage conflict and confrontation effectively:

- Anticipate differences by learning about the topic beforehand so you can concentrate on the meeting's purposes
- Set meeting rules early and make sure everyone abides by them without exception.
- Explain carefully the purpose of the Public Hearing and what action is expected at the conclusion of the hearing. Insistence on playing by the rules is your best tool for conflict management in Public Hearings.
- All persons speaking should be encouraged to clearly identify themselves, not only for the record, but also so that you may address them by name.
- Set an acceptable time limit for testimony (generally three minutes) and stick to it.
- Make decisions as promptly as possible. Many bodies get so bogged down in procedural distractions, petty details and endless searches for more information that the issue never seems to get resolved.



- Don't overreact to inflammatory comments. Most are expressions of frustration and do not require answers. Turn frustration to constructive avenues. Ask questions. Be as specific as you can. Refer to the speaker by name. Reinforce areas where you agree. Do not return insult for insult. Very often, the primary audience for your response is not the person who raised the issue.
- Avoid speaker-to-audience conversation. The purpose of a hearing is to help your advisory body arrive at a decision, not to engage in audience debate.
- If members have questions of the speaker, permit these questions following the speaker's time at the podium.
- Be careful not to prejudge the action of the advisory body. Use the hearing to gather necessary information about the proposal and individual desires concerning the proposal. Members should not express their views on the proposal until after testimony has ended.
- Once testimony has ended, each member should be invited to discuss individual views on it.
- View the Public Hearing as an example of participatory government in action at the local level. Make it your personal goal to make the Public Hearing work and ensure that everyone is fairly heard.

#### D. BASIS FOR YOUR DECISION

1. Advisory body decisions should be based principally on the factual information presented to you in the open public meeting process. If you collect pertinent information outside of the public process through a meeting with stake holders or site visits, you are required to share that information with your fellow advisory body members in the public meeting. This sharing of information will ensure that other advisory body members and members of the public have a better understanding of the rationale for your decision.
2. Advisory body members are free to meet or refuse to meet with residents, resident groups, developers or prospective contractors or any persons outside of the public meeting process concerning issues before the advisory body. If you meet with any individuals outside of the public meeting you are required to disclose the content of that meeting in the public meeting to again ensure that everybody is aware of the facts and have similar information up on which to base their decision.

#### E. MOTIONS

When a member wishes to propose an idea for the body to consider, the member must make a motion. This is the only way an idea or proposal from a

member may be presented to the body for discussion and possible action. 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...).
3. Another member seconds the motion. No discussion should occur until the chair determines whether there is a second to the motion on the floor.
4. The chair states the motion and asks for discussion.
5. When the chair feels there has been sufficient discussion, the debate is closed (i.e., "Are you ready for the question? or "Is there any further discussion?").
6. If no one asks for permission to speak, the chair puts the question to vote through consensus or roll call vote.
7. After the vote, the chair announces the decision ("The motion is carried" or "The motion fails", as the case may be).

Phrasing a motion is often difficult and corrections may be necessary before it is acted upon. Until the Chair states the motion (step 4), the member making the motion may rephrase or withdraw it. After an amendment, the motion as amended still must be seconded and then voted upon. It is particularly important when a motion is amended that the Chair restate the motion in order that members are clear as to what they are voting on.

In making a motion, members should try to avoid including more than one proposal in the same motion. This is especially important when members are likely to disagree. If a member would prefer to see proposals divided and voted upon separately, the member should ask the chair to divide the motion. If other members do not object, the chair may proceed to treat each proposal as a distinct motion to be acted upon separately. The request to divide may also be made by motion.

## F. ROLE OF CHAIR

The Chair shall preserve order and decorum at all meetings of the advisory body, announce the advisory body decisions, and decide questions of order. The Chair is responsible for ensuring the effectiveness of the group process. A good Chair balances moving the discussion forward with involving all advisory body members and allowing for adequate public participation. In the absence of the Chair the Vice chair shall act as presiding officer.

## G. RESPONSIBILITIES OF CHAIR

- Ensure that the public understands the nature of the issue being discussed (for example, reason for discussion, process to be followed, opportunities for public input, timeline for decision).

- Keep discussion focused on the issue at hand.
- Solicit opinions from advisory body members. Encourage evaluation of new, tentative, or incomplete ideas. Discourage overly dominant advisory body members from having disproportionate control over the discussion.
- Protect advisory body members, staff, and the public from personal attacks.
- Provide structure for addressing complicated issues.
- For major items, delay analysis and action until the full range of alternatives is on the table.
- Attempt to reach decisions expeditiously on action items. At those times when action would be premature, guide discussion toward a timeline or framework for responsible action.
- Maintain order and ensure respect for all opinions.

