

**County of Contra Costa**  
**OFFICE OF THE COUNTY ADMINISTRATOR**  
**MEMORANDUM**

DATE: APRIL 8, 2015

TO: INTERNAL OPERATIONS COMMITTEE  
KAREN MITCHOFF, District IV Supervisor, Chair  
JOHN GIOIA, District I Supervisor, Vice Chair

FROM: THERESA SPEIKER, Chief Assistant County Administrator

SUBJECT: **TRIENNIAL ADVISORY BODY REVIEW – PHASE I OF III**

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**I. Referral History of the Triennial Review of County Advisory Bodies**

Reviews of the County's citizen's advisory bodies, also called committees, commissions or boards, were conducted beginning in 2005 and continuing through 2011/12.

The purpose of these periodic reviews was to provide the Board of Supervisors (BOS) with the opportunity and structure to comprehensively examine and evaluate the work of the County's advisory bodies/committees, commissions or boards on a regular basis.<sup>1</sup> Outcomes from the reviews guided the BOS to make various policy changes, procedural, structural or program recommendations for some bodies, and sun-setting or consolidation of others.

The Board of Supervisors formally approved a review process for advisory bodies in Board Order OA.6 adopted March 6, 2007.

The BOS Order of March 6, 2007 cited Resolution No. 2002/377, as the Board's enabling legislation for its advisory bodies. The prior enabling legislation in Res. 2002/377 was superseded in its entirety in 2011, when the BOS conducted an extensive review of its advisory body policies, and thereupon adopted Resolution 2011/497 which revised and restated the Board's governing principles for citizens' advisory bodies.

Resolution 2011/497 (and its companion legislation Res. 2011/498 -- which addressed and similarly affected independent and special districts rather than the BOS discretionary committees) contained specific language directing the formalization of a Triennial sunset review process for committees, boards, and commissions. The 2011 resolutions are available electronically, through a link from the "front page" of the County's web site in the advisory body database. (This database is also referred to as the Maddy Book".)

The recently amended and re-enacted Resolutions governing these bodies now provide:

**"IV. FORMATION AND DISSOLUTION OF ADVISORY BODIES**

- A.** The Board of Supervisors may form an advisory body for the purpose of rendering advice or recommendations to the Board on issues of importance. The Board of Supervisors may dissolve an advisory body at the Board's discretion, consistent with conditions imposed by law. **Commencing [after] July 1, 2012, each advisory body shall be reviewed at least once every three years pursuant to a procedure established by the Board.**
- B.** When the Board creates an advisory body, the Board may determine whether or not the body should adopt a conflict of interest code.

**V. RESPONSIBILITIES OF ADVISORY BODIES.**

- A.** Each advisory body:
  - 1.** Shall operate within its mandate as defined in the Board Order, Resolution, or Ordinance creating the body and any applicable law, and may establish specifically defined objectives consistent with its mandate.
  - 2.** Shall elect a chairperson and notify the Clerk of the Board of said selection;
  - 3.** Shall establish regularly scheduled meeting times and inform the Clerk of the Board of such schedule;
  - 4.** Subject to limitations resulting from statutory requirements, may adopt a set of operating rules (bylaws) addressing attendance requirements for continuing membership, the election of officers, and the establishment of subcommittees composed solely of current members of the advisory body. Should the advisory body adopt operating rules (bylaws) that address other topics, these rules shall not be operative until they have been approved by the Board of Supervisors.
  - 5.** Shall keep necessary records including agendas and records of action.
  - 6.** Shall comply with by the Ralph M. Brown Act (Gov. Code, §§ 54950, et. Seq.) and County's Better Government Ordinance (County Ordinance Code Division 25.)
  - 7.** Shall comply with the Board's policy against conflict of interest.
  - 8.** Shall submit an Annual Report to the Board on its activities, accomplishments, membership attendance, required training/certification (if any), and proposed work plan or objectives for the following year, in December. (The form for the Annual Report is found in the Advisory Body Handbook.)

**VI.** This Resolution and Resolution 2011/498 supersede Resolution 2002/377 in its entirety."

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As quoted above, the new Resolutions included a provision to establish a process and procedures to review each advisory body every three years, and all advisory bodies over a three year period. This statement of intent in Resolutions 2011/497 and 2011/498 was enacted through **Resolution 2012/261** (C.138, 6/26/2012) entitled, "Establishing a Triennial Review Process for the Evaluation of Certain County Boards, Committees, and Commissions."

## II. Referral Update

This report contains the results of the first cycle of advisory body Triennial Reviews under the formal process contained in Resolution 2012/261.

### Recent Criteria for evaluation of Advisory Committees, Boards, and Commissions

Criteria for the last comprehensive BOS advisory body review, conducted in 2009, were:

**Purpose:** "Whether the advisory body's focus and membership is consistent with its purpose."

**Workload:** "Whether the meeting frequency is appropriate for the advisory body's workload."

**Support:** "An evaluation of the amount and type of support provided by the County for its appropriateness, consistency and cost."

#### **Policies and**

**Procedures:** "Whether there is a need to clarify the policies and procedures under which the advisory body operates."

CAO staff continued to factor in the BOS criteria from 2009 when reviewing the selected advisory bodies that have been included in this first Triennial Review.

The Triennial Review Resolution itself (Resolution 2012/261) provides the following specific guidance about the content of the review:

**Paragraph 4 (c)** This report shall include:

- i. An evaluation of the body's level of involvement in County programs relative to the duties and responsibilities defined in their establishing authority;
- ii. Actions accomplished or completed on issues assigned to the body by the Board of Supervisors, and/or status of goals set by the body;
- iii. The justification for continuance (if recommended), with appropriate goals and timetables for the term of continuance;
- iv. Citation of the appropriate government codes mandating the body and its activities (where applicable).
- v. A recommendation from the staff of the body (where applicable) regarding revisions and statement of body's effectiveness.
- vi. A recommendation from the Department Head regarding continuance or deletion of body.

