

FILED

SEP 18 2003

ORDINANCE NO. 1309

PATRICIA CRATTENDEN, CLERK OF THE BOARD
BY Ana Morales
DEPUTY

(An Ordinance Adding Article 36 to Chapter 2 of Title 2 of the Yolo County Code
Establishing Procedures for Advisory Boards, Commissions, and Committees)

The Board of Supervisors of the County of Yolo, State of California, ordains as follows:

SECTION 1.

1. The Board of Supervisors has adopted various procedural rules for advisory boards over a span of several years, in minute orders, resolutions, and ordinances.
2. Some advisory boards have also adopted various procedural rules, some of which may not be consistent with those adopted by the Board.
3. It seems necessary and appropriate to consolidate the procedural rules that generally apply to advisory boards in one place, to provide easier reference and promote uniformity where appropriate.
4. In doing so, the Board of Supervisors retains the ability to provide for individual variances in the procedural rules applicable to particular advisory boards by expressly stating its intent to do so.
5. This ordinance is limited to purely advisory boards, which is defined to mean any board whose action is not binding without further action of the Board of Supervisors or some other entity.

SECTION 2.

Article 36 is hereby added to Chapter 2 of Title 2 of the Yolo County Code to read as follows:

ARTICLE 36.

**PROCEDURES FOR ADVISORY BOARDS, COMMISSIONS AND COMMITTEES
ESTABLISHED BY THE BOARD OF SUPERVISORS**

Section 2-2.3601. Applicability.

This Article shall apply to any advisory board, commission and committee, and members thereof, established by the Board of Supervisors by ordinance, resolution or minute order. The provisions of this Article shall supersede all conflicting rules unless otherwise required by State or Federal law, or otherwise expressly provided in a resolution or ordinance adopted by the Board of Supervisors.

Section 2-2.3602. Definitions: "advisory board, commission, and committees"; "representational members", "rotating members".

As used herein:

- (a) An "advisory board, commission or committee" shall mean any board, commission and committee established by the Board of Supervisors by ordinance, resolution or minute order that does not have the power to take final action on behalf of the County or any other entity, with the exception of making recommendations, issuing reports, and taking similar actions that require further action by this Board or some other person or entity in order to have binding effect.
- (b) A "representational member" shall mean a member appointed for no fixed term, to represent a particular agency, board, commission, committee, department or other organization as specified by the enabling statute, ordinance, resolution or minute order.
- (c) A "rotating member" shall mean a member of a board, commission or committee appointed for a fixed term. Unless otherwise expressly specified, all members shall be rotating members and shall be appointed by the Board of Supervisors.

Section 2-2.3603. Membership: Residency; Limitations.

- (a) Every rotating member of a board, commission or committee shall be a resident of Yolo County; provided, however, that the foregoing provision shall not apply if the Board of Supervisors determines that there is no County resident reasonably available with the qualifications or subject matter expertise required by the enabling statute, ordinance, resolution or minute order.
- (b) County employees may not serve as a constituent member of any board, commission or committee that makes decisions or recommendations pertaining to the functional areas in which the employee works; as used herein, "constituent member" means a member appointed to represent the public or a portion thereof at large, as opposed to one appointed to represent a particular professional or technical expertise. Any dispute regarding the application of the foregoing shall be decided by the Board of Supervisors.

Section 2-2.3604. Appointment and Removal; Supervisorial District Nomination; Resignation.

- (a) A rotating member shall be appointed by majority vote of the Board of Supervisors, shall serve at the pleasure of the Board, and may be removed at any time for any reason by majority vote of the Board, and a representational member shall be appointed by, serve at the pleasure of, and be removed at any time for any reason by the appointing authority for that member.

- (b) Whenever any provision of law provides that a member of a board, commission or committee appointed by the Board of Supervisors shall reside in, be selected from, or represent a particular supervisorial district, the member of the Board of Supervisors representing that supervisorial district shall nominate a qualified person for appointment by the Board.
- (c) Any member of any board, commission or committee may resign at any time by submitting a written resignation to the Clerk of the Board. Any such resignation shall be effective upon submission if no effective date is specified therein or, if an effective date is specified, upon such later date as is specified in the resignation if such date is not more than sixty (60) days after the date of submission or upon the sixtieth (60th) day after submission if the date specified is more than sixty (60) days after the date of submission.

Section 2-2.3605. Terms; Vacancy.