# ROLES, RESPONSIBILITIES AND RELATIONSHIPS



## ADVISORY BODY ROLES, RESPONSIBILITIES AND RELATIONSHIPS

### A. COUNCIL-ADVISORY BODY RELATIONSHIP

The primary purpose of all advisory bodies is to provide thoughtful advice to the City Council, the elected policy-making body of the City. The advisory body's role can include hearing public testimony on the Council's behalf, building community consensus for proposals or projects, reviewing written material, facilitating study of critical issues, guiding the implementation of new or regulating established programs, assessing the alternatives regarding issues of community concern, and ultimately forwarding recommendations to the Council for consideration. There are times when the advisory body's recommendation will not be sustained or will be modified by the City Council. It is important to recognize this not as a rejection of the integrity of the recommendation, but as an inevitable part of the process of community decision-making.

Throughout this process, the form and formality of the relationship between advisory body members and Council Members will vary. Some advisory body members will have regular contact with individual Council Members, while others may serve solely in the group context. This relationship will depend on your advisory body as much as on you and the Council. For example, there are times when the Chair may address the Council formally on behalf of the advisory body, and other times when an advisory body member may meet with a Council Member individually. At all times it is important to aim for clarity and mutual respect for the different responsibilities and roles.

Members should avoid discussing the recommendations of the advisory body with individual Council Members once a vote is taken, if it is for the purpose of exerting influence. Written communications from the advisory body to the City Council in sufficient time to be placed on the agenda is the acceptable method of making recommendations to the Council. It is sometimes appropriate for the chair or duly assigned member to be prepared to address the Council, to answer questions from Council pertaining to the recommendations, and to clarify ambiguities. It must be remembered that final authority and responsibility for public policy decision rests with the City Council. The Council has appointed advisory body members as advisors to them. This underlying philosophy makes it improper for an individual advisory body member to try to persuade the Council into the acceptance of a recommendation other than that voted by the majority of the body. The role of an advisory body is to assist the Council in the formation of policy, having been created for the purpose of advising, being a guide to public opinion, and promoting specific projects in the community at large.

### B. CODE OF ETHICS AND VALUES

The City Code of Ethics and Values shall be followed by appointed policy body members inside, and outside of meetings, as representatives of the City.

## C. STAFF-ADVISORY BODY RELATIONSHIP

Staff is assigned by the City Administrator to assist and act in a technical advisory capacity to the advisory body. It is not expected that every staff recommendation will be followed; however, because of the staff's technical knowledge, full consideration should be given to their recommendation. Just as the advisory body is held accountable to the City Council, so is the staff to the City Administrator. After the staff makes a report or recommendation to an advisory body (which recommendation may or may not be followed), they are at liberty to make the same recommendation to the City Council through the City Administrator, even though the advisory body may have taken a different position. The staff has been employed by the manager to provide technical guidance. Staff members make objective recommendations without consideration of personal or political consequences. Failure of a staff member to provide service to the advisory body as directed by the City Administrator is basis for complaint to be brought to the attention of the City Administrator. Since staff personnel are directly responsible to the City Administrator, it is his/her responsibility alone to allocate their time and resources in the interest of the total city government.

The relationship of the advisory body and staff is an active and continuous one. Both advisory body members and staff are motivated by the shared goal of furthering the City's best interests. Yet, while the goal is shared, there are times when the approach and responsibility toward implementing the goal can be different. Because the distinctions in responsibility are not always explicit, cultivating a balanced understanding of your role is essential. The interaction need never be adversarial, but rather can promote respect for different perspectives, and appreciation for each other's strengths.

Since the city staff works for and is accountable to the City Administrator, advisory body members should not attempt to direct or decide the priority of work for departments or individual staff persons. Advisory bodies should, however, set priorities for their own agendas in order that staff may best use the time available for the advisory body. *An Advisory body's goals and work programs must be consistent with Council goals.* If an advisory body wants to work on items other than Council goals, the advisory body should seek Council concurrence first.

In contacting staff on official business, the proper channel is through the advisory body Chair to the staff member assigned to the advisory body.

## D. STAFF RESPONSIBILITIES

Important staff responsibilities include:

- Being informed about the latest developments in their field.
- Providing background and expressing views to the advisory body on important issues.

- Providing administrative support, including agenda preparation and taking of minutes at meetings.
- Maintaining a professional position on all topics.
- Helping the advisory body to stay on track and focused.
- Interpreting City Council, City department, and relevant state, federal, and international actions and policies.
- Alerting advisory body members of possible detrimental actions.
- Presenting advisory body recommendations to the City Council.
- Describing precedents or operating procedures which affect the decision.

#### E. RELATIONS WITH OTHER BOARDS, COMMISSIONS AND COMMITTEES

In areas where there is overlap of jurisdiction between various advisory bodies, it is important that the liaison be aware of the overlap to insure proper consideration of the different viewpoints that may occur, and to minimize duplications or conflicts. Further, joint meetings with the City Council and other advisory bodies and committees may be mutually beneficial whenever two bodies are simultaneously addressing the same topic. If a joint meeting is being considered between advisory bodies, the staff liaisons will assist in logistical considerations to coordinate such a joint meeting.

