RECOMMENDED ACTION AND JUSTIFICATION: Consider language initiating an amendment to Title 2, Chapter 2.50 of the Mariposa County Code to amend the procedures for Planning Advisory Committees.

(See attached planning staff memorandum and exhibits)

BACKGROUND AND HISTORY OF BOARD ACTIONS: (See attached)

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Alternative language, or no language, to amend the County code may also be considered.

Financial Impact? ( ) Yes (x) No  Current FY Cost: $  
Budgeted in Current FY? ( ) Yes ( ) No ( ) Partially Funded  
Amount in Budget: $  
Additional Funding Needed: $  

Source:  
Internal Transfer  
Unanticipated Revenue  
Transfer Between Funds  
Contingency  
( ) General ( ) Other  

Annual Recurring Cost: $  
List Attachments, number pages consecutively  
1. Planning staff memorandum, dated October 4, 2011, with attachments  

The foregoing instrument is a correct copy of the original on file in this office.  
Date: 
Attest: MARGIE WILLIAMS, Clerk of the Board  
County of Mariposa, State of California  
By: Deputy

Revised August 2011
MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: KRIS SCHENK, Planning Director

FROM: MARGIE WILLIAMS, Clerk of the Board

SUBJECT: Consider Language Initiating an Amendment to Title 2, Chapter 2.50 of the Mariposa County Code to Amend the Procedures for Planning Advisory Committees

RES. 11-491

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA

ADOPTED THIS Order on October 4, 2011

ACTION AND VOTE:

7 Planning
Consider Language Initiating an Amendment to Title 2, Chapter 2.50 of the Mariposa County Code to Amend the Procedures for Planning Advisory Committees

BOARD ACTION: Discussion was held with Kris Schenk. Steve Dahlem, County Counsel, provided clarification relative to the Maddy Act provisions.

Input from the public was provided by the following:

Eleanor Keuning, Historical Sites and Records Preservation Commission, noted there are members on the Commission that have missed several meetings and asked about bringing their membership up-to-date; and she stated she feels committees are important. She was advised to work with Planning on the membership issues as the Commission already has language to allow for the removal of members.

Discussion was held. (M)Stetson, (S)Bibby, Res. 11-491 was adopted initiating the amendment as recommended to allow for the removal of members on Planning Advisory Committees/Ayes: Stetson, Bibby, Cann, Allen; Excused: Turpin.

Cc: Steven W. Dahlem, County Counsel

File
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No. 2011-491

A resolution of intention to initiate an amendment to Title 2, Chapter 2.50 Mariposa County Planning Agency, to amend procedures for Planning Advisory Committees

WHEREAS, the Mariposa County Code is adopted by ordinance; and

WHEREAS, Title 2, Chapter 2.50 establishes provisions for the Mariposa County Planning Agency; and

WHEREAS, Section 2.50.100 is entitled Planning Advisory Committees Established; and

WHEREAS, Section 2.50.100 provides enabling language for committee members to be appointed and reappointed by the Board of Supervisors; and

WHEREAS, Section 2.50.100 does not explicitly declare that Planning Advisory Committee members serve at the pleasure of the Board of Supervisors and it is silent regarding their removal from their terms; and

WHEREAS, other Mariposa County advisory committees’ ordinances and resolutions contain explicit provisions for removal of members, including County Code Section 2.110.050 for the Agricultural Advisory Committee, County Code Section 2.90.020 for the Historic Sites and Records Preservation Commission, and Resolution No. 93-387 establishing the Airport Advisory Committee; and

WHEREAS, California Government Code distinguishes and provide sufficient authority for local legislative bodies to remove, as well as appoint, their advisory committee members; and

WHEREAS, there is a benefit to making County Code provisions for advisory committees internally consistent regarding both appointment and removal provisions; and

WHEREAS, there is a benefit to making County Code provisions for advisory committees consistent with California Government Code.
NOW BE IT THEREFORE RESOLVED THAT the Board of Supervisors of the County of Mariposa does hereby initiate an amendment to Section 2.50.100 of Mariposa County Code.

BE IT THEREFORE FURTHER RESOLVED THAT the proposed amendment to Section 2.50.100 for Planning Advisory Committees is worded to be similar to provisions contained in Mariposa County Code for the Agricultural Advisory Committee.