III. Discussion of Mandatory and Discretionary Committees and Evaluation of Selected Committees

**Distinction between Mandatory and Discretionary Committees**

The Triennial Sunset Review Resolution (No. 2012/261) provides that [it] shall apply "to all bodies which are formed by the Board of Supervisors by federal or state mandate, County Ordinance, Joint Powers Agreement, Regulatory Code, Board Order, or Board Resolution."

These distinctions refer to the legal basis on which the committees are established and therefore affect the source and scope of authority of each committee.<sup>1</sup>

Accordingly, some bodies which have been reviewed are "discretionary" bodies, defined as those which are established pursuant only to the Board of Supervisors' discretion and authority as the local government governing board. Other bodies are in contrast mandated for creation pursuant to State or Federal law; therefore these committees are not "discretionary" by the Board of Supervisors because they are created to comply with State or Federal mandates.

The mandatory and discretionary advisory bodies included in this review are discussed in separate sections which follow.<sup>2</sup>

**TABLE 1:**

**ADVISORY COMMITTEES INCLUDED IN TRIENNIAL REVIEW**

**A. Mandated Boards, Commission, or Committees**

1. Bay Area Library Information System Advisory Council (BALIS)
2. Contra Costa County Advisory Council on Aging
3. Countywide Bicycle and Pedestrian Advisory Committee of the Contra Costa Transportation Authority (also included in this Triennial Review is a review of the

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<sup>1</sup> The Board of Supervisors has authority to govern its "discretionary" advisory bodies autonomously, but does not have the same level of authority over boards or commissions that are established by State or Federal law, or "mandate." The Board of Supervisors also does not govern Joint Powers Authorities, most Special Districts, and other independent jurisdictions.

<sup>2</sup> The County's current Administrative Bulletin (AB No. 124) provides for a review every three years of the advisory bodies that are established based on the authority and solely at the discretion of the Board of Supervisors ("discretionary" advisory committees) -- but not of mandatory or independent boards commissions or committees.

discretionary advisory body, the Countywide Bicycle Advisory Committee of Contra Costa County)

4. Economic Opportunity Council
5. Hazardous Materials Commission

**B. Discretionary Advisory Committees**

1. Agricultural Task Force Committee
2. Contra Costa County Alcohol and Other Drugs Advisory Board
3. Arts and Culture Commission of Contra Costa County
4. Aviation Advisory Committee
5. Contra Costa Commission for Women
6. Health Services Department sponsored committees:  
Emergency Medical Care Committee  
Public and Environmental Health Advisory Board
7. Historical Landmarks Advisory Committee
8. Integrated Pest Management Advisory Committee
9. Library Commission

## **Part A: Triennial Review Materials for Mandated Committees**

### **A. Mandated Boards, Commission, or Committees**

1. Bay Area Library Information System Advisory Council (BALIS)
2. Contra Costa County Advisory Council on Aging
3. Countywide Bicycle and Pedestrian Advisory Committee of the Contra Costa Transportation Authority (also included in this review category, with the commentary section on the mandated body, is a review of the Countywide Advisory Committee of Contra Costa County, a discretionary advisory body)
4. Economic Opportunity Council
5. Hazardous Materials Commission

### **A1. Bay Area Library Information System Advisory Council (BALIS)**

**(a) *The target population*** specified by the Committee is (was) the Administrative Council of Library Directors from Bay Area public libraries.

**(b) Background:**

The County's participation in the Bay Area Library Information System Council was approved by Board Order of March 13, 1979, pursuant to the California Library Services Act of 1977.

The County Administrator's Office was recently notified by the County Librarian that this Advisory Council has ceased to exist, informing the County that no further appointments would be required by the Board of Supervisors.

**(c) CAO Staff Comment:** See the background information provided by the County Librarian.

**(d) CAO Staff Recommendation**

Delete the Advisory Council from the current list of boards, committees and commissions as recommended by the Library Director.

**A2. Contra Costa County Advisory Council on Aging**

**(a) *The target population*** specified by the Committee is:  
Contra Costa residents 60 years of age and older.

**(b) Background**

Aging services are funded and provided pursuant to the U.S. Older Americans Act and California Welfare and Institutions Code (WIC). The WIC Section 9400 specifically describes the role of "Area Agencies on Aging and Advisory Councils" in providing an extensive scope of services to the older population.

Section 9400(c) provides:

*"Each area Agency on Aging<sup>3</sup> shall maintain a professional staff that is supplemented by volunteers, governed by a board of directors or elected officials, and whose activities are reviewed by an advisory council consisting primarily of older individuals from the community."*

In the submitted Triennial Review materials, the Committee describes its function as:

*[to] provide a means for Countywide planning, cooperation and coordination for individuals and groups interested in improving and developing services and opportunities for older residents of this county. The Council provides leadership and advocacy on behalf of older persons and serves as a channel of communication and information on aging issues.*

**(c) CAO Staff Comment**

The Council on Aging's work includes a wide range of aging related services or programs in addition to reviewing the Area Plan on Aging. These efforts have included outreach activities and presentations directly to the community, such as programs on driver safety, housing resources and transportation services.

Over time the role of the Council on Aging appears to have expanded to include an administrative oversight and policy analysis function that could blur the distinction between the Area Agency on Aging (the County departments as governed by the Board of Supervisors/ Area Agency on Aging) and the Advisory Council on Aging.

As an example, the Triennial Review materials submitted show that the Advisory Council's President/Chairperson is referred to as the "Chief Executive Officer" whose duties include: *"directs and approves Council work done by staff";- "at the request of the Area Agency on*

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<sup>3</sup> The Area Agency on Agency is the local planning agency -- whose Board is comprised of the Board of Supervisors -- for receipt and allocation of Federal and State funds for aging-related services and programs.

