

BYLAWS OF  
COUNTY OF MENDOCINO FISH AND GAME COMMISSION

**ARTICLE I**

Name, Organization and Purpose

SECTION 1.01     Name, Organization and Purpose.

The name, organization and purpose of the Mendocino County Fish and Game Commission is as stated in Mendocino County Code Chapter 2.50.

**ARTICLE II**

Commissioners

SECTION 2.01     Qualifications, Number and Term of Office.

The qualifications, number and term of office of the Commissioners is as stated in Mendocino County Code Chapter 2.50.

SECTION 2.02     Organizational Meeting.

At the first meeting of the Commission, the Commissioners shall organize by electing from their number a Chairman and Vice- Chairman. In addition, the Commission shall make provision for a Secretary to the Commission; a member of the Commission may be elected as Secretary, but may not receive compensation for serving as Secretary. Each officer shall hold office until the election and qualification of his or her successor, or until his or her death, resignation or removal.

**ARTICLE III**

Meetings

SECTION 3.01     Place of Commission Meetings.

The Commissioners shall hold meetings at such place in the County of Mendocino, as may be designated in the notice of meeting and consistent with the requirements of Chapter 2.50 that regular meetings alternate between the cities of Ukiah, Ft. Bragg and Willits.

SECTION 3.02     Regular and Special Meetings: Time and Place: Notices.

Regular meetings shall be scheduled for the second Tuesday of every other month beginning with February. Special Commission meetings may be called at any time by the Chairman or by three (3) members of the Commission. The Secretary is directed to deliver or mail written meeting notices to each Commission member and to each local newspaper of general circulation and radio land television station requesting a notice in writing. Such notice shall be delivered personally or by mail at least seventy-two (72) hours before the time of such meeting. The call and notice shall set forth the time and place of regular and special meetings and the business to be transacted. A copy of the notice shall also be posted at or near the door to the Mendocino County Board of Supervisors' Chambers. No other business shall be considered at such meetings.

SECTION 3.03 Open to the Public: Exception.

All regular and special meetings of the Commission shall be public; provided, however, the Commission may hold executive sessions during a regular or special meeting, from which the public may be excluded, for the purpose of considering the matters set forth in the Brown Act. (Government Code Section 54950)

SECTION 3.04 Adjournment.

Adjournment is governed by Government Code Section 54955. The Commission may adjourn a regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum shall adjourn to a time and place certain.

If all members are absent from a regular or adjourned regular meeting the Secretary declares the meeting adjourned to a time and place certain.

SECTION 3.05 Executive Sessions: Disclosure of Information.

No member of the Commission, employee of the County, or any other person present during an executive session shall disclose to any person the content or substance of any discussion which took place during such executive session unless the Commission shall, by a majority vote, authorize the disclosure of such information.

## ARTICLE IV

### Commission Officers

SECTION 4.01 Presiding Officer.

The Chairman of the Commission shall be the presiding officer at all meetings of the Commission. In the absence of the Chairman, the Vice-Chairman shall preside. In the absence of both the Chairman and the Vice-Chairman, the Secretary shall call the Commission to order, whereupon a temporary presiding officer shall be elected by the Commission members present to serve until the arrival of the Chairman, Vice-Chairman or until adjournment. Wherever in this article the term Chairman is used, it shall apply equally to the presiding officer as set forth in this section.

SECTION 4.02 Powers and Duties of the Chairman.

(a) Participation: The Chairman may not move, second, or debate from the Chair but may vote from the Chair if needed to break a tie vote.

(b) Signing of documents: The Chairman shall sign all documents necessitating his/her signature which were adopted in his presence, unless he/she is unavailable, in which case the signature of an alternate presiding officer may be used.

(c) Conduct of Business: The Chairman, designee, or designated committee shall conduct business as required during periods between regular and special meetings under direction provided for by the Commission and where appropriate, the Board of Supervisors. All such business shall be reported on at the next regular or special meeting.

## ARTICLE V

### Conduct of Meetings

#### SECTION 5.01 Agenda.

(a) Presentation and Posting of Agendas: All reports, communications, or other matters to be submitted to the Commission at a regular meeting shall be delivered to the Secretary not later than 12:00 noon on Monday, six (6) working days preceding the meeting. Provided, however, that nothing *in* this Section shall prohibit the Secretary from providing the Commission on or before any regular or special meeting with any additional documents not previously delivered to the Commission which pertains to any items on the agenda for its consideration. The Secretary shall prepare the agenda of all such matters in cooperation with the Chairman or Vice Chairman. Individual Commission members or members of the general public may request that specific items be placed on the agenda. The agenda and supporting documents shall be delivered to the members of the Commission on the Friday preceding the Tuesday Commission meeting to which the agenda pertain. The agenda itself shall be posted in a location freely accessible to the public at least 72 hours before each regular meeting or special meeting of the Commission. The agenda must include a brief description of each item of business to be transacted or discussed at the meeting as well as the time and location of the meeting.

