



CENTRAL MARIN SANITATION AGENCY

Board of Commissioners'

POLICIES

**CENTRAL MARIN SANITATION AGENCY
Board of Commissioners' Policies**

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**CENTRAL MARIN SANITATION AGENCY (CMSA)
Board Policy #1**

BOARD MEMBER AND MEETING DECORUM

This policy is intended to provide Board members attending CMSA Board and Committee meetings with general guidelines for appropriate and effective meeting behavior, and to clarify decorum expectations.

Board of Commission members are required to act in an objective, responsive, and fair manner, and to demonstrate proper conduct as they promote open public processes at meetings.

Attendance and Preparation

Commissioners are asked to prepare in advance of meetings, so that the time spent in session is productive and action-oriented.

1. Commissioners should review the agenda and packet of materials before each Board meeting.
2. If Commissioners have questions or concerns about an agenda item, they should contact the General Manager and/or the Board Chair in advance of the meeting so that the General Manager may be fully prepared to respond to these questions at the meeting or have information to distribute as handouts. Hopefully, advance notice to the General Manager can result in a discussion between the General Manager and Board members, which will alleviate concerns prior to the meeting.
3. Commissioners are asked to be on time to meetings. If a Commissioner will not be attending, he/she should communicate this to the General Manager or Board Chair as soon as possible, and arrange to have his/her alternate attend.
4. If a Commissioner misses two or more meetings in a twelve month period, and does not make arrangements to have his/her Alternate attend in his/her place, a letter will be prepared by the Board Chair and sent to the member agency requesting the appointment of a new representative.

Decorum During Meetings

While at meetings, the Commissioners' main duties are to consider problems to be solved, hear facts and points-of-view, make decisions and take action, and to receive and consider reports. To do this effectively, Commissioners are asked to:

1. Conduct themselves with dignity and respect.
2. Listen attentively and respond as appropriate.
3. Avoid hidden agendas, gossip, and other forms of negative interaction.
4. Focus on issues rather than personalities.

5. Show respect for the decisions that the Board majority makes.
6. Be cautious and careful with criticism.
7. Make every effort to protect the integrity and promote the positive image of the Agency, and of one another.
8. Be careful not to make unsubstantiated accusations, allegations, or verbal attacks on citizens, or fellow Commissioners. Do not criticize or denigrate staff in public or at meetings. Instead, Commissioners should direct any comments regarding staff to the General Manager. Should the comments refer to the General Manager, they should be shared in closed session during the General Manager's performance evaluation.
9. Commissioners and staff should not be surprised with new materials presented for the first time at the meeting. Handouts should be distributed to Commissioners and staff well before the meeting and any verbal information should be provided to the Chair and/or General Manager well in advance of a meeting. Where a Commissioner receives relevant information on an agenda item at a time when he/she cannot give advance notice to the Board Chair or General Manager, he/she should provide the information to the Board Chair and/or General Manager prior to the commencement of the meeting or ask for a short break prior to the discussion of the relevant Agenda item in order to advise the Board Chair and/or General Manager of the information.
10. Board members should neither use Agency resources for his/her personal use nor request personal favors from staff members.

Decorum After Meetings

1. After the Board meeting, Commissioners should communicate any concerns they have with the General Manager. Questions to be posed to Agency staff should be as specific as possible, through the General Manager.
2. Commissioners do not directly discuss matters with Agency Counsel. Matters that need to be brought before the Agency's attorney should first be discussed with the General Manager.
3. When speaking to the press or otherwise publicly sharing personal opinions, Commissioners will respect the decisions of the Board and will not undermine its decisions. Commissioners seek to make every reasonable effort to protect the integrity and promote the positive image of the Agency and of one another. The General Manager and/or the Chair are the official representatives of the Agency when speaking to the public.
4. Commissioners shall maintain confidentiality in matters dealing with private or sensitive issues, particularly those matters addressed in closed session. Any materials distributed in closed session should not be retained by Commissioners, and should be handed back to staff at the close of the meeting.

CENTRAL MARIN SANITATION AGENCY (CMSA)
Board Policy #2

COMPENSATION POLICY FOR AGENCY OFFICIALS

MEETING STIPENDS

1. General

Consistent with California Health and Safety Code Section 6489, Commissioners receive a daily meeting stipend for each day's attendance at meetings, as defined in this policy. Such compensation is in addition to any reimbursement for meals, lodging, travel and expenses consistent with this policy.

