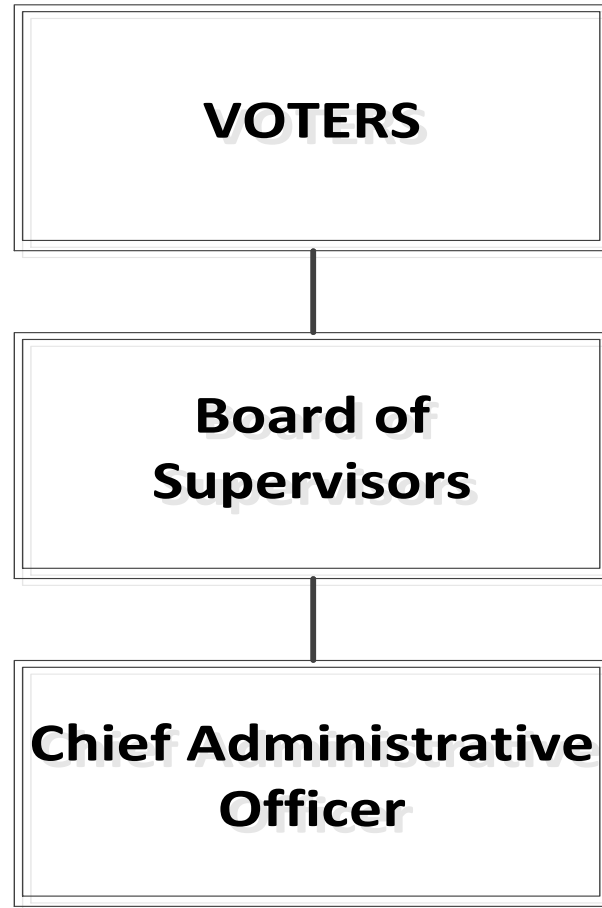




FEBRUARY 12, 2013

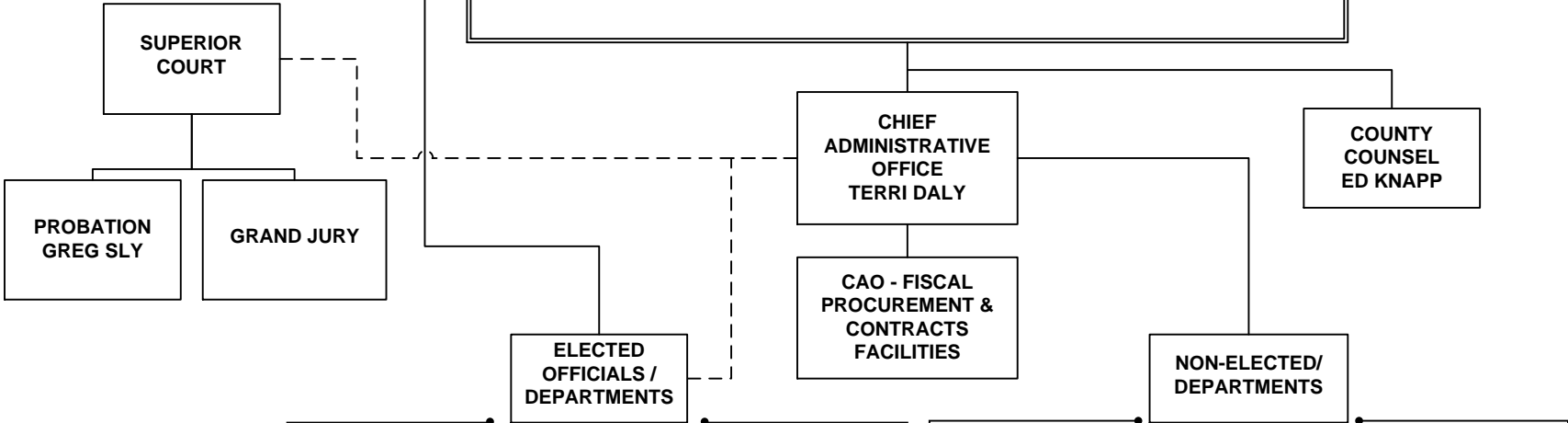
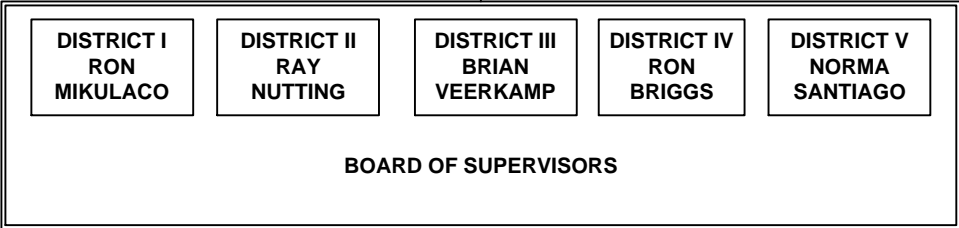
BOARD OF SUPERVISORS GOVERNANCE WORKSHOP