(b) Discussion of and Action on Agenda Items: Under rules as shall be determined from time to time by the commission, the public shall be offered an opportunity to address at the meeting any item included on the agenda. The Commission shall not take action on any item not appearing on the posted agenda unless: 1) a Commission majority determines that an "emergency situation", as defined herein, exists; 2) the Commission determines by a two-thirds (2/3) vote or by a unanimous vote if less than two-thirds (2/3) of the Commission are present, that the "need to take action" on the item arose subsequent to the posting of the agenda; or 3) the item was included in a properly posted agenda for a prior meeting occurring not more than five (5) days prior to the meeting at which the action is taken and was continued to the meeting at which the action is taken. Unless otherwise agreed to, a quorum of members must be present in order to conduct business. If a quorum is not present, the business items on the agenda will be carried over to the next Commission meeting.

As used in this section "emergency" means an event which will cause a work stoppage, severely impairing the Commission's programs and mandates.

(c) Public Input--Non-agenda Items: Every agenda for a regular meeting of the Commission shall provide an opportunity for members of the public to directly address the legislative body on items of interest to the public that are within the subject matter jurisdiction of the Commission. No action shall be taken on any item not appearing on the agenda unless the provisions of subdivision (b), above, apply.

#### SECTION 5.02. Order of Business

The business of the Commission and the order of its agenda shall be in such form as the Commission may from time to time adopt.

#### SECTION 5.03. Commission Correspondence.

(a) Availability to the public: Correspondence addressed to the Commission and received by the Secretary or any other officer or employee of the Commission shall not become a public record until received and filed by the Commission at a regular, special, or

adjourned meeting of the Commission. Unless the correspondence does not require Commission action and is authorized to be acted upon by the Secretary or Secretary's designee, upon the direction of the Chair or presiding officer, then the correspondence is a public record. Correspondence shall not be read aloud at a Commission meeting unless requested by a majority vote of the Commission. The Secretary shall keep a log of all incoming and outgoing correspondence and make it available at each Commission meeting.

(b) Authority of the Secretary: The Secretary is hereby authorized to open and examine all mail or other written communications addressed to the Commission and to give them immediate attention. All administrative business referred to in such communications, and not necessarily requiring Commission action may be acted upon between Commission meetings; provided, however, personal mail addressed to individual Commission members shall not be opened without the consent of the Commission members to do so. Official correspondence received by a Commission member shall be forwarded immediately to the Secretary/Technical Advisory.

SECTION 5.04. Minutes: Preparation and Changes.

The Secretary or the Secretary's designated representative shall have the responsibility for the preparation of the minutes of Commission meetings, and any directions for changes in the minutes shall be made only by majority action of the Commission.

SECTION 5.05. Minutes: Reading.

Unless the reading of the minutes of a Commission meeting is ordered by a majority vote of the Commission, such minutes may be approved without reading if the Secretary has previously furnished each Commission member with a copy.

SECTION 5.06. Minutes: Entry of Statements.

A Commission member may request through the presiding officer of a Commission meeting the privilege of having an abstract of the statement of such Commission member on any subject under consideration by the Commission entered in the minutes. If the Commission consents thereto, such statement shall be entered in the minutes.

SECTION 5.07. Entry of Protests.

Any Commission member shall have the right to have the reasons for his/her dissent from, or his/her protest against, any action of the Commission entered in the minutes, in the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons: ..."

SECTION 5.08. Rules of Debate.

(a) No debate shall take place on any item on the agenda without first obtaining a motion and a second to the motion.

(b) Getting the floor: Every Commission member desiring to speak at a Commission meeting shall first address the Chair, gain recognition by the presiding officer, and confine himself/herself to the question under debate.

(c) Questioning the staff: Every Commission member desiring to question the Commission staff shall, after recognition by the presiding officer, address his/her questions to the Secretary, who shall be entitled either to answer the inquiry himself or to designate a member of his/her staff for such purpose.

(d) Interruptions: A Commission member, once recognized, shall not be interrupted when speaking unless called to order by the presiding officer, unless a point of order or personal privilege is raised by another Commission member or unless the speaker chooses to yield a question by another Commission member. If a Commission member is called to order while speaking, he shall cease speaking until the question of order is determined and if determined to be in order, he may proceed. Members of the Commission staff, after recognition by the presiding officer, shall hold the floor until the completion of their remarks or until recognition is withdrawn by the presiding officer.

(e) Points of order: The presiding officer shall determine all points of order, subject to the right of any Commission member to appeal to the Commission. If an appeal is taken, the question shall be, "Shall the decision of the presiding officer be sustained?" A majority vote shall conclusively determine such question of order.

