

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

MEMORANDUM

Date: March 21, 2024

To: Harbor Commission

From: Mike Wiltshire, Waterfront Director

Subject: Discussion on City Council Revisions of Citywide Guidelines for Advisory Groups

RECOMMENDATION:

That Harbor Commission receive an update from staff on City Council's efforts to revise the Guidelines for the City of Santa Barbara Advisory Groups. Discuss and take action as necessary.

DISCUSSION:

City advisory groups serve to provide advice to Council on discrete topics of expertise. There are over forty City Advisory Groups. The City Charter establishes eleven of those groups. The existing and proposed guidelines govern all advisory groups and provide consistency for the public, group members, and staff. The guidelines were last updated in 2013. The guidelines apply to all advisory groups unless Council has adopted alternate guidelines by resolution for a specific advisory group, e.g.: Planning Commission, Architectural Board of Review, and the Historic Landmarks Commission.

City staff is reviewing all City advisory groups, with the goals of balancing City advisory group staffing and coordinating alignment with Council policy goals and processes. Part of this evaluation is an update to the Advisory Group Guidelines document that has not been updated since 2013. Updating these guidelines would help to:

- Ensure the City meets current law and best practices related to advisory groups;
- Ensure consistency across advisory groups;
- Update ad hoc or standing subcommittee processes;
- Update how group members can request agenda items;
- Clarify processes for advisory group liaisons; and
- Update diversity, equity, and inclusion language.

The revised Advisory Group Guidelines were presented to Finance Committee on June 27, 2023. The Finance Committee unanimously voted to approve the proposed Resolution for Council review.

The revised Advisory Group Guidelines were presented to Council on August 1, 2023, where they received some comments and feedback. The revised Advisory Group Guidelines were taken to Council again on March 12, 2024 and approved under Resolution 24-021.

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Attached are the recently approved Guidelines for the City of Santa Barbara Advisory Groups.

Attachment: Guidelines for the City of Santa Barbara Advisory Groups

Prepared by: Mike Wiltshire, Waterfront Director

GUIDELINES
FOR THE
CITY OF SANTA BARBARA
ADVISORY GROUPS



APPROVED BY THE CITY COUNCIL

Resolution No. 24-021
Adopted March 12, 2024
Effective March 12, 2024

Prepared by the Santa Barbara City Clerk's Office

CITY OF SANTA BARBARA ADVISORY GROUPS BACKGROUND INFORMATION

Section 800 of the City of Santa Barbara Charter authorizes the establishment of City boards and commissions:

"There shall be the following named advisory boards and commissions which shall have the powers and duties herein stated. In addition, the City Council may create by ordinance such additional advisory boards or commissions as in its judgment are required, and may specify the number of members thereof, their terms and manner of appointment, and may grant to them such powers and duties as are consistent with the provisions of this Charter."

Charter Boards and Commissions

Article VIII of the City Charter establishes the following 11 boards and commissions:

Airport Commission
Architectural Board of Review
Civil Service Commissioners, Board of
Fire and Police Commissioners, Board of
Fire and Police Pension Commissioners, Board of
Harbor Commissioners, Board of
Historic Landmarks Commission
Library Board
Parks and Recreation Commission
Planning Commission
Water Commissioners, Board of

Except as provided in the City Charter, all charter board and commission members must be qualified to vote in the City of Santa Barbara.

Article VIII also contains provisions regarding the manner of appointment, removal from office, number and terms of members, meetings, and the powers and duties of each board and commission. These guidelines supplement the recruitment and appointment procedures specified in the City Charter. Those boards and commissions specifically established in the Charter may be eliminated only by amendment to the Charter, which must be approved by the voters.

Other City Council Advisory Groups

All City Council Advisory Groups not specified in the City Charter are established by the City Council by ordinance, resolution, or minute action. Some City Council Advisory Groups are formed for a specific purpose and cease to exist when their goals have been accomplished.

Other Appointments

The City makes appointments to groups created by State law such as the Housing Authority Commission, the Mosquito and Vector Management District of Santa Barbara County and the Santa Barbara Metropolitan Transit District Board of Directors. The Housing Authority Commission membership may include two non-City residents. The City also appoints one member to the Central Coast Commission for Senior Citizens.

