

A BETTER BOARD MEMBER

SUMMARY

Members of Boards of Directors for local tax-supported agencies have a duty to ensure that their agencies are efficient, cost-effective, and responsive to the needs of the public they serve. To accomplish that task, they should be thoroughly familiar with the roles and responsibilities that govern their actions.

The Nevada County Civil Grand Jury has found that this familiarity is not always present in a Board of Directors. Indeed, the Nevada County Civil Grand Jury has found few examples of a Board in which every member is “the best they can be.”

Review of past Nevada County Civil Grand Jury reports reveal that the issue has been documented in at least one report in four of the past five years. Witness interviews conducted by the 2015-2016 Nevada County Civil Grand Jury have revealed that the problems still exist in Boards at all levels of county or city government, special districts, and other tax-supported organizations.

Past reports focused on issues with specific Boards of Directors. This report, however, takes a more general approach with the aim of pointing out problems seen over and over again. This report discusses the requirements Board members must know and follow, such as compliance with the Ralph M. Brown Act, California Government Code Sections 54950-54963, ethics and conflicts of interest rules, and financial responsibilities. It also provides a partial list of training available to Board members, locally and from state organizations.

This report lists all of the Findings from past Nevada County Civil Grand Jury reports followed by Findings discovered by the 2015-2016 Nevada County Civil Grand Jury. Frequent issues include:

- a lack of understanding or the complete disregard of the legal requirements established by the Ralph M. Brown Act, California Government Code 54950-54963;
- insufficient documented policies and procedures at both the Board level and for the organization as a whole;
- ignorance or disregard of ethical conduct;
- inability to understand financial reports and what they mean for the organization; and
- a general lack of training on how to be an effective Board member.

At the end of the report are seven Recommendations the Nevada County Civil Grand Jury encourages each Board member in Nevada County to consider carefully. Also, many of the points brought out by the report can be applied to agencies that are not tax-supported, such as boards for non-profit organizations. The 2015-2016 Nevada County Civil Grand Jury encourages those members to consider what is written here as well.

GLOSSARY

Agency – county or city government, special districts, and other tax-supported organizations

Board – members of the Board of Directors/Trustees/Councils, etc. of an organization

Brown Act – Ralph M. Brown Act, California Government Code 54950-54963

Director – Executive Director, Chief Executive Officer, General Manager, Chief, etc.

Ethics Education and Training – California Assembly Bill 1234 (AB1234)

Jury – Nevada County Civil Grand Jury

LAFCo – Nevada County Local Agency Formation Commission

Legislative body –

1. The “governing body” of an Agency created by state or federal statute,
2. newly-elected members of such a body who have not yet assumed office,
3. appointed bodies created by formal action of the governing body, or
4. standing committees of a governing body with continuing jurisdiction or a meeting schedule fixed by formal action of the governing body.

Observations – Findings in 2010-2015 Nevada County Civil Grand Jury reports

BACKGROUND

In California, each of the 58 counties empanels a Civil Grand Jury, whose function is to investigate the operations of the various officers, departments, and agencies of local government. A Jury may examine all aspects of county or city government, special districts, and other tax-supported organizations to ensure that the best interests of the citizens of the county are being served. The Jury reviews and evaluates procedures, operations, and systems utilized by local agencies to determine whether more effective methods may be employed.

Each Agency in Nevada County must have a Board. These Boards normally contain five or more members. A Board’s main purpose is to oversee and approve the operations of the Agency, leaving the day-to-day management to a Director. Smaller Agencies may combine the roles of Board member and Director.

To better fulfill their purpose, Board members have a responsibility to be as well-trained as possible, not only in the functions of the Agency but also in the rules and regulations governing their behavior. Over the past ten years, the Jury in Nevada County has encountered repeated examples of Board members who were less than effective in their positions. Usually, this ineffectiveness was a result of lack of training or understanding of the rules and regulations that govern their actions. Sometimes it has simply been caused by lack of attention. In some cases, ineffective Boards have been ignorant of, and therefore, complicit in apparently illegal actions on the part of the Agency’s Director.

