

California Clerk of the Board of Supervisors



**CSAC New Supervisor's Institute
San Diego 2018**

Introductions



Rhonda Cargill, Madera

Jim Mitrisin, El Dorado

Jeanette Neiger, Solano

Andrew Potter, San Diego

Robin Stieler, Orange

Topics



Role of the Clerk of the Board

Beyond the Agenda

Ralph M. Brown Act timelines

Conflict of Interest / Form 700

Public Records Act

Top 12 questions to ask your Clerk

Role of the Clerk of the Board - *Generally*



- Broad scope of responsibilities
- Board meeting agendas
- Neutral position
- Transparency focused
- Historians and keepers of the public trust

Role of the Clerk of the Board - *Key Specific Mandates*



- Agenda Process
- Board meeting minutes
- Form 700 and AB1234 (Ethics)
- Property Tax Assessment Appeals
- Committees and Commissions support
- Ordinance code maintenance

Beyond the Agenda



Behind the scenes:

For a real world understanding of a day in the life of a Clerk of the Board, we have to go beyond the agenda.

- Jim Mitrisin, El Dorado
- Andrew Potter, San Diego

Beyond the Agenda – El Dorado County



- Office of the Clerk has 3 staff members
 - Department personnel changes, reception and office management
- Administrative Resource:
 - Agenda management system
 - Public Records Act tracking system
- Administration of 70+ boards, committees and commissions

Beyond the Agenda – El Dorado County



- Lead on Board of Supervisors focused Strategic Plan objectives
 - Modernization of Board Policies (60+)
 - Boards, committees and commissions (BCC) best practices and standardization
- Statistics – 2017 Calendar Year:
 - Over 1,300 Board of Supervisors agenda items
 - Processed 72 Assessment Appeal Applications
 - BCC related changes

Beyond the Agenda – San Diego County



- Clerk of the Board has 29 staff members
- Serves as Executive Officer for Board Offices
 - > General Office reception, budget, personnel
- In addition to traditional Clerk of the Board functions, staff provides passport acceptance services, notary services, process Form 700s, oversee County volunteer program, manage lobbyist registration

Beyond the Agenda – San Diego County



- Statistics from Fiscal Year 2017/18:
 - > 624 Board of Supervisors agenda items
 - > Received 3,658 Assessment Appeals Applications
 - > 22,898 passport applications accepted
 - > 4,312 Form 700s processed
 - > 1,503 notary transactions
 - > 15,144 customer survey cards collected

Compare and Contrast



Brown Act *Govt. Code 54950*



Brown Act Timelines for Publishing Meeting Agendas



- Regular meeting – 72 hours prior
- Special meeting – 24 hours
- No changes to an agenda within these time frames (limited exceptions)
- Emergency meeting criteria

Conflict of Interest



Conflicts of Interest



Political Reform Act of 1974:

- "...public officials, whether elected or appointed, should perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them."
- Under the Political Reform Act, public officials are disqualified from participating in government decisions in which they have a financial interest.

Economic Interests Disclosure



FORM 700

SCHEDULE A-2
Investments, Income, and Assets
of Business Entities/Trusts
(Ownership Interest is 10% or Greater)

CALIFORNIA FORM 700
FAIR POLITICAL PRACTICES COMMISSION

Name _____

Address (Business Address-Assetless)
City/State _____ Trust, go to 2 Business Entity, complete the doc. form go to 2

GENERAL DESCRIPTION OF BUSINESS ACTIVITY

FAIR MARKET VALUE IF APPLICABLE, LIST DATE

\$0.00 - \$10,000 \$10,001 - \$100,000 \$100,001 - \$1,000,000 Over \$1,000,000

ACQUIRED _____ DISPOSED _____

NATURE OF INVESTMENT Sole Proprietorship Partnership Other _____

YOUR BUSINESS POSITION _____

1. IDENTIFY THE GROSS INCOME RECEIVED THROUGH YOUR PRO PER SHARE OF THE GROSS INCOME OF THE ENTITY/TRUSTS

\$0 - \$499 \$500 - \$100,000 \$100,001 - \$100,000 OVER \$100,000

2. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$1,000 OR MORE (which requires asset disclosure)