*Aging staff, provides narrative sections for Area Plans; "presides at Area Agency on Aging annual public hearing;" and, "Along with the Director of Aging and Adult Services, is the liaison for the County Board of Supervisors."*

These statements may appear to describe the Area Agency and the Advisory Council on Aging as separate policy-making bodies that are operating jointly, when in fact the Council is expected to perform only in an advisory capacity to the Area Agency on Aging.

In addition, the mission and activities of the Council have expanded to include a variety of policy and program subcommittees, in addition to its Planning Committee, which are not specifically related to Area Plan review. The work of the Planning Committee is "to work with AAA staff to develop the Area Plan." Separate subcommittees have included "Bylaws", "Publicity", "Housing Work Group", "Health Work Group," "Transportation Work Group" and Legislative Advocacy Work Group. The legislative work group is charged to develop action plans for proposed and potential legislation and submit recommendations to the Advisory Council on Aging "for their approval." One accomplishment cited was the work "to review the County's contract to provide emergency transportation services... [and]efforts to maintain a working relationship with the American Medical Response Regional Manager and the County's own EMS Administrator." Such activities may not be strictly advisory to the Board of Supervisors/Area Agency on Aging.

**(d) CAO Staff Recommendation**

It may be appropriate for CAO staff to review the current relationship between the Aging and Adult Services professional managers/staff and the Advisory Council on Aging, and to clarify, if necessary, the respective roles of County staff, the Board of Supervisors, and the Advisory Council on Aging in developing, reviewing, and implementing the Area Plan (for allocating Federal funds) and conducting related programs.

This review would ensure that any policy or program recommendations, and related public advocacy activities that are undertaken by the Contra Costa Advisory Council on Aging, would remain consistent with the Council's function as an advisory body, and would emphasize that the role of the Advisory Council is to "review and advise" rather than to "plan and direct."

**A3. Countywide Bicycle and Pedestrian Advisory Committee of the Contra Costa Transportation Authority (a Joint Powers Authority)**

The Contra Costa Transportation Authority (CCTA) is a separate governmental entity from the County. The CCTA operates as Contra Costa's principal transportation planning agency and Congestion Management Agency for purposes of receiving and allocating certain planning funds.

and

**Countywide Bicycle Advisory Committee of Contra Costa County**

"To provide input to the County and the cities of the County on bicycle projects for Transportation Development Act (TDA) funds to construct bicycle/pedestrian projects and to provide advice to cities and the County on bicycle planning matters.

**(b) Background**

Only the first of these committees, the CCTA Countywide Bicycle and Pedestrian Advisory Committee, was originally selected for inclusion in the current review. However, both bodies have been included for purposes of clarity because the similarity in the names of the distinct committees sometimes leads to confusion about the individual bodies and their work.

The CCTA's citizen's advisory committee is widely acknowledged as a component of the regional transportation planning efforts that are coordinated and managed by the CCTA. It is included in the mandated category of the BOS bodies.

The Countywide Bicycle Advisory Committee is a BOS discretionary body. It meets annually, according to the Department of Conservation and Development, to recommend whether or not to fund identified bicycle and pedestrian projects with Transportation Development Act (TDA) funds. (The California Department of Mass Transportation oversees the public hearing procedures used to identify unmet transit need in connection with TDA allocations.)

The Countywide Bicycle Advisory Committee indicates that it does not currently have written policies and meets only informally to review specific revenue allocation issues related to Transportation Development Act funds. The body's Triennial Review materials also indicated that "there are currently several members whose appointment has expired."

**(c) CAO Staff Comments and Recommendations**

**1. Continue to appoint a County representative to the Countywide Bicycle and Pedestrian Advisory Committee of the Contra Costa Transportation Authority;**

and,

**2. Consider updating the Board's direction and oversight of the Contra Costa County Bicycle Advisory Committee.**

If seen as desirable by the Supervisors, this recommendation could be accomplished by the BOS deliberating whether or not to expand the role or alter the structure of the Bicycle Advisory Committee. If the charge to the committee were changed or expanded or the structure altered, the Bicycle Advisory Committee could be asked to provide a broader range of advisory input to the Board of Supervisors on such issues as bicycle and pedestrian related accessibility and safety, as well as continuing its current duty of providing resource allocation advice.

**A4. Economic Opportunity Council**

**(a) *The target population*** specified by the Committee is:

"Low income population of Contra Costa County"

**(b) Background:**

The Economic Opportunity Council was originally established on January 16, 1965, by Board Resolution 3671, pursuant to the United States Economic Opportunity Act of 1964 (often cited as 'the war on poverty.'). The current bylaws of the Economic Opportunity Council (EOC) report the legal authority and scope of responsibilities of this body as follows:

"As set forth in the Economic Opportunity Act of 1964, as amended, the Community Services Block Grant Act of 1981 and the Coats Human Services Reauthorization Act of 1998, as amended, and by the actions of the Contra Costa County Board of Supervisors, the responsibilities of the EOC are:

- A. To make recommendations to the Board of Supervisors for EOC membership;
- B. To hold public hearings as scheduled to make recommendations to the Board of Supervisors for the Community Action Plan of the Community Services Bureau (CSB). [CSB is a division of the Employment and Human Services Department (EHSD).] The EOC sponsors a Community Action public hearing each Spring to receive public input on services that are needed in the community.
- C. To participate in subcontractor Request for Proposal/Request for Information process as directed by program guidance;
- D. To conduct at least one site monitoring to the subcontractors;
- E. To submit an Annual Report to the Board of Supervisors on its accomplishments, membership attendance, required training/certification, proposed work plan or objectives.
- F. To view fiscal and programmatic reports submitted by staff and the performance of Community Services Block Grant (CSBG) contractors and the Weatherization program services.