- (a) The term of any member of a board, commission or committee, shall be as follows:
 - (1) The terms of a majority of the initial appointments to a board, commission or committee shall be for two (2) years and the terms of the remaining members shall be for four (4) years. The initial appointees shall determine these terms among themselves by drawing lots;
 - (2) Thereafter, the terms shall be four years;
 - (3) A person appointed to fill a vacancy that has been created by the resignation, removal, disqualification or death of a member shall serve for the remainder of the existing term.
- (b) The prescribed terms shall commence February 1 and end January 31; provided, however, that the term of an incumbent shall not end until a successor is appointed.
- (c) A vacancy shall occur upon the death, resignation, removal or disqualification of any member (including but not limited to the termination of residency in the County or in any district, city or other area if required, or the cessation of the status which qualified the member for appointment).

Section 2-2.3606. Quorum; Voting; Rules; Permissive Use of Roberts Rules, etc..

- (a) Unless otherwise provided by law, a majority of the appointed members of any board, commission or committee (i.e., not including vacancies) shall be required to constitute a quorum. Except for adjournment of the meeting, no action may be taken by any board, commission or committee unless a quorum is present.
- (b) A majority vote of those present and constituting a quorum shall be required for any action by the board, commission or committee. However, any member who abstains

due to a legal conflict of interest shall not be counted in determining the existence of a quorum or a majority vote.

- (c) The board, commission, or committee may adopt such by-laws and other rules for the conduct of its business as it deems necessary, provided that such rules shall be consistent with all applicable Federal, State and County laws and regulations.
- (d) Roberts Rules of Order, and any other procedural rules that are not legally binding, shall not govern the proceedings. However, they may be used for procedural guidance when considered appropriate by the chair unless a majority vote of the members who are then present decide otherwise.

Section 2-2.3607. Meetings; Requirements; Officers; Minutes.

- (a) Regular meetings shall be held at such times and places as may be specified in the by-laws or order of the board, commission or committee. Special meetings may be called by the chair or a majority of the appointed voting members.
- (b) Every board, commission or committee shall meet at least once each year, on or before March 31 of each year, and at the first meeting of each year shall select from among its members the following: a chair to preside over all meetings; a vice-chair to act in the absence of the chair; a secretary to draft and keep the minutes and other records of actions by the board, commission or committee, unless the Board of Supervisors has otherwise provided that such functions shall be performed and fulfilled by a County staff member; and such other officers and sub-committees as the board, commission or committee may deem necessary. The term of all such offices shall be one (1) year or until a successor is selected, and any vacancy in any such office shall be filled by the board, commission or committee for the unexpired portion of the term of such office.
- (c) Minutes shall include the names of all members who are present and absent, all reports received, approved or otherwise considered, any formal actions or votes taken (including but not limited to recommendations adopted) and the vote of each member who voted thereon, and such additional information as is deemed necessary and appropriate. Copies of all minutes shall be transmitted to the Board of Supervisors.

Section 2-2.3608. Compliance with Laws.

All meetings and actions of all boards, commissions and committees and their members shall comply with the Brown Act (Government Code Section 54950 and following), the Political Reform Act and other conflict of interest laws (Government Code Sections 1090 and following and 87100 and following; Yolo County Code Section 2-6.42 and the Yolo County Conflict of Interest Resolution), and the Public Records Act (Government Code Section 6250 and following), as well as with all other applicable laws and regulations as may be adopted or amended from time-to-time.

SECTION 3. EFFECTIVE DATE/PUBLICATION.

This ordinance shall take effect and be in force thirty (30) days after its passage and adoption, and prior to the expiration of fifteen (15) days from the passage, this ordinance shall be published once in the Daily Democrat, a newspaper of general circulation, printed and published in the County of Yolo.

PASSED AND ADOPTED by the Board of Supervisors of the County of Yolo, State of California this 16 day of September, 2003, by the following vote:

Ayes: McGowan, Thomson, Siefertman, Jr., Rosenberg, Pollock.

Noes: None.

Absent: None.

Abstentions: None.

Lynnel Pollock

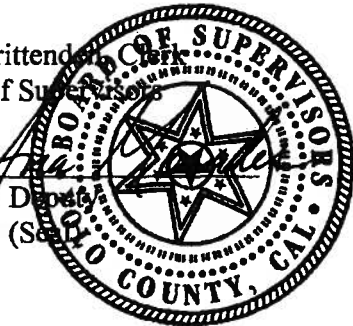
Lynnel Pollock, Chair
Board of Supervisors
County of Yolo, State of California

Attest:

Patty Crittendon
Board of Supervisors

By

[Signature]
Deputy Clerk
(Seal)



Approved as to Form:

Steven M. Basha, County Counsel

By

[Signature]
Stephen B. Nocita, Senior Deputy