The Housing Authority Commission, the Mosquito and Vector Management District Board of Santa Barbara County, the Santa Barbara Metropolitan Transit Board, Golf Advisory, Street Tree Advisory, and the Central Coast Commission for Senior Citizens are not advisory to the City Council; and their members may serve on a board, commission, or committee that are advisory to the City Council. These groups are included in these Guidelines since the application, appointment, conflict of interest, Brown Act, and parliamentary procedure policies apply to them.

ROLE OF CITY ADVISORY GROUPS IN POLICY-MAKING

Role of Boards, Commissions, and Committees

In keeping with the City's philosophy of community member involvement, the City Council appoints persons to City Council Advisory Groups to assist in formulating City policy. Santa Barbara is proud of the quality of service performed by its appointees.

In accordance with Section 800 of the Charter of the City of Santa Barbara, the actions of Charter-established boards and commissions are advisory to the City Council, with a few limited exceptions specifically set forth in the Charter.

City of Santa Barbara Resolution No. 7885 regarding recommendations from boards and commissions to government agencies (adopted April 16, 1974), states that board and commission recommendations on matters which come before their respective bodies should be forwarded to the City Council for review since those recommendations are advisory to the City Council. The resolution is being modified to state:

“Generally, When any board or commission requests that its recommendations be forwarded to another governmental agency: (1) that the recommendation be sent first to the City Council with a request that it be forwarded with or without comment by the City Council; and (2) that except in the most extraordinary circumstances the City Council shall forward such recommendation and, in its discretion, forward it with or without comment.”

Advisory Groups shall not have standing committees unless formed by the City Council as required, excepting those formed before July 1, 2023.

This document shall override any information specific to each Advisory Group.

Serving in Advisory Capacity

Members are responsible for attending all meetings regularly, understanding the duties of their positions, adhering to the Citywide Nondiscrimination Policy and Excellence in Customer Service Code of Conduct, and working in a manner that will contribute to the betterment of Santa Barbara. Members are expected to act in a professional manner, extending courtesy to appointees, staff, and participants in the board process.

SOURCES OF INFORMATION

To learn about the roles and responsibilities of the Advisory Groups, a variety of resources are available in the City Clerk's Office and on the City's web site.

Charter of the City of Santa Barbara

The City is governed by the provisions of its Charter, which was approved by the voters of Santa Barbara. The California Constitution creates two types of cities: general law cities and charter cities. Charter cities are governed by the provisions of their own adopted charter unless the State of California has stated specifically that State laws have preempted an area of regulation. Generally, charter cities have more local authority over areas that traditionally have been considered "local" or municipal affairs, for example, zoning or local taxes.

Ordinances - Santa Barbara Municipal Code

The Santa Barbara Municipal Code is a compilation of all codified ordinances, which are the laws of the City. Copies of City ordinances - old and current - are available in the City Clerk's Office and the City website. In addition, certain ordinances, generally those with a specific, limited, or temporary purpose, are not codified. These "uncodified" ordinances also are available by contacting the City Clerk's Office

Resolutions

Resolutions constitute a written action or decision by the City Council. Copies of the resolutions, which create certain committees, set forth policy, establish membership, etc., are available by contacting the City Clerk's Office.

Minutes - Official Record

The City Clerk's Office maintains the official minutes of actions taken by the City Council since 1850. Reports presented to the City Council by the City Advisory Groups are available in the City Clerk's Office. The City Staff Liaison to each group is responsible for maintaining the original minutes of meetings of the City Advisory Group. The current agendas of the City Advisory Groups are available on the City's website at www.SantaBarbaraCA.gov and are generally posted at the location where each City Advisory Group regularly meets. Minutes shall be prepared as action minutes unless otherwise directed by the City Attorney.

Agendas

City staff shall be responsible for establishing the agenda, in consultation with the Chair and Vice-Chair. Each item of business to be considered at a regular meeting must appear on the agenda for that meeting, except as provided in these procedures or under state law. The agenda shall include a brief general description of each item of business to be transacted or discussed. The description should reasonably inform the public as to the nature of the item and any potential action.

The current agendas of the City Advisory Groups are available on the City's website at www.SantaBarbaraCA.gov and are generally posted at the location where each City Advisory Group regularly meets.

VACANCIES

There are two kinds of City Advisory Group vacancies, scheduled and unscheduled.