- G. To receive and review budget, minutes, and other reports or materials prepared by staff."

The EOC work plan for 2013 included an explicit goal to "increase community involvement and information sharing in the areas of interest identified in the Community Action Plan, which are: violence awareness, unemployment, safety, housing, and access to health care."

Staff of the County's Community Services Bureau provides direct "technical and administrative program management support" to the EOC, according to the current bylaws.

**(c) CAO Staff Comment**

The EOC appears to be a successful and well-functioning Advisory Council, mandated under Federal law for the administration of Federal economic development programs. The EOC provides important public input during the County's consideration of proposals for Federal funds to assist low income communities. The EOC appears to have a well-established and productive relationship with the Community Services Bureau (CSB) of the Employment and Human Services Department (EHSD). EOC serves as an important intermediary and facilitator for reviewing, implementing, and evaluating community service projects that are funded by Federal block grant funds and administered by EHSD.

The EOC current bylaws direct that members of the EOC are required to file Statement of Economic Interest forms (Form 700) under the provisions of California's fair political practices act. According to information received in 2014 from the Fair Political Practices Commission (FPPC), such financial disclosure is not needed for an advisory body performing non policy-making functions. Therefore this provision could be referred to County Counsel for review and amended, if necessary, based on a determination of whether the EOC members fall within the State's legal requirements for filing.

**(d) CAO Staff Recommendation**

**Continue the Economic Opportunity Council with its present form and charge.**

**A5. Hazardous Materials Commission**

**(a) *The target population*** specified by the Committee is:

"General public, Elected Officials of the County and Cities"

**(b) Background**

The Hazardous Materials Commission was originally created by Board Order in 1986, in response to State legislation (California Health and Safety Code Sec. 25135 et. seq.) which required counties to develop hazardous waste management plans related to the transportation and storage of hazardous materials. Contra Costa County has fully developed

and implemented the Hazardous Waste Management Plan that was mandated under H&S Code 25135 in 1986.

California Health & Safety Code 25135.2 provided for an advisory committee to assist in the development and implementation of the State-mandated hazardous materials plan.<sup>4</sup> The Board Order which established the Commission on 10/14/1986 included a mandate that was specifically related to the development of a transportation and response plan for hazardous materials as required by Health and Safety Code 25135. In the ensuing years, the Commission has developed a role within County government as a significant forum for ongoing issues related to the administration of the County's hazardous waste management plan, including evaluation of specific incidents.

The Commission's bylaws provide that, in addition to the duties imposed by State law, the Commission would,

"oversee the management coordination of all aspects of the storage or transportation of hazardous materials and the generation, storage, transportation, treatment, and disposal of hazardous waste;"

and,

"Report and make recommendations on such further matters concerning hazardous materials and wastes as are referred to the Commission by the Board of Supervisors."

**(c) CAO Staff Comment**

The Hazardous Materials Commission has played an active role, since its inception in 1986, in the development and oversight of the County's Hazardous Waste Plan, and currently provides an active forum for public discussion. However, since the plan was initially developed, the Hazardous Materials Commission's official role in the management of hazardous waste programs by the County has become less focused than at inception, when its role was mandated by the State Legislature.

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<sup>4</sup> H&S Code Sec. 25135.2: (a) Each county shall establish an advisory committee of at least seven members to assist the county in the preparation and administration of the county hazardous waste management plan...

(b) The advisory committee shall do all of the following:

(1) Advise the county staff, the board of supervisors of the county, and the staff, mayors, and council members of the cities within the county, on issues related to the development, approval, and administration of the county hazardous waste management plan.

(2) Hold informal public meetings and workshops to provide the public with information, and to receive comments, during the preparation of the county hazardous waste management plan.

The County will continue to realize maximum benefit from the Hazardous Materials Commission through ongoing and active collaboration between the Commission and the Health Services Department's Hazardous Materials Division. The Commission's dual focus should continue to be to (1) apply its unique perspectives and technical expertise to specific problems or issues identified for resolution by the Hazardous Materials Division, or the Board of Supervisors, and in addition, consistent with its role as an advisory body, (2) provide a regular public forum for discussion of public concerns.

The Hazardous Materials Commission's bylaws were last amended and approved by the BOS in June, 2000. The bylaws issued in 2000 include Conflict of Interest provisions that should be reviewed and updated, if necessary, by County Counsel. The Hazardous Materials Commission expressly solicits the perspectives of its business, industrial, and commercial members as representatives of their industries.

**(d) CAO Staff Recommendations**

- **Continue the Hazardous Materials Commission in its present form/structure.**
- **Consider reviewing the body's annual work plan in relation to mandates in the applicable CA Health and Safety Codes.**

## **Part B: Discretionary Committees --** **(Created by the Board of Supervisors)**

### **B. Discretionary Advisory Committees**

1. Agricultural Task Force Committee
2. Contra Costa County Alcohol and Other Drugs Advisory Board
3. Arts and Culture Commission of Contra Costa County
4. Aviation Advisory Committee
5. Contra Costa Commission for Women
6. *Health Services Department sponsored committees:*  
Emergency Medical Care Committee  
Public and Environmental Health Advisory Board
7. Historical Landmarks Advisory Committee
8. Integrated Pest Management Advisory Committee

### **B1. Agricultural Task Force Committee**

**(a) *The target population*** specified by the Committee is:  
"Growers ranchers and other agricultural interested parties."

#### **(b) Background**

The Agricultural Task Force Committee in its current form was established June 20, 2000 by Board Order.