3. IDENTIFY THE GROSS INCOME RECEIVED THROUGH YOUR PRO PER SHARE OF THE GROSS INCOME OF THE ENTITY/TRUSTS

\$0 - \$499 \$500 - \$100,000 \$100,001 - \$100,000 OVER \$100,000

4. LIST THE NAME OF EACH REPORTABLE SINGLE SOURCE OF INCOME OF \$1,000 OR MORE (which requires asset disclosure)

5. INVESTMENTS AND INTERESTS IN REAL PROPERTY HELD BY THE BUSINESS ENTITY OR TRUST

Other use form: INVESTMENT REAL PROPERTY

Name of Business Entity, Trust
Street Address if Assetless's Parcel Number of Real Property _____

Description of Business Activity, City or Other Parcel Location of Real Property _____

FAIR MARKET VALUE IF APPLICABLE, LIST DATE

\$0.00 - \$10,000 \$10,001 - \$100,000 \$100,001 - \$1,000,000 Over \$1,000,000

ACQUIRED _____ DISPOSED _____

NATURE OF INTEREST Property Ownership/Co-Owner of Trust Stock Partnership

Economic Interests Disclosure



- All sources of income including that of your spouse
- Interests in Real Property
- Investments
- Business Positions
- Sources of Gifts



When Must Form 700 Be Filed?



- **Assuming Office**: Within 30 days of the assumed office date.
- **Annual**: By April 1st each year.
Exception:
If you assumed office between October 1, 2018, and December 31, 2018, and filed an assuming office statement, you are not required to file an annual statement until April 1, 2020. The annual statement will cover the day after you assumed office through December 31, 2019.
- **Leaving Office**: within 30 days of the leaving office date

When Must Form 700 Be Filed?

Remember to file on time



“The filing officer who retains originally-signed or electronically filed statements of economic interests may impose on an individual a fine for any statement that is filed late. The fine is \$10 per day up to a maximum of \$100. Late filing penalties may be reduced or waived under certain circumstances.

When Must Form 700 Be Filed?



Persons who fail to timely file their Form 700 may be referred to the FPPC’s Enforcement Division (and, in some cases, to the Attorney General or district attorney) for investigation and possible prosecution. In addition to the late filing penalties, a fine of up to \$5,000 per violation may be imposed. “

-FPPC Form 700 (2016-2017)

Amendments



- If you discover errors or omissions on any statement or attached schedule, file an amendment as soon as possible.
- Obtain amendment schedules from the FPPC website at www.fppc.ca.gov.

Note: if the filer needs to amend a Form 700 that was filed electronically, they can also amend that form electronically. This is a benefit of e-filing.

Economic Interests Disclosure



- Immediate loss of office
- Prohibition from seeking elected office in the future
- Fines of up to \$10,000 or more
- Jail time of up to six months

Economic Interests Disclosure



- Requires public officials who have a financial interest in a decision to:
 - Publicly identify the financial interest giving rise to the conflict of interest
 - Recuse themselves from discussing and voting on the matter
 - Leave the room until after the discussion, vote, and other disposition of the matter is concluded

Public Records Act *Govt. Code 6250*



Public Records Act



- Government Code § 6250 et. seq.
- 6252(e) “Public records” include any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

Public Records Act



- 6252(g) “Writing” means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

Common Public Records for Board Member Offices

Most of what you and your staff write is considered a public record, discoverable upon request.



- Email & Text Messages
- Calendar Entries
- Phone Records
- Travel Claims
- Correspondence
- Project Files

Time Constraints



- The initial determination is required within the first 10 days
- 14 day extension for initial determination in some cases.
- Public records are open to inspection at all times during the office hours
- Exemptions
- Work with your County Counsel

Top 12 Questions



Top 12 Questions to Ask Your Clerk of the Board



1. What resources and services do you provide to my office and to the public?
2. How do I add an item onto the agenda?
Is the process different for county departments
3. What tools are available if I want to find a specific past Board agenda item, Ordinance, Resolution or other document as part of an agenda item?

Top 12 Questions to Ask Your Clerk of the Board



4. How do I appoint someone to a Board and/or Commission?
5. How are meeting Minutes processed and when are they available to the public?

Government Code References



- 25000-26490 - Board of Supervisors
- 25100 - Clerk of the Board
- 54950 - Ralph M. Brown Act
- 54970 – Maddy Act
- 6250 - California Public Records Act
 - *Case law - City of San Jose v. CA Supreme Court (2017)*