Scheduled Vacancies

Scheduled vacancies are those created by the expiration of the member's term. Terms typically end on December 31.

In accordance with state law, a list of all scheduled vacancies for the upcoming calendar year is posted in the City Clerk's Office, the City website, and at the Library on or before December 31 of each year.

Unscheduled Vacancies

Unscheduled vacancies are those created when a member cannot serve out their entire term due to resignation, removal, or death.

A City Advisory Group member is subject to removal by a motion of the City Council adopted by the affirmative votes of a majority of the total membership of the City Council.

In accordance with state law, a special vacancy notice must be posted in the City Clerk's Office and in the Library not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final appointments to the City Advisory Group will not be made for at least 10 working days after the posting of the special vacancy notice in the City Clerk's Office.

RESIGNATIONS

If a City Advisory Group member finds that they cannot perform the duties of the office because of health, business, or other reasons, they shall submit a written resignation to the City Council in care of the City Clerk's Office for action.

A member who is required to be a City resident and who relocates their residence outside of the City shall immediately notify the City Clerk's Office and resign from the board, commission, or committee.

RECRUITMENT PROCESS

Recruitments

Semiannual and annual recruitments are conducted to fill numerous positions whose terms expire on June 30 of the current year and at the end of each calendar year, respectively. Additional recruitments may occur during the year, for example, to fill positions on a newly created board, commission, or committee, or to add sufficient members on a board, commission, or committee for a quorum and when unexpected vacancies occur.

As a part of the recruitment process, the City Clerk's Office notifies each incumbent as well as interested persons, about the term expirations and vacancies, the deadline for receipt of applications, and the dates for the interviews and appointments.

Eligibility

Qualifications for membership vary depending on the City Advisory Group. In most cases, appointees must be residents and qualified electors of the City. A qualified elector is a United States citizen, 18 years of age or older, who resides within the city limits of Santa Barbara. Unless otherwise stated, a public at large member is a resident living within the city limits of Santa Barbara. An appointee may not hold any full-time paid office or employment in City government. Membership qualifications are listed in the vacancy notice available in the City Clerk's Office, at the Library, and on the City's web site at www.SantaBarbaraCa.gov.

Applications

Persons interested in serving on a City Council Advisory Group, including incumbents who wish to be considered for reappointment, must file a separate application for each group with the City Clerk's Office. Applications may be found here: <https://santabarbaraca.gov/government/boards-commissions>. Upon receipt of an application, the City Clerk's Office will confirm receipt via e-mail.

Applications may be completed for vacancies that currently exist or for consideration when future scheduled or unscheduled vacancies occur. An application remains on file in the City Clerk's Office for a period of one year from the date of receipt unless the applicant requests that it be withdrawn.

Interviews

Applicants and current advisory group members applying for reappointment are required to appear for an interview before the City Council. The City Council interviews each applicant during a Council meeting open to the public. Each applicant is requested to prepare a two to three minute verbal presentation that responds to a set of general and specific questions that are provided to the applicant by the City Clerk's Office in advance. An overall time limit of five minutes for the interview is allotted if the person is applying for more than one group.

During the interview, applicants may express the desire to be appointed to a group other than that to which they have submitted an application to for the Council's consideration. If the applicant is qualified, the applicant's name will be added to the list of persons eligible for appointment. Alternatively, in an effort to fill all vacancies, the Council may ask applicants to determine if they are eligible and are interested in being appointed to a group other than that to which the applicant has applied and interviewed. If applying to more than one advisory group, please state your preference as to which board you prefer. With the applicant's approval, the applicant's name will be added to the list of persons eligible for appointment.

The City Clerk's Office will notify applicants of the date(s) and time(s) for the interviews via e-mail. Names of applicants failing to appear for an interview will be removed from the list of persons eligible for appointment.

APPOINTMENT PROCESS

Appointments

After interviewing the applicants, the City Council makes appointments by majority vote in open session. In making these appointments, the Council is guided by the City's commitment to Inclusion, Diversity, Equity, and Accessibility (<https://santabarbaraca.gov/government/departments/human-resources/inclusion-diversity-equity-action-idea>). The appointees are notified of the Council's decision by email. A list of the appointments is posted to the City's web site at www.SantaBarbaraCA.gov.