In the Triennial Review materials submitted, the Committee describes its function as:

*"Advisory to the Board of Supervisors on agricultural related issues in regard to zoning, land mitigation and other agricultural related issues... brought forth by the Board of Supervisors or agricultural interests."*

#### **(c) CAO Staff Comment**

In the 12 months immediately preceding this Triennial Review survey, the committee reports that it did not convene to meet and that it does not have current bylaws. (According

to the County's Advisory Body Handbook, all advisory bodies should adopt bylaws and update them as needed).

**(d) CAO Staff Recommendation**

In view of the recent department head appointment, this might be the perfect opportunity to refresh and update the BOS charge to and expectations for this committee. Revisiting the Committee's charge could help focus the annual work plan and activities on those agricultural-related policy issues in Contra Costa County on which the BOS searches for advice. Attention also needs to be given to developing a regular meeting schedule, annual work plan or mission statement, and publically posting committee agendas and meeting notices, unless the BOS wishes to consider sun-setting this committee or merging it with another body.

**B2. Contra Costa County Alcohol and Other Drugs Advisory Board**

**(a) *The target population*** specified by the Committee is:

"Families, individuals, and communities in Contra Costa County affected by alcohol and other drug-related problems."

**(b) Background**

The Board of Supervisors established the Alcohol and Other Drugs Advisory Board of Contra Costa County in 1992 in response to State legislation (Health and Safety Code 11809 and 11964 (k)] that mandated the establishment of Drug Abuse Advisory Boards and Alcohol Advisory Boards by counties.

*State Mandate Repealed*

This legislative mandate was repealed when the Legislature approved Senate Bill 627 on March 2, 1993, which, as reported in Legislative Counsel's Digest issued by the Legislature, "Permit[s] a county to eliminate or consolidate any health advisory boards that are required by state law or regulation, or in any existing contract with the [State]." Consequently, the State mandate for the County to create health advisory boards was abolished under SB 627 in 1993.

The Alcohol and Other Drugs Advisory Board's amended status (to a discretionary rather than State-mandated committee) was formally acknowledged by Board Order approved (Item I.O.-1) June 28, 1993. Since that time, the Alcohol and Other Drugs Advisory Board has operated as a discretionary advisory body of the Board of Supervisors, and has continued to conduct outreach and education on behalf of its constituencies, who are individuals and groups seeking to access, deliver or improve the County's drug and alcohol related services and programs.

*Current Mission and Focus*

In its Triennial Review materials, the committee described its current mission as follows and being "approved by the Board of Supervisors on 8/28/2012

*To assess family and community needs regarding prevention and treatment for alcohol and other drug related problems. Resultant findings and*

*recommendations are forwarded to the Health Services Department and the Board of Supervisors. The [Advisory] Board [sic] also serves as an advocate for these findings and recommendations to the communities that we serve.”*

The Advisory Council's recent programs, services, and activities to achieve its mission have included community awards programs for "People Who Make a Difference," panel and educational presentations on topics such as proposals for marijuana legalization, prescription drug abuse prevention, coping with stigma and recovery, and services for persons 55 and older. The Committee reports a wide variety of services and programs to increase visibility, raise awareness, provide support and education, and generally advocate on behalf of drug and alcohol programs.

The Contra Costa Alcohol and Other Drugs Advisory Council indicated that it holds an annual strategic planning session and prepares a related work plan. The body's 2013 Annual Report listed identified goals and priorities that included: (1) Understand Alcohol and Other Drug Related Services for "55 +"; (2) Reduce Youth Use and Access for Alcohol, Marijuana and Other Drugs; (3) Increase Awareness of Prescription Drug Abuse and (4) Assess AOD Related Reentry Resources and Needs. In addition, it highlighted a number of community programs and events that focused attention on alcohol and other drug issues, prevention strategies, community needs, and treatment services.

**(c) CAO Staff Comment**

The Alcohol and Other Drugs Advisory Council produces numerous information pieces on and performing extensive advocacy activities about alcohol and other drug programs, especially as they relate to individual health, community well-being, and the accessibility and quality of services.

**(d) CAO Staff Recommendation**

While the mission of the body is in keeping with the BOS mandate to the group and the review indicates that much good advocacy work is being done, it might be appropriate for the BOS to ask the body to re-evaluate the highly formal structure of the Advisory Council. The Council's current structure and work load is very labor intensive on the County staff assigned to attend the meetings, prepare and deliver reports, agendas, meeting packages, and detailed minutes.

The BOS may want to consider asking the body to devise and implement ways to continue to perform outreach and advocacy activities and its educational missions, as described in the Triennial Review materials submitted, on a less formal and more cost effective basis, perhaps by producing more limited meeting materials and less detailed minutes, and/or by reducing the number of sub-committees.

**B3. Arts and Culture Commission (AC5)**

**(a) *The target population*** specified by the Committee is:  
Residents of Contra Costa County

**(b) Background**

The Arts and Culture Commission of Contra Costa County (AC5) was created by the Board of Supervisors on December 13, 1994 with the following purpose:

*“...to advise the Board of Supervisors in matters and issues relevant to the art and culture of the County, advance the arts in a way that promotes communication, education, appreciation, and collaboration throughout the County.”*

**(c) CAO Staff Comment**

The Triennial Review materials reflect that AC5 views itself as having a regional and national focus in addition to its specific efforts in Contra Costa County:

*“AC5 continually works to advocate for the arts by communicating with regional, state and federal arts organizations. The California Arts Council, California Arts Advocates, and Americans for the Arts are just a few of the many groups we are involved with.”*

In its Review materials, the Commission appears to be describing many of the characteristics of a non-profit organization and in fact, has created a separate non-profit entity. This body's work is focused on providing self-directed programs and activities, including presentations before the BOS and regularly rotating art displays in the County's main administration building. The body has participated in soliciting grant funds received from the State, in addition to the receipt of a small \$15,000 budgeted item from the County; these funds are used to support the work of the body.