BE IT THEREFORE FURTHER RESOLVED THAT the proposed amendment to Section 2.50.100 will give the Board of Supervisors explicit authority regarding removal of Planning Advisory Committee members should such action become necessary.

BE IT THEREFORE FURTHER RESOLVED THAT the amendment to Section 2.50.100 of the Mariposa County Code will read as follows (new text shown in italicized underlined type):

2.50.100 Planning Advisory Committees established.

A. The board of supervisors may establish planning advisory committees to recommend actions representing the local community views about planning matters to the planning commission and board of supervisors. The board may also refer other matters of community interests to the planning advisory committee as necessary;

B. Planning advisory committees shall be initiated by resolution of the board. The resolution shall, at a minimum, include:

1. A purpose for the committee, and
2. A general mission for the committee's work, and
3. The number of members to be appointed to the committee, and
4. The geographic boundaries of the area in which the committee's recommendation is to be sought; and
5. The resolution shall cross-reference the requirement for all planning advisory committees to utilize the standard bylaws approved by the board of supervisors pursuant to this section and submit any proposed modifications meeting committee needs to the board for approval;

C. Citizen advisory committee members shall be appointed by a majority of the board. All members serve at the pleasure of the board and may be removed by a majority vote of the board. The committee shall be comprised of members who shall be from one of the following groups:
BE IT THEREFORE FINALLY RESOLVED THAT all other text in this Section of County Code shall remain unchanged.

ON MOTION BY Supervisor Stetson, seconded by Supervisor Bibby, this resolution duly passed and adopted this 4th day of October 2011 by the following vote:

AYES: Stetson, Bibby, Cann, Allen

NOES:

EXCUSED: Turpin

ABSTAIN:

ATTEST:

Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO LEGAL FORM:

Steven W. Dahlem
County Counsel
TO: Board of Supervisors

FROM: Kris Schenk, Planning Director

DATE: October 4, 2011

SUBJECT: Authority for Removal of Members of a PAC

REQUESTED ACTION

Consider language initiating an amendment to Title 2, Chapter 2.50 of the Mariposa County Code to amend the procedures for Planning Advisory Committees.

In February of this year the Board of Supervisors discussed the Board’s legal authority to remove appointed members of a County Planning Advisory Committee (PAC). The discussion was prompted by the Board’s earlier action to rescind the appointment of a member of the Yosemite West PAC (due to a failure to have followed the Maddy Act noticing requirements in State law). Staff was requested to research the County’s advisory committee appointment and removal procedures and to bring the matter back with a recommendation.

BACKGROUND: EXISTING PROCEDURES AND LAW

Mariposa County Code Section 2.50.100 Planning Advisory Committees Established provides the following enabling language:

E. Committee members shall be appointed to staggered two-year terms and may be reappointed by the board without term limitations. (emphasis added)

The Code does not explicitly declare that PAC members serve at the pleasure of the Board of Supervisors and it is silent regarding their removal from their terms.

Other County advisory committees’ ordinances and resolutions contain explicit mention of the removal of members. The section governing the Agricultural Advisory Committee, for example, declares:

Our Mission is to provide our clients with professional service and accurate information in a respectful, courteous, and enthusiastic manner resulting in a well-planned rural environment.
Mariposa County believes in and supports this fundamental principle of local
governance. The Board of Supervisors and County staff benefit greatly, and depend
absolutely upon, the voluntary service of its many citizen advisory committees. A
challenge for Supervisors can sometimes lie in finding sufficient volunteers with time
available to commit to a demanding schedule of planning advisory activities and
meetings.

On infrequent occasions, and for reasons that may include family matters, personal health,
out-of-town absences, or conflicts with other committee members, a PAC member may have
multiple unexcused absences that interfere with the work of the committee. On other
occasions, the Board of Supervisors may wish to change the composition or balance of
professional qualifications on a planning advisory committee. In order for such changes to
occur prior to the expiration of a PAC member’s term, the Board would need to amend the
appointments section of Chapter 2.50 of the County Code with a removal clause, such as
language that has been routinely used in the controlling sections for other County advisory
committees and commissions. The following amended language *(in italics)* may be
considered for Section 2.50.100 (C) of the Mariposa County Code pertaining to Planning
Advisory Committees:

C. Citizen advisory committee members shall be appointed by a majority of the board.
*All members serve at the pleasure of the board and may be removed by a majority vote of
the board.* The committee shall be comprised of members who shall be from one of the
following groups:...