Equal Opportunity Goals

The City Council has established a policy for the appointment process of members to the City's various boards, commissions, and committees. This process includes community-wide distribution of information including the number of vacancies and length of term, a full description of the purposes of the City Council Advisory Group, meeting times, deadline for applying, and the appointment process.

In making appointments, the City Council is guided by the City's commitment to nondiscriminatory employment practices and its intention to "serve as a model for equal opportunity through its prerogative of commission and board appointments." (Resolution No. 8022, adopted March 18, 1975)

The City Council and staff are committed to equal opportunity without discrimination or harassment. The City maintains its commitment to equality in the conduct of City business and encourages applications from all qualified candidates. The City of Santa Barbara prohibits any policy, plan, program, custom or practice which has a discriminatory effect related to race, creed, color, national origin, ancestry, sex, political affiliation, religious belief, disability (mental and physical, including HIV and AIDS), medical condition (cancer and genetic characteristics) sexual orientation, gender identity and expression (including transgenderism) marital status or age. This policy applies to members of all advisory boards, commissions and committees, citizen volunteers, City Council, City employees, and to those who do business with or who seek to do business with the City of Santa Barbara.

Diversity, Equity, Inclusion and Accessibility

The City of Santa Barbara is a welcoming, diverse community where every person can thrive. We actively seek out and strive to understand all perspectives, beliefs, and values and encourage engagement from all people in decisions affecting them. We recognize all people for their contributions and accomplishments.

Diversity, Equity, Inclusion and Accessibility are important to the City because a thriving workplace must not only be comprised of people from different backgrounds and perspectives but also recognize their varied contributions and accomplishments. Committing to practices that value and include diversity at all levels of the organization is an essential step to developing strategies that meet the needs of a diverse community.

Serving On More than One City Council Advisory Group

While we recognize the wealth of expertise available in our community, it is the City Council's preference that people serve on just one board, commission, or committee that is advisory to the City Council. The exception is in the case of the City Council Advisory Groups that are created for a limited term and purpose and that require a limited time commitment from their members or meet infrequently. This does not include those members serving on a board, commission, or committee that is not advisory to the City Council such as the Housing Authority Commission, Santa Barbara Metropolitan Transit Board, Mosquito and Vector Management District Board of Santa Barbara County, and the Central Coast Commission for Senior Citizens. In furtherance of this policy, the City Council may ask an applicant who is a current member of a City board, commission, or committee to resign from that position as a condition of appointment to another board, commission, or committee.

Term of Appointment

Terms of office for the City Council Advisory Groups are generally four years, with different term lengths for some Groups. The terms are staggered so that all terms do not expire in any one year. Members serve until their successors are appointed and qualified. If a member resigns before the expiration of a term, their replacement serves out the remainder of that term.

Successive Terms of Members of Boards, Commissions, and Committees

It is the policy of the City Council that wide community participation be sought in affairs of municipal government and that membership on the City Council Advisory Groups be open, insofar as is practicable, to all competent and interested persons who meet the stated qualifications. Pursuant to that policy, no member of an advisory group shall serve for longer than two consecutive full terms, consisting of an uninterrupted period of eight years. If the Council finds that a particular member of an advisory group has unique qualifications that are of special benefit to the City, then said member may be reappointed to the same advisory group.

Members of boards and commissions not advisory to the City Council, such as the Central Coast Commission for Senior Citizens, the Housing Authority Commission, the Mosquito and Vector Management District of Santa Barbara County, and the Santa Barbara Metropolitan Transit District Board, shall comply with the term limits specified in the law establishing the board or commission.

Oath of Office

Article XX, Section 3, of the Constitution of the State of California requires that an oath of office be administered. After appointments are made, staff administers a written oath in the City Clerk's Office or by a Notary Public.

Orientation Process

Each department conducts an orientation session for its City Council Advisory Group(s) and distributes a reference manual to new City Council Advisory Group appointees.

Advisory Group Membership List

The members of all City Council Advisory Groups are listed in the "City of Santa Barbara Advisory Group Membership List" and is available in the City Clerk's Office. The membership list (Roster) is also available on the City's web site at www.SantaBarbaraCA.gov.

Compensation

Most members of the Council-appointed City Advisory Groups receive no payment, however, there are some Advisory Groups that do receive a stipend. Compensation information for City Advisory Groups can be found on the webpage created for each advisory group on the City's web site at www.SantaBarbaraCA.gov.