However, their Triennial Review materials are less clear in describing how their activities and work efforts relate to an advisory role for the BOS.

**(d) CAO Staff Recommendation**

The Senior Deputy who is the primary contact for the Commission in the CAO's Office was asked to assist in providing a recommendation to the BOS. The Deputy can see two possible paths for the body; either;

- Refresh/redo their structure, membership, work plan and BOS charge to direct their focus and work efforts on providing arts-related advice to the Board; or
- Work with the members of the body to consider whether or not the time is appropriate for the body to spin off as a non-profit arts organization, and assist with that process if a decision would be made to sunset the body as advisory to the BOS.

**B4. Aviation Advisory Committee**

**(a) *The target population*** specified by the Committee is:

"Residents of Contra Costa County, with particular focus on residents in close proximity to airports; businesses of Contra Costa County, with particular focus on those businesses on airport property; and pilots using our airports, with particular emphasis on pilots with aircraft based at our airport."

**(b) Background**

In the Triennial Review materials, submitted by the Committee, it describes its functions as:

- Oversight and guidance of Airport financials;
- Noise monitoring and abatement;
- Oversight and guidance of development opportunities.

The Aviation Advisory Committee was established by the Board of Supervisors February 15, 1977 by Board Order; language amended by Board Order (Item I.O.-11) on December 15, 1987. Its members include District appointees of the Board of Supervisors, local citizens serving "at large," and members who are nominated by Diablo Valley College, City of Pleasant Hill, and City of Clayton; and a seat for a representative of the Airport Land Use Commission.

According to the current bylaws, its mission is,

*"To provide advice and recommendations to the Board of Supervisors on the aviation issues related to the economic viability and security of airports in Contra Costa County. The Committee may initiate discussions, observations, or investigations, in order to make its recommendations to the Board. The Committee may hear comments on airport and aviation matters from the public or other agencies for consideration and possible recommendations to the Board of Supervisors or their designees. The Aviation Advisory Committee shall cooperate with local, state, and national aviation interests for the safe and orderly operation of airports. The Aviation Advisory Committee shall advance and promote the interests of aviation and protect the general welfare of the people living and working near the airport and the County in general. In conjunction with all of the above, the Aviation Advisory Committee shall provide a forum for the Director of Airports regarding policy matters at and around the airports."*

The Committee describes its impact as, "creating a process" for each of these areas, and in particular ensuring appropriate land use around the airport and working to reduce noise.

**(c) CAO Staff Comment**

The Triennial Review materials that were submitted reflect an active committee that is engaged in a wide range of administrative, managerial and procedural issues associated

with Airport day-to-day operations and business, and also reflect the Airport's multi-faceted relationships with its various constituencies. The managerial and administrative focus that was described may be somewhat reflective of the body's staff person, listed as Keith Freitas, Director of Airports.

Given its self-assessment, it may be more appropriate to consider defining this committee as a body that works with/at the direction of and in support of the Airports Committee of the Board of Supervisor, rather than as a BOS advisory body.

The most recent bylaws were approved by Board Order C.30 on September 14, 2010, in which changes were made to membership, attendance requirements, officers, and scheduled meetings. The bylaws amendments "strengthened the conflict of interest language" according to the 9/14/2010 Board Order. However, in light of direction the CAO's Office received in 2014 from the California's Fair Political Practices Commission about the application of conflict of interest requirements (including financial disclosure forms) to County advisory bodies, asking County Counsel to review whether the Aviation Advisory Committee is required to have conflict of interest provisions in its bylaws and whether its members are required to file Form 700.

In view of the time that has passed since the Aviation Advisory Committee was originally created, it might be appropriate based on the Triennial Review materials submitted, to ask the Director of Airports or the Aviation Advisory Committee itself to review the specific advisory role and work plan for the Board of Supervisors.

**(d) CAO Staff Recommendations**

1. Formally review the Aviation Advisory Committee's functions in relationship to the County's airport policy making committees and re-evaluate the role of the Advisory Committee in relation the policy setting bodies.
2. County Counsel should be asked to review whether the Aviation Advisory Committee, as an advisory committee, is required to have conflict of interest provisions in its bylaws and whether its members are required to file Form 700.

**B5. Contra Costa County Commission for Women**

(a) *The target population* specified by the Committee is:  
"women and girls."

**(b) Background**

Established as a discretionary advisory body in 1984 by the Board of Supervisors, the Women's Advisory Committee members also created and incorporated a stand-alone non-profit organization with the California Secretary of State in 1993.<sup>5</sup>

When originally constituted as the Women's Advisory Committee, its mandate was "to identify major economic, educational, and social concerns of women in Contra Costa County, and to reach and inform all women on a variety of issues."

The name of the Women's Advisory Committee was changed to "Contra Costa Commission for Women" by Board Order on June 15, 1999.

**(c) CAO Staff Comment**

The Commission for Women was authorized in 1999 to have 26 seats. After its creation as an advisory body to the BOS, the members of the committee also created and incorporated a separate non-profit organization, with no direction to perform identified advisory duties for the Board of Supervisors. There has been confusion over the years about the distinction or the connection between the two entities.

The most recent bylaws for the advisory body, approved by the Board of Supervisors (March 15, 2011), were submitted under the name of "Contra Costa Commission for Women" and provide that "CCCW shall have a minimum of fifteen (15) members and not more than (25) members."

The advisory body bylaws provide, "the presence of fifty-one (51%) of the current membership at a regular meeting of the CCCW constitutes a quorum".

In the Commission's triennial review materials, its Board-appointed members (of which there are 11 currently approved) are reported to have attended meetings only sporadically. Eleven appointments by the BOS and eleven resignations (an equal number) were reported for the preceding 36-month Triennial Review period. Nonetheless, the commission reports that it has held 34 meetings over the 36 month reporting period, *attended by at least 13 members*.