RECOMMENDATION

It is recommended that the Board of Supervisors consider language amending Section
2.50.100 (C) of the County Code. If the Board agrees with the proposed language, the Board
should adopt the attached Resolution of Intention initiating an amendment to Section
2.50.100 (C) that will establish the Board’s authority to remove members of a Planning
Advisory Committee.

Attachments:

1. Mariposa County Board of Supervisors Summary of Proceedings, February 22,
   2011
2. Section 2.50.100, Planning Advisory Committees established, Mariposa County
   Code
3. Section 2.110.050 Removal, Agricultural Advisory Committee, Mariposa County
   Code
4. Section 2.90.020 Membership, Historic Sites and Records Preservation
   Commission, Mariposa County Code
5. Section 2. TERM OF OFFICE, VACANCIES AND APPOINTMENT, Resolution No. 93-
   387, Mariposa County Airport Advisory Committee
6. Article 3, Members, Section 4, Fish Camp Town Planning Advisory Council By-
   laws
7. California Government Code Sections 54970-54974, known as the Maddy Act
8. Draft Resolution of Intention to amend procedures for Planning Advisory
   Committees.
ATTACHMENT #1
Folder | Time  | Description
--- | --- | ---
9:05 a.m. | Meeting Called to Order at the Mariposa County Government Center

Chair Allen announced that the Health Department is in the lobby offering flu shots.

Pledge of Allegiance

Chair Allen called for a moment of silence for our troops fighting for our freedoms, for the folks in New Zealand recovering from the earthquake, and for the families of the four people that were killed by Somali pirates.

Introductions – none

1

Approval of Consent Agenda – See End of Agenda (Items designated by “CA”)

**NOTE:** The Consent Agenda consists of items that are generally viewed as non-controversial and routine by the department. If the Board wishes to discuss an item, it will be removed from the Consent Agenda and moved to the end of the timed agenda; or at the Chair’s discretion, may be taken in conjunction with another item scheduled by the respective department. Otherwise, the Consent Agenda items are generally approved in one single motion. This is the appropriate time for the public to advise the Chair of any comments to the Consent Agenda or request to have an item removed from the Consent Agenda.

**BOARD ACTION:** (M)Bibby, (S)Stetson all items were approved/Ayes: Unanimous.

Departmental Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda

Jim Wilson, Fire Chief, provided information on the recent storms and power outages, especially in the Greeley Hill area due to downed trees. He commended PG&E for their response and the volunteer fire fighters for checking on residents. He noted there was one structure fire. Supervisor Torpin added his appreciation to everyone involved and suggested that the tree trimming policy for providing clearance to the power lines may need to be evaluated.

Public Presentation: For Items within the Jurisdiction of the Board and not on Today’s Agenda (Speakers Limited to Five Minutes)

Brad Aborn commented on the change in phone number listings for the Airport and expressed concern that the FAX and weather information numbers were not in the new phone book. He read his letter of March 26, 2010, to the County Administrative Officer, relative to his questions and concerns on the selection process of the fixed-base operator for the Airport. Supervisor Cann commented that former Supervisor Aborn had the same information as the rest of the Board members, and he expressed concern with the innuendo and allegations being made without any background or specifics. Brad Aborn advised that he wrote several memos at the end of 2010 on various issues and that he is trying to help – he feels that someone should own up to the mistake in the
ATTACHMENT #2
Chapter 2.50

MARIPOSA COUNTY PLANNING AGENCY

Sections:

2.50.010 Creation and composition of the planning agency.
2.50.020 Planning agency functions.
2.50.030 The board of supervisors.
2.50.040 The planning commission.
2.50.050 Planning department established.
2.50.060 The planning and building department.
2.50.070 Director of planning.
2.50.080 Duties of planning director.
2.50.100 Planning advisory committees established.

2.50.010 Creation and composition of the planning agency. In accordance with government code sections 65100 through 65105, the planning agency of Mariposa County is comprised of the following:
A. The board of supervisors,
B. Planning commission, and the
C. Planning department.

