



COUNTY OF SAN DIEGO

AGENDA ITEM

BOARD OF SUPERVISORS

NORA VARGAS
First District

JOEL ANDERSON
Second District

TERRA LAWSON-REMER
Third District

NATHAN FLETCHER
Fourth District

JIM DESMOND
Fifth District

DATE: September 27, 2022

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TO: Board of Supervisors

SUBJECT

PROPOSED CODE OF CONDUCT FOR ALL COUNTY BOARDS, COMMISSIONS, COMMITTEES AND COMMUNITY PLANNING AND SPONSOR GROUPS (DISTRICTS: ALL)

OVERVIEW

On May 24, 2022 (10), the Board of Supervisors approved recommended changes to Board Policy A-74, "Citizen Participation in County Boards Commissions, and Committees" that included several actions to support transparency initiatives and open government. The revisions included, among other items, a directive to the Chief Administrative Officer (CAO) to develop a Code of Conduct for all appointees that promotes civil discourse.

The County's boards, commissions, committees (BCCs), and Community Planning and Sponsor Groups include well over 1,000 members. The proposed Code of Conduct emulates the Board's Rules of Procedure as described in the "Code of Civil Discourse" and provides enough specificity to clearly establish countywide standards while recognizing and balancing the needs and requirements of the operational variations of BCCs and Community Planning and Sponsor Groups.

Today's action would adopt the proposed Code of Conduct and establish a standard for each of the County's BCCs and Community Planning and Sponsor Groups.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Adopt the proposed Code of Conduct for County Boards, Commissions, Committees, and Community Planning and Sponsor Groups.
2. Approve amendments to Board Policy A-74, "Citizen Participation in County Boards Commissions, and Committees" and Board Policy I-1 "Planning and Sponsor Group Policies and Procedures" to incorporate the Code of Conduct.

EQUITY IMPACT STATEMENT

The County's boards, commissions, committees and Community Planning and Sponsor Groups are a wide-reaching mechanism for public engagement. As such, the County's efforts towards accessibility and improved participation and outreach within underrepresented groups is

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particularly relevant to members of these boards, commissions, committees and Community Planning and Sponsor Groups. Adoption and dissemination of this Code of Conduct will further the County's efforts to ensure that diverse voices of the community are heard in an equitable and meaningful way at public meetings.

SUSTAINABILITY IMPACT STATEMENT

Adoption of this Code of Conduct will contribute to the County's efforts to engage the community in meaningful ways and promote an environment that provides equitable access to opportunities for public engagement. The Code of Conduct includes commitments that contribute to County of San Diego Sustainability Goal No.1 by "encourag[ing] people and diverse stakeholders to partner and participate in decisions that impact their lives and communities."

FISCAL IMPACT

There is no fiscal impact associated with this action.

BUSINESS IMPACT STATEMENT

There is no business impact associated with this action as the proposed Code of Conduct only applies to County boards, commissions, committees, and Community Planning and Sponsor Groups.

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

On May 24, 2022 (10), the Board of Supervisors approved recommended changes to Board Policy A-74, "Citizen Participation in County Boards Commissions, and Committees" that included several actions to support transparency initiatives and open government. This included, among other items, a directive to the Chief Administrative Officer to work with staff to develop a Code of Conduct for all appointees that promotes civil discourse and return to the Board within 120 days for the Board's consideration and adoption. The revised Policy also stated that the Code of Conduct shall, upon approval by the Board of Supervisors, be included in the required orientation for all new members under A-74 Section E.5.

County boards, commissions, committees, (BCCs), and Community Planning and Sponsor Groups (CPSGs) serve essential roles in the communities and are a critical component of community engagement. The diverse functions of these groups range from advisory committees to quasi-judicial boards. BCCs and CPSGs enable community members, especially those from historically under-represented groups, greater access to participate and have a voice in County decisions.

This proposed Code of Conduct implements similar values and efforts to promote civil discourse in public discussion and debate that were adopted by the Board of Supervisors on November 10, 2021 (01). At that meeting, the Board adopted, as its expression of conduct that should be aspired to by all participants in public meetings, the "Code of Civil Discourse" from the National Conflict Resolution Center.

Proposed Code of Conduct:

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A team of County staff with expertise on BCCs and CPSGs was assembled, including staff from the Clerk of the Board of Supervisors, the Office of Equity and Racial Justice, Office of Economic Development and Government Affairs, the Health and Human Services Agency, Planning and Development Services, and County Counsel to create the proposed Code of Conduct. Staff researched similarly focused Codes of Conduct from local governments across the State as well as other relevant resources, reviewing for best practices and content that aligned with the Board of Supervisors' Rules of Procedure and the "Code of Civil Discourse" from the National Conflict Resolution Center.

Staff drafted a Code of Conduct that could apply to all appointees, recognizing that, due to the variety of roles of each BCC and CPSG, there may be requirements to adopt complementary codes to serve the needs and circumstances unique to certain boards and commissions. Recognizing that some BCCs have already established Codes or incorporated similar requirements in their bylaws, staff was careful to include language that would be in-depth enough for those BCCs and CPSGs without any established conduct requirements, but also not create inconsistencies with those that do.

Stakeholder Engagement:

Recognizing the importance of this Code of Conduct and its wide impact on the community's engagement with BCCs and CPSGs, giving opportunities for feedback on the draft language was prioritized both internally and externally. On July 29, 2022, the draft Code of Conduct was shared internally at the enterprise-level for feedback. Feedback was reviewed by staff and incorporated into an updated draft.

For public feedback, the Clerk of the Board of Supervisors created a webpage with the updated draft of the Code of Conduct, a brief description of the purpose and the process, and relevant links to policies. The webpage included an online survey form for the public to provide feedback on the draft. The website and online survey form was made available to the public beginning on August 11, 2022. The County Communications Office disseminated the availability of the online survey through various social media posts from August 12, 2022 through August 24, 2022. Additionally, the Clerk of the Board sent emails to the BCCs department support staff to provide a link to the survey to their members and encourage their feedback. Planning & Development Services distributed the survey to all CPSG and Design Review Board members.

When the survey closed on August 26, 2022, ninety (90) individuals provided feedback on the draft Code of Conduct.

Summary of Feedback:

Staff reviewed all suggestions and comments. The survey feedback was overwhelmingly positive on both the need for such a Code of Conduct, as well as on the specific content. There were several questions and issues raised in the feedback that are highlighted below:

Distribution of Code of Conduct to Current Board Members:

Staff received feedback that the changes to Board Policy A-74 only required the Code to be disseminated to newly appointed members and requested that it be distributed to existing members.

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To address this concern, if the Code is adopted, the Clerk of the Board of Supervisors will ensure distribution of the Code of Conduct to all BCCs and CPSGs through assigned County support staff. Additionally, upon implementation of the new orientation program for BCCs, the Clerk of the Board of Supervisors will ensure that the training sessions are made available to all existing BCC and CPSG members.

Enforcement of Violations of the Code of Conduct:

There was extensive feedback on how this code would be enforced. Comments included questions as to what would occur if a newly appointed member noted they would not comply with the Code of Conduct, as well as questions about consequences of violations during the course of the BCCs or CPSGs business.

To prevent inconsistencies with bylaws of individual BCCs or CPSGs, the proposed Code of Conduct includes language noting that any violations should be addressed according to the bylaws adopted by the individual BCC. If the Code is adopted, the Clerk of the Board of Supervisors will explore linking the Code of Conduct within the Application for Boards and Commissions so that individuals applying to serve on a BCC or CPSG are aware of the Code prior to submitting an application.

Need for Training for Members:

Staff received feedback suggesting that for the Code of Conduct to be effective, there needs to be “soft skills” training for members. Suggestions included inclusive conversations, meeting facilitation, establishing group norms, and ethics training. Additionally, staff received feedback that training should be created to assist members, especially those in roles facilitating meetings, with best practices how maintaining decorum and civility in meetings. Staff is considering the feedback as it works to determine best approaches for the annual training required by Board Policy A-74.

Applicability to Community Planning and Sponsor Groups:

Concerns were raised that, because the directive to create the Code arose from a Board Letter specific to BCCs authorized through Board Policy A-74, which has specific language noting that its members of the “Community Planning and Sponsor Groups...are not subject to Board Policy A-74, as policy and procedures for the establishment and operation of said groups are found in Board Policy I-1,” it may not apply to these groups. Feedback from both County staff and members strongly encouraged applicability to be inclusive to all. Therefore, the team of County staff that drafted the Code of Conduct proposed amendments to Board Policy I-1 to reference the Code of Conduct to ensure the Code applies to all BCCs and CPSGs.

Through the stakeholder feedback, public comments, and staff research, the proposed Code of Conduct is presented for the Board’s consideration.

LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

The proposed Code of Conduct for BCCs and CPSGs supports the Community Strategic Initiative in the County of San Diego’s 2022-2027 Strategic Plan by fostering and inspiring civic

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engagement through avenues that increase access for individuals or communities to use their voice, their vote and their experience to impact change.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Helen N. Robbins-Meyer". The signature is fluid and cursive, with the first name "Helen" being more prominent.

HELEN N. ROBBINS-MEYER
Chief Administrative Officer

ATTACHMENT(S)

Attachment A – Proposed Code of Conduct

Attachment B – Revised Board Policy A-74, “Citizen Participation in County Boards, Commissions and Committees,” incorporating the proposed Code of Conduct

Attachment C – Revised Board Policy I-1, “Planning and Sponsor Group Policies and Procedures,” incorporating the proposed Code of Conduct