

**BYLAWS OF THE
CONTRA COSTA COUNTY
HAZARDOUS MATERIALS COMMISSION**

I. RESPONSIBILITIES

- A. Pursuant to Health and Safety Code section 25135.2, the Contra Costa County Hazardous Materials Commission (“Commission”) shall:
1. Advise the County Board of Supervisors, County staff, and the mayor’s council members, and staffs of the cities within the county, on issues related to the development, approval, and administration of the county hazardous waste management plan.
 2. Hold informal public meetings and workshops to provide the public with information, and to receive comments, during the preparation of the county Hazardous Waste Management Plan.
- B. Pursuant to Board of Supervisors Order dated October 14, 1986, the Commission is charged with the following tasks:
1. Draft a County Hazardous Materials Storage and Transportation Plan for consideration by the Board of Supervisors.
 2. Draft a County Hazardous Materials Storage and Transportation Management Ordinance for consideration by the Board of Supervisors.
 3. Coordinate the implementation of the Hazardous Materials Release Response Plan and Inventory program (AB 2185) (Stats. 1985, ch.1184) with the other recommendations of the Hazardous Waste Task Force and the Hazardous Waste Management Plan.
 4. Address the economic effects of implementing these recommendations.
 5. Further develop the recommendations involving hazardous materials issues which should include obtaining broad public input.
 6. Oversee management coordination of all aspects of the storage or transportation of hazardous materials and the generation, storage, transportation, treatment, and disposal of hazardous waste.
 7. Recommend further charges for consideration by the Board of Supervisors, or recommend changes in the existing charges to the Commission for consideration by the Board of Supervisors.
- C. Report and make recommendations on such further matters concerning hazardous materials and wastes as are referred to the Commission by the Board of Supervisors.

II. MEMBERSHIP

- A. Members. The Commission shall consist of the following thirteen (13) members, each with an appointed alternate, and appointed as follows:

Two (2) representatives of cities, appointed by the City Selection Committee pursuant to Article II (§50270 et seq.) of Chapter 1, Part 1 of Division I of Title 5 of the Government Code;

Three (3) representatives of business, nominated as indicated below, screened by the Internal Operations Committee, and appointed by the Board of Supervisors (IOC Bd Order dated February 24, 1998);

“Business Seat #1 - to be nominated by the West County Council of Industries.”

“Business Seat #2 - to be nominated by the Industrial Association.”

“Business” Seat #3 - to be nominated by the Contra Costa Taxpayers Association.”

Three (3) representatives of environmental organizations, with all applicants to any of the three “Environmental Organization” seats to be nominated by an environmental organization, but that no particular environmental organization will have an exclusive right to nominate an individual to any one of the three aforesaid seats or their alternates, and therefore, which environmental organizations are represented on the Hazardous Materials Commission rests with the Internal Operations Committee and ultimately the Board of Supervisors (IOC Bd Order dated February 24, 1998);

One (1) representative of the League of Women Voters, nominated by the League and appointed by the Board of Supervisors;

Two (2) labor representatives, nominated by labor organizations, screened by the Internal Operations Committee, and appointed by the Board of Supervisors (Bd. Order dated June 4, 1996;)

One (1) representative of environmental engineering firms located in Contra Costa County, nominated by such firms, screened by the Internal Operations Committee, and appointed by the Board of Supervisors;

One (1) representative of the general public, appointed by the Board of Supervisors. (Health & Safety Code, § 25135.2; Bd. Order dated 10/14/86. Amended 02/14/94.)

- B. Board Appointments. Board of Supervisors’ Resolution No. 2002/377 shall govern the procedure for nominating and appointing members appointed by the Board of Supervisors.

- C. Terms. Members shall serve staggered terms of four-years at the pleasure of the appointing authority. There is no limit to the number of terms a member may serve. The Commission shall determine how the terms shall be staggered.

If a Commissioner, or their alternate attending in their place, misses more than half of the full Commission meetings held in the final year of their term, the Commission shall recommend to the Board of Supervisors against reappointment for another term.

- D. Alternates. Organizations nominating or appointing members to serve on the Commission may designate alternates to members of the Commission by submitting the name of the alternate to the County Administrator. If the Board of Supervisors is the appointing authority, the County Administrator shall seek Board approval of the appointment, which becomes effective upon Board approval. (Bd Order date 08/18/87.)

III. OFFICERS

- A. The Commission shall elect a Chairperson and a Vice-Chairperson for terms of one calendar year.
- B. The Clerk of the Board shall be notified of the selection of the Chairperson and Vice-Chairperson.
- C. The Chairperson and Vice-Chairperson may serve consecutive terms.

IV. CONDUCT OF BUSINESS

- A. Meetings. Meetings shall be conducted pursuant to the Ralph M. Brown Act. (Gov Code, § 54950 et seq.)
- B. Chairperson. The Chairperson shall be responsible for:
1. Conducting all meetings of the Commission
 2. Reviewing and approving Commission agendas.
 3. Selecting Commission members for standing and ad hoc committees.
 4. Representing the Commission, or designating a member to represent the Commission, before the Board of Supervisors, City Councils, or other bodies before which the Commission may wish to appear.
- C. Quorum. Business shall be conducted by the Commission only when a quorum is present. A majority of authorized seats shall constitute a quorum.
- D. Final recommendations of the Commission to the Board of Supervisors shall require the number of affirmative votes equal to the quorum of the Commission on the date of the vote.

V. BYLAWS AND OTHER GUIDELINES

- A. Bylaws. These Bylaws shall govern the conduct and activities of the Commission. However, nothing in these bylaws excuses compliance with any other law. The Commission may, from time to time, recommend to the Board of Supervisors that changes be made to these bylaws.

VI. CONFLICT OF INTEREST

- A. General Board Policy. Pursuant to Resolution No. 2002/376, the Board of Supervisors has adopted a policy for Board appointees concerning conflicts of interest. Resolution No. 2002/376 applies to the Commission and requires as follows:
1. Statutes on Conflicts. Officials, Commissioners, and Committee members appointed by the Board shall adhere to the principles and rules of the Political Reform Act of 1974 (Gov. Code, § 816000 et seq.), including the following:
 - a) Local government should serve the needs and respond to the wishes of all citizens equally, without regard to their wealth. (Gov. Code, § 81001 [b].)
 - b) Public officials should perform their duties in an impartial manner, free from bias caused by financial interests of themselves or their supporters. (Gov. Code, § 81002 [b].)
 - c) Public officials should disclose assets and income which may be materially affected by their official actions, and in appropriate circumstances they should be disqualified from acting, in order to avoid conflicts of interest. (Gov. Code, § 81002[d].)
 2. Common Law Policy on Conflicts. All officials should so conduct the public business as to avoid even any appearance of conflict of interest. (See, e.g., Kimura v. Roberts [1979] 89 Cal.App.3d 871.)
- B. Board Policy for Hazardous Materials Commission. Consistent with Resolution No. 2002/376 and Health and Safety Code section 25135.2, the Board hereby declares, as a matter of legislative determination, that members of the Hazardous Materials Commission are intended to represent and further the interest of specified industries and groups responsible for their nomination. Accordingly, the Board of Supervisors hereby finds that for purposes of members of the Commission nominated by a trade, industrial or professional group, such trade, industrial or professional group constitutes a significant segment of the public within the meaning of Government Code section 87103.

By this policy, the Board does not find or imply that members of the Hazardous Materials Commission are public officials within the meaning of Government Code section 87100 (Political Reform Act). This declaration of policy is only to clarify the application of the Board's general policy on conflict of interest to the Hazardous Materials Commission.

Approved by the Board of Supervisors on October 16, 1989.
Non-substantive amendments by the Commission on April 22, 1992.
Amended by the Board of Supervisors on February 14, 1994.
Board requested recommendations 2/28/98 item c.31, 02/02/98 item c.29 approved Operations Committee April 10, 2000.
Reviewed by the Operations Committee February 11, 2002 with no changes made.
Amended by the Board of Supervisors on 7/15/03, Item c.48
Amended by the Board of Supervisors on 9/21/04, Item c.75

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NAN: Revised bylaws Bd Ord. 062000 Item c.122