2.50.020 Planning agency functions. In accordance with the provisions of government code section 65103, the planning agency shall perform the following functions:
A. Prepare, periodically review, and revise, as necessary, the general plan;
B. Implement the general plan through actions including, but not limited to, the administration of specific plans and zoning and subdivision ordinances;
C. Annually review the capital improvement program of the city or county and the local public works projects of other local agencies for their consistency with the general plan;
D. Endeavor to promote public interest in, comment on, and understanding of the general plan and regulations relating to it;
E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally, concerning implementation of the general plan;
F. Promote the coordination of local plans and programs with the plans and programs of other public agencies;
G. Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.

2.50.030 The board of supervisors.
The board of supervisors, as the legislative body of Mariposa County shall:
A. Exercise the appointing power provided under state law and this code including appointment of the director of planning, the voting members of the planning commission, and such other
Law and Earthquake Protection Law, Division 13, Parts 1.5 and 3, Section 18300 and 19992 of the Health and Safety Code of the state as applicable; California Code of Regulations, Title 25, Chapters 1, 3, and 5 as applicable and all other applicable provisions of all future ordinances and laws and amendments thereto relating to building. Such enforcement shall include all of the duties prescribed by these laws, rules and regulations including inspecting buildings and structures to verify that construction or alteration work is being done according to approved plans and in accordance with the provisions of applicable state and local building codes and ordinances, and issue all orders required in enforcement.

2. Issue all permits required to be issued by the county environmental health department in enforcement of the building process. “Permit” means any license, certificate, registration, permit, or any other form of authorization required to be issued by the county, or state if applicable, which deals with construction and building, well and septic permits, and excluding permits issued by other county agencies such as the planning commission, LAFCO, etc.

3. To assist in the implementation of these duties, the building permitting and inspections function of the planning and building department shall consist of a chief building inspector and such other employees as designated by the board of supervisors. The chief building inspector shall be responsible for the application of the Uniform Building Code and other applicable building and grading standards within the county of Mariposa except as otherwise specifically provided by county code, under the general direction of the planning director. (Ord. 910 Sec.II, 1997; Ord. 796 Sec.III, 1991).

2.50.070 Director of planning.
The planning director shall administer the planning and building department. The Mariposa county board of supervisors shall appoint a planning director qualified by training, experience and demonstrated ability to manage the affairs of the planning department. The planning director shall serve at the pleasure of the board of supervisors. (Ord. 910 Sec.II, 1997).

2.50.080 Duties of planning director.
The planning director, as chief administrator of the planning and building department shall:

A. Be responsible for directing, supervising and overseeing the staff activities of the department;

B. Prepare and administer the budget of the department;

C. Advise the board and commission on matters relating to zoning and land use, subdivisions, building codes and other planning matters, and act as approval authority for projects as specified by this code;

D. Conduct investigations, prepare reports and recommendations on matters relating to planning in the county as required by government code section 65400(a);
6. The board may appoint non-voting ex-officio members who may provide expertise and guidance associated with special disciplines or organizations affected by the recommendations of the committee;

D. County staff shall provide support resources to the committees, and the planning director shall be empowered to call upon appropriate departments to provide information required to assist the committee in carrying out its board-designated responsibilities;

E. Committee members shall be appointed to staggered two-year terms and may be reappointed by the board without term limitations. All terms shall expire upon the last day of February of the appropriate year.

1. For committees formed after the effective date of this ordinance, or any committee existing upon the effective date of this section in which all committee members' terms expire on the same date: when the committee appointments are made, half of the committee members plus one shall be appointed to a first term of two years, the remaining committee members shall be appointed to a one year term. The selection of committee members to one year or two year terms shall be by lot drawn by the chair of the board of supervisors.

2. For committees in existence upon the effective date of this ordinance, all terms expiring during 2002 shall expire upon June 30, 2002. New terms and reappointments of these seats shall expire on the last day of February, 2004. Subsection E2 expires and is repealed on March 1, 2004.

3. For committees in existence upon the effective date of this section, all terms shall be changed to expire on the last day of February in the year the existing term of appointment expires beginning with terms expiring in 2003. Subsection E3 expires and is repealed on March 1, 2003;

F. Appointment of officers:

1. At its first meeting, and at its first meeting of each subsequent year, the committee shall elect a chair and vice-chair to serve a term of one year until the successor of each is appointed and qualified.

