

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office *C. Ferraro*

BOARD AGENDA # \*B-14

Urgent  Routine

AGENDA DATE March 18, 2008

CEO Concurs with Recommendation YES  NO   
*Ant*  
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval of the Amended Bylaws and Conflict of Interest Codes for the Stanislaus County Integrated County Justice Information System Commission

STAFF RECOMMENDATIONS:

1. Approve the amended Bylaws for the Stanislaus County Integrated County Justice Information System (ICJIS) Commission.
2. Approve the Conflict of Interest Codes for the Stanislaus County ICJIS Commission
3. Approve the appointed voting members of the Stanislaus County ICJIS Commission

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-180

On motion of Supervisor Monteith, Seconded by Supervisor DeMartini  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

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DISCUSSION:

It was recently brought to the attention of staff that several items related to the ICJIS Commission still need formal approval by the Board of Supervisors. These items include the amended ICJIS Commission Bylaws, adoption of a Conflict of Interest Code, and formal approval of the Commission appointments.

On February 28, 2006 the Board of Supervisors approved the ICJIS Commission Bylaws. The Commission has since met and determined that to best serve the needs of the ICJIS Project, further amendments to the bylaws were required. The ICJIS Commission has recommended amending the bylaws to allow the appointment of alternates with voting rights in the absence of the appointed member. Additionally the terms of membership were modified to accommodate elected officials to serve as commission members for as long as they hold office. The ICJIS Commission further recommends removing the section relating to 'unexcused absences'.

As the Conflict of Interest Code Reviewing Body for all local government agencies within Stanislaus County the Board of Supervisors must approve the Conflict of Interest Code of any such agency. After holding a public meeting the Stanislaus County ICJIS Commission approved their Conflict of Interest Code on September 5, 2006 and are recommending it to your Board for final approval.

The ICJIS Commission is at this time cleaning up the formal appointment process for Commission Members and Alternates. This action is required due to staffing changes within the represented departments. Those appointments are as follows:

Chief Executive Office: Rick Robinson (Member)  
Stan Risen (Alternate)

District Attorney: Carol Shipley (Member)  
Steve Casey (Alternate)

Probation: Jerry Powers (Member)  
Pete Judy (Alternate)

Public Defender: Tim Bazar (Member)  
Kent Faulkner (Alternate)

Sheriff: Adam Christianson (Member)  
Bill Heyne (Alternate)

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Members-At-Large

Superior Court: Rebecca Fleming (Member-At-Large)  
Debra Brasher (Alternate)

City Representative Second Year: City of Modesto  
Roy Wasden (Member-At-Large)  
Gene Balentine (Alternate)

The ICJIS Commission nominated and appointed officers as well. Those appointments are as following:

Chairperson: Jerry Powers  
Vice-Chairperson: Adam Christianson  
Secretary: Carol Shipley

The Commission has also been notified of the ICJIS Project's selection as the winner for the JBoss Innovation Award in Migration. The JBoss Innovation Awards were created to recognize and congratulate the developers and organizations worldwide who are pushing the boundaries and deploying open-source solutions in innovative ways. The inaugural JBoss Innovation Awards drew nearly 100 nominations from JBoss users, customers, and partners worldwide.

The Commission has also received Certificate of Registration from the United States Copyright Office attesting registration for the Stanislaus County Integrated County Justice Information System.

**POLICY ISSUE:**

The Board of Supervisors is asked to determine if the amended Bylaws and recommended Conflict of Interest Code for the ICJIS Commission supports the Board Priority of a Safe Community.

**STAFFING IMPACTS:**

There are no staffing impacts associated with this item.

# **By-Laws ICJIS COMMISSION**

## ARTICLE I.

### NAME

The name of this Commission shall be the Integrated ~~Criminal~~ County Justice Information System (ICJIS) Commission.

## ARTICLE II.

### AUTHORITY

The authority for the formation and operation of this "Commission" comes from Resolution No. 2005-802, adopted by the Stanislaus County Board of Supervisors at its regular scheduled meeting of September 27, 2005.

## ARTICLE III.

### PURPOSE AND OBJECTIVES

The "Commission's" purpose and objectives shall be to: advise the Chief Executive Officer and the Board of Supervisors on the progress made by the ICJIS Commission on the development and implementation of the ICJIS project. The Commission serves in an advisory capacity only to the Chief Executive Officer and Board of Supervisors regarding matters relating to ICJIS.

## ARTICLE IV.

### DUTIES

The duties of the "Commission" shall include the following:

- A. Oversee the progress and development of ICJIS.
- B. Insure all parties participate in discussions and decisions in areas which impact their respective agencies.
- C. Communicate the uses and benefits of the ICJIS system to the community at large.
- D. Encourage use of ICJIS to the benefit of all agencies and citizens in Stanislaus County.

## ARTICLE V.

### MEMBERSHIP

#### 1. Composition.

The "Commission" shall have five (5) voting members who shall be appointed by the Chief Executive Officer for the County and approved by the Board of Supervisors to serve on the "Commission." There shall be one member from each of the following departments: Sheriff, District Attorney, Probation, Public Defender, and Chief Executive Office.

The "Commission" shall also have two non-voting members. One member shall be from the Stanislaus County Superior Court. The other member shall represent the cities in Stanislaus County. The city member shall serve on a rotating basis for a one-year term.

The City representative shall be appointed by the City Manager of a city and shall be first drawn by lot for the first and successive years. The lot will exclude any cities that have served, until all Cities have served. Any decision of the Commission shall not bind any of the non-voting members or their respective agencies.

Each member has the option of presenting alternates as representatives of the participating department. Alternates shall be appointed by the Chief Executive Officer for the County and approved by the Board of Supervisors. An alternate shall have voting rights in the absence of the voting member.

#### 2. Term.

Voting members of the "Commission", and their alternates, shall be appointed by the Chief Executive Officer and approved by the Board of Supervisors for a term of four (4) years. ~~No voting "Commission" member shall serve more than two (2) terms.~~ In the event that prior to the expiration of a member's term, a member ceases to retain the status, which qualified the member to be appointed to the "Commission," the membership in the "Commission" shall terminate and a vacancy shall be declared.

#### 3. Vacancies.

Vacancies in the five (5) voting members shall be filled and appointed by the Chief Executive Officer and approved by the Stanislaus County Board of Supervisors. Vacancies in the non-voting members shall be recommended by their respective agencies for approval by the Board.

#### 4. Attendance at Meetings.

"Commission" members are expected to handle meetings, including assigned "Commission" and/or committee meetings. A member who is unable to attend a scheduled "Commission" or committee meeting shall give advance

notice to the chairperson or secretary of the "Commission."

5. Officers.

The officers of the "Commission" shall be:

A. Chairperson: Shall be elected annually by "Commission" members and shall preside at all meetings and be an in-office member of all committees.

B. Vice-Chairperson: Shall be elected annually by "Commission" members and shall, in the absence or unavailability of the chairperson, exercise all of the chairperson's powers and duties.

C. Secretary: Shall be elected annually by the "Commission" members and shall maintain the records of the "Commission" and shall be responsible for sending out notices of all "Commission" meetings and shall carry out all necessary correspondence and other such information pertinent to the operation of the "Commission."

ARTICLE VI.

MEETINGS

1. Frequency and Time.

The "Commission" shall meet at least four (4) times per year at an hour, day and place as determined by the "Commission."

2. Minutes.

Minutes shall be prepared at the regular meetings of the "Commission." Minutes will be sent to all "Commission" members and to any person requesting copies. Copies of the previous "Commission" meeting will be available at the next regular meeting of the "Commission."

3. Agenda.

Items to be discussed for the regular "Commission" meetings shall be sent by the Secretary to "Commission" members in a timely manner and posted at least 72 hours before the regular meeting of the "Commission." Copies of the Agenda will be available at the regular meeting of the "Commission."

#### 4. Public Participation and Comment.

All meetings of the "Commission" shall be open to the public and shall be subject to the provisions of the "Ralph Brown Act," set forth in Government Code Section 54950, et seq. Any member of the public may speak on any item, which is on the Agenda.

#### ARTICLE VII.

##### COMMITTEES

The chairperson of the "Commission" may establish committees whose members shall be appointed by the chairperson. Such committees shall have at least two members of the "Commission" among their members.

#### ARTICLE VIII.

##### PARLIAMENTARY RULES

##### 1. Conduct of Meetings.

The meetings of the "Commission" shall be conducted in accordance with Robert's Rules of Order (Revised Edition).

##### 2. Quorum.

A quorum shall consist of three (3) voting members of the "Commission."

##### 3. Majority Vote.

Three (3) affirmative votes of voting members are needed for action of the "Commission."

#### ARTICLE IX.

##### ADOPTION AND AMENDMENT

##### 1. Adoption.

These By-Laws shall become effective immediately upon approval by a majority of the membership of the "Commission" and approval of the Board of Supervisors.

##### 2. Amendment.

These By-Laws may be amended by a two-thirds (2/3) vote of a quorum of the "Commission" and subsequent approval by the Board of Supervisors, provided that fifteen (15) days prior to the meeting, the "Commission" is notified of the language of such change(s) in writing to include the time, date, and place of the intended voting on such change(s).

## **Conflict of Interest Code for the Stanislaus County Integrated County Justice Information System (ICJIS) Commission**

The Political Reform Act, Government Code Section 81000 et seq. requires each state and local government agency adopt and promulgate a Conflict of Interest Code. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations, Section 18730, containing the terms of the Standard Conflict of Interest Code. The terms of this Code, and any amendments to it duly adopted by the Fair Political Practices Commission, are hereby incorporated into the Commission's policies by this reference. The terms of this code along with the following in which employees and others are designated and disclosure categories are set forth, constitute the Conflict of Interest Code for the Stanislaus County Integrated County Justice Information System (ICJIS) Commission.

ICJIS Commission members shall not engage in any employment or activity, which is inconsistent with, incompatible with, in conflict with or inimical to the Commission member's duties as an officer of the Commission (Government Code 1126)

Under the provisions of the Standard Code, designated employees shall file Statements of Economic Interest. Listed below are the disclosure categories:

- Category 1 All sources of income, interest in real property, and investments and business entities located in or doing business in Stanislaus County.
  
- Category 2 Investments and business positions in business entities and sources of income which provide services, supplies, materials, machinery or equipment of the type utilized by the ICJIS Commission.
  
- Category 3 Consultants shall disclose, as set forth in Category 1, subject to the following limitation. The Chairperson may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such a written determination shall include a description of the Consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. Such determination shall be a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

In recognition that the Commission is administered by a policy making body, which includes department appointed members and alternates in addition to two at-large members. The following constitute the designated and disclosure categories described in the State Code:



<u>Designated Positions</u>	<u>Category</u>
Members	1
Alternates	1
At-Large Members	2
Attorney	2
Consultant(s)	3

At the time a matter comes before the Commission in which a Commission member has a financial interest or a conflict, or when it appears a Commission member has a financial interest or conflict, the Commission member is to so inform the Chair of the Commission. Unless otherwise advised by Counsel, the member should abstain from discussions and votes on the matter unless his/her participation is legally required.

Commission members will file their Statement of Economic Interest with the Stanislaus County Board of Supervisors. Statement of Economic Interest submitted by designated members in accordance with the Conflict of Interest Code shall be available for public inspection.