



# BOARD STANDING COMMITTEE AGENDA

MENDOCINO COUNTY  
BOARD OF SUPERVISORS  
501 LOW GAP ROAD, ROOM 1010  
UKIAH, CA 95482

**CARRE BROWN**  
First District

**JOHN McCOWEN**  
Second District

**TOM WOODHOUSE**  
Third District

**DAN GJERDE**  
Fourth District

**DAN HAMBURG**  
Fifth District

**CARMEL J. ANGELO**  
Chief Executive Officer/Clerk of the Board

**KATHARINE L. ELLIOTT**  
County Counsel

## GENERAL GOVERNMENT COMMITTEE

MONDAY, APRIL 11, 2016 • 1:30 P.M. • BOARD OF SUPERVISORS CHAMBERS

COMMITTEE MEMBERS: SUPERVISORS CARRE BROWN AND DAN GJERDE

### ORDER OF AGENDA



- (1) **DISCUSSION AND POSSIBLE DIRECTION REGARDING POLICY RELATED TO FORMATION OF MUNICIPAL ADVISORY COUNCILS**  
*(Referred from the January 12, 2016, Board of Supervisors meeting)*
- (2) **OTHER BUSINESS:**
  - a. Public Expression
  - b. Announcements/Other Business
  - c. Matters from Staff
  - d. Adjournment

#### AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE

The Board Standing Committees comply with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternative formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Clerk of the Board's Office by calling (707) 463-4221 at least five days prior to the meeting.

#### PUBLIC EXPRESSION: (PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA)

- Members of the public are welcome to address the Committee on items not listed on the agenda and within the jurisdiction of the Committee. The Committee is prohibited by law from taking action on matters not on the agenda, but may ask questions to clarify the speaker's comment and/or briefly answer questions. The Committee limits testimony on matters not on the agenda to 3 minutes per person and not more than 10 minutes for a particular subject at the discretion of the Chair of the Committee.
- Individuals wishing to address the Committee under Public Expression are welcome to do so. If you wish to submit written comments, please provide information to the Clerk of the Board staff, located in the Administration Center, Room 1010.



**MENDOCINO COUNTY BOARD OF SUPERVISORS  
STANDING COMMITTEE AGENDA SUMMARY**

**AGENDA ITEM # 1**

- Agenda Summaries must be submitted no later than *noon* Thursday, 10 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: [cob@co.mendocino.ca.us](mailto:cob@co.mendocino.ca.us)
- Electronic Transmission Checklist:  Agenda Summary  Supp. Doc.  If applicable, list other online information below

**TO:** General Government Committee **DATE:** 04/05/2016

**FROM:** Executive Office **MEETING DATE:** 04/11/2016

**DEPARTMENT RESOURCE/CONTACT:** Chris Shaver **PHONE:** 463-4441 Present  On Call   
**CEO RESOURCE/CONTACT:**

Time Allocated for Item: 30 min

**■ AGENDA TITLE: Discussion and Possible Direction Regarding Policy Related to the Formation of Municipal Advisory Councils**

**■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** On March 21, 2016, the General Government Standing Committee elected to continue the draft MAC policy to the April 11, 2016 meeting in order to solicit further public input. On February 2, 2016, the General Government Standing Committee directed staff to incorporate suggested modifications and to seek input from the currently formed MACs within the County. The Board of Supervisors has adopted resolutions establishing Municipal Advisory Councils (MAC) in the past (Hopland, Laytonville, Westport and Gualala). With the possibility of establishing additional MACs in the future, the Board expressed desire on January 12, 2016, to create and adopt policy governing the structure and governance of MACs.

**■ SUMMARY OF REFERRAL:** Section 31010 of the California Government Code allows the Board of Supervisors to establish a MAC for any unincorporated area of the County. Municipal advisory councils (MACs) advise the Board of Supervisors on matters related to their geographic area as may be designated by the Board concerning services which are or may be provided to the area by the county or other local government agencies, including but not limited to advise on matters of public health, safety, welfare, public works, and planning.

The Executive Office, in collaboration with County Counsel, incorporated public input and revised draft policy, attached hereto, for the General Government Committee to review, comment and recommend for Board adoption. In addition, on April 5<sup>th</sup>, staff sent, via email, the revised draft for comments and suggestions to each authorized MAC within the County and to encourage participation at the April 11, 2016 meeting.

- SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:** N/A
- ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):**

| FISCAL IMPACT:    |                  |                       |  |
|-------------------|------------------|-----------------------|--|
| Source of Funding | Current F/Y Cost | Annual Recurring Cost | Budgeted in Current F/Y                                  |
| N/A               | N/A              | N/A                   | Yes <input type="checkbox"/> No <input type="checkbox"/> |

**■ SUPERVISORIAL DISTRICT:** 1  2  3  4  5  All

**■ STAFF RECOMMENDATION:** Receive the discussion and provide staff with direction in the form of comments, edits and possible Board adoption regarding policy for the formation of Municipal Advisory Committees

**■ CEO REVIEW (NAME):** Alan D. Flora, Assistant CEO **PHONE:** 463-4441

**COMMITTEE ACTION**  Yes  No **ACTION:** \_\_\_\_\_

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| POLICY #XX | FORMATION/OPERATION OF MUNICIPAL ADVISORY COUNCILS |
| ADOPTED:   | ADOPTED BY:  |

**Introduction**

A Municipal Advisory Council (MAC) is comprised of citizens, appointed by the Board of Supervisors (BOS or Board), who volunteer their time to review proposed projects located within the county and related topics of interest in their community. MACs are created to provide a consistent and inviting community forum, for the public to hear about and give comments on a number of local and countywide topics. County officials, staff, and other non-county agency staff continually use MAC meetings as an opportunity to provide the public with information or updates. The BOS appoints citizens to sit on the council, who have a heartfelt interest in their community. While the concerns, insight, and discussions relayed by the MAC are key components in the deliberative process, Members do not make or set County policies, ordinances or laws and are not in a position to interpret the county zoning ordinance, the county general plan or local community plan; but, MACs can advise or make recommendations to the Board regarding policies, ordinances, zoning code, general plan or local community plan. Advisory councils provide recommendations on a variety of topics. Members are tasked with gathering input, making recommendations based on that information and relaying it to the appropriate decision-making body, such as the BOS. The following policy was made for the purpose of improving consistency on formation and operation of County MACs.

**1. Formation/Operation of Municipal Advisory Councils (MAC)**

It is the policy of the Board that pursuant to Government Code Section 31010, which allows for the creation of an advisory council within unincorporated area for the purpose of advising the Board on matters including, but not limited to, public health, safety, welfare, public works and planning, that said councils shall be formed and operated substantially as set forth herein. Following the adoption of this policy by the Board, all previous resolutions regarding the formation, election and/or appointment to MACs shall be brought before the Board to be amended to be consistent with this policy.

**2. Number of Councils to be Established**

The elected supervisor of each district shall call for the establishment of separate advisory councils within that district that he or she deems necessary to meet the purposes for which such councils are formed, and upon adoption of a resolution by the Board, said advisory councils shall be formed.

**3. Area**

The area of each proposed MAC shall be determined by a map of the boundaries, which form the representative area; and, where feasible, the boundaries shall conform to the boundaries of one or more special districts and/or school districts. The proposed boundaries and map legal

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description shall become binding upon approval by a majority of the Board and shall remain unchanged unless/until formally modified by the Board.

**4. Existing/Future Municipal Advisory Councils (MACs)**

- a. The MACs that exist at the time of adoption of this Policy shall continue to exist and operate as originally formed subject to amendments that may be necessary to conform to this policy. The representatives thereto - whether elected or appointed - shall complete the current applicable term as initially established. Upon expiration of the current term of any member, the vacancy, which occurs, shall be filled by appointment made by the Supervisor of the District and approved by a majority of the Board.
- b. Members of any MAC formed after adoption of this policy are to be appointed by the Supervisor of the District and approved by a majority of the Board.

**5. Eligibility for Council Memberships and Number of Members to be Appointed**

- a. Any person who is a registered voter and either (1) who resides (is domiciled); (2) owns or operates a place of business; or, (3) owns property within the boundary of the MAC is eligible to be nominated, appointed, and to serve as a representative on said council.
- b. The number of representatives appointed to serve on each established MAC shall be no less than five (5) members and no more than seven (7) and one (1) alternate. Each of the Council members would be appointed for a four (4) year term. To establish initial staggering of tenures the first term of three (3) of the members will be three (3) years. Nevertheless, if as a result of unexpired terms, which were in existence prior to adoption of this policy, the number of representatives happens to be more than seven, all members shall continue to serve until such existing terms expire.

**6. Procedures for Nomination, Appointment of Members, etc.**

Eligible persons may be nominated, screened, interviewed and recommended for Board appointment in such manner as it is determined best suits the needs and interests of the community being served and the supervisor being advised. Appointment shall be made consistent with relevant provisions of this policy.

**7. Terms**

The terms of all MAC members shall commence upon appointment and be effective for four (4) years. The Board may remove a member of the MAC upon a majority vote of the Board.