2. The chair shall preside at all meetings of the committee and shall perform all the duties necessary or incidental to his office, including approval of the agenda topics for the meeting.

3. The vice-chair is chair in the absence or inability of the chair to act.

4. a. At its first meeting, and its first meeting of each subsequent year, the committee shall determine whether it wishes to appoint a secretary to prepare minutes of the meetings in a manner consistent with the requirements of the bylaws for planning advisory committees. The planning director or designee shall be responsible for recording the meeting and the archival storage of the meeting tapes.

b. If the committee determines it does not wish to appoint a secretary, the planning director or designee serves as the secretary to the committee and is responsible for
ATTACHMENT #3
Chapter 2.110
Agricultural Advisory Committee

Sections:
2.110.010 Purpose.
2.110.020 Established.
2.110.030 Qualifications.
2.110.040 Term of office and appointment.
2.110.050 Removal.
2.110.060 Duties.

2.110.010 Purpose.
(Omitted).

2.110.020 Established.
The agricultural advisory committee is established to advise and recommend as requested on agricultural issues associated with the general plan and zoning, applications for new Williamson Act (Land Conservation Act) contracts, applications for cancellation of Williamson Act (Land Conservation Act) contracts, non-renewal of Williamson Act (Land Conservation Act) contracts, policy for implementation of the Land Conservation Act in Mariposa County, and other matters of importance to the agricultural community and agricultural industry. (Ord. 1015 Sec.1, 2005).

2.110.030 Qualifications.
A. The agricultural advisory committee shall be composed of five voting members consisting of:
   1. The president of the Mariposa County farm bureau or designee,
   2. Chair of the Mariposa County resource conservation district or designee,
   3. A member from the public who represents the cattle industry, preferably a cattleman or cattlewoman belonging to the Merced/Mariposa County cattlemen’s association,
   4. Two (2) members of the public at large, who are representatives of the agricultural community, or knowledgeable of local agriculture, or have an agricultural background;
   5. All voting members shall be permanent residents of Mariposa County.
B. Staff to the agricultural advisory committee shall be:
   1. The county planning director or designee,
   2. The natural resources conservation service (NRCS) district conservationist,
   3. The county agricultural commissioner or designee,
D. Recommendations to the board of supervisors on matters of importance to the agricultural community and agricultural industry. (Ord. 1015 Sec.I, 2005).
ATTACHMENT #4
Chapter 2.90

HISTORIC SITES AND RECORDS PRESERVATION COMMISSION

Sections:

2.90.010 Establishment of commission.
2.90.020 Membership.
2.90.030 Officers.
2.90.040 Commission meetings.
2.90.050 Public participation.
2.90.060 Duties and responsibilities.
2.90.070 Staff support.

2.90.010 Establishment of commission.
There is hereby established a commission to be known as the "Historic Sites and Records Preservation Commission", hereinafter referred to as the "commission". (Ord. 870 Sec. 1, 1994).

2.90.020 Membership.
A. The commission shall consist of nine (9) voting members consisting of the following members: one (1) member representing the Northern Mariposa County History Center, one (1) member representing the Butterfly Garden Club, one (1) member representing the Mariposa Museum and History Center, Incorporated, one (1) member representing the American Indian Community of Mariposa County, and five (5) at-large members. There shall additionally be five (5) alternate members. There shall be one (1) alternate member for each of the above-specified groups and one (1) alternate at-large. Alternate members shall only be permitted to vote when the respective alternate’s regular member is absent. (By way of example, if the regular member representing the Mariposa Museum and History Center, Inc. is absent, the alternate representing the Mariposa Museum and History Center, Inc. may vote, but the same alternate may not vote if the regular member representing the Mariposa Museum and History Center, Inc. is present.) In the absence of a regular member, when his or her alternate is present the alternate shall be counted as a member for purposes of establishing a quorum. The specified members and alternates shall be appointed by the board of supervisors. The members and alternates representing the American Indian Community and the at-large members of the commission shall be appointed to the commission and shall have a
2.90.050  Public participation.
The commission shall provide for adequate public participation in the local historic sites preservation program. The commission shall provide opportunities for and encourage public participation in all responsibilities and duties assigned to it, in accordance with appropriate regulations, standards, and guidelines.  (Ord. 870 Sec. I, 1994).