ORGANIZATIONAL STRUCTURE





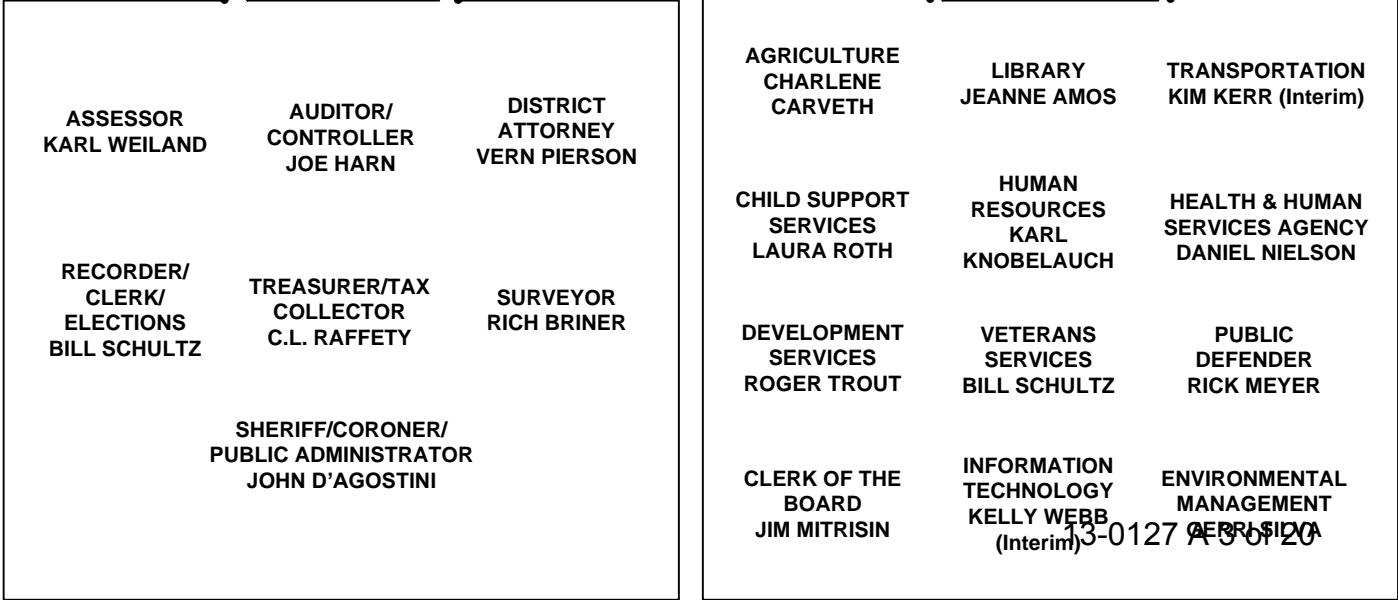
**CITIZENS of
EL DORADO
COUNTY**



LEGEND

Direct Authority

**-----
Indirect or Collaborative Relationship**



THE BROWN ACT

THE BROWN ACT

GOVERNMENT CODE §54950 ET SEQ.

- × I. What is the purpose of the Brown Act?
- × II. Who is subject to the Brown Act?
- × III. What constitutes a meeting?
- × IV. Notice and agenda requirements
- × V. Rights of the Public at Meetings
- × VI. Penalties and remedies for violations

BOARD OF SUPERVISORS AGENDA PROCESS

PREPARATION FOR AN AGENDA ITEM

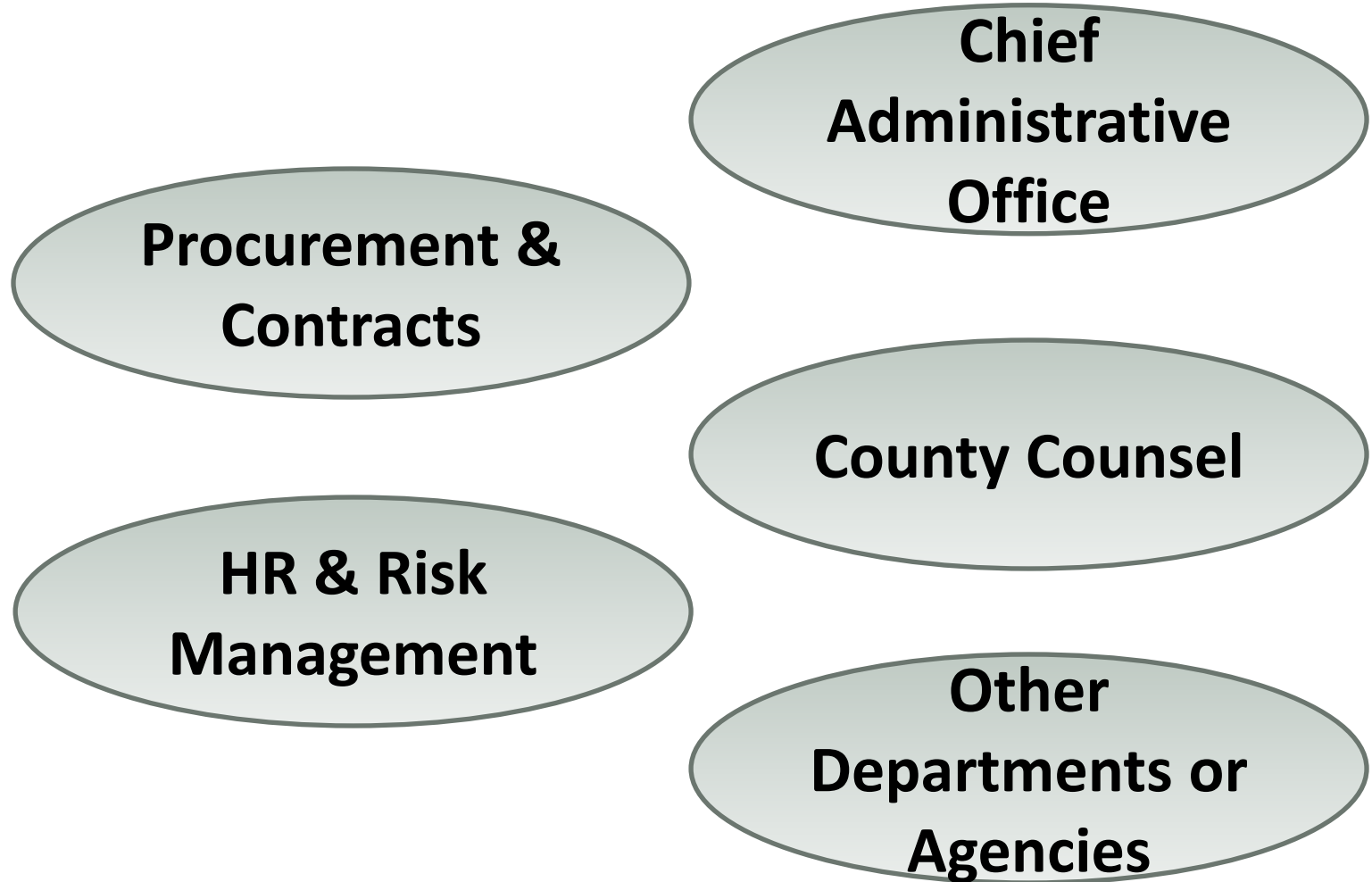
County Policies

**Government
Code**

Ordinances

County Charter

PREPARATION FOR AN AGENDA ITEM



RECENT HISTORY ON THE AGENDA PROCESS

- × Before Legistar = 100% paper driven process
 - + Physical signatures and document review by Dept Head, CAO Analyst and the CAO
 - + Massive duplication/preparation effort each week
- × Legistar implemented in 2006
- × Legistar is designed to enable a paperless process

HIGH LEVEL LEGISTAR & AGENDA WORKFLOW

Entered into Legistar
Department Level Approval

CAO Review & Approval

Clerk Preparations
Agenda Construction

Agenda
Produced

BOARD MEMBERS' ROLE ON COMMISSIONS, COMMITTEES AND *JOINT POWER AUTHORITIES* (*JPA*)

ROLE, DUTIES AND RESPONSIBILITIES OF THE BOARD MEMBER

1. What is the type of entity am I serving on?
 - + Created by Statute (e.g. LAFCO)
 - + Independent or dependent to County (e.g. Community Service Districts, County Service Areas)
 - + Governed by an agreement (e.g. JPAs)
 - + Governed by formation documents such as by-laws (i.e. non-profit corporations such as the Fair Board)
 - + Hybrid
 - + Standing Committee or Advisory Committee created by the Board of Supervisors action

ROLE, DUTIES AND RESPONSIBILITIES OF THE BOARD MEMBER

2. What interests should I consider in taking this action?
 - + Is the action or decision of the entity consistent with the public's interests?
 - + Do I need to consider fiscal impacts or other impacts to the County?

3. Do I need to report to my fellow Board members of the County?
 - + Is this a matter from open session or closed session from the entity?
 - + If closed session, is there an exception under the Brown Act that would apply?

LAFCO

GOVERNMENT CODE SECTION 56325.1

While serving on the commission, all commission members shall exercise their independent judgment on behalf of the interests of residents, property owners, and the public as a whole in furthering the purposes of this division.

Any member appointed on behalf of local governments shall represent the interest of the public as a whole and not solely the interests of the appointing authority. This section does not require the abstention of any member on any matter; nor does it create a right of action in any person.

COMMON LAW DOCTRINE AGAINST CONFLICTS OF INTEREST

“A public officer is impliedly bound to exercise the powers conferred on him with disinterested skill, zeal, and diligence and primarily for the benefit of the public”. *Noble v. City of Palo Alto* (1928) 89 Cal. App. 47, 51.

GOVERNMENT CODE SECTION 1099

CODIFICATION OF COMMON LAW RULE ON INCOMPATIBLE OFFICES

(a) A public officer, including, but not limited to, an appointed or elected member of a governmental board, commission, committee, or other body, shall not simultaneously hold two public offices that are incompatible. Offices are incompatible when any of the following circumstances are present, unless simultaneous holding of the particular offices is compelled or expressly authorized by law:

(1) Either of the offices may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over the other office or body.

(2) Based on the powers and jurisdiction of the offices, there is a possibility of a significant clash of duties or loyalties between the offices.

(3) Public policy considerations make it improper for one person to hold both offices.

GOVERNMENT CODE SECTION 1099

CODIFICATION OF COMMON LAW RULE ON INCOMPATIBLE OFFICES

(b) When two public offices are incompatible, a public officer shall be deemed to have forfeited the first office upon acceding to the second. This provision is enforceable pursuant to Section 803 of the Code of Civil Procedure.

(c) This section does not apply to a position of employment, including a civil service position.

(d) This section shall not apply to a governmental body that has only advisory powers.

(e) For purposes of paragraph (1) of subdivision (a), a member of a multimember body holds an office that may audit, overrule, remove members of, dismiss employees of, or exercise supervisory powers over another office when the body has any of these powers over the other office or over a multimember body that includes that other office.

(f) This section codifies the common law rule prohibiting an individual from holding incompatible public offices.

THE COUNTY AS AN EMPLOYER

THE COUNTY AS AN EMPLOYER

- × I. Who is the Employer?
- × II. What is the Board's role?
- × III. The Civil Service Process
- × IV. The Meyers-Milias-Brown Act
- × V. Discrimination, Harassment and Retaliation

QUESTIONS