

MENDOCINO COUNTY POLICY #51	FORMATION/OPERATION OF MUNICIPAL ADVISORY COUNCILS
ADOPTED: September 20, 2016	ADOPTED BY: Minute Order

## 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.

MACs can 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. Advisory councils can advise or make recommendations to the Board regarding policies, ordinances, zoning code, general plan or local community plan. While the concerns, insight, and discussions relayed by the MAC are key components in the deliberative process regarding the county zoning ordinance, the county general plan or local community plan, Members do not make or set County policies, ordinances or laws.

### I. 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.

The resolution establishing any such municipal advisory council shall provide for the following:

- a. The name of the municipal advisory council.
- b. The qualifications, number, and method of selection of its members, whether by election or appointment.
- c. Its designated powers and duties.
- d. The unincorporated area or areas for which the municipal advisory council is established.
- e. Whether the establishment of the council should be submitted to the voters and the method for such submission; provided that if an election is required pursuant to subdivision (b), such election shall be held at the same time as an election held pursuant to this subdivision.

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- f. Such other rules, regulations and procedures as may be necessary in connection with the establishment and operation of the municipal advisory council.

**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 existing districts, such as special districts and/or school districts. The proposed boundaries and map legal 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. 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 nomination 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 nominated 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**

Eligibility and the number of appointed representatives shall be established by the enabling resolution of the MAC as adopted by the Board of Supervisors and in conformance with California Government Code section 31010.

**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 nominating supervisor. Appointment shall be made consistent with relevant provisions of this policy.

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## 7. Terms

The terms of all MAC members shall commence upon appointment and be effective for four (4) years, though to establish initial staggering of tenures for members of a new MAC, some initial terms may be shortened to three (3) years. The Board may remove a member of the MAC upon a majority vote of the Board.

## 8. Vacancies

Vacancies occurring due to death, resignation, or a member no longer qualifying in the council area shall be filled by nomination made by the Supervisor of the District and approved by a majority of 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

If member eligibility is partially based upon voter registration and either primary residence within the MAC boundary or ownership of 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 the Board approve a change in the map of the boundaries of the MAC, the Clerk of the Board 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.

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**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 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 proposed action, which may contain the majority and minority views, 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 providing written correspondence on the MAC's letterhead that clearly states that views expressed are solely those of the said MAC and do not necessarily represent the official position of the County. Any such letter shall also be filed with the Clerk of the Board and to the Supervisor(s) representing the district that the MAC is located within.

**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

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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 51, Board Policy 51 is deemed to take precedence, and the MAC shall take action at its next available meeting to amend its by-laws or policies.