2.90.060  Duties and responsibilities.
The commission is charged with the following duties and responsibilities:
A. The commission shall maintain a system for survey and inventory of historic properties. The commission shall be responsible for organizing, developing, and administering an inventory of cultural and historic resources within the County of Mariposa and shall develop procedures for conducting an inventory of such resources. The commission shall adopt state guidelines for conducting surveys and compiling inventories of historic properties and shall use state-approved inventory forms (DPR 523), encoding sheets (DPR 660), and the California Historic Resources Inventory Survey Workbook. Procedural standards for evaluation of properties shall be consistent with the National Register of Historic Places criteria. As part of an on-going survey effort, such procedural standards shall provide for periodic updates of identified and surveyed resources on a regular basis as the condition and importance of historic sites may change. Survey activities to update previously surveyed resources and identify non-inventory resources shall be coordinated with and complementary to the state program and Mariposa County Historic and Cultural Resources Inventory to ensure that survey results produced by the commission will be readily integrated into the statewide comprehensive historic preservation planning process and Mariposa County Historic and Cultural Resources Inventory. The commission shall make recommendations to the board of supervisors on county procedures to facilitate the use of survey results in the planning process by county officials and departments and other governmental agencies. The commission shall submit and file survey results with the Mariposa County planning and building department where such surveys shall be deposited and maintained. Copies of the surveys shall be forwarded to the State Office of Historic Preservation.
B. The commission shall be responsible for overseeing the compiling, recording, and updating of information on cultural and historic resources within the county. The information shall be based on comprehensive surveys of historic properties and shall be in a form that collates the survey results into a usable document. This information shall be available to the public to the extent that historic properties will not be vandalized or
2.90.070 Staff support.

Technical and secretarial support to the commission shall be provided by the Mariposa County planning and building department. Its responsibilities include the preparation of public notices, agendas, and minutes as can be reasonably provided; and the preparation of informational reports and board agenda packets and obtaining such information as the commission deems necessary for the discharge of its responsibilities. Substantial work or additional responsibilities which cannot be accommodated within the adopted budget of the planning and building department shall be approved by the board of supervisors. (Ord. 870 Sec.1, 1994).
ATTACHMENT #5
MARIPOSA COUNTY RESOLUTION NO. 93-387

A RESOLUTION DESIGNATING THE MARIPOSA COUNTY BOARD OF SUPERVISORS AS THE LAND USE PLANNING BODY FOR THE MARIPOSA-YOSEMITE AIRPORT AND ESTABLISHING THE MARIPOSA COUNTY AIRPORT ADVISORY COMMITTEE

WHEREAS, Section 26170(b) of the California Public
Utilities Code requires the County of Mariposa to establish an
airport land use commission or other appropriately designated
body to assume the responsibilities of a commission; and

WHEREAS, an airport land use commission is a
governmental body responsible for planning for the orderly growth
of the area surrounding the airport and safeguarding the general
welfare of the inhabitants within the vicinity of the airport and
the public in general; and

WHEREAS, Section 21670(c) of the Public Utilities Code
permits elected public officers to serve as members of an airport
land use commission during their terms of office; and

WHEREAS, members of the Mariposa County Board of
Supervisors have "expertise in aviation" as defined by Section
21670(e) of the Public Utilities Code since they are the elected
officials of the local agency which owns and operates the
Mariposa-Yosemite Airport; and

WHEREAS, the Board of Supervisors has determined
pursuant to Section 21670.1 of the Public Utilities Code that
proper land use planning can be accomplished through the actions
of the Mariposa County Board of Supervisors and designates the
Board of Supervisors to assume the planning responsibilities of
an airport land use commission; and

WHEREAS, the Board of Supervisors wishes to establish
an airport advisory committee to advise and make recommendations
to the Board of Supervisors on airport-related matters.
MARIPOSA COUNTY RESOLUTION NO. 93-387
EXHIBIT A

1. MEMBERSHIP

The Airport Advisory Committee shall be established with seven (7) voting members as follows:

(A) Three (3) members with expertise in aviation. A person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports shall be deemed to have expertise in aviation.