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<sup>5</sup> The name of the non-profit corporation currently registered with the Secretary of State is "Friends of the Contra Costa Commission for Women." There is not a Contra Costa Commission for Women registered as a California non-profit.

The recent and current activities of the "Contra Costa Women's Commission" as described in the Triennial Review Materials reflect a focus on State, regional, and national policy trends, and do not specifically relate to the operations of County government. Although the Commission holds a variety of important and timely seminars and outreach events, its review materials do not show as clearly its meetings focused on the body's role as an advisor to the Board of Supervisors.

The Commission for Women reports establishing an effective presence as a non-profit organization even while its roles and responsibilities as an advisory body to the Board of Supervisors are less clear in the materials submitted.

**(d) CAO Staff Recommendation**

- Consider asking the body to review its annual work plan and meeting agendas to be more in alignment to the roles and responsibilities of an advisory body to the Board of Supervisors.
- Consider restructuring the body's charge from the BOS to include adopting a revised mandate; clarify the relationship of the Commission for Women +-to the non-profit Friends of the Contra Costa Commission for Women; and insure that the Commission, as an advisory body, satisfies all current public meeting requirements including the County's standard definition of a required quorum.

**B6. Health Services Department sponsored committees:**

*Emergency Medical Care Committee -- Public and Environmental Health Advisory Board*

**Emergency Medical Care Committee**

**(a) *The target population*** specified by the Committee is: "Residents and visitors."

**(b) Background**

In the Triennial Review materials submitted, the Committee describes its function as: "To assure the availability of an effective and efficient emergency medical services system that provides consistent, high-quality emergency medical services to all people in Contra Costa County."

**(c) CAO Staff Comment**

From the review materials submitted, this body appears to be an active and well-regarded advisory committee and is providing important services in coordinating the County's emergency medical care programs and services.

The current activities and scope of this Committee appear to exceed, however, the purposes of the body as originally described in Health and Safety Code Section [1797.270 - 1797.276].<sup>6</sup>

**(d) CAO Staff Recommendation**

- Continue this committee as currently structured, but consider transferring some of the body's current activities and work to the formal policy-making and oversight activities regarding emergency medical services that are conducted by the Board of Supervisors.

**Public and Environmental Health Advisory Board**

**(a) *The target population*** specified by the Committee is: none specified/no materials

**(b) Background**

The Public and Environmental Health Advisory Board was established in 1986 with the following goals:

1. Anticipate emerging health needs and initiate prevention programs.
2. Focus public health interventions in communities with greatest needs.
3. Balance available resources with growing needs; and
4. Advocate for increased County action to improve community health.

**(c) CAO Staff Comment**

No Triennial review materials were received for this Advisory Board. The Health Services Department reported that the Committee had stopped meeting and been out on hiatus

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<sup>6</sup> California Health and Safety Code Section 1797.274: " The emergency medical care committee shall, at least annually, review the operations of each of the following: (a) Ambulance services operating within the county. (b) Emergency medical care offered within the county, including programs for training large numbers of people in cardiopulmonary resuscitation and lifesaving first aid techniques. (c) First aid practices in the county.

California Health and Safety Code Section 1797.276: "Every emergency medical care committee shall, at least annually, report to the authority, and the local EMS agency its observations and recommendations relative to its review of the ambulance services, emergency medical care, and first aid practices, and programs for training people in cardiopulmonary resuscitation and lifesaving first aid techniques, and public participation in such programs in that county. The emergency medical care committee shall submit its observations and recommendations to the county board or boards of supervisors which it serves and shall act in an advisory capacity to the county board or boards of supervisors which it serves, and to the local EMS agency, on all matters relating to emergency medical services as directed by the board of supervisors."

for an indefinite period; there is currently no contract or county staff person assigned to the body.

**(d) CAO Staff Recommendation**

Request additional information from the Health Services Department and reschedule PEHAB for additional review.

**B7. Historical Landmarks Advisory Committee**

**(a) *The target population*** specified by the Committee is:

"Target populations served include owners and prospective purchasers of designated historic properties, owners and prospective purchasers of properties that may qualify for historic designation, neighbors and others affected by historic or landmark designations, local historic societies, local public/private agencies, local elected governments and staff."

**(b) Background**

In the Triennial review materials submitted, the Committee describes its function as:

"The Historical Landmarks Advisory Committee was created for the following purpose:

- (1) Review and evaluate applications for the designation and registration of any historical building, landmark or historical site;
- (2) Recommend to the Board of Supervisors historical buildings, landmarks, and sites for placement on the Historical Resources Inventory (HRI);
- (3) Monitor the HRI in addition to previously registered historical resources in the County, and recommend to the Board of Supervisors those historical sites that should be registered as County historical landmarks and are qualified for historical markers; and,
- (4) Review applications and verify the historical evidence submitted by the applicant."

**(c) CAO Staff Comment**

The functions of the Committee appear to primarily involve assisting the Department of Conservation and Development (DCD) to identify historic sites and to affect their formal registration as historical landmarks. No information was provided concerning the extent of this effort recently, or recent results. In the Triennial Review materials submitted, the advisory committee reported that it held six meetings over the previous 36-month period.

**(d) CAO Staff Recommendation**

The BOS might wish to discuss and reconsider the need for an existing non-profit organization, the Contra Costa County Historical Society, to serve formally as a separately-constituted advisory body to the Board of Supervisors (the HLAC's membership includes a seat for one County staff representative from DCD). Perhaps the Historical Society could be asked to continue to provide advisory functions to DCD as needed and/or to the Board of

Supervisors without being designated by the Board of Supervisors as an advisory committee. DCD could itself perform functions that are administrative in nature, such as reviewing applications.

