

SEP 18 2003

ORDINANCE NO. 1309

PATRICIA CRITTENDEN, 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.

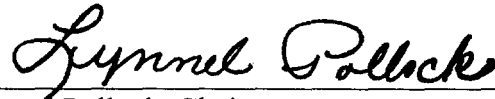
PASSED AND ADOPTED by the Board of Supervisors of the County of Yolo, State of California this 16 day of September, 2003, by the following vote:

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

Noes: **None.**

Absent: **None.**

Abstentions: **None.**



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

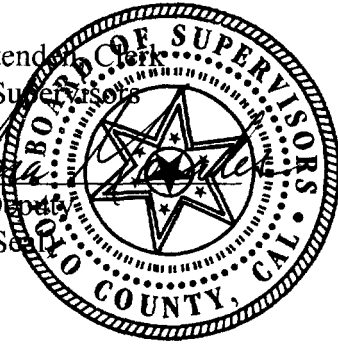
Attest:

Patty Crittendon
Board of Supervisors

By 

Date

(Signature)



Approved as to Form:

Steven M. Basha, County Counsel

By 

Stephen B. Nocita, Senior Deputy

BOARD OF SUPERVISORS
Yolo County, California

Meeting Date: September 2, 2003

To: CAO ✓
County Counsel ✓
Auditor
Plan & Pub Works
Alcohol Drug/MH
Health Services
Human Resources
Central Services Div.
DESS

Agenda Item No. 39
Winters High School/Community Library

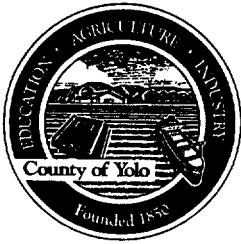
Minute Order No. 03-256: Approved in concept the Railroad Avenue Site for a new Winters High School/Community Library and directed County staff to prepare a Site Lease for the property with the Winters Joint Unified School District and the City of Winters.

MOTION: Pollock. SECOND: McGowan. AYES: McGowan, Thomson, Sieferman, Jr., Rosenberg, Pollock.

Agenda Item No. 40
Procedural Rules for County Advisory Boards

Minute Order No. 03-257: At the conclusion of a public hearing to consider a proposed ordinance consolidating procedural rules for county advisory boards, the Board read the proposed ordinance by title only, waived further reading and set September 16, 2003 to consider adoption of the proposed ordinance.

MOTION: Rosenberg. SECOND: Thomson. AYES: McGowan, Thomson, Sieferman, Jr., Rosenberg, Pollock.



County of Yolo

COUNTY ADMINISTRATIVE OFFICE

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VICTOR SINGH

County Administrative Officer

To: The Honorable Lynnel Pollock, Chair,
And Other Members of the Board of Supervisors

From: Vic Singh, County Administrative Officer,
Steve Basha, County Counsel *[Signature]*
By D. Ishikawa, Principal Administrative Analyst and S. B. Nocita, Deputy County
Counsel *[Signature]*

Date: September 2, 2003

Subject: Proposed Ordinance Consolidating Procedural Rules for County Advisory Boards

Recommended Action:

Introduce an ordinance adding Article 36 to Chapter 2 of Title 2 of the Yolo County Code to consolidate the procedural rules for all county advisory boards, read the proposed ordinance by title only, waive further reading and set September 16, 2003 to consider adoption of the proposed ordinance.

Reason for the Recommended Action:

This is the continuation of the introduction of the proposed ordinance. After discussion at your Board's August 5, 2003 meeting, Section 2.3606 has been revised to clarify those provisions, but has not changed their intent or meaning. Attached to this report are clarifying examples of Section 2.3606.

This ordinance consolidates various procedural rules that have been adopted by the Board of Supervisors over a span of several years in minute orders, resolutions, and ordinances. Although the ordinance would establish uniform procedural rules, the Board of Supervisors would retain the power to provide for individual variances by expressly stating its intent to do so. The proposed ordinance does not contain term limits.

Background:

The enclosed draft includes a relaxed quorum requirement. This is based upon the number of voting members that have actually been appointed (excluding vacancies). That is a majority of the voting members that are actually appointed would constitute a quorum, instead of the general rule that requires a majority of the membership including vacancies.

This is an explanation as to why the ordinance form of enactment was used rather than a resolution.

Using the ordinance format permits these provisions to apply to advisory boards that are established by Yolo County Code or ordinance provisions, as well as those established by resolution and minute order. Regulations adopted by resolution or minute order do not supersede conflicting regulations established by

County Code or ordinance provisions. To the extent that the Board of Supervisors subsequently acts to move the advisory boards entirely to resolution status, the provisions of this ordinance could then be moved to a resolution.

The proposed ordinance also has the following features.

1. There is no list of the existing advisory boards. This preserves the status quo for existing boards except as to matters expressly stated in this draft ordinance. It also eliminates the need to further research changes in the laws, advisory boards and advisory board structures that have taken place since an earlier, similar project was abandoned in 1999.
2. The 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. This serves to exclude:
 - a. Fire Districts
 - b. Community Services Districts
 - c. Reclamation Districts
 - d. Yolo County Housing Authority
 - e. Various Drainage, Protection, Flood Control And Water Conservation Districts (including the Yolo Flood Control Water & Conservation District)
 - f. Assessment Appeals Board
 - g. RAN Board
 - h. Planning Commission
 - i. Local Agency Formation Commission
 - j. Cemetery Districts
 - k. Community Services Districts
 - l. Yolo Transportation District
 - m. Sacramento County Yolo County Port District
 - n. Sacramento Valley Air Basin Council
 - o. Yolo-Solano Air Quality Maintenance District
 - p. Various joint powers agencies to which the county is a member
 - q. Various Non-profit corporations associated with the county
 - r. Various Unincorporated associations to which the county is a member

Parts of this ordinance may be superseded by federal and state requirements.

Fiscal Impact:

None.

Other Agency Involvement:

The Board's subcommittee of Supervisors Pollock and Thomson, and staff from County Counsel and County Administrative Office developed this proposal for the consideration by the whole Board.

Attachment:

- A. Clarifying examples for Section 2.3606
- B. Proposed Ordinance (on file with the Clerk of the Board)

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ATTACHMENT A

Some questions were raised about the meaning of the provisions of Section 2-2.3606 concerning the quorum and voting requirements. The following hypothetical is intended to provide further information in that regard.

HYPOTHETICAL: An advisory board has eleven (11) total seats, all voting members. Seven (7) members have been appointed, with the remaining four (4) seats being vacant.

Four (4) of the members must be present to constitute a quorum. Without at least four (4) members present, no action may be taken except to adjourn the meeting or continue items on the agenda. (If fewer than four (4) are present, those present may still hold discussions regarding any matter that has been properly agendized in accordance with the Brown Act, but they may not take action on any of those items except to continue them to a subsequent meeting.)

If all seven (7) appointed members are present, then at least four (4) affirmative votes are required to take any action. (If only four (4) members were present, then three (3) affirmative votes would be required to take any action.)

If the seven (7) appointed members are present, and two (2) of the members abstain due to a legal conflict of interest, the remaining five (5) members may still take action (because they still constitute a quorum), and any action requires the affirmative vote of at least three (3) of those remaining five (5) members (i.e., a majority of the five who are present and constituting the quorum.). (If only four (4) of the seven (7) appointees were present, and any one (1) of those attendees abstained due to a legal conflict of interest, then the remaining three (3) attendees would be less than the four (4) minimum required to constitute a quorum, and no action could be taken other than adjournment or continuance of the matter.)