(B) Two (2) members who reside or own property within the Airport Influence Area of the Mariposa-Yosemite Airport.

(C) Two (2) members of the general public.

2. TERM OF OFFICE, VACANCIES, AND APPOINTMENT

(A) Committee members shall be appointed by majority vote of the Board of Supervisors. The Board of Supervisors may remove any member at any time and without cause.

(B) The term of office of each member shall be four years and until the appointment and qualification of his or her successor. The expiration date of the term of office of each member shall be the first Monday in the year in which his or her term is to expire. Any vacancy in the membership of the Committee shall be filled for the unexpired term by appointment by the Board of Supervisors.

(C) Except for the terms of office of the members of the dissolved Airport Land Use Committee which are appointed to the Airport Advisory Committee, the members of the Committee shall classify themselves by lot so that the term of office of one member is one (1) year, of one (1) member is two (2) years, of one (1) member is three (3) years, and the remaining members is four (4) years.

(D) For any vacancy on the Committee, recruitment shall be done in accordance with the requirements of the Maddy Act.

3. MEETINGS AND QUORUMS

(A) The Committee shall meet as necessary to conduct the business of the Committee and fulfill its responsibilities.
ATTACHMENT #6
Fish Camp Town Planning Advisory Council

By-laws

Article I

Name of Organization

Section 1: The name of this organization shall be the Fish Camp Town Planning Advisory Council, as authorized by Section 2.50.100 of the Mariposa County Code hereafter referred to as the Fish Camp TPAC.

Article II

Purposes of the Council

The Fish Camp Town Planning Advisory Council has the following purposes:

Section 1: To review, maintain and provide recommendations on development within the Fish Camp Town Planning Area to the Mariposa County Planning Commission and the Mariposa County Board of Supervisors, and recommend updating as necessary the standards, programs and specifications of the Fish Camp Town Planning Area Specific Plan.

Section 2: To foster a comprehensive program of community preservation and enhancement aimed at providing for public participation and consensus on planning issues in the Fish Camp area.

Section 3: To represent community views in matters historically identified with realistic development including but not restricted to: land uses, public services, circulation, public improvements and other aspects of orderly town growth.

Section 4: To serve as a resource group, to provide guidance and assistance, to identify community issues and concerns, and to discuss possible solutions to the many planning and policy issues facing the community, the Planning Commission and the Board of Supervisors.

Section 5: To hold meetings and make recommendations to the Mariposa County Board of Supervisors and Mariposa County Planning Commission. Also to report to the Board of Supervisors and Planning Commission on matters, issues, projects and programs in the Fish Camp Town Planning Area.

Article III

Members

Section 1: Membership on the Council shall consist of nine (9) voting members appointed by the Board of Supervisors. The members of the Council will be comprised of property or business owners, employees of businesses, and residents all within the defined boundaries of the Fish Camp Town Planning Area.
Section 2: Regular quarterly meetings shall be held at the call of the Chairperson or at the request of the majority of the Council members per Mariposa County Resolution No. 00-96, Section IV. A), dated 21 March 2000. The Council shall consider an annual schedule of meetings for the coming year at its final meeting of the calendar year.

Section 3: Notice of the Council meetings shall be posted and published not less than fourteen days prior to the date of the meeting at one or more the following locations:

- The Mariposa County Government Center
- One or more centralized posting locations (such as the Fish Camp Post Office) within the area served by the Council
- The meeting location (at least 72 hours prior)

Publication shall occur in a newspaper of general circulation and on the Mariposa County Planning website. The Planning Director may supplement required notifications in any manner deemed appropriate for the content of the proposed agenda.

Section 4: A quorum for a duly held meeting shall consist of a majority of the voting Council members.

Section 5: The Chairperson may call a special (not regularly scheduled) meeting after proper notification of Council members and with proper advance posting and published notification.

Section 6: At the discretion of the Chairperson, or upon request of a Council member to the Chairperson, public input on matters being considered by the Council may be limited in order to allow for participation from all members of the public present who would like to speak, or for adequate deliberation by the Council before making a decision.