Many Boards are staffed by well-intentioned and enthusiastic volunteers who may not have the training or knowledge of their responsibilities. The Agencies for which they volunteer should take measures to ensure that those volunteers are trained, understand, and accept those responsibilities.

This report summarizes some of the rules and responsibilities of a Board member. It is the Jury's hope it will be considered by all Board members in Nevada County, but it is especially directed toward those members who may not realize that their actions, through ignorance or inattention, can lead to a less effective organization.

APPROACH

The Jury interviewed:

- members of the Nevada County Board of Supervisors,
- members of various Boards for Nevada County legislative bodies,
- members of economic development and business promotion agencies of various municipalities,
- a staff member from the Nevada County Local Area Formation Commission (LAFCo), and
- a member of the Office of the County Counsel for Nevada County.

The Jury also researched:

- Jury reports for the past ten years,
- websites of organizations providing training and guidance to Board members, and
- policies and procedures of various boards for Nevada County legislative bodies.

DISCUSSION

If the top priority were to make it easy, an organization would hire a leader to make all of the decisions. When an organization has a multi-member board, however, it is instead seeking to gather a group of individuals with a variety of experiences, backgrounds, and viewpoints to make decisions.

Boards of Agencies have an added responsibility to keep the public informed of their actions. By law, the public must be allowed to participate in the decision-making process.

The Ralph M. Brown Act

The Ralph M. Brown Act (Brown Act), or California Government Code 54950-54963, is an act of the California State Legislature, authored by Assembly member Ralph M. Brown and passed in 1953. The Brown Act guarantees the public's right to attend and participate in meetings of local legislative bodies.

The initial section of the Brown Act states the Legislature's intent:

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

The Brown Act covers members of every type of legislative body, elected or appointed, decision-making or advisory. Members are covered as soon as they are elected, even before they take office.

The Brown Act allows a Board to adopt practices that are more stringent than the law. A comprehensive public meeting and information policy, periodically reviewed, can serve an important role in improving public relations.

Public right of access and participation

In addition to requiring public access to meetings, the Brown Act also gives the public the right to participate. Members of the public have the right to attend, record, broadcast, and participate in public meetings.

The public can speak to anything within the Board's jurisdiction, but the Board generally cannot act or discuss the item unless it is on the agenda. The Brown Act does allow members briefly to respond to comments or questions from the public, request staff to provide factual information, or request that an item be added to a future agenda.

Every agenda for an open meeting must allow members of the public to speak on any item of interest so long as the item is within the jurisdiction of the Board. The Board may adopt reasonable regulations, including time limits, on public comments. Such regulations must be enforced fairly and without regard for the speakers' viewpoints.

What makes a meeting?

Meetings subject to the Brown Act are not limited to face-to-face meetings, especially in today's environment of electronic communications. Email, Internet chats, even Facebook and Twitter, if used to conduct the Board's business, can constitute a meeting. Members must be careful not to use such communication techniques to exclude public participation. On the other hand, video streaming over the Internet and videocasts over cable television can greatly expand public access.

The Brown Act defines a meeting as:

... any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

Brown Act meetings include regular meetings, special meetings, emergency meetings, and adjourned meetings. There are six exceptions:

1. individual contacts other than as part of a series of meetings,
2. conferences,
3. community meetings,
4. attendance at another legislative body's meeting,
5. standing committees, and
6. social and ceremonial events.

None of these exceptions allow the majority of a Board to meet in advance for a collective briefing. Gatherings by a majority of a Board's members for retreats, study sessions, or workshops are also covered under the Brown Act.

What is not a meeting?

The Brown Act limits its definition of a meeting to when a majority of the members of a multi-member Board meet to discuss a subject relating to the agency's business. It does not apply to independent conduct of individual members. It does not apply to social, ceremonial, educational, or other gatherings as long as the members do not discuss issues related to agency business. Meetings of temporary advisory committees made up of less than a quorum are also not subject to Brown Act restrictions. The law does not apply to staff or employees unless they act as a conduit for discussion between Board members.

A serial meeting involves only a portion of a Board but eventually constitutes a meeting of a majority of the members. For example, if member A sends an email to member B of a five-member Board about a subject within the Board's jurisdiction, then member B forwards the message to member C, a "daisy-chain" serial meeting has occurred because three of the five members have participated. Another, probably more common example is a "hub-and-spoke" communication in which one member sends an email to all of the other members who then "reply all" to create a virtual serial meeting without public participation. Serial meetings can also be hallway or telephone conversations, and even the act of confirming a conversation with a third member could constitute a serial meeting. Serial meetings are expressly forbidden by the Brown Act.

Teleconferences are allowed by the Brown Act as long as a location and mechanism is provided for the public to participate. In Nevada County, a Skype teleconference between Board members

is possible as long as the public can access the conference using one or both of the Skype rooms at the Madelyn Helling library.

Agendas and notices

Public access to meetings is enforced by the Brown Act's requirement that an agenda be posted in advance of meetings. Every regular Board meeting must be preceded by a posted agenda advising the public of the meeting and the subjects to be discussed.

The agenda for a regular meeting must be posted at least 72 hours before the meeting in a location "freely accessible to members of the public" (Brown Act, Section 54954.2(a)(1)). The California Attorney General has interpreted this to require posting in locations accessible to the public 24 hours a day, including weekends. Posting solely on the Agency's website or in the Agency's office is not considered adequate because not all members of the public have access to the Internet or the office during times when it is closed.

The agenda must state the date, time, and place of the meeting and must contain a "brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session" (Brown Act, Section 54954.2(a)(1)).

There is no agenda requirement for special meetings but the notice of the special meeting must serve as the agenda and limit the business that may be discussed. The notice must state the date, time, and place of the meeting, as well as all business to be discussed or acted upon. The special meeting notice must be posted at least 24 hours in advance in a location freely accessible to the public. The same notice requirements apply to emergency meetings, except that the 24-hour limit is waived.

The Brown Act prohibits items or discussion of subjects not listed on the agenda, except for three specific situations:

1. when there is an emergency situation needing immediate action,
2. when two-thirds of the members deem that immediate action is required and the need for such action came to the Board's attention after the agenda was posted but before the meeting, and
3. when an item is continued from a meeting held not more than five days earlier.

Except for privileged documents, the public has a right to review agendas and other documents distributed to the Board in connection with a matter to be discussed at a public meeting. Any recording of an open and public meeting is subject to the California Public Records Act. In addition, the public is allowed to make audio, photographic, or video recordings of an open meeting, unless the Board rules the act of making the recording is disruptive to the proceedings.

Closed sessions

Private discussions between a majority of a Board's members is strictly prohibited unless expressly authorized by the Brown Act. It is not enough that a subject is sensitive, embarrassing, or controversial. Meetings are either fully open or fully closed – there is no middle ground. Closed sessions may involve only Board members, agency counsel, management and staff, and consultants necessary for consideration of the matter. Individuals without an official role must be excluded.

In general, the most common purpose of a closed session is to avoid revealing confidential information that may affect the legal or negotiating position of the Board or the privacy interests of employees. Other permissible reasons for a closed session are:

- license and permit determinations;
- real property negotiations;
- existing or anticipated litigation;
- liability claims;
- threats to security;
- public employee appointments, evaluations, and disciplines;
- labor negotiations;
- multi-jurisdictional drug cases;
- hospital boards of directors; or
- medical quality assurance committees.

Closed session items must be described on the posted agenda and the description must identify the reason for the exception to an open meeting. Following a closed session, the Board must provide a report on actions taken and the vote of every member present. The duty of maintaining confidentiality must give way to the obligation to disclose improper matters or discussions that may come up. The Brown Act exempts from its prohibition disclosure of closed session information to the district attorney or the grand jury to a perceived violation of law or legality of actions taken in closed session (Brown Act, Section 54953.1(e)(1)).

Roles and Responsibilities

As the governing body of a legislative body, the Board fulfills a variety of roles and responsibilities. Among its many duties, the Board:

- oversees the financial operations of the legislative body,
- maintains the legal and ethical standing of the body and its staff,
- provides leadership and strategic direction,
- serves as a guardian of the public trust,
- ensures that the body remains accountable to the public,
- determines the body's mission and scope,
- supports and evaluates the Director in relation to the goals, and

- determines which of the body’s programs are consistent with its mission and monitors the effectiveness of those programs.

The Board is ultimately responsible for the performance of the organization in all areas of its work. In addition to the duties of the group listed above, individual Board members are required to:

- attend all Board and committee meetings and functions;
- stay informed about the organization’s mission, services, policies, and programs;
- review agenda and supporting materials prior to Board and committee meetings;
- follow conflict of interest and confidentiality policies; and
- assist the Board in carrying out its financial responsibilities, such as reviewing the organization’s financial statements.

Ethics and Conflicts of Interest

The public is strongly supportive of public officials who follow their sense of “what is the right thing to do.” There are a number of sources for guidance, including the law itself. The law, however, only sets a minimum standard for ethical conduct. Just because an action is legal does not mean that it is ethical or that it reflects the member’s or the public’s values. Ethics laws set minimum standards; ethics is “what we ought to do, not just what we have to do.” An official who acts ethically will often go beyond the minimum legal requirements.

Some considerations for ethical conduct follow.

- Remember that your role is to serve the community.
- Be truthful.
- Avoid actions that would cause the public to question if your decisions are based on personal interests.
- Do not use your public position for personal gain.
- Carefully consider promises you make ... and then keep them.

What does it mean to be fair?

- Make decisions based on the merits.
- Apply agency policies consistently.
- Support the public’s right to know.
- Be impartial.
- Excuse yourself from decisions where your financial interests may be affected.

Any elected or appointed official who is compensated for their service or reimbursed for their expenses must complete mandatory ethics training prescribed by the California Assembly Bill 1234 (AB1234) every two years. When an official completes the training he/she is given proof of participation that must be maintained as a public record for at least five years. Local agencies

must provide covered officials with a list of options for satisfying this requirement at least once a year.

Training can be taken in person, online, or in a self-study course ending in a test. A variety of organizations offer training in Nevada County, including LAFCo. In addition, self-study materials are available from the Institute for Local Government and the California Fair Political Practices Commission.

Training must cover general ethical principles relating to public service, including:

- laws relating to personal financial gain;
- laws relating to “office-holder perks,” such as gifts and travel, personal and political use of public resources, and gifts of public funds;
- governmental transparency laws, including financial disclosure requirements and open government laws; and
- laws relating to fair processes.

Because of the extent of the subjects covered, the training cannot teach the law in every situation. Instead, the training encourages local officials to understand there are laws governing their behavior and to motivate them to comply.

The Political Reform Act restricts receipt of gifts, travel payments, and prohibits receipt of honoraria by public officials and certain employees of local government agencies. Currently, public officials, including family members, may not accept gifts from a single source that totals more than \$460 in a calendar year. Gifts totaling more than \$460 could disqualify the official from making a decision affecting the party who made the gift. Gifts totaling more than \$50 must be disclosed on a Statement of Economic Interests (Form 700). Campaign contributions are not considered gifts by the law.

Training and Education

In addition to the ethics training discussed above, many training opportunities exist for Board members to learn about their roles, duties, and responsibilities. Some of the organizations that offer training to Board members are listed below along with a few of their offerings.

- Associated California Hospital Districts
 - Leadership Academy
- California Association of Local Agency Formation Commissions (CALAFCo)
 - CALAFCo University
- California League of Cities
 - New Mayors and Council Members Academy
 - Public Works Officers Institute
 - Municipal Finance Institute
- California School Boards Association
 - Governance U

- Webinar Training for Board Members
- Institute for New and First-Term Board Members
- The Brown Act
- Board Presidents Workshop
- Masters in Governance
- California Special Districts Association
 - Special District Leadership Academy
 - How to be an Effective Board Member
 - Better Board Agendas
 - Dialog – The Heartbeat of Board Meetings
 - Are You Making a Difference on Your Board?
 - The Risk and Reward of Transparency
 - Integrating New Board Members into the Organization
 - Truth is Truth, Whether We See It or Not
 - General Manager Evaluations
 - Good Governance
 - Introduction to Special District Finances
 - Required Ethics Compliance Training – AB1234
 - Fraud Detection and Prevention
 - Strategic Planning for Special Districts
 - The Essential Guide to the Brown Act
 - Understanding the Brown Act – Beyond the Basics
 - What Every Member Should Know
- California State Association of Counties (CSAC)
 - CSAC Institute for Excellence in County Government
- Nevada County Community Leadership Institute
- Nevada County LAFCo
 - Ethics Workshop
 - Best Management Practices for Small District Boards

Financial Responsibilities

One of the main responsibilities of Board members is to maintain financial accountability to the public. Board members must exercise due diligence to oversee that the legislative body is well managed and that its financial situation remains sound. It is essential to understand basic terminology, be familiar with financial statements and judge their soundness, and recognize warning signs that might indicate a change in the overall health of the body.

Having the proper tools to monitor and evaluate financial performance strengthens the Board's capacity to judge the health of the organization. Board members should agree on general guidelines and standards. Appropriate policies should be in place to guide Board and Director decision making. Clear job descriptions and responsibilities, financial and accounting procedures, conflict of interest policies, and regular reports to the Board are all examples of financial responsibility.

OBSERVATIONS FROM PREVIOUS GRAND JURY REPORTS

Review of past Nevada County Civil Grand Jury reports reveal that these issues have been documented in at least one report in four of the past five years.

Many Observations could be listed in multiple categories.

NOTE: superscripts refer the reader to Findings from previous Jury reports as listed in the Bibliography at the end of the report.

Observations related to the Brown Act:

- Ob1.** During an open, public meeting, a Board member referred to the Brown Act as “a roadblock to getting anything done.”⁵
- Ob2.** The Board ... would not report the vote [from a closed session] in open session.⁵
- Ob3.** The Board has failed to follow or has knowingly chosen to ignore the various ... rules, ordinances, and regulations, as well as California’s open meeting laws.⁵
- Ob4.** There are no agendas ... of any scheduled regular meeting or special meeting of the full Board ...⁵
- Ob5.** The [Board] does not schedule regular meetings.⁴
- Ob6.** The Vice-Chair of the Board invited two members of the public, identified as the two top vote-getters in the election, into the closed session ... staff, citing provisions of the Brown Act, cautioned the Board not to invite the two members of the public into the closed session. The Vice-Chair publicly disagreed with ... staff and continued to insist the two members of the public be included in the closed session.⁵
- Ob7.** The Board is required to meet in regular sessions with an agenda posted in a location with community access per the Brown Act. It appears that no specific person is responsible for posting agendas.⁸
- Ob8.** ... the Board Chair sent an email to all Board members stating that he and two Board members, acting as an ad-hoc committee ... would deal with the issue ...⁵
- Ob9.** Public posting of regular Board meetings has not been consistent.⁸
- Ob10.** ... the Board Chair spoke to all Board members individually by telephone regarding the [issue].⁵
- Ob11.** A majority of the Board members stated they responded to the Board Chairman’s email ...⁵

Observations related to Board roles and responsibilities:

- Ob12.** The lack of education and training of the Board members in their roles and responsibilities contributed to insufficient oversight and lack of control of the actions and activities of the District.¹
- Ob13.** ... the Board showed a lack of engagement and responsiveness by failing to address the issues ...³
- Ob14.** A Board member ... [stated] “The bylaws do not say the Board has to vote on it.”⁵

- Ob15.** Many of the codes, bylaws, policies, rules, procedures, resolutions, and ordinances promulgated by the Board and administration ... are inadequate, vague, and in conflict.⁵
- Ob16.** The [agency] does not have a comprehensive policy and procedures manual.⁵
- Ob17.** The Board does not have bylaws.⁶
- Ob18.** The bylaws adopted by the Board are generic and do not include any reference to the District ...⁸
- Ob19.** The Board failed to require written job descriptions or to otherwise document the job duties and responsibilities ...²
- Ob20.** The bylaws are incomplete.⁴
- Ob21.** The Board has lacked consistency and continuity due to ... lack of written policies and procedures and [the] absence of regularly scheduled meetings.⁴
- Ob22.** The [Board] bylaws are generic ...⁴
- Ob23.** Many of the policies, procedures, rules, and regulations stated in the ... Handbook are outdated.⁶

Observations specifically related to Board financial responsibilities:

- Ob24.** None of the Board members recalled discussing, granting, and/or voting on the [Director's] salary increase ...²
- Ob25.** The only mention of Finance Committee responsibilities in the ... Policies and Procedures [Manual] states “ ... two members as selected by the Board to attend designated finance meetings to review the check register and sign checks ... ”¹
- Ob26.** The failure by the Board to reconcile the salaries approved by the Board with the salaries actually being paid ...²
- Ob27.** The Board does not have a policies and procedures manual that includes the financial responsibilities and requirements to run the District.⁸
- Ob28.** The [Board] has no specific policies, procedures, nor internal controls for financial processes ...⁴
- Ob29.** The Board did not vote to enter into a contract with the independent contractor for ... services.⁵
- Ob30.** Some Board members stated they do not understand the budget ...⁸
- Ob31.** The Board failed to exercise financial responsibility ...²

Observations related to Board training and education:

- Ob32.** Board members were not fully familiar with the District bylaws.⁷
- Ob33.** Nothing is provided to [Board members] as to what is expected of them while performing their Board duties.⁷
- Ob34.** The Board members' lack of education and training in their roles has contributed to insufficient oversight and lack of control ...⁴
- Ob35.** The California School Boards Association offers training seminars, but attendance is not mandatory ...⁷
- Ob36.** Members of the Board did not complete formal education and training on their roles and responsibilities as Board members.¹

- Ob37.** The Board members ... stated they were not aware of the requirement to complete ethics training and have not completed the required training.⁷
- Ob38.** The Board has not taken advantage of training available from the Special Districts Association or LAFCo.⁸
- Ob39.** Some members of the Board stated they knew of other educational and training opportunities but chose not to attend.¹
- Ob40.** Not all Board members have completed available training on their roles and responsibilities.⁴

FACTS

Witness interviews conducted by the 2015-2016 Nevada County Civil Grand Jury have revealed that the problems still exist in Boards at all levels of county and city government, special districts, and other tax-supported organizations. The Facts listed below reference violations of the Brown Act, Board members' roles and responsibilities, ethics and conflicts of interest, financial responsibilities, and lack of training and education.

- Fa1.** A Board member declined to answer any questions regarding closed session, on advice of Board counsel.
- Fa2.** A Board member told the Jury that the Board was developing a policy and procedures manual on the recommendation of a financial auditor. The Board did not have one before the recommendation.
- Fa3.** A Supervisor did not know if the policy and procedures manual contained a section on conflict of interest.
- Fa4.** A Board member told the Jury that the Board only receives annual financial reports from the Director.
- Fa5.** Two Boards are recovering from a period in which they appear to have not paid enough attention to financial controls. Both are working very hard to correct the situation.
- Fa6.** A Board member told the Jury that the Board's policy and procedures manual did not contain a section on finance.
- Fa7.** A Board member told the Jury that the Board received no financial training because of an assumption that all of the members were familiar with the subject.
- Fa8.** A Supervisor told the Jury that training is an informal walkthrough by the CEO. New members are asked to attend training provided by the California State Association of Counties but it is not required.
- Fa9.** A Board officer was not aware of training provided by LAFCo or the California Special Districts Association (CSDA) until the Jury informed him.

- Fa10.** A Supervisor told the Jury that Board member training “seemed not worth the cost.” Another Supervisor told the Jury that CSAC training had “mixed value” and may not pass a cost/benefit analysis.
- Fa11.** Directors have personally benefited from a lack of due diligence and financial oversight by their respective Boards. Two of them prompted investigations by the Office of the District Attorney.

FINDINGS

This report lists all of the Observations found in past Jury reports as well as Facts discovered by the 2015-2016 Jury. Findings as a result of these Observations and Facts are:

- F1.** A lack of understanding or complete disregard of the legal requirements established by the Ralph M. Brown Act was evident. (Ob1-Ob11, Fa1)
- F2.** Insufficient documented policies and procedures exist, at both the Board level and for the organization as a whole, to define roles and responsibilities. (Ob12-Ob23, Ob25, Ob27-Ob29, Ob31, Ob34, Ob36, Ob40, Fa2, Fa3, Fa5-Fa7, Fa11)
- F3.** There is an ignorance or disregard of ethical training and conduct. (Ob33, Ob37, Fa3)
- F4.** The inability to understand financial reports and what they mean for the organization greatly affects a Board’s effectiveness. (Ob24-Ob31, Fa2, Fa4-Fa7, Fa11)
- F5.** There is a general lack of training on how to be an effective Board member. (Ob32-Ob40, Fa8-Fa10)

RECOMMENDATIONS

- R1.** Board members and prospective Board members of any legislative body should be thoroughly familiar with all aspects of the Brown Act. (F1)
- R2.** Board members should carefully develop, document, and implement their roles and responsibilities and those of their Director in writing. (F2)
- R3.** Board members should comply with the tenets learned in the required ethics and conflict-of-interest training. (F3)
- R4.** Board members should know their financial responsibilities and be familiar with financial statements. (F4)
- R5.** Board members should seek out education and training so they can provide oversight from a position of understanding instead of relying on their Director. (F5)

- R6.** Board members should actively seek out and attend training opportunities. (F5)
- R7.** Boards should add discussion of this report to an agenda of a future meeting. (F1-F5)

REQUEST FOR RESPONSES

The Nevada County Grand Jury only asks that current and potential Board members carefully consider the topics covered in this report. No responses are requested.

BIBLIOGRAPHY

- AB1234 Local Ethics Training** – Fair Political Practices Commission
A Guide to the Ralph M. Brown Act – League of California Cities, 2010
California Government Code Sections 53234-53235.2 – Ethics Training
California Government Code Sections 54950-54963 – The Ralph M. Brown Act, 1953
California Government Code Section 81000-81016 – Political Reform Act of 1974
Nevada County Civil Grand Jury Reports – as listed below:
1. Truckee Fire Protection District Board of Directors, 2010
 2. Grass Valley School District Superintendent and Board of Trustees, 2012
 3. Truckee Donner Public Utility District, 2012
 4. Mystic Mine Road Community Services District, 2013
 5. Nevada County Consolidated Fire District Board of Directors, 2013
 6. Truckee Donner Recreation and Park District, 2013
 7. Nevada Joint Union High School District Board of Trustees, 2014
 8. Washington County Water District, 2015
- Open, Ethical Leadership: AB1234 Compliance Training for Special Districts** – California Special Districts Association, Special District Risk Management Authority