**B8. Integrated Pest Management Advisory Committee**

**(a) *The target population*** specified by the Committee is:

***"County Staff and the citizens of Contra Costa County***

**(b) Background**

In the Triennial Review materials submitted, the Committee describes its function as:

- A. Protect and enhance public health, County resources and the environment;
- B. Minimize risks and maximize benefits to the general public, staff and the environment as a result of pest control activities conducted by County staff and contractors;
- C. Promote a coordinated County-wide effort to implement Integrated Pest Management [IPM] in the County in a manner that is consistent with the Board-Adopted IPM Policy;
- D. Serve as a resource to help Department Heads and the Board of Supervisors review and improve pest management programs and the processes for making pest management decisions;
- E. Make policy recommendations upon assessment of current pest issues and evaluation of possible IPM solutions; and,
- F. Provide a forum for communication and information exchange among members [sic] in an effort in an effort to identify, encourage and stimulate the use of best or promising pest management practices."

**(c) CAO Staff Comment**

The BOS created the Integrated Pest Management Advisory Committee in 2009 based on the work of an earlier, less formal task force. Over the last several years the Advisory Committee has prepared a significant amount of research, analysis, data, and programmatic materials related to the County's integrated pest management program including input into the development of a 2012 Administrative Bulletin that created a formal County IPM policy.

The Advisory Committee appears to have gradually undertaken more of a partnership role with County departments (Agriculture and Public Works), whom the Advisory Committee regards as its stakeholders. The IPM Committee appears to have focused a great deal of its work on evaluating the internal operations of these County departments, rather than providing advisory input to the Board of Supervisors on policy initiatives, or program alternatives for integrated pest management.<sup>7</sup>

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<sup>7</sup> The Board of Supervisors has the legal authority to direct and evaluate the operation of County departments; however, an advisory body that is appointed by the Board of Supervisors does not share such authority. The Board of Supervisors does not delegate its executive and administrative oversight functions to citizens' advisory bodies. Because these committees are

For instance, it was reported in the Triennial Review materials, that the advisory committee's work groups are structured to address "IPM Decision Making" and "IPM Program Transparency," which appear to be issues of operational concern, in addition to focusing on pest management issues (such as control of ground squirrels).

The IPM Committee appears to be focusing narrowly on the operating procedures adopted by County staff and contractors as opposed to be focusing on providing the BOS with advice about the issues in the body's purview.

**(d) CAO Staff Recommendation**

Continue in its present form, with the addition:

- In order to more effectively advise the Board of Supervisors on the complex range of technical, community relations, and internal operating issues that are related to the integrated pest management program, the Integrated Pest Management Advisory Committee could begin publicizing its advisory findings and concerns by submitting written reports, or 'briefing papers', to both the CAO and the BOS on a regular basis.

**B7. Library Commission**

**(a) *The target population*** specified by the Library Commission

**(b) Background**

The Library Commission was created in 1991 by the Board of Supervisors, "with the agreement of the Contra Costa Mayors' Conference (refer to Board Order C.21 of 5/24/2011 for background and history.) Over the past 25 years the Library Commission has been re-authorized by the Board of Supervisors on a periodic basis. The Board of Supervisors and each of 17 municipalities approve nominations to seats on the Library Commission, as listed in Board Order 2.2 of March 12, 1991. The Library Commission was last re-authorized by the Contra Costa Board of Supervisors (B.O. C.21, May 24, 2011) to remain active through 2016.

Although communications from the Library Director in recent years have transmitted an Annual Report from the Library Commission, reports on matters of an advisory nature from the Library Commission itself to the BOS appear to not have been submitted or found in BOS records.

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advisory only, they do not direct or supervise County departments or managers, and must report their findings and recommendations directly to the Board of Supervisors.

In background information in support of the recent BOS re-authorization, the purpose of the Library Commission was described as follows (although the specific source of this mandate is not available):

*"To serve in an advisory capacity to the Board of Supervisors and the County Librarian;*

*"to provide a community linkage to the County Library;*

*"to establish a forum for the community to express its views regarding goals and operations of the County Library;*

*"to assist the Board of Supervisors and the County Librarian to provide library services based on assessed public needs; and,*

*"to develop and recommend proposals to the Board of Supervisors and the County Librarian for the betterment of the County Library including, but not limited to, such efforts as insuring a stable and adequate funding level for the libraries in the County.*

**(c) CAO Staff Comments**

The County Library has recently been in transition to a new Library Director/Department Head, and neither the previous Librarian nor the commission members participated in this Triennial Review process by submitting the requested review materials.

**(d) CAO Staff Recommendation**

**The CAO staff recommends that the Internal Operations Committee continue (postpone) its review of the Library Commission until the Triennial Review cycle in FY 2015-16.**

During this interval, the Library Commission and the new County Librarian can develop and complete Triennial Review materials and bring forward any organizational initiatives or problems affecting its goals or performance. These materials, to be reviewed in March - April 2016, could assist the Board of Supervisors and Contra Costa Mayors' Conference to assess the Library Commission's program and performance prior to the expiration of its current authorization period (through June 30, 2016).

In addition, staff suggests the BOS request submission of the annual report and current work plan from the Library Commission and that submission of these materials be provided annually by the body to the BOS.

## **CONCLUSION**

The County Administrator and Clerk of the Board's office will continue to emphasize the new advisory body policies and procedures including the Triennial Review procedure at the annual advisory body training meetings, so that all advisory bodies will more clearly understand the current reporting requirements. The training will clarify that all advisory committees must prepare (1) annual work plans, (2) Annual Reports to the Board of Supervisors, and (3) triennial review documents, as directed every three years.

## **NEXT STEPS**

1. APPROVE the recommendations contained in this report (for the committees that have been reviewed under the current triennial review cycle).
2. DIRECT the County Administrator to continue implementation with cycles two and three of the triennial review process for the remaining advisory bodies.

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