(f) Points of personal privilege: The right of a Commission member and staff to address the Commission on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are questioned or where the welfare of the Commission is concerned. The individual raising a point of personal privilege may interrupt another Commission member who has the floor only if the presiding officer recognizes the privilege.

(g) Privilege of closing debate: The Commission member moving the adoption of an ordinance, resolution, or motion shall have the privilege of closing debate.

(h) Limitation of debate: No Commission member shall be permitted to speak more than once upon any particular subject until every other commission member desiring to do so shall have spoken.

#### SECTION 5.09: Rules of Order.

In the event of questions as to procedure not set forth in this article for Commission meetings, the Chair shall be guided by the rules of general parliamentary procedure which are applicable to the Board of Supervisors.

#### SECTION 5.10: Rules of Order: Failure to Observe.

Rules adopted to expedite the transaction of the business of the Commission in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe such rules shall not affect the jurisdiction of the Commission or invalidate any action taken at a meeting which is otherwise held in conformity with law.

#### SECTION 5.11: Rules of Decorum.

(a) Commission members: While the Commission is in session, the members shall preserve order and decorum. They shall neither, by conversation or otherwise, delay or interrupt the proceedings of the peace of the Commission, nor disturb any member while speaking, nor refuse to obey the orders of the presiding officer.

(b) Public: No question shall be asked a Commission member or staff without first obtaining the permission of the presiding officer, nor shall any Commission member or members of the Staff respond to any question from the public without first obtaining permission from the Chair.

SECTION 5.12: Motions.

A motion by any member of the Commission, including the presiding officer, may not be considered by the Commission without receiving a second.

SECTION 5.13: Voting Procedure.

(a) Question to be stated: Upon moving the question, the presiding officer shall call for the vote which shall be taken first from the chair to the right of the presiding officer, then moving from right to left with the presiding officer voting last.

(b) Registration of votes: Any vote of the Commission, including a roll call vote, may be registered by the members by answering "aye" or "yes" for an affirmative vote or "no" for a negative vote.

SECTION 5.14: Voting Procedure: Disqualification.

Any Commission member who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state, or have the presiding officer state, the nature of such disqualification in open meeting. When no clearly disqualifying conflict of interest appears, the matter of disqualification shall at the request of the Commission member affected, be decided by the presiding officer in consultation with the affected Commission member. A Commission member who is disqualified by reason of a conflict of interest in any matter shall not remain in his/her seat during the debate and vote on such matter but shall request and be given the permission of the presiding officer to step down from the Commission table and leave the Commission Chamber. A Commission member stating such disqualification shall not be counted as part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

SECTION 5.15: Failure to Vote.

Every Commission member shall vote unless disqualified by reason of a conflict of interest. A Commission member who abstains from voting who is not disqualified for a conflict of interest shall have his/her vote recorded an aye or a yes.

SECTION 5.16: Tie Votes.

Tie votes shall be lost motions and may be reconsidered.

SECTION 5.17: Changing Votes: Abstention.

A Commission member may change his/her vote only if he/she makes a timely request to do so immediately following the announcement of the vote by the Secretary and prior to the time the next item in the order of business is taken up. A Commission member who publicly announces he/she is abstaining from voting on a particular matter shall not subsequently be allowed to withdraw his/her abstention.

SECTION 5.18: Reconsideration of Actions.

A motion to reconsider any action taken by the Commission may be made only on the day such action was taken or at the very next meeting. It may be made either immediately during the same session or at a recessed or adjourned session thereof. Such motion may be made only by one of the Commission members who voted with the prevailing side or by a member who was necessarily absent.

SECTION 5.19: Failure to Attend Meeting.

Any member who fails to attend three (3) successive regular meetings of the Commission or is absent more than thirty-five percent (35%) of the regularly scheduled meetings held during any year subsequent to that member's appointment results in the automatic vacancy in that office pursuant to Mendocino County Code Section 2.04.050. That section provides a procedure whereby the Board of Supervisors may grant permission for an absence for a specific period of time and for an express reason.

SECTION 5.20: Form of Action.

Official actions of the Commission shall be in the form of a minute order.

SECTION 5.21: Commission Committees.

The Commission may create Commission Committees composed of less than a quorum of the Commission for technical or study purposes and to make recommendations to the full membership.

## **ARTICLE VI**

### **REIMBURSEMENT OF EXPENSES**

SECTION 6.01: Travel Expenses, Secretarial Service, Postage.

These administrative expenses are reimbursable from the County's Fish and Game Propagation Fund, at a rate to be set by the Board of Supervisors, not to exceed three (3) percent annually of the money in said fund or any amount prescribed by law.

SECTION 6.02: Dinner Expenses.

Dinner expenses are non-reimbursable.