#### F. CITY CLERK

The City Clerk plays an important role for advisory bodies. The City Clerk accepts and maintains applications, processes advisory body appointments, updates membership rosters and bylaws, informational booklets, and yearly attendance records. The City Clerk is also a resource with respect to the Brown Act, Public Records Act, the City Charter, Gilroy Open Government Ordinance, agenda and minutes processes, and meeting procedural questions. The City Clerk is the filing officer for Statements of Economic Interests, and any other required filing as identified by the City Council and the State.

#### G. CITY ATTORNEY

The City Attorney is a resource for understanding compliance with the Brown Act, Public Records Act, the City Charter, the Gilroy Open Government Ordinance, and agenda legality issues, meeting process questions, and conflict of interest determinations. Staff liaisons will coordinate an assistance requested of the City Attorney.





# IMPOSED RESTRAINTS



## IMPOSED RESTRAINTS

Certain limitations have been placed upon the powers of both the City Council and its appointed advisory bodies by both statutory and case law. In certain instances, application of these restraints may be crucial in the governmental process. In instances of doubt, the City Attorney's opinion should be sought. Staff liaisons will coordinate an assistance requested of the City Attorney.

### A. CONFLICT OF INTEREST

As specified in state law, it is illegal for an advisory body member to have an interest in any contract, sale, purchase, finding or transaction in which the member is involved in an official capacity. Conflict of interest may disqualify the advisory body member and invalidate any advisory body action where such conflict exists. Any interest, whether personal, private or general that would tempt an advisory body member to act in any manner other than the best public interest should be examined and official action accordingly restricted. An interest that is common to all similarly situated persons is not disqualifying to an action.

### B. PUBLIC RECORDS LAWS

The Public Records Act found in the Government Code of the State of California and the Gilroy Open Government Ordinance provides that categories of official records of the city are open to inspection to any interested party at reasonable times. Exceptions to this law are only those records specified in the Act and Gilroy Open Government ordinance, such as records relative to legal action in which the City is a party. All advisory body minutes, agenda, open session audio records and supporting meeting documents, are public records that must be disclosed.

### C. THE BROWN ACT & GILROY OPEN GOVERNMENT ORDINANCE

The Ralph M. Brown Act is law which provides that no city advisory body shall hold any meeting at which action is taken other than at a duly called and regularly held meeting, notice of which is provided by agenda or by adjournment of a prior meeting. A "Meeting" takes place whenever a quorum is present and official business is considered. An agenda for each meeting must be posted at least 72 hours in advance for regular advisory body meetings, and 24 hours for special meetings. Advisory body members are permitted to socialize in a non-meeting setting but must refrain from discussing any advisory body business.

Care should be taken to make sure that if a quorum of an advisory body is gathered at a public or private place, no public business is discussed and that the gathering will not be interpreted as a meeting. If a member discusses a

matter with a majority of other members, one at a time or in small groups, outside of the public meeting, it will constitute a “Serial Meeting” and will violate the Act. Care should also be taken with regard to emails. Never select “Reply All” to an email to all advisory body members, or forward an email sent to you by one advisory body member to another advisory body member as that could constitute a quorum, and would violate the Act.

#### D. DISCRIMINATION AND EQUAL PROTECTION

All rules, regulations, laws, services and facilities must apply equally to all persons, and not give favor to any segment of the community. Similarly, all laws and ordinances of the city must afford equal protection to all facets of the community, unless the purpose of a city action requires special classification of the community.

#### E. DUE PROCESS

All governmental procedures and process must allow an affected party a right to be heard, and to present controverting fact or testimony on the question of right in the matter involved. Unfair determinations, such as bias, predetermination, refusal to hear, etc., may invalidate actions.

#### F. REASONABLENESS

Every action of municipal government must be reasonable, or otherwise stated, not arbitrary or capricious, or lacking in substantial evidence.

#### G. USE OF PUBLIC PROPERTY

Public property, equipment and facilities may not be used for private or personal purposes. Facilities, equipment and supplies are provided by the city but are limited to use in official functions only.

#### H. CONFLICT OF INTEREST CODE: DISCLOSURE REQUIREMENTS

Individuals serving on the Planning Commission, Building Board of Appeals, Parks and Recreation Commission, Historic Heritage Committee and the Physically Challenged Board of Appeals must file a Statement of Economic Interest with the City Clerk to disclose personal interests in investments, real property and income. This is done within 30 days of appointment date and annually thereafter. The Conflict of Interest Code has been established and adopted by the City Council pursuant to the California Fair Political Practices Act (Government Code Section 87300 et seq.). Copies of the code are available from the City Clerk.

## I. USE OF CITY EMAIL

All appointed City advisory body members will be assigned a City email account to conduct all city related email communication. These communications are public records, and as such must be maintained on the city servers. All City emails are subject to the Public Records Act and you may only use your City email to conduct City business as an advisory body member. Please do not forward or reply to a City email from your personal email address. Once your term on the advisory body is over, your City email will be terminated.

As noted under the Brown Act section of this handbook, care should be taken with regard to emails. Never select "Reply All" to an email to all advisory body members or forward an email sent to you by one advisory body member to another advisory body member since that could constitute a quorum. All questions and concerns should be directed to the Chair and staff liaison.