2. Stipend Amount

Commissioners or alternates in the place of Commissioners who attend meetings/events as defined in Section 3 shall receive \$100.00 as their daily stipend. Should the Commission raise the \$100 stipend in the future, this amount shall be adjusted per the adjustment made by Board Resolution without the need to amend this policy.

3. Meetings and Service Subject to Daily Stipend

a. For a commissioner or their alternate to be entitled to daily stipend under this policy, the event in question must constitute one of the following:

- (1) A meeting of the Agency board within the meaning of Government Code Section 54952.2(a).
- (2) A conference or organized educational activity conducted in compliance with Government Code Section 54952.2(c), including ethics training required by Government Code Sections 53234 and following.
- (3) A meeting of any multi-jurisdictional governmental body on which the Board member serves as the Agency's designated representative.
- (4) Any meeting attended, except ad hoc committee meetings, or service provided on a given day at the formal request of

the Board and for which the Board approves payment of a daily meeting

4. Aggregate Limits

The number of days for which a Commissioner receives a daily stipend will not exceed six days in a calendar month or state law, whatever is less.

- a. The stipend amount is for all meetings in a given day. Multiple meetings in one day do not justify multiple stipend payments.

**CENTRAL MARIN SANITATION AGENCY (CMSA)
Board Policy #3**

BOARD MEETING NOTICING AND RECORDING

A. Purpose

This policy is intended to provide CMSA staff, Commissioners and their Alternates, and the public with the general requirements and guidelines for noticing and recording the CMSA Board of Commissioner meetings consistent with the Brown Act (California Government Code Section 54950 et seq.). Recording includes meeting minutes and the audio and video recording of meetings.

B. Board Meeting Noticing

Board meeting agendas are posted outside the CMSA offices, near the front gate, at 1301 Anderson Drive. The agenda is also posted on the Agency website (www.cmsa.us). The website posting includes the entire agenda packet. The agenda and staff reports are available in the CMSA administrative office for review.

Posting for regular, special, and emergency meetings shall comply with Brown Act requirements.

C. Board Meeting Minutes

1. General

The Agency's Administrative Assistant or other staff member as designated by the General Manager shall take and maintain minutes for each regular, special, and/or emergency meeting of the CMSA Board of Commissioners. The minutes are an official record of the Board meeting.

Formal minutes will not be taken for Board Committee meetings.

2. Minutes - Form and Content

Meeting minutes shall be in an action/summary format and shall contain the following information:

- a. Meeting location
- b. Meeting: commencement time and adjournment time
- c. Board Members in attendance and absent
- d. Staff in attendance

- e. Public in attendance that sign-in on the meeting sign-in form
- f. Brief staff overview of each agenda item
- g. Board action and vote for each agenda item, if applicable
- h. Board direction to staff for each agenda item, if applicable
- i. Identification of public speakers for each agenda item

The minutes shall not contain a narrative advanced by each Board member during the meeting. Staff will summarize Board comments and questions, and staff responses to Board questions for each agenda item that influence Board direction or action. The minutes shall note the general nature of public comments and questions.

3. Approval of Minutes

Staff shall prepare minutes for each regular, special, and/or emergency Board meeting and place the minutes on the consent calendar for approval at the next Board meeting.

Any Board member who has comments on the minutes shall provide his/her comments to the Board during the Board meeting where the minutes are set to be approved. The Board will either accept the member's comments/clarifications into the minutes or direct staff to review the audio recording of the subject meeting and make any necessary corrections. Revised minutes will be brought back to the Board at the subsequent meeting for approval.

4. Maintenance of Minutes

Staff will place and store a hard copy of the approved minutes of each Board meeting in the Agency's administrative building vault. An electronic copy shall be placed in the Agency's intranet, and on the Agency website for public viewing and downloading.

5. Public Access to Minutes

Meeting minutes are public records and shall be accessible for public viewing and provided to the public upon request. If a copy of the minutes is requested by a member of the public, staff will either email (pdf) or fax the minutes, or prepare a hard copy for public pickup at the Agency's office.

D. Audio and Video Recording of Board Meetings

Staff intends to record each regular, special, and/or emergency meeting of the CMSA Board of Commissioners using digital audio and video recorders. The audio and video recordings are considered an official record of the meeting proceedings.

1. Recording Protocol

The recording devices shall be started at the beginning of the Board meeting when the Board Chair calls the meeting to order, and shall be turned off when the meeting is adjourned by the Board Chair. The devices shall also be turned off during meeting breaks and during closed session discussions.

Any accidental audio or video recording of discussions before, after, or during a break or during a closed session shall be deleted from the official recording prior to placing the recording in storage or providing it to Board members or the public.

2. Audio and Video Recording Storage

All recordings of Board meetings will be stored in the Agency's administrative building vault or long term storage area, as determined by staff. Staff may keep one year's recordings on the Agency intranet before placing in storage.

3. Public Access to Audio and Video Recordings

Meeting recordings are public records and shall be provided to the public upon request. Audio records will be posted to the Agency's website within two weeks of a Board meeting. Video recordings will not be posted on the Agency website.

Staff will provide members of the public with a copy of a requested recording for the cost of reproduction. The minimum fee for providing a physical copy of the recording is \$5.00.

E. Video Recording of Board Meetings

Video recording of Board meetings shall be performed in a manner that is safe, non-disruptive, non-intimidating, and respectful to the Board, staff, and the public and shall conform to the requirements outlined below.

1. Video Recording Location

The location for video recording of Board meetings by the public, using either traditional tripod mounted or non-battery powered video recorders, is in the back row of the public seating area opposite the Board room entrance door. Meeting attendees using handheld battery powered recording devices (PDA, camera phone, digital recorder, etc) may film the meeting proceedings from their seat.

2. Public Video Recording

Public video recording shall not be an official record of Board proceedings on the grounds that: (1) Agency personnel did not conduct the recording; and (2) there is no assurance that the video has not been edited.

CENTRAL MARIN SANITATION AGENCY (CMSA)
Board Policy #4

**REIMBURSEMENT FOR TRAVEL/EXPENSES
FOR AGENCY OFFICIALS**

A. AUTHORIZED EXPENSES

1. Agency funds, equipment, supplies, and staff time must only be used for authorized agency business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

- a. Communicating with representatives of regional, state and national government on agency adopted policy positions;
- b. Attending educational seminars designed to improve officials' skill and information levels;
- c. Participating in regional, state and national organizations whose activities affect the Agency's interests;
- d. Attending local events or meetings on behalf of the agency;
- e. Meetings such as those listed above for which a meeting stipend is expressly authorized under this policy.

All other expenditures require prior approval by the Agency's governing body.

2. Commissioners must receive prior approval by the Agency's governing body for attendance at conferences, trainings, or meetings that require overnight travel.
3. Examples of personal expenses that the Agency will not reimburse include, but are not limited to:
 - a. The personal portion of any trip;
 - b. Political or charitable contributions or events;
 - c. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children-or pet-related expenses;

- d. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
- e. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
- f. Personal losses incurred while on Agency business. Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority before the expense is incurred.

B. COST CONTROL

To conserve Agency resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the Agency will be limited to the cost that fall within the guidelines.

1. Transportation

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Charges for rental vehicles may be reimbursed where renting a vehicle is the most efficient manner of transportation considering both the issue of the expense and the time involved in utilizing alternate methods of transportation. For example, even if an alternate means of transportation is more economical, a rental vehicle is still authorized where the time expenditure in the alternate method of transportation is infeasible. Government and group rates must be used when available.

2. Airfare

Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (www.cacities.org/travel), the California State Association of Counties (<http://www.csac.counties.org/default.asp?id=635>) and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.

3. Automobile

Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (see www.irs.gov). For 2010, the rate is .50 cents per mile for actual miles driven. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This

amount does not include bridge and road tolls, which are also reimbursable. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.

4. Car Rental

Rental rates that are equal or less than those available through the State of California's website (<http://www.catravelmart.com/default.htm>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy. Where rental rates are more expensive than those available through the State's website, the most economical rate available shall be utilized.

5. Taxis/Shuttles

Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

6. Lodging

A. Lodging expenses will be reimbursed or paid for when travel on official Agency business reasonably requires an overnight stay. Generally, overnight stay is allowable where the Agency business is over 75 miles from San Rafael. However, the Commission may waive the 75 mile rule where the circumstances warrant an overnight stay (e.g. evening meeting, special conference).

1. **Conferences/Meetings.** If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see next section.
2. **Other Lodging.** Travelers must request government rates, when available at <http://www.catravelmart.com/lodguideframes.htm>. Lodging rates that are equal or less than government rates are presumed to be reasonable and hence reimbursable for purposes of this policy.
 - (a) *(Median Hotel Cost)* In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the median retail price for lodging for that area listed on websites like www.priceline.com or an equivalent service shall be considered reasonable and hence reimbursable.

7. Meals

Reimbursable meal expenses and associated gratuities will not exceed the following rates for 2010:

| | |
|------------|---------|
| Breakfast: | \$11.00 |
| Lunch: | \$13.50 |
| Dinner: | \$22.00 |

Generally, these reimbursements will cover meal allocations where officials or Commissioners attend daily conferences, seminars or other related Agency business where no overnight stay is required and the meal is not provided by the registration fee.

Such amounts will be annually adjusted to reflect changes in the cost of living in accordance with statistics published by the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index, all urban consumers for the Bay Area Metropolitan Area. The annual adjustment will be based on this area whether travel is within the area or not.

The Agency will not pay for alcohol/personal bar expenses.

8. Per Diem Rate

1. Overnight Travel

The Agency will provide a Per Diem amount to cover meals, gratuities, and incidental expenses as established below.

- 24 hour Per Diem: The amount of \$76.00 will be provided for each 24-hour period the official or Commissioner is away from home on Agency business.
- Partial day Per Diem: The per diem rate will be prorated (75%) for partial days (between 12 and 24 hours), for an amount of \$57.00.
- Per Diem Advance Payments: Per diem may be advanced upon request.

2. The value of meals provided by the conference, in which the official participates, will be subtracted from the per diem rate by the applicable meal allowance detailed in Section 7 above.

9. Telephone/Fax/Cellular

Officials will be reimbursed for actual telephone and fax expenses incurred on Agency business. Telephone bills should identify which calls were made on Agency business. For cellular calls when the official has a particular number of

minutes included in the official's plan, the official can identify the percentage of calls made on public business.

10. Internet

Officials will be reimbursed for Internet access connection and/or usage fees away from home, not to exceed \$15.00 per day, if Internet access is necessary for Agency related business.

11. Airport Parking

Long-term parking must be used for travel exceeding 24-hours.

12. Other

Baggage handling fees of up to \$1.00 per bag and gratuities of up to 15 percent will be reimbursed. Expenses for which Agency officials receive reimbursement from another agency are not reimbursable.

C. PER DIEM ADVANCE POLICY

1. From time to time, it may be necessary for an official to request a per diem advance to cover anticipated expenses while traveling or doing business on the Agency's behalf. Such request for an advance should be submitted to the General Manager on the Agency's Per Diem Advance Request Form prior to the need for the advance with the following information:

- a. The purpose of the expenditure(s);
- b. The benefits of such expenditure to the residents of the Agency;
- c. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
- d. The dates of the expenditure(s).

2. In the event the General Manager is uncertain as to whether a request complies with this policy, such individual must seek resolution from the Commission.

D. CREDIT CARD USE POLICY

CMSA does not issue credit cards to individual office holders but does have an agency credit card for selected Agency expenses pursuant to the Agency's Purchase Policy. Agency officials may use the Agency's credit card for such purposes as airline tickets and hotel reservations by following the same procedures for per diem advances. Receipts documenting expenses incurred on the Agency

credit card and compliance with this policy must be submitted within thirty business days of use pursuant to Section F. 3. below.

Agency credit cards may not be used for personal expenses, even if the official subsequently reimburses the Agency.

E. EXPENSE REPORT CONTENT AND SUBMISSION DEADLINE

1. All cash advance expenditures, credit card expenses and expense reimbursement requests must be submitted on an expense report form provided by the agency. *This form shall include the following advisory:*

All expenses reported on this form must comply with the Agency's policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the Agency's policies include loss of reimbursement privileges, restitution, civil and criminal penalties, possible discipline, as well as additional income tax liability.

2. Expense reports must document that the expense in question met the requirements of this policy. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the Agency's adopted legislative positions and priorities.

3. Officials must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation.

4. Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

H. AUDITS OF EXPENSE REPORTS

All expenses are subject to verification that they comply with this policy.

I. REPORTS TO GOVERNING BOARD

Following attendance at a meeting/conference at Agency expense, each official shall briefly report on the meeting/conference at the next regular meeting of the CMSA Board of Commissioners. If multiple officials attended, a joint report may be made.

J. COMPLIANCE WITH LAWS

Agency officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act, *and other laws*.

K. VIOLATION OF THIS POLICY

Use of public resources or falsifying expense reports in violations of this policy may result in any or all of the following: (1) loss of reimbursement privileges, (2) a demand for restitution to the Agency, (3) the agency's reporting the expenses as income of the elected official to state and federal tax authorities, (4) civil penalties of up to \$1,000.00 per day and three times the value of the resources used, and (5) prosecution for misuse of public resources.

CENTRAL MARIN SANITATION AGENCY (CMSA)
Board Policy #5

**COMMISSIONERS' RESPONSE TO QUERIES RAISED BY
MEMBERS OF THE PUBLIC**

This policy is intended to provide Commissioners and their Alternates with general practice and guidelines for responding to questions and comments made by members of the public during Board meetings.

General

The Agency Board of Commissioners encourages the public's presence and participation at their meetings, and promotes fair and open public processes. The opinions and input shared by members of the public are valued and considered in the decisions made by the Board, and the Commission seeks to have the public's questions answered.

Comments posed by members of the public are noted and a brief synopsis identifying the topic related to the comments is included in the minutes. Speakers are asked to identify themselves for the record.

Questions made by the members of the public are noted by the Commission Chairperson and the General Manager. At the close of public open time, or at the close of public comments on an Agenda item, the Chair will direct staff to either address the questions or issues that have been posed, or asks the member of the public to contact staff following the meeting to obtain the required information. The nature of the questions posed are recorded in the minutes, pursuant to Board Policy #3, Policy on Noticing and Recording Board Meetings for the Public Record.

**CENTRAL MARIN SANITATION AGENCY (CMSA)
Board Policy #6**

ACCESS TO PUBLIC DOCUMENTS

General

The Agency has an administrative procedure, *#10 Public Records Act Requests*, which provides clear guidance to staff and Commissioners regarding providing the public with access and copies of public documents. It is the Agency's intention to provide the public with available information and records, except those that are related to legally-protected confidential, personnel, or medical matters.

Special Consideration

Commissioners often have access to materials that are provided in closed session. These materials are not part of the public record and are considered confidential. Commissioners will not disclose information that legally qualifies as confidential to unauthorized persons without approval of the Board. This includes information that (1) has been received for, or during, a closed session Board meeting, as compliant with the Brown Act, (2) is protected from disclosure under the attorney/client or other evidentiary privilege, or as compliant with the Brown Act, or (3) is not disclosable under the California Public Records Act.

**CENTRAL MARIN SANITATION AGENCY (CMSA)
Board Policy #7**

ESTABLISHING AND USING COMMITTEES

General

This policy is intended to provide CMSA staff, Commissioners and their Alternates, and the public with information regarding the general practice of establishing and utilizing committees.

All committees must be comprised of less than a quorum of the Board. Committees shall not be comprised of more than one Board member/alternate from each JPA member agency.

This Policy shall establish that the CMSA Board shall form standing and ad hoc committees on an as-needed basis. The composition of the committees shall be normally established at the beginning of the fiscal year. Both standing and ad hoc committees are advisory in nature. They present their findings on a subject matter with a recommendation to the full Board for consideration. Standing and ad hoc committees shall adhere to Board policies while conducting their business including the Board Decorum Policy.

Negotiating Team

A Negotiating Team shall be established. The purpose of the Negotiating Team is to meet with the General Manager at the direction of the Board of Commissioners and discuss salary, benefits, terms and conditions of employment and other provisions of the General Manager's contract with the Agency. The negotiating team shall bring back recommendations to the Board and receive direction from the Board as to the aforementioned contract with the General Manager.

The composition of the Negotiating Team shall be the Chair and Vice-Chair of the Agency's Board of Commissioners. Such composition will be determined at the commencement of each fiscal year with the election of the Board's officers.

Standing Committees

A Standing Committee is a committee established by the Board of Commissioners that has a continuing subject matter jurisdiction or a meeting schedule fixed by Ordinance, Resolution, or other formal action by the Board of Commissioners. A Standing Committee is a legislative body for purposes of compliance with the Brown Act.

The Board of Commissioners shall have a Standing Finance Committee. The Finance Committee does not contain more than a quorum of the Board of Commissioners, does not have a regular schedule and meets irregularly on an as-

needed basis. The Standing Finance Committee will provide recommendations to the Board of Commissioners on appropriate financial topics designated to them. The composition of this committee shall be determined by the Board of Commissioners near the beginning of each new fiscal year.

The meetings of the Standing Finance Committee shall be open to the public in compliance with the Brown Act and shall comply with the provisions of the Brown Act.

Ad Hoc Committees

From time to time, the Agency's Board of Commissioners will determine the need for the establishment of ad hoc committees. These committees are formed for the specific purpose of addressing special issues or items that will come under consideration of the Board in the future.

An ad hoc committee is formed by either the election or voluntary assignment of Commissioners to the committee. The group shall be comprised of two or three Commissioners, representing two or three of the joint powers agencies, and at least one Agency staff person. Ad hoc committees do not have a regular schedule and meet irregularly only on an as-needed basis. Upon the establishment of an ad hoc committee, the Board or the Agency's counsel will determine whether the committee is subject to the requirements of the Brown Act (California Government Code § 54952).