Council Liaisons

A City Councilmember is usually appointed as a liaison to each City Council Advisory Group in January of each year. Councilmember liaisons may attend meetings and participate in the proceedings, but Councilmember liaisons are not voting members of the advisory group. Councilmember liaisons may provide a verbal report of the proceedings to the full Council during a regular City Council meeting.

Appointees shall not be appointed to act as liaisons to other Advisory Groups unless appointed by Council.

CONFLICT OF INTEREST – STATEMENTS OF ECONOMIC INTERESTS

Purpose

The Political Reform Act of 1974 (Government Code Sections 81000, et seq.), which was approved by the voters of the State of California, is intended to prevent conflicts of interest by requiring public officials to disclose certain personal financial interests, which could foreseeably cause conflicts, by filing a Statement of Economic Interests. In addition, a public official may be required to disqualify themselves from making, participating in, or attempting to influence any government decision which will affect any of their financial interests, not just those that are required to be disclosed.

For more information, the Fair Political Practices Commission (FPPC) Office is available at their toll-free telephone number (866-275-3772) and at www.fppc.ca.gov. The City Clerk's Office and the City's web site at www.SantaBarbaraCA.gov also provide conflict of interest information.

Public Inspection

The City Clerk's Office provides the Statement of Economic Interests forms. All forms are filed with the City Clerk's Office except for the original statements of Planning Commissioners, which are sent to the Fair Political Practices Commission; the City Clerk's Office retains a copy.

The original statements are retained in the City Clerk's Office for seven years, after which time they may be properly destroyed (Government Code Section 81009). All such forms are open for public inspection and reproduction at 10 cents per page (Government Code Section 81008).

Filers

Members of the advisory groups that are required to file a Statement of Economic Interest can be found at the following website: <https://santabarbaraca.gov/government/boards-commissions>.

Type of Statements

Statements of Economic Interest must be filed within 30 days of assuming office; annually no later than April 1st of each year for the reporting period of January 1 through December 31; and within 30 days after leaving the designated position.

Additional Late Filing, Non-Filing, and Fine Provisions

In addition to the late filing, non-filing, and fine provisions contained in the Political Reform Act, the following will apply:

Late Filings

The City Council Advisory Group members who fail to file statements within 30 days of the statutory deadline will not be allowed to participate in meetings of the boards, commissions, or committees to which they have been appointed until the statement is filed with the City Clerk's Office.

Non-Filings

The City Council Advisory Group members who fail to file statements within 60 days of the statutory deadline will be subject to removal from the boards, commissions, or committees to which they have been appointed by motion of the City Council adopted by the affirmative votes of a majority of the total membership of the City Council.

Fines

The fines assessed to the City Council Advisory Group members are due and payable within 30 days of receiving specific written notice of the fine unless prior written arrangements are agreed to by the City Clerk's Office and met by the City Council Advisory Group member; and they will not be allowed to participate in meetings of the boards, commissions, or committees to which they have been appointed until the fine is paid to the City Clerk's Office.

Unpaid Fines

The City Council Advisory Group members who do not pay their fines within 30 days of receiving specific written notice will be subject to removal from the boards, commissions, or committees to which they have been appointed by motion of the City Council adopted by the affirmative votes of a majority of the total membership of the City Council.

AB 1234 ETHICS TRAINING

Assembly Bill 1234 (2005) requires that if a local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of a member of its 'legislative body' (as that term is defined in California Government Code Section 54952), that local agency's officials must receive training in ethics. The training must encompass both general ethics principles, as well as a summary of specific laws concerning conflicts of interests, rules and limitations on gifts, and government transparency. The initial training must be completed no later than one year after the first day of service; and then the training course must be completed once every two years thereafter. The official training sessions last a minimum of two hours.

In addition to the State mandate, the City of Santa Barbara requires that members of certain City Council Advisory Groups must also take AB 1234 training because their roles may involve making decisions that impact individuals' or businesses' financial or real property interests or they may be involved in approving leases, contracts or other City budgetary decisions. A list of the Advisory Groups required to take the AB 1234 training can be found at the following website. <https://santabarbaraca.gov/government/boards-commissions> Training must occur within one year after the member is appointed or reappointed to the board.