Section 7: Every act or decision performed or made by a majority of the members present at a duly held meeting, at which a quorum is present, shall be regarded as an act of the entire Council.

Section 8: An item on the agenda may, unless otherwise provided by ordinance, be continued to the next scheduled or to a subsequent regular or special (not regularly scheduled) meeting of the Council. A regular or special (not regularly scheduled) meeting will be adjourned when all of the agenda items have been discussed.

Article VII
Duties of Officers

Section 1: The Chairperson shall preside at all meetings of the Council and shall perform all duties necessary or incidental to the office, including approval of the agenda topics for all such meetings. The Vice-Chairperson is Chair in the absence or inability of the Chairperson to act.

Section 2: The Secretary shall prepare and distribute minutes of the meetings thirty days in advance of and with the following meeting's agenda. The Council may request that the Planning Director (or the Planning Director's designee) serve as Secretary, provided that the Planning Director has staff and resources available for the purpose of preparing
ATTACHMENT #7
GOVERNMENT CODE
SECTION 54970-54974

54970. (a) The Legislature finds and declares that a vast and largely untapped reservoir of talent exists among the citizenry of the State of California, and that rich and varied segments of this great human resource are, all too frequently, not aware of the many opportunities which exist to participate in and serve on local regulatory and advisory boards, commissions, and committees.

(b) The Legislature further finds and declares that the general public of this state has traditionally been denied access to information regarding vacancies which occur on such boards, commissions, and committees, thereby denying most citizens and interest groups the opportunity to nominate for consideration by the respective appointive powers persons whose particular strengths, backgrounds, experience, perspective, and talents might contribute significantly to efficient and representative policy development and administration in local government.

(c) The Legislature further finds and declares that the respective local appointive powers have been denied access to a talent resource hitherto untapped.

(d) The Legislature further finds and declares that all citizens of the state, regardless of their place of residence should have equal access to specific and current information about the many local regulating and advisory boards, commissions, and committees and equal opportunity to be informed of vacancies which shall occur thereon, so that they may pursue the opportunity to participate in and contribute to the operations of local government by serving on such boards, commissions, and committees.

(e) It is therefore the intent of the legislature that this chapter shall apply to all cities and all counties throughout California, including charter cities and charter counties.

54971. As used in this chapter:

(a) "Legislative body" means the board of supervisors or its chairman in the case of the county, or the city council or the mayor in the case of a city.

(b) "Local agency" means a county or city, whether chartered or general law.

54972. On or before December 31 of each year, each legislative body shall prepare an appointments list of all regular and ongoing boards, commissions, and committees which are appointed by the legislative body of the local agency. This list shall be known as the Local Appointments List. The list shall contain the following information:

(a) A list of all appointive terms which will expire during the next calendar year, with the name of the incumbent appointee, the date of appointment, the date the term expires, and the necessary qualifications for the position.

(b) A list of all boards, commissions, and committees whose members serve at the pleasure of the legislative body, and the
STATE OF CALIFORNIA
COUNTY OF MARIPosa
BOARD OF SUPERVISORS

Resolution No. ______
A resolution of intention to initiate an amendment to Title 2, Chapter 2.50 Mariposa County Planning Agency, to amend procedures for Planning Advisory Committees

WHEREAS, the Mariposa County Code is adopted by ordinance; and

WHEREAS, Title 2, Chapter 2.50 establishes provisions for the Mariposa County Planning Agency; and

WHEREAS, Section 2.50.100 is entitled Planning Advisory Committees Established; and

WHEREAS, Section 2.50.100 provides enabling language for committee members to be appointed and reappointed by the Board of Supervisors; and

WHEREAS, Section 2.50.100 does not explicitly declare that Planning Advisory Committee members serve at the pleasure of the Board of Supervisors and it is silent regarding their removal from their terms; and

WHEREAS, other Mariposa County advisory committees’ ordinances and resolutions contain explicit provisions for removal of members, including County Code Section 2.110.050 for the Agricultural Advisory Committee, County Code Section 2.90.020 for the Historic Sites and Records Preservation Commission, and Resolution No. 93-387 establishing the Airport Advisory Committee; and

WHEREAS, California Government Code distinguishes and provide sufficient authority for local legislative bodies to remove, as well as appoint, their advisory committee members; and

WHEREAS, