

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

**RESOLUTION ESTABLISHING AN INDEPENDENT CIVILIAN ADVISORY
COMMISSION ON THE SHERIFF'S OFFICE**

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, in 2021 the California State Legislature adopted Assembly Bill (AB) 1185, and this bill added Section 25303.7 to the California Government Code; and

WHEREAS, AB 1185 explicitly sets forth authority to utilize an inspector general or commission to assist the Board of Supervisors in performing its ongoing duties under Section 25303 of the California Government Code related to the Sheriff's Office; and

WHEREAS, under Section 13 of Article V of the California Constitution, the California Attorney General is solely responsible for overseeing the Sheriff's Office with respect to its law enforcement functions; and

WHEREAS, California Government Code Sections 12560 and 25303 vest the Board of Supervisors with responsibility for County functions related to assessing, collecting, safekeeping, management, or disbursement of public funds; and

WHEREAS, subsequent to adoption of AB 1185, this Board began to consider oversight of the Sheriff's Office and held a study session on November 1, 2022, at which staff and advocates presented information regarding oversight models utilized by certain other California counties, many of which were instituted recently (but prior to enactment of Assembly Bill 1185), and received public comment; and

WHEREAS, after the November 1, 2022 study session, the Board conducted additional work, which included: consulting with persons with specific knowledge and expertise on oversight; performing extensive public outreach; and meeting with numerous stakeholders, including advocates for different oversight frameworks, the Sheriff's executive team and its officers' union representatives; and

WHEREAS, on October 24, 2023, the Board held a second subsequent study session, at which County staff, persons with expertise, researchers and advocates presented on the existing legal and operational oversight frameworks as well as the benefits and costs of additional oversight systems; and

WHEREAS, at the conclusion of the October 24, 2023 Study Session, the Board directed staff to return with an action item that creates a civilian advisory body independent of the Sheriff's Office, to assist the Board of Supervisors in its duties under California Government Code Section 25303, and otherwise advise the Board of Supervisors regarding transparency, accountability and public engagement with respect to the Sheriff's Office, and directs the County Executive to take certain action as further described below.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as follows:

1. COMMISSION—ESTABLISHMENT AND PURPOSES.

The Independent Civilian Advisory Commission on the Sheriff's Office ("Commission") is hereby established.

The purpose of the Commission is to advise the Board of Supervisors in its effort to facilitate public transparency, accountability, and public engagement with respect to the Sheriff's Office.

2. COMMISSION MEMBERSHIP.

The Commission shall consist of seven (7) voting members and two (2) alternates, who shall reside in San Mateo County. Members shall be appointed by a majority vote of the Board of Supervisors and shall serve at the pleasure thereof. The following criteria shall be used in appointing Commission members:

- a. One (1) Commission member will be nominated by each Supervisor and reside in that Supervisor's District;
 - b. One (1) Commission member will be nominated by the Sheriff;
 - c. One (1) Commission member and Two (2) alternates will be nominated by the two Board liaisons appointed pursuant to Section 4(d), below and following the County's regular application process for commissions.
 - d. Consideration shall be given to the applicant's background and/or community involvement to the extent relevant to the fulfillment of the Commission's mission;
 - e. Members of the Sheriff's Community Advisors for Responsible Engagement (CARE) Program designated by the Program will serve as non-voting liaisons;
 - f. A member of the San Mateo County Youth Commission designated by the Commission will serve as a non-voting liaison; and
 - g. The two at-large alternates will serve in the absence of an appointed member.
- Alternate members shall otherwise be entitled to attend meetings of the Commission and may participate in Commission discussion and deliberation but,

unless acting for an absent Commission member, shall not be entitled to vote on any matter.

Outreach efforts shall be made to ensure that the Commission membership reflects the diversity of San Mateo County in terms of race/ethnicity, gender, age, sexual orientation, lived experience and geographic distribution.

All Commission members, Alternate members and liaisons shall receive orientation and training. No member, Alternate member or liaison shall be a current employee of the County or be currently employed as a peace officer.

3. TERMS OF COMMISSION MEMBERS.

Initial terms of Commission members shall be staggered to help ensure the continuity of the Commission. For the initial appointment of members, four (4) members and one (1) Alternate member shall be appointed to serve two (2) year terms, and three (3) members and the other Alternate member shall be appointed to serve three (3) year terms. Thereafter, each of the terms shall be three (3) year terms. Upon the conclusion of a term, a member may be considered for reappointment by the Board of Supervisors, subject to a maximum of four (4) full three (3) year terms. This limit shall not include partial terms to which a member may be appointed at the beginning of their service, including those members initially appointed to two (2) year terms. A Commission member may exceed that limit due to holdover service caused by delay in appointing a replacement at the end of the member's term of service.

In the event a vacancy shall occur on the Commission during the term of any member, the Board of Supervisors shall appoint a replacement Commission member

who shall serve the remainder of that member's term consistent with the nomination structure described above.

Terms shall begin on July 1 of the year of appointment and end on June 30. Initial terms at the formation of the Commission will begin at appointment and shall end on June 30 of the applicable year depending on the length of the member's initial term. Any partial year of service will not count against a member's term.

4. ORGANIZATION.

The Commission may adopt rules for the conduct of its own business which shall be consistent with the terms of this resolution, and which shall include, but not limited to, the following provisions (which automatically apply):

- a. The Commission shall annually select, by majority vote, a Chair and a Vice Chair;
- b. The Commission shall meet at least four (4) times a year, unless otherwise determined by a majority vote of the Commission;
- c. A minimum of four (4) Commission members, including any alternate temporarily serving in place of a member, must be present to constitute a quorum and hold a meeting. Commission action may be taken only by a majority vote. "Majority vote" means a majority of the members in attendance at a meeting;
- d. The President of the Board of Supervisors will annually appoint two (2) members of its Board to serve as Board liaisons to the Commission Chair and interface between its Board and the Commission. The Commission Chair shall work with a designee of the County Executive's Office as its

administrative liaison, or such other County department designee as the Board of Supervisors may authorize. The Commission shall also receive staff support from the Sheriff's Office and County Attorney's Office. The County Attorney's Office is delegated responsibility for interpreting this Resolution, including the Commission's role, charge and limitations and advising and directing the Commission consistent therewith. The Board Members, Sheriff, County Executive and County Attorney, or any one of their designees, shall be entitled to attend and participate in all meetings of the Commission, but shall have no vote and shall not be deemed members of the Commission;

- e. The Commission shall establish the time and place of its regular meetings;
- f. All meetings of the Commission or committees thereof shall be subject to the open meeting requirements of the Government Code, specifically the Brown Act, section 54590, et seq.;
- g. All documents and reports generated by the Commission shall be subject to the provisions of the Public Records Act (Government Code section 6254, et seq.); and
- h. Except to the extent that this resolution sets forth different rules or processes, the Commission shall comply with all standing rules for County boards, commissions, and advisory committees established by the Board of Supervisors as currently adopted or as amended in the future. Members of the Commission will be included in the County's Conflict of Interest Code and be expected to complete the California Fair Political Practices Commission (FPPC) Form 700 Statement of Economic Interests.

5. COMMISSION'S POWERS, DUTIES, AND FUNCTIONS.

The duties, functions, and powers of the Commission shall be as follows:

- a. To advise and make recommendations to the Board of Supervisors, as needed but not less frequently than every twelve (12) months;
- b. To develop and implement an annual work plan approved by the County Executive's Office, which includes making an annual report to the Board of Supervisors;
- c. To provide a public forum for input from the community regarding the Sheriff's Office;
- d. To fulfill other duties and engage in other activities as directed by the Board of Supervisors, which may include:
 - i. Obtaining community input and feedback regarding the Sheriff's Office; conveying to the Board of Supervisors community concerns or positive feedback received by the Commission; and, where appropriate, making recommendations; and
 - ii. Providing a forum for community input on priorities; providing the community an additional means of giving input to the Sheriff; requesting information from the Sheriff related to community concerns about operations, practices, and activities.
- e. To seek the input of the County Executive, County Attorney, Office of Budget Policy and Performance, and all affected County departments prior to making any recommendations pursuant to the duties defined in this section;

- f. The Commission will perform its duties in an advisory capacity, and without the authority to manage or operate any department or agency, or direct the activities of County employees or contractors; and
- g. The Commission will:
 - i. Not interfere with the investigative or prosecutorial functions of the Sheriff's Office;
 - ii. Comply with all applicable laws and not obtain or review any confidential materials, except attorney-client communications provided by the County Attorney for the purpose of advising the Commission;
 - iii. Not participate in or advise on departmental personnel or disciplinary matters; complaints of deputy misconduct will be referred to the Sheriff's Office to be investigated as required by applicable law, including Penal Code Section 832.5;
 - iv. Not interfere with matters that are under active investigation; and
 - v. Not issue subpoenas; subpoena power can be exercised by the Board of Supervisors in its discretion.

IT IS HEREBY FURTHER RESOLVED that the Board of Supervisors directs the County Executive to annually organize a Board of Supervisors study session addressing current public safety-related issues and developments in the County and State.

* * * * *