There are numerous AB 1234 training options, but the City recommends that advisory board and commission members complete the free on-line training program offered by the California FPPC at <http://localethics.fppc.ca.gov/login.aspx>. Both the FPPC (<http://www.fppc.ca.gov/index.php?id=477>) and the California Institute of Local Government (<http://www.ca-ilg.org/ethics-education-ab-1234-training>) contain valuable information on their websites regarding the AB 1234 Ethics Training requirement.

Although only certain City Council Advisory Groups are required to fulfill this requirement (including submitting a certificate of completion to the City Clerk's Office), it is recommended that all City Council Advisory Group Members complete the training at least once after appointment.

BROWN ACT COMPLIANCE

Purpose

The Ralph M. Brown Act was enacted in 1953 to assure that government action is taken openly. It is also known as the "California Open Meetings Law." (Government Code Sections 54950, et seq.)

Provisions

All meetings of City boards, commissions, committees, and groups are subject to the Brown Act, are to be open and public, and all persons are to be permitted to attend any meeting.

Agenda

A written agenda must be prepared for each regular or special meeting of every legislative body. The agenda must contain a brief general description of each item of business to be transacted or discussed at the meeting and must specify the time and location of the meeting. No action shall be taken on any item not appearing on the posted agenda.

Posting of Agenda

The agenda must be posted at least 72 hours before a regular meeting and 24 hours before a special meeting and must be posted in a location that is freely accessible to members of the public 24 hours per day.

Agendas and Written Materials as Public Records

The Brown Act provides that agendas of a public meeting of the legislative body, as well as any other "writings" currently defined by law as public records, must be available for inspection when distributed to all, or a majority of all, of the members of the legislative body. Such documents are required to be available for inspection at the same time that they are distributed to the members of the body. If the material is distributed during the meeting and prepared by the City, it must be made available for public inspection at the meeting. If it is distributed during the meeting by anyone else, it will be made available by City staff for public inspection after the meeting. In addition, copies of such documents must be made available to the public without delay pursuant to the California Public Records Act.

Regular Meetings

Legislative bodies must set a date, time, and place for holding regular meetings.

Special Meetings

The Brown Act permits special meetings to be called at any time either by the presiding officer of a board or commission or a majority of the members of a legislative body. The meeting can be called by delivering personally, or by any other means, written notice to each member of the legislative body, as well as to each local newspaper of general circulation, radio, and/or television station requesting notice. The notice must be received at least 24 hours before the time of the meeting set forth in the notice.

Notice is not required for those members of the legislative body who have waived it or who attend the meeting despite the absence of formal notice. Notice is required even if no action is taken at the special meeting. The signatures of the City Council Advisory Group body may be obtained, or other proof of service may be prepared to serve as proof that an agenda was received in a timely fashion.

The notice also must be posted at least 24 hours before the time of the meeting in a location which is freely accessible to the public 24 hours per day. The notice must include the time and place of the meeting and identify the business to be transacted at the special meeting. Only the business set forth in the notice may be considered at the special meeting.

Adjourned Meetings

Regular or special meetings may be adjourned (continued) to a specific time and place (within the City limits unless it meets a certain exception). Less than a quorum can adjourn a meeting. A notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment provided that if the matter is continued to a time less than 24 hours after the adjournment, a copy of the order shall be posted immediately following the meeting at which the order or declaration of continuance was made.

Emergency Meetings

An exception to the 24-hour notice requirement for special meetings is allowed in the case of a public emergency situation involving matters that require prompt action due to the disruption or threatened disruption of public facilities. (Section 54956.5) The applicability under the Brown Act of such emergency situations shall be determined exclusively by the City Attorney's Office.

Quorum

Unless otherwise specified by the City Charter, an ordinance, or a resolution of the City Council, a majority of the members shall constitute a quorum (e.g. seven members on the advisory group, four members present at a meeting constitutes a quorum or majority).

Public Comment

Members of the public shall be given the opportunity to directly address the legislative body concerning any item that has been described in the agenda for the meeting. (Section 54954.3[a]) Additionally, every agenda for regular meetings shall provide an opportunity for members of the public to address the legislative body directly on items of interest to the public that are within the jurisdiction of the legislative body provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by the Brown Act

PARLIAMENTARY PROCEDURE

'Rosenberg's Rules of Order

All City Council Advisory Groups appointed by the City Council shall conduct their meetings in accordance with Rosenberg's Rules of Order, which may be found at: [rosenberg's-rules-of-order-simple-parliamentary-procedures-for-the-21st-century.pdf \(calcities.org\)](http://calcities.org/roscities/roscities.pdf) .