**8. Vacancies**

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| POLICY #XX | FORMATION/OPERATION OF MUNICIPAL ADVISORY COUNCILS |
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Vacancies occurring due to death, resignation, or a member no longer qualifying in the council area shall be filled by the Board. Persons appointed to fill a vacancy shall serve for the remainder of the unexpired term.

**9. Funding and Finances**

Funding as required to carry out the business and functions of the MAC shall be reviewed and determined by the Board on an annual basis during the County budget process and appropriated within the annual operating budget of the Planning and Building Services Department.

**10. Maintenance of Membership Eligibility & Maps**

Inasmuch as the basis for member eligibility is partially based upon voter registration and either primary residence within the MAC boundary or owns real property, it shall be the responsibility of the Assessor-Clerk-Recorder Elections Division to maintain current rolls for voting information; and, the Tax Collector shall be responsible for the business license verification eligibility concerning each MAC. Should a change in the current map of the boundaries of the MAC occur, the MAC shall notify the Assessor-Clerk-Recorder Elections Division.

**II. General Provisions**

The following additional provisions concerning MACs shall apply:

- a. **Officers:** The MAC shall choose from among its members a presiding officer, an assistant presiding officer, a treasurer and a secretary. This shall be done at the first meeting after the creation and appointment of the MAC. Selection of such officers shall be conducted at the first meeting following appointment or reappointment of members each and every year thereafter.
- b. **Bylaws:** No bylaws shall be required to be adopted by the MAC. Said council shall make and keep a current standing order providing for the time and place of holding regular meetings. Any bylaws, which the MAC may adopt shall not duplicate or conflict with these rules or any statute, ordinance or resolution providing for or establishing the MAC or governing its conduct.
- c. **Meetings:** The MAC shall determine the frequency of its regular meetings, which shall be at least quarterly. The MAC shall by standing order, fix the time and place of its meetings, which shall be held within the County of Mendocino and, normally, within the boundaries of the MAC. The call, giving of notice and conduct of meetings shall be in accordance with the Ralph M. Brown Act (Government Code Section 54950, et seq.).
- d. **Quorum:** A quorum shall consist of a majority of the members of the MAC, not counting vacant positions. A quorum is defined as the minimum number of members of

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| POLICY #XX | FORMATION/OPERATION OF MUNICIPAL ADVISORY COUNCILS |
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the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. Any action of the MAC shall require affirmative votes of not less than a quorum to legally transact business, except less than a quorum may adjourn a meeting without assigning a day for a further meeting or hearing or to a specified time and place.

**e. Duties:** The MAC shall advise and recommend, which may contain the majority and minority views, proposed action to the governing body regarding such matters which relate to the area upon which such advice or recommendation is requested by the Board, such as review of re-zoning, general plan amendments, use permits, and subdivisions; creation and implementation of the MAC area plan; emergency response and public safety; local infrastructure; and, State Highway infrastructure and safety. The MAC may represent the community to any federal, state, county, city, special district, or school district, agency or commission, or any other organization on matters concerning review of re-zoning and general plan amendments, applications for development permits, use permits, and subdivisions; emergency response and public safety; and, local infrastructure. In addition, a MAC may comment to government entities and other organizations outside of the County government on items not specified above by adopting a resolution that shall be filed with the Clerk of the Board of Supervisors that clearly states that views expressed are solely those of the said MAC and do not necessarily represent the official position of the County.

**f. Reports:** The MAC may file a special report whenever the MAC deems it appropriate, and shall file a report when requested to do so by the Board.

**g. Indebtedness:** The MAC shall not be empowered to enter into any contract or otherwise incur any indebtedness in the name or on behalf of itself, the Board, the County of Mendocino or any officer, agent or employee thereof.

**h. Duration:** Should it be determined that the MAC is no longer functioning consistent with Government Code Section 31010, the authority and procedures set forth in this policy or any subsequently adopted rules, resolutions, ordinances or laws, then a public hearing may be conducted by the Board to determine whether the MAC should be dissolved. The Board, in its sole discretion, may dissolve the MAC by resolution.

## 12. Existing MAC Policies

In instances where existing by-laws or policies of MACs may be inconsistent with Board Policy XX, Board Policy XX is deemed to take precedence, and the MAC shall take action at its next available meeting to amend its by-laws or policies.

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b. The number of representatives appointed to serve on each established MAC shall be no less than five (5) members and no more than seven (7) and one (1) alternate. Each of the six (6) Council members would be appointed for a two-four (24) year term. To establish initial staggering of tenures the first term of three (3) of the members will be three (3) years. Nevertheless, if as a result of unexpired terms, which were in existence prior to adoption of this policy, the number of representatives happens to be more than five seven, all members shall continue to serve until such existing terms expire.

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