

**CONTRA COSTA COUNTY LIBRARY COMMISSION
AGENDA ATTACHMENT 1**

MEETING DATE: Thursday, January 22, 2009

AGENDA ITEM #: 6

ITEM: Minutes

RECOMMENDED ACTION:

Commissioners will approve or amend the minutes of the November 20, 2008 Library Commission meeting.

MINUTES

1. CALL REGULAR MEETING TO ORDER

Commission Chair, Kathy Fuller, called the meeting to order at 7:00 p.m.

COMMISSION BOOKSHELF

2. Commissioners provided suggestions for current reading:

TITLE	AUTHOR
Outsider - Insider	Andrew Heiskell
Owen Lattimore & the Loss of China	Robert Newman
A Look Over My Shoulder	Robert Helms
Dragon Sea	Frank Pope
Operation Solo – The FBI’s Man in the Kremlin	John Barron
The River of Doubt: Theodore Roosevelt’s Darkest Journey	Candice Willard
• Commissioner Reed distributed his review on this book (attachment to the minutes)	

3. ROLL CALL

LASTNAME	FIRSTNAME	TITLE	REPRESENTING	PRESENT	ABSENT	EXCUSED
		VACANT	CCC District 2			
		VACANT	City of Brentwood			
		VACANT	City of Richmond			
		VACANT	Contra Costa Central Labor Council			
Atkinson	Joyce	Library Commissioner	City of Clayton	X		
Austin	N. Earl	Library Commissioner	City of Orinda (Alternate)	X		
Boyd	Jeanne	Library Commissioner	City of Clayton (Alternate)			X
Bracken	Katherine	Library Commissioner	City of Pleasant Hill	X		
Brown	E. Joy	Library Commissioner	City of El Cerrito	X		
Brown	Carol	Library Commissioner	City of Orinda	X		
Enholm	Greg	Library Commissioner	CCC District 5	X		
Fuller	Kathy	Library Commissioner	City of Martinez	X		
Heidari	Shahrzad	Library Commissioner	CC Youth Commission		X	
Hoisington	Mary Ann	Library Commissioner	City of Lafayette	X		
Hurtado	Jacqueline	Library Commissioner	City of Pittsburg			X
Jordan	Catherine	Library Commissioner	City of Pleasant Hill (Alternate)	X		
Leffmann	Robert	Library Commissioner	City of Lafayette (Alternate)			X
Loeza	Porfirio	Library Commissioner	City of Pinole (Alternate)		X	
Madfes	Sherry	Library Commissioner	City of Hercules			X
Magann	Kathy	Library Commissioner	City of Pinole			X
Marshburn	Peggy	Library Commissioner	Office of Education		X	
McEwan	Jeanne	Library Commissioner	Town of Moraga	X		
McGrady	Lloyd	Library Commissioner	City of El Cerrito (Alternate)			X
Meisch	Lynn A.	Library Commissioner	City of Walnut Creek (Alternate)	X		
Mellon	Michelle	Library Commissioner	City of Walnut Creek	X		
Munson	Dr. Carol Anne	Library Commissioner	CCC District 1		X	
Nolte	Pauline	Library Commissioner	City of San Ramon			X
Parker	Eleanor	Library Commissioner	Town of Danville	X		
Pearlstein	Helen	Library Commissioner	CCC District 3	X		
Poulos	Steve	Library Commissioner	Friends Council (Alternate)	X		
Prindle	Bob	Library Commissioner	Town of Moraga (Alternate)			X
Reed	Charles	Library Commissioner	Friends Council	X		

Library Commission Minutes

November 20, 2008

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LASTNAME	FIRSTNAME	TITLE	REPRESENTING	PRESENT	ABSENT	EXCUSED
Ruehlig	Walter	Library Commissioner	City of Antioch	X		
Schmalenberger	Carol	Library Commissioner	City of Pittsburg (Alternate)	X		
Shaffer	Ed	Library Commissioner	CC Council (Alternate)			X
Shapiro	Sid	Library Commissioner	City of Hercules (Alternate)			X
Smith	Alan B.	Library Commissioner	CCC District 4	X		
Sukhdev	Singh	Library Commission	CCC District 5 (Alternate)	X		
Tang	Chris	Library Commissioner	City of Concord	X		
Thong	Phing	Library Commissioner	City of Concord (Alternate)			X
Tumin	Cindy	Library Commissioner	City of Oakley	X		
Valdez	Cecilia	Library Commissioner	City of San Pablo		X	
Vasa	Utkarsh	Library Commissioner	CC Youth Commission (Alternate)		X	
Whitley	Robert	Library Commissioner	CC Council		X	
Wittenbrock	Sandra	Library Commissioner	City of San Pablo (Alternate)		X	

Total Commission positions: 29

Commission positions filled: 24

Commission positions vacant: 5

Commission quorum: 15

With 17 Library Commissioners present, a quorum was established.

VOTING:

According to the By-Laws of the Library Commission, in order for a vote to pass, a majority of the city representatives and a majority of the County representatives must approve it. Upon reauthorization of the Library Commission, the five special appointees to the Library Commission draw lots to determine whether their votes count with the cities or the County. Through June 2011 the special appointees will be counted as follows:

Three representatives votes count
with the cities

- Youth Council
- Friends Council
- Contra Costa Council

Two representatives votes count
with the County

- Superintendent of Schools
- Central Labor Council

4. INTRODUCTIONS

Others present at the meeting included: Chauncey Lindquist, Concord resident; Patty Chan, Community Outreach Librarian; Susan LaPat, Library Volunteer Coordinator; Vickie Sciacca, Danville Adult Services Librarian; Cathy Sanford, Deputy County Librarian: Support Services; Laura O'Donoghue, Deputy County Librarian: Public Services; Corinne Kelly, Executive Secretary.

5. ITEMS FROM THE PUBLIC

There were no items from the public.

6. ACCEPTANCE OF MINUTES

Commissioners approved the minutes.

7. APPROVAL OF AGENDA

Commissioners approved the agenda.

8. ITEMS OF INTEREST TO THE COMMISSION AND ANNOUNCEMENTS

Commission Chair Fuller (Martinez) said that the Martinez Bond Measure H passed and it will provide \$2 million dollars for the Martinez Library. The measure required that 2/3rds of those voting in the election must vote yes; the measure passed by 69%. Measure H also benefits the City's Parks and Recreation.

Commissioner Mellon (Walnut Creek) reported that work on the new Walnut Creek Library perimeter and foundation began last month, and that next week a group will consider furniture specifics. The opening is on track for Spring 2010. The next phase will be the erection of the structural steel.

Commissioner Parker (Danville) – CityRead 2008 concluded on October 29th at Danville's Village Theatre and 230 people attended to hear Deborah Rodriguez discuss her book *Kabul Beauty School: An American Woman Goes Behind the Veil*. On December 9, 2008, the Danville Library and the Town of Danville will be co-hosting *Romeo & Juliet* performed by the San Francisco Shakespeare Festival. Seats for the three performances at the Danville Village Theatre were offered to local high school classes as outreach to the high schools and students. All three performances on December 9 are full with approximately 700 high school students attending. The Museum of the San Ramon Valley in partnership with the Danville Library and the San Ramon Valley Unified School District submitted an application and was selected as one of 40 venues throughout the U.S. to host the Abraham Lincoln traveling exhibit during the Abraham Lincoln Bicentennial Celebration in 2009. The Abraham Lincoln Presidential Library and Museum, in collaboration with the American Library Association and the Tribeca Film Institute and with funding from the National Endowment for the Humanities will be sponsoring this exhibit. Danville's exhibit date is April 2010. Lastly, the Danville Library is partnering with the Humane Society to launch a "Paws to Read" program, which has been successful in other Bay Area libraries.

Commissioner Smith (District IV) attended the November California Library Association Conference (CLA.) He shared his badge that had a CALTAC ribbon prominently attached so that CALTAC members were recognizable at the Conference. He mentioned workshops that he attended at the conference including an institute on friends and foundations working together. Friends of Libraries U.S.A. (FOLUSA) merged into a new expanded division of the American Library Association (ALA.) Smith added that this might be a trend as San Francisco Public Library does not have separate friends groups representing the library branches and the San Francisco Public Library uses professional funders to establish endowments. Smith shared a book on awareness of funding by OCLC that considers the attitudes of public officials and the best words to use when talking about libraries, such as libraries transform peoples' lives. He added that Dr. Ken Haycock, head of the San Jose State University Library program, says that when talking to funding sources to take the position that what libraries are doing is great and libraries could accomplish so much more with proper funding. Smith said that he is no longer the CALTAC President, but he is still on the CALTAC Board. The San Jose Library Internet filtering issue that he mentioned at a previous meeting is a dormant issue. Smith spoke to the Clayton City Council on November 18th on the increase of library usage and services and was well received by the Council.

Commissioner Atkinson said that the City of Clayton's first Clayton City Reads program was successful with many programs created around the featured book *When the Emperor Was Devine*, by Julie Otsuka. One of the well-attended programs featured Eizo Kobayashi, *Concord Transcript* columnist, who shared his experiences during World War II when his family lived in an internment camp in Utah.

Commissioner McEwan (Moraga) said that the Moraga Library had three birding programs by the Audubon Society and Wild Birds Unlimited. She mentioned that she is interested in learning more about Library Friends and Foundation groups and requested that informational workshops be offered to Commissioners. She was directed to the CALTAC Website (caltac.org) for information on workshops and slides from a recent presentation on advocacy. McEwan also requested some direction on working with City/Town Councils as a Library Commissioner and asked if a future item for the Commission could be a presentation from seasoned Commissioners who regularly present items to their councils.

Commissioner Parker (Danville) said that Commissioners should continue to build advocacy skills.

Commissioner Ruehlig (Antioch) is serving on a task force for the Gateway Learning Centers in Antioch, which is a \$2 million project at Prewett Park and the existing Antioch Library. The Mello Roos

funds that built the Prewett Water Park were to be used for building a community center and library. The funds are no longer sufficient to provide for all that is desired and so only a community center will be built with Mello Roos funds. Grants and private funders will provide for the Gateway Learning Centers, which will incorporate the latest trends in library service, computer centers, and community gathering spaces. Ruehlig was thanked for his letter to the editor that was in the agenda packet.

Commissioner Hoisington (Lafayette) said that the Lafayette Library Friends and Lafayette Library and Learning Center Foundation are each working to create a unique identity. She said that the programs were well attended for Lamorinda Reads collaboration between the Orinda, Moraga, and Lafayette libraries, and featured the author of *Funny in Farsi Firoozeh Dumas* at the final event. Lafayette Library has a popular teen program with teens reading plays in the Library.

Commissioner Enholm (District V) said that the Concord City Council is considering two proposals for the reuse plan of the Concord Naval Weapons Station that was provided by the Naval Weapons Station Review Committee, which Enholm is a member. The Council meets again on December 1st and hopes to have a plan for the site by January 2009. Michael Wright, Director of Reuse Planning for the Concord Naval Weapons Station, mentioned a library for the site in his reports. Enholm will continue to update the Library Commission on the site reuse plan.

9. CORRESPONDENCE

A written update about the BALIS Advisory Board (Bay Area Library and Information System) was provided by Deborah Burstyn, and included in the packet.

Commissioners received a correspondence about a toy lending library from Library customer Karina Cortesi, which was included in the packet. Cathy Sanford, Deputy County Librarian: Support Services, pointed out that the two instances of toy lending libraries mentioned in the correspondence are not public libraries; one is a cooperative and the other is a parks and recreation program and both require fee-based membership. There are, however, a few public libraries that do toy lending.

Commissioners said a toy lending library is an interesting idea, but toys need cleaning, parts go missing, and there is a life span on toys. They concluded that the Commission would not consider the possibility of a toy lending library for Contra Costa County Library at this time.

There were no other Library Commission correspondences.

10. REPORT FROM COUNTY LIBRARIAN

Anne Cain, County Librarian, did not attend this meeting due to illness. Cathy Sanford, Deputy County Librarian: Support Services and Laura O'Donoghue, Deputy County Librarian: Public Services provided the report.

The California Library Association (CLA) has an annual PRExcellence award that "honors the highest quality efforts of California Libraries in promoting and communicating their message to their customers." Awards are presented in three library budget categories. In this year's awards, Lafayette Library and Learning Center Foundation won in the category of \$5M for the "Open Doors, Open Minds" brochure and Library-A-Go-Go won in the category of \$10M and above. The Library-A-Go-Go also won "best in show", CLA's top PR award. This wonderful news will be announced to the press and the community. Contra Costa County Library staff also presented three workshops during the CLA Conference that were well received.

After consideration of customer and staff feedback, the Reading Festival will be held earlier this year and will be a week long celebration, May 3 – 9, 2009. Author presentations will be offered regionally with five high profile authors. The communities in these regions will work together to create and coordinate programs to ensure that activities are available at every community library. The Library is once again working with Target® and hopes to secure support from Target® as a major sponsor.

The Hercules Library is celebrating a two-year anniversary. The Commissioners representing Hercules are at the Hercules meeting, as is Gail McPartland, Deputy County Librarian: Public Services.

The Antioch Library was awarded a grant of \$1,000 from the California Council for the Humanities for a ten-week teen photography program and created a photo exhibit gallery in the Antioch Library's meeting room titled "Notice the Unnoticed." There was a reception for the exhibit and it was rewarding to hear the teens speak about the project. The exhibit will travel to Antioch's Lynn House Gallery on December 11th for two weeks. (Lynn House Gallery, 809 W. First St. Antioch)

The Board Order in the Commission agenda packet regarding County budget reductions reiterates the update from County Librarian Anne Cain at the September 2008 meeting. The Library has not had any additional cuts at this time beyond the \$803,000. Likewise, the recent State budget proposals for spending reduction also did not propose any additional reductions to Library programs or services. It was noted that this could change.

LINK+ became available to Library customers on October 6, 2008. LINK+ makes it possible for Library customers to automatically obtain material that is not available in the Contra Costa County Library's catalog, by searching through other libraries that participate in this resource-sharing consortium. The selected material is delivered to the local community library as soon as it is available. Reports indicate that customers are very satisfied with the new service.

Two new Library A-Go-Go machines are outside in the Library's shipping and delivery and being prepared for installation. One will be installed in Sandy Cove Shopping Center in Discovery Bay and the Library hopes to install the third machine at BART's El Cerrito del Norte Station.

11. OLD BUSINESS

2008 ANNUAL REPORT AND 2009 WORK PLAN

The Library Commission unanimously approved the draft Library Commission 2008 Annual Report and 2009 Work Plan without any changes.

Commissioner Hoisington (Lafayette) mentioned that the Lafayette Friends are members of the Chamber of Commerce, which was gifted to the Friends. They receive tremendous support from the Chamber and she recommends that other community libraries consider joining the local service organizations such as the Chamber of Commerce and the Rotary Club. These organizations are another way to draw attention to library services in the community.

PUBLIC LIBRARY FOUNDATION (PLF) DRAFT RESOLUTION

Commissioner Smith (District IV) explained that the draft PLF (Public Library Foundation) resolution that he provided for Commissioners to review in the packet calls for preservation of the PLF and also a restoration of the PLF by establishing a goal of full funding when the budget stabilizes. This is the fourth PLF resolution presented to the Mayors' Conference.

Smith said that recent reports provided by the CLA Lobbyist demonstrate that there is a definite State revenue problem. There is legislative support for libraries and Smith encouraged the Commission to continue giving the message to the legislators that libraries are important and libraries make a positive difference.

The Commission corrected the fourth Whereas to read "increase"; and requested to underline "has never been fully funded" under the ninth Whereas.

The Commission adopted the PLF resolution with the two changes. Commissioner Smith will present it at a future Mayors' Conference.

ELECTIONS FOR NEW LIBRARY COMMISSION OFFICERS

A motion was made, seconded and carried unanimously to appoint Chris Tang (Concord) as Chair of the Library Commission and Carol Brown (Orinda) as the Vice-chair.

12. NEW BUSINESS

SERVICES FOR SENIORS

Susan LaPat, Library Volunteer Coordinator; Patty Chan, Community Outreach Librarian; and Vickie Sciacca, Danville Adult Services Librarian shared information on the many library services available for seniors.

Susan LaPat reviewed the Library's volunteer brochure. Most Library volunteers are seniors. Volunteers provide outreach to the communities by bringing stories-to-go into preschools and schools. Volunteers throughout the County are assigned to deliver library materials to the homebound including assistive living locations; currently 53 customers receive this service with 36 volunteers. In addition to providing materials for the homebound, the Library refers customers to the California State Library to receive Braille, cassette and talking books directly from the State Library. Volunteers are also trained on searching the Library's databases and assist as library computer docents.

Vickie Sciacca said that public libraries are thriving and relevant with a wealth of value through free community programs and resources. The older senior population is expected to grow 112% by 2020 and library services to this population are in the forefront of Library planning. The Library offers services and programs to address the needs of this fast growing diverse population. The Library is mindful that seniors are better educated, living longer, staying healthy and active longer than a generation ago. She shared some of the programming for older adults available in the Library:

- Internet workshops that teach how to use e-mail; to search websites for health and medical information, travel; and to search the Library's databases;
- Computer training is available in programs such as Excel, PowerPoint and Word;
- Educational programming offered by the Peace Corps;
- Book Clubs held at convenient hours for people who prefer not to drive at night;
- Library material including audio books and large type books;
- Elderhostel programs – educating on affordable travel opportunities for people on a fixed income;
- Audubon Society programming on birdlife;
- Genealogy programs;
- Eldercare programs and programming on health challenges relevant to supporting families of elderly people;
- Documentaries;
- Wii gaming programs for seniors;
- Master Gardeners.

The Library has an ADA Accessibility Committee that looks at the services that the Library provides for people with disabilities. The Committee's tasks involve drafting a "Library Services for People with Disabilities" plan and examining collections, policies, services, and staff training in that regard.

Patty Chan represents the Library in many community outreach events and offers information about library services. A table is set up at events with library resources that are relevant to the event and library cards are issued. Along with speaking at senior centers, she represents the Library throughout the County at retiree health fairs, senior vendor events, and more. Chan networks with many community organizations, including Agency on Aging, East County Senior Coalition, Contra Costa for Every Generation, an Alzheimer's' organization, Fall Prevention Coalition, and the DMV's safe driving programs, to name a few. Chan shared flyers of the various senior events that the Library has participated in and said that many library flyers are translated into Spanish. The Library is included in

many publications for seniors including the Senior Citizens Resource Directory and magazine articles such as the recent *Prime Time Senior Magazine*, which is included in the packet. Chan requested that Commissioners advise her of any other organization, assistive living complex, agency or committee that she should contact to share information on Library services.

Commissioner Hoisington (Lafayette) suggested that the Library contact the Diablo Valley Retired Teachers' Association and a Lafayette Committee that puts out a brochure for seniors that has many resources, but does not include the Library.

Commissioner Austin (Orinda) suggested considering a library shuttle service, possibly by volunteers, who would drive seniors to the Library.

Commissioner McEwan (Moraga) suggested sending a brief report on senior services to Supervisor Uilkema, District 2, who had mentioned senior services during her presentation to the Library Commission on July 24, 2008.

Commissioner Hoisington added that the Library might consider creating a web page specifically for senior library resources.

LEGISLATIVE ADVOCACY BY MANDATED ADVISORY BODIES

The Commission received the handouts from the November 13, 2008 Annual Training for Advisory Bodies to the Board of Supervisors. (*attachment to the minutes*)

The Commission reviewed the Board of Supervisors' policy with regard to "Positions on Bills" and the appropriate protocol for advisory boards and commissions and had no questions.

CONSIDER 2009 LIBRARY COMMISSION MEETING DATES

Commissioners unanimously approved the 2009 meeting dates for the Library Commission. These dates are:

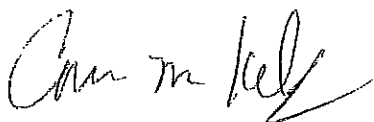
- January 22
- March 26
- May 28
- July 23
- September 24
- November 19 (*November 26 falls on Thanksgiving holiday*)

13. AGENDA SETTING FOR NEXT MEETING and FUTURE TOPICS

- District I Supervisor, John Gioia, District III Supervisor, Mary Piepho, District IV Supervisor Susan Bonilla and District V Supervisor, Federal Glover have been invited to attend a future meeting.
- Update on the continued collaboration with schools in library technology and electronic resources.

14. ADJOURNMENT TO THE JANUARY 2009 LIBRARY COMMISSION MEETING

The Library Commission meeting adjourned at 8:24 p.m.



Submitted by Corinne Kelly
Executive Secretary
Contra Costa County Library

Willard, Candice. *The River of Doubt: Theodore Roosevelt's Darkest Journey.*

New York: Broadway Books, 2005. First paperback edition, 417 p.

Thick glasses and bushy mustache, on the tubby side, but waving a rifle while charging up the hill on his horse,—that's how I remembered Teddy Roosevelt from my childhood books. He was our twenty-sixth president, full of energy and derring-do that compensated for physical problems as a child. But what happened to him after his presidency?

At the age of six Teddy had read and gotten excited about Livingstone and his exploits in Africa. He matured in what was our country's greatest time of exploration. While he was in the White House, the race was on for the North Pole, followed shortly by the British and Norwegian race to the South Pole. Two years later Shackleton nearly froze in his attempt to cross the Antarctica.

After Roosevelt's bitter defeat when he tried for a third term, he became lonely and felt rejected by the people he loved so much. So at age 54 he decided to accept a new challenge — a South American adventure. He formed a team of real men. George Cherrie was a naturalist who'd been exploring the Amazon for twenty-five years. Colonel Candido Rondon had been setting up telegraph poles in the jungles. Teddy's son, Kermit, was fluent in Portuguese after working in Brazil.

Their goal? To traverse in the spring of 1914 an unknown river that (perhaps?) emptied into the Amazon after rushing between high walls, over many falls, and through impenetrable jungles. Rondon wanted to map it. Cherrie wanted to find new kinds of jungle life. Roosevelt needed to prove that it was there. Kermit wished to utilize his knowledge of Latin America (and each of the Roosevelts wanted to keep the other alive.)

A librarian's model, Roosevelt carried a load of books that we would consider "heavy" - in two ways. He read them all in free moments at night in the jungle.

Among the books that had made it onto the dugout canoes for their river journey were Thomas More's *Utopia*, the plays of Sophocles, the last two volumes of Edward Gibbon's *Decline and Fall of the Roman Empire*, and Marcus Aurelius and Epictetus. "These and many others comforted me much," Roosevelt wrote, "as I read them in head-net and gauntlets, sitting on a log." (p. 311-312)

This readable book is interspersed with quotes from the writings of all the team members named above. Rondon referred to a former companion of his "who was attacked by piranhas drawn to the mule's blood. By the time his companions found him, there was nothing left on his skeleton but the feet in his boots."

Apart from the roars of each set of falls or rapids the jungle was incredibly quiet. The team never saw one of the Indian groups that secretly accompanied them on the journey (p. 329):

As the men of the expedition looked up at the clear black sky above the River of Doubt, and marveled at the brilliant stars which pointed their way home, they neither knew nor likely even suspected who was actually responsible for their safe passage out of the jungle. In the dark, liana-draped trees that towered on all sides . . . warriors of the Cinta Larga — with painted bodies, hard bark belts, and poison-tipped arrows — slipped away as silently and invisibly as they had come. Obeying the timeless calculus of survival in the rain forest, they disappeared on swift bare feet into endless dark halls of leaf and vine. For their own reasons, and on their own terms, they would let these enemies live.

The book is well worth reading for any interest in botany, biology, geography, or what circumstances can bring out in the human heart and mind.

***2008 Annual Training
for Advisory Bodies to the Board of Supervisors***

**Lara DeLaney, County Administrator's Office
Mary Ann Mason, County Counsel's Office**

**Thursday, November 13, 2008
4:30 p.m. – 6:00 p.m.
Board Chambers, 651 Pine Street**

Agenda

1. Welcome and Introductions
2. Review of Advisory Body Handbook
3. Scope of Authority of Advisory Bodies
4. Brown Act Requirements and the County's Better Government Ordinance
5. Conflicts of Interest and Recusal
6. Training Requirements
7. Advisory Body Vacancies, Appointments, Recruitment
8. Reporting Requirements
9. Questions and Answers

The Clerk of the Board will provide reasonable accommodations for persons with disabilities planning to attend the meeting who contact Lara DeLaney at least 48 hours before the meeting, at (925) 335-1097. An assistive listening device is available from the Clerk, Room 106.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Board of Supervisors less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 1st floor, during normal business hours.



2008 Annual Training for Advisory Bodies to the Contra Costa County Board of Supervisors

Lara DeLaney, County Administrator's Office
Mary Ann Mason, County Counsel's Office

November 13, 2008

Advisory Body Handbook

- Introduction: Scope, Role, Responsibilities
- Fundamentals of the Brown Act/ BGO
- Selected Brown Act/BGO provisions
- Board policies on "Conflict of Interest and Open Meetings"
- FPPC's "Can I Vote" pamphlet
- Training Certification Form
- Board Reso on Appointment procedures and Responsibilities of Advisory Bodies
- Sample press release, vacancy Board Order, and appointment Board Order
- Advisory Body webpage printouts

Scope of Authority

- Unless otherwise specified by statute, advisory bodies serve at the pleasure of the Board of Supervisors in an advisory capacity only, and have no authority to create fiscal or other obligations on behalf of the County.
- Each advisory body's governing resolution specifies the body's scope of authority. Each advisory body must adhere to that scope of authority.
- Please familiarize yourself with your advisory body's governing resolution and adopted Bylaws.

Examples of Limits on Authority

- Bank Accounts and spending
- Contracting
- Setting and/or waiving of County fees
- Personnel actions
- Closed meeting sessions
- Taking positions on bills: legislative advocacy

4

Legislative Advocacy

- An advisory body may not take any action that would imply the County's support or opposition to legislation in the absence of, or inconsistent with, adopted Board positions.
- Only the Board of Supervisors can send position letters on a particular piece of legislation, unless a state or federally mandated advisory body has followed the specified protocol to do so on their own behalf. (See Oct. 14, 2008 Board Order.)
- As individuals, advisory body members may communicate their opinions and advocate for legislation.

5

Permissible Closed Sessions

- To receive legal advice on pending or threatened litigation;
- To instruct labor negotiators or real property negotiators;
- To take employment actions.

In general, advisory bodies are not eligible to hold Closed Sessions. If questions, contact the County Counsel's Office.

6

Agenda Requirements

- Publish at least 96 hours before the meeting.
- Must list name of body, time, date, and location of meeting.
- Must provide an opportunity for public comment.
- Must describe each item of business to be considered.
- Must contain information about accessibility for the disabled.
- Must contain information about public access to records.

7

New Agenda Language for Every Agenda

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the [name of advisory body or subcommittee] to a majority of members of the [advisory body or subcommittee] less than 96 hours prior to that meeting are available for public inspection at [address] during normal business hours.

8

On the Front Page of Every Agenda

The (name of advisory body or subcommittee) will provide reasonable accommodations for persons with disabilities planning to participate in (name of advisory body or subcommittee) meetings who contact (name of chair or committee staff) at least 48 hours before the meeting at (telephone number of chair or staff named above).

9

Meeting Space and Accessibility

- Meeting notice shall be clearly posted at the meeting location.
- Meeting space shall be open and accessible to the public.
- ADA (Americans with Disabilities Act) language shall be placed on the front page of every agenda.

10

Responding to a Request for an Accommodation

- Do not ask about the nature of the disability.
- Ask only about the nature of the accommodation needed.
- Get requester's telephone number and say you will respond ASAP.
- Complete the Disability Access Form (in Handbook).
- Call the Clerk of the Board immediately.
- Before the meeting, inform requester of the outcome of the request.
- Call the Risk Manager if you receive a complaint.

Public Comment

- Meetings must be open; all persons must be permitted to attend.
- Every agenda must provide an opportunity for public comment.
- Public must be permitted to speak on an item before or during consideration of the item.
- Public shall be given an opportunity to speak on items not on the agenda but under the jurisdiction of the body.
- Body may adopt reasonable rules limiting total amount of time for comment on issues and total amount of time per speaker.
- Body may not prohibit public criticism of body's policies, programs, procedures, services, or actions.

12

Proper Meeting Conduct

- Be attentive and courteous to members of the public.
- Avoid cell phones, eating, chatting, reading, wandering.
- Be respectful and courteous to fellow commissioners.
- Avoid interrupting and personal remarks.
- Professionalism helps body gain respect and influence.

13

SERIAL MEETINGS PROHIBITED

- Advisory body members may only discuss the body's business at a properly noticed meeting which the public can attend.
- The Brown Act specifically prohibits face-to-face conversations, phone conversations, or e-mail conversations by a majority of members of the body to develop a concurrence as to action to be taken on an item in the body's jurisdiction.

14

Examples of Serial Meetings

- Commissioner A calls Commissioner B who calls Commissioner C, or
- Commissioner A e-mails Commissioners B and C, or
- Commissioner A has Commission staff talk with Commissioners B and C

15

Developing "Concurrence" on Action to Be Taken

- As a result of the private discussion, a majority of Commissioners reach a shared view about a Commission matter.
- The discussion can be an exchange of information that helps clarify a Commissioner's understanding of a matter, or helps facilitate an agreement on a matter, or that advances the ultimate resolution of the matter in some way.
- Development of a collective concurrence does not have to be intentional to violate the Brown Act.

16

Recusal / Conflict of Interest

- Publicly identify, orally, in detail the economic interest that creates the conflict.
- Ask that recusal and reasons be recorded in the meeting minutes.
- Leave the room before discussion of the item ensues.
- The disqualified member may not be counted towards the quorum requirement while the item is being discussed.

17

Two Limited Exceptions on Recusal

- Consent agenda item – after recusal, remain on the dais (or at the table), but do not participate in any way.
- Item involves personal residence or wholly-owned business - after recusal, leave the dais (or table). You may speak as a member of the public during public comment and remain in the audience for the item.

18

Gift Limit

■ The Gift Limit applies only to persons required to file Form 700, statement of economic disclosure. These people cannot accept gifts aggregating more than \$390 in a calendar year from a single source.

■ Exceptions include gifts from family members, equal gift exchanges with friends, and meals in the host's home.

19

What is a Quorum?

A quorum is the number of members of the body who must be present for a lawful meeting.

20

Are "Moving Quorums" okay? No!

The Internal Operations Committee has directed that a Quorum is the majority of the total number of authorized seats on the body, not the majority of the total number of filled seats.

21

**What to Do If There is
No Quorum**

- Body cannot meet unless a quorum is present.
- If no quorum, members cannot take any action except to vote to adjourn to a later date.
- Post notice of adjournment indicating the date, time, and location of the next meeting.
- Within 24 hours of adjournment, post Notice on meeting room door, and send to advisory body members and media outlets on agenda subscription list.

22

**Brown Act / Ethics
Training Certification**

- Within 3 months of appointment, all advisory body appointees and staff must view and certify that they have viewed the two training tapes: "The Brown Act and the Better Government Ordinance" and "Ethics Orientation for County Officials."
- Staff of advisory bodies may be provided with copies of the tapes, and the programs may be viewed on the local community access station.

23

The "*Brown Act*" program is shown on CCTV every first and third Saturday at 3:00 p.m.

The "*Ethics*" program is shown on CCTV every second and fourth Saturday at 3:00 p.m.

24

The 2007 training session is shown on CCTV every first and third Sunday at 3:00 pm.

If Comcast is your cable provider, CCTV is broadcast on Channel 27.

If Astound is your cable provider, CCTV is broadcast on Channel 32.

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AB 1234 Ethics Training

Effective January 1, 2006, AB 1234 requires that local officials that receive compensation, salary, stipends, or expense reimbursements must receive training in public service ethics laws and principles every two years.

The requirement applies not only to the governing body of a local agency, but also commissions, committees, boards, or other local agency bodies, whether permanent or temporary, decision-making or advisory.

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AB 1234 Ethics Training

- ✓ Advisory Council on Aging
- ✓ Advisory Housing Commission
- ✓ Assessment Appeals Board
- ✓ County Planning Commission
- ✓ Economic Opportunity Council
- ✓ IHSS Public Authority Advisory Committee
- ✓ Mental Health Commission
- ✓ Merit Board
- ✓ Workforce Development Board

On line ethics course available at:

<http://localethics.fppc.ca.gov/ab1234/>

27

Scheduled vs. Unscheduled Vacancies

- Scheduled vacancy occurs when the term for a seat expires
- No Board action is necessary to vacate seat
- No special posting is necessary
- Board can make new appointment at any time
- Recruitment should be initiated 30 days prior to term expiration
- Unscheduled vacancy occurs when appointee leaves seat before the term is expired
- Board action is necessary to vacate the seat and prompt the Clerk to post the vacancy
- New appointment may not be made until vacancy is posted for ten days.

28

Recruitment of New Members

- Appointing body is usually the Board of Supervisors.
- Recruitment is the responsibility of staff (if provided) and advisory bodies.
- Board's policy requires competitive recruitment.
- Board's policy is that all appointees must either reside or work in the County, unless otherwise specified by law.
- Goal is to interest men and women of diverse racial, ethnic, economic backgrounds, and who are from different geographical areas of the County.

29

Recommended Recruitment Process

- Issue a media advisory (sample in Handbook).
- Undertake whatever additional recruitment needed to interest a diverse group of people.
- Screen applications against an eligibility criteria.
- Screen and/or interview applicants.
- Formulate nominations and forward either to the Board of Supervisors (Board Order), appropriate Board Subcommittee (memo), or Supervisorial District Office (memo).

30

Annual Report Requirement

- Two-page report on the second Tuesday of each December (due date each December 1).
- Generally agendized as a Consent Calendar item.
- Report to be maintained for public inspection in a binder by the Clerk of the Board.

31

Why Submit an Annual Report?

- A Board of Supervisors requirement.
- The self-evaluation of prior-year activities and the establishment of new goals helps to focus the advisory body on its mission.
- An opportunity to communicate to the Board of Supervisors the accomplishments and future goals of your advisory body and justify its continuation.
- Provides public exposure to your mission and accomplishments via Board agenda and Clerk binder.

32

Annual Report Format

- Activities and accomplishments of the year. (1 page)
- Attendance of membership (1/4 page)
- Video training certification (1/4 page)
- Work Plan and goals for the coming year (1/2 page)

33

Key Points to Remember...

- With few exceptions, advisory bodies serve solely at the pleasure of the Board of Supervisors.
- Primary purpose of an advisory body is to provide citizens an opportunity to actively participate in their government and provide input and advice to the Board.
- Meetings must be adequately and publicly noticed, and open and accessible to the public.
- Advisory bodies cannot hold closed sessions.
- Appointees must recuse themselves if a conflict exists.

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**Website for
Advisory Body Information**

<http://contra.napanet.net/maddybook/>

Or... go to

www.co.contra-costa.ca.us
and click on "Board Advisory Bodies"

35

Question / Answer Session

Contact:

Lara DeLaney, 335-1097
ldela@cao.cccounty.us

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Doing the Right Thing:

PUTTING ETHICS PRINCIPLES
INTO PRACTICE IN PUBLIC SERVICE

Universal Ethical Values

Research by the Institute for Global Ethics identifies ethical values that transcend virtually all cultures and religions.³

Among them are:

- Trustworthiness
- Responsibility
- Respect
- Loyalty
- Compassion
- Fairness

About the Institute for Local Government

The Institute's mission is to develop forward-thinking resources to help local officials serve their communities.

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In the hurly-burly, competitive world of politics, it can be easy to overlook a fundamental fact: the public expects and deserves its public servants to serve the public's interest—not private or political interests.

Values are very important to the public. The public is strongly supportive of public officials' following their sense of "what is the right thing to do" in making government decisions.¹

...how does the conscientious public official sort through competing considerations and determine "the right thing to do?"

The key question is: how does the conscientious public official sort through competing considerations and determine "the right thing to do?" When it comes to being a public servant, how does one put one's values into practice?

"The Right Thing to Do"

There are a number of sources of guidance. One, of course, is the law. For example, California has a complex array of laws relating to ethics in public service.

The law, however, only sets a minimum standard for ethical conduct. Just because an action is legal doesn't mean that it is ethical. Or that it reflects your or the public's values.

The key is to go to the source and think in terms of values. The chart on the next page identifies key ethical values that tend to resonate with nearly everyone—irrespective of culture, religion or national origin.²

Of course, the next question is: What do these values mean in the context of being a public servant? The chart below provides some food for thought.

When we talk about the values that ought to guide one's public service, what kinds of values do we mean? The following provides some ideas on values that can inform one's public service and suggests examples of what those values mean in practice.

Trustworthiness

- I remember that my role is first and foremost to serve the community.
- I am truthful with my fellow elected officials, the public and others.
- I avoid any actions that would cause the public to question whether my decisions are based on personal interests instead of the public's interests.
- I do not accept gifts or other special considerations because of my public position.
- I do not knowingly use false or inaccurate information to support my position.
- I do not use my public position for personal gain.
- I carefully consider any promises I make (including campaign promises), and then keep them.

Fairness

- I make decisions based on the merits of the issues.
- I honor the law's and the public's expectation that agency policies will be applied consistently.
- I support the public's right to know and promote meaningful public involvement.
- I support merit-based processes for the award of public employment and public contracts.
- I am impartial and do not favor those who either have helped me or are in a position to do so.
- I promote equality and treat all people equitably.
- I excuse myself from decisions when my or my family's financial interests may be affected by my agency's actions.
- I credit others' contributions in moving our community's interests forward.
- I maintain consistent standards, but am sensitive to the need for compromise, "thinking outside the box," and improving existing paradigms.

Responsibility

- I work to improve the quality of life in the community and promote the best interests of the public.
- I promote the efficient use of agency resources.
- I do not use agency resources for personal or political benefit.
- I represent the official positions of the agency to the best of my ability when authorized to do so.
- I explicitly state that my personal opinions do not represent the agency's position and do not allow the inference that they do.
- I take responsibility for my own actions, even when it is uncomfortable to do so.

- I do not use information that I acquire in my public capacity for personal advantage.
- I do not promise that which I have reason to believe is unrealistic.
- I disclose suspected instances of impropriety to the appropriate authorities, but I never make false charges or charges for political advantage.
- I do not disclose confidential information without proper legal authorization.
- I am proactive and innovative when setting goals and considering policies.
- I consider the broader regional and statewide implications of the agency's decisions and issues.
- I promote intelligent innovation to move forward the agency's policies and services.

Respect

- I treat fellow officials, staff and the public with courtesy, even when we disagree.
- I focus on the merits in discussions, not personality traits or other issues that might distract me from focusing on what is best for the community.
- I gain value from diverse opinions and build consensus.
- I follow through on commitments, keep others informed, and make timely responses.
- I am approachable and open-minded, and I convey this to others.
- I listen carefully and ask questions that add value to discussions.
- I involve all appropriate stakeholders in meetings affecting agency decisions.

- I come to meetings and I come to them prepared.
- I work to improve the quality of life in my community.

Compassion

- I realize that some people are intimidated by the public process and try to make their interactions as stress-free as possible.
- I convey the agency's care for and commitment to its community members.
- I am attuned to, and care about, the needs and concerns of the public, officials, and staff.
- I recognize my responsibility to society's less fortunate.
- I consider appropriate exceptions to policies when there are unintended consequences or undue burdens.

Loyalty

- I safeguard confidential information.
- I avoid employment, contracts and other financial, political and personal interests that can conflict with my public duties.
- I prioritize competing issues based on objective benefits and burdens to the public interest, not to myself, my family, friends or business associates.
- I don't oppose final decisions once they have been made by the decision makers, except through internal lines of communication.
- I put loyalty to the public's interests above personal and political loyalties.

The Importance of Public Perception

The interesting – and somewhat unique – aspect of public service ethics is that it is not exclusively an introspective process. A public official can be absolutely confident that he or she is able to put personal interests or relationships aside, but the public may still question whether indeed that is so.

Public perception, therefore, matters a great deal in one's analysis of what the "right thing to do" is in public service. This is because, as public servants, public officials are stewards of the public's trust in the public's governing institutions.

In short, public service ethics is not only about doing the right thing, but also about the public's confidence that indeed the right thing has been

done. But not doing the right thing just because the public's perception may be negative can have its own pitfalls. To step, or at times tiptoe, along the trail toward good government, here is a simple (but not necessarily easy) process:

- **First Step:** Figure out what "the right thing" to do is.
- **Second Step:** Figure out what the public's perception of "the right thing to do" would be.
- **Third Step:** When needed, balance the first two steps and follow the path which best supports public service values.

Avoid the Rationalization Trap

One way public officials can get themselves sideways with both the public's expectations and the law is when they start rationalizing or relying on situational ethics, i.e., those ethics that are sculpted to fit the facts. Many of these rationalizations can start with the fact that, as a public servant, one gives a great deal of time and energy to one's community.

As worthy as it is, this commitment does not entitle you to:

- Benefits to your business or personal finances as a result of your public service.
- Special benefits or "perks" associated with your public office from businesses or others.
- Use public resources for personal or political purposes.
- Secure special treatment from your agency or others in regulatory or enforcement matters for yourself or others.

If you find yourself rationalizing that you deserve some special benefit, stop yourself. You are likely on the path to an ethical, or maybe even legal, misstep. You chose to run for office and are responsible for creating the possibility of the impact on your time.

As the Greek philosopher Demosthenes observed, "Nothing is so easy as to deceive oneself; for what we wish, we readily believe."

**Think about your values in public service in advance, as well as where your boundaries for ethical conduct are. This will help you avoid being tempted to cross the line in specific situations and fall prey to a dynamic of "situational ethics"—or the tendency to determine your ethical standards according to the situation.

Types of Ethical Dilemmas

At some point in your service as an elected official, you will likely face two common types of ethical dilemmas:

- **Personal Cost Ethical Dilemmas.** This involves situations in which doing the right thing may or will come at a significant personal cost to you or your public agency. These also can be known as "moral courage" ethical dilemmas.
- **Right-versus-Right Ethical Dilemmas.** This type of ethical dilemma involves those situations in which there are two conflicting sets of "right" values.³

Of course, some dilemmas are a combination of both: a conflict between competing sets of "right" values (right-versus-right) and a situation in which doing the right thing involves personal or political costs.

Personal Cost Ethical Dilemmas

With these kinds of dilemmas, the costs can be political – such as the loss of a political support or perhaps even one's prospects for reelection.

Or, the cost can be financial, for example a missed opportunity for financial gain or material benefits. Issues relating to the proper use of public resources fall into the "personal cost" type of ethical dilemma, inasmuch as these dilemmas typically involve whether one is going to forgo a tempting political or personal benefit.

Finally, the cost can be more directly personal, as when a particular course of action may jeopardize a friendship.

- In these situations, the answer is relatively simple, but certainly not easy. The bottom line is that being ethical means doing the right thing regardless of personal costs.

Right-versus-Right Ethical Dilemmas

Right-versus-right ethical dilemmas can be more difficult to resolve.

One example is when a lifetime, best friend urges you to do something that conflicts with your own best sense of what will serve your community's interests. In this dilemma, there is a conflict between your responsibility to do what is in the public's best interest and your loyalty to your friend. Responsibility and loyalty are both bona fide ethical values.

- The key is, as a public servant, the ethical value of responsibility (and the responsibility to do what is in the public's best interest) trumps the ethical value of loyalty. This is when thinking about the public's perception of the right thing to do can be a useful dilemma-resolution strategy (see box at left).

Endnotes

¹ Meg Bostrom, *By or For the People? A Meta-Analysis of Public Opinion of Government* (January 2005) at 31.

² See Rushworth M. Kidder, *How Good People Make Tough Choices* (Simon and Schuster, 1995) at 77-92.

³ *Id.* at 13-49.