Bylaws

In limited circumstances, approved by the City Administrator and City Attorney, City Council Advisory Groups may develop guidelines or rules and regulations, i.e., bylaws, provided that the bylaws are within the City Council Advisory Group's powers and duties established by the City Council and are consistent with the requirements of these guidelines. The bylaws shall include the regular meeting day, time, and place of meeting. A City Council Advisory Group's bylaws are subject to approval by Resolution of the City Council.

CODE OF CONDUCT

Purpose

The City has adopted an Excellence in Customer Service Code of Conduct to guide appointed members of Boards and Commissions, City employees and its volunteers on the core values that the City expects when conducting city business. The primary purpose for establishing a Code of Conduct is to affirm that Council Advisory Group members are independent, impartial and fair in their judgment and actions, and to ensure that all process participants are treated courteously and respectfully. Advisory group members are considered public officials and must obey all state conflict of interest laws, including the state Political Reform Act 1974. The City has developed additional comportment procedures and adopted policies for appointed advisory board members to follow to help avoid situations that may cause the appearance of a conflict. The following City policies apply:

1. **Contact with Individual Advisory Board or Commission Member Outside a Noticed Public Meeting (Ex Parte Communications).** The City recommends that advisory appointees not communicate with applicants or other interested persons about pending projects outside a properly agendized meeting. This recommendation extends to communicating by telephone, email, and in-person meetings. The City believes that such communications can give the appearance of improper influence on a City board or commission member, can be an inordinate burden on the member's personal time, and can expose the City to allegations that the Brown Act has possibly been violated.
2. **Disqualification for Potential Conflict of Interest (Recusal).** Any advisory board member who may be disqualified from participating in a City decision (such as by voting on a particular matter) by reason of a potential conflict of interest under the state Political Reform Act of 1974 shall, immediately prior to consideration of the item at a public meeting, do all of the following: 1. identify the nature of the possible financial interest that gives rise to the conflict of interest in detail sufficient for the public to understand the conflict (disclosure of an actual street address is not required), 2. recuse themselves from discussing or voting, and 3. leave the meeting room until after the discussion, vote, or other disposition of or decision on the item, unless the matter has been placed on the consent calendar of uncontested matters. A Board or Commission member stating such disqualification shall not be counted as a part of a necessary quorum and shall be considered to be absent for the purpose of determining the outcome of any vote on such matter.

A primary form of conflict-of-interest disqualification is one involving a potential "material financial interest" where non-participation in the City decision is legally mandated under the state Political Reform Act. However, in some instances, potential conflicts not regulated by the state Political Reform Act, (such as a board member with a familial, personal, or prior business relationship with the applicant) can be perceived as the appearance of an improper conflict of interest or as a potential for the public official to be biased (i.e., either for or against) a particular applicant. The City believes that it is a good ethical practice to avoid even the appearance of a conflict or impropriety in these situations as well by stepping down and abstaining in a manner similar to that required by the state Political Reform Act of 1974 and the FPPC regulations interpreting that Act. Applicants are responsible for seeking advice regarding potential conflicts of interest.

3. **Abstention on Continued Items.** Abstention procedures are established to ensure fair project reviews while maintaining consistent direction on projects from boards and commission. An advisory board member who was absent in a previous review meeting should only comment on a continued project if the member has subsequently thoroughly informed themselves of the previous board discussion and direction. A board member may inform themselves of the prior discussion by reviewing the submitted plans, reading the minutes of the relevant portions of the missed meeting(s), or viewing the video of the previous hearing. The amount of review necessary in order for a board member to properly inform himself of the prior discussion is a personal judgment and will depend upon the nature and complexity of the application and project under review. If an advisory board member has not fully informed themselves of what occurred during the prior reviews, the member should generally abstain from commenting, conditioning, or participating in the vote on the project. The advisory board member who decides to abstain due to a prior absence shall publicly state on the record the reason for the abstention immediately prior to the hearing of agenda item.

If a board member abstains from participating in a review and a vote because the board member missed a prior meeting, but remains present for the discussion and vote, the board member's presence counts toward the quorum.

4. **Failure to vote.** Every board or commission member should vote unless disqualified by reason of a conflict of interest as described herein. A board or commission member who abstains from voting in effect consents that a majority of the quorum may decide the question voted upon. Board and commission members should review all matters fairly and objectively.
5. **Attendance.** In order to conduct efficient meetings, best serve the public's interest, and to avoid the loss of a quorum, regular attendance by all members is necessary. If an advisory board member cannot attend a scheduled meeting or must step down from a particular item due to conflict of interest or will need to leave the meeting early the member is asked to contact City staff at the earliest possible opportunity prior to the meeting date. The purpose for this staff notification is to ensure a minimum quorum of members is maintained for review of all items. Advisory appointees should stay for the duration of the meetings, in fairness to all applicants scheduled for that meeting.
6. **Attempting to Influence a Governmental Decision.** The state Fair Political Practices Commission (FPPC) provides guidance on the requirements of the state Political Reform Act of 1974 and state regulations and interpretations implementing the Political Reform Act which provide for some very narrow exceptions to the general rule that a member may not attempt to influence a governmental decision by participating in a decision when there is a conflict of interest. Advisory appointees are advised to consult the FPPC prior to taking any action which may implicate or pertain to possible state conflict of interest and disqualification requirements and may consult with the City Attorney's office in order to receive assistance in doing so.

EXHIBIT A

STATEMENT TO BE READ BY DESIGN REVIEW BOARD CHAIR WHEN A MEMBER OF THAT BOARD WILL BE MAKING A PRESENTATION – TO BE READ IMMEDIATELY AFTER THE AGENDA ITEM IS CALLED AND TO BE PRINTED ON THE AGENDAS.

The State Political Reform Act's conflict of interest provisions are intended to ensure that local public officials will perform their duties in an impartial manner, free from bias caused by their own financial interest. As a result, the Political Reform Act prohibits local public officials from “making, participating in making or using their official position to influence a governmental decision in which they may have a financial interest.”

When a governmental decision is being made by the same board to which a local public official has been appointed, the official is attempting to use their official position to influence the decision of their own board if the official contacts other appointees or city employees in order to discuss the possible decision and does so in a manner which appears to be an attempt to influence the decision. Generally, such an official is also attempting to use their official position to influence a decision if they appear before their own board.

However, a narrow exception to these conflict provisions allows a local public official who is an architect, engineer, or similar design professional to make a presentation to their own board if the following limited circumstances apply:

- a. the official is only presenting drawings or submissions of an architectural, engineering, or similar nature which the official themselves has prepared for a client and they only explain the drawings or responds to questions about the drawings and only so long as the official does not advocate any specific board decision or otherwise attempt to influence or “participate” in a board decision related to the drawings and the official’s client.
- b. The board qualifies as a “design review committee” as that term is used by Title 2, California Code of Regulations, section 18702.4, subparagraph (b)(5), (and the opinions and decisions of the state Fair Political Practices Commission) such as the Santa Barbara ABR, HLC, or the SFDB:
- c. the official is an architect, engineer, or a person in a related profession and he or she was appointed to the board to fulfill a legal requirement that the board contain an architect, engineer, or other similar professional in a related profession.
- d. the official is a “sole practitioner,” as that term is defined by Title 2, California Code of Regulations section 18702.4 (and in the opinions and decisions of the state Fair Political Practices Commission.)



ACKNOWLEDGMENT OF RECEIPT OF GUIDELINES

This is to acknowledge that I have received a copy of the GUIDELINES FOR CITY OF SANTA BARBARA ADVISORY GROUPS, approved by the City Council on _____, 2023, and understand that it contains important information on the City's rules and regulations and on my obligations and responsibilities as an advisory group member. I acknowledge that I am expected to read, understand, and adhere to City policies and will familiarize myself with the provisions in the handbook. I understand that I am governed by the provisions in the handbook; and that the City may change, rescind or add to any policies or practices declared in the handbook from time to time in its sole and absolute discretion with or without prior notice. The City will advise advisory group members of substantive changes within a reasonable time.

Signature

Date

Name (Typed or Printed)

This document shall be signed by the member and placed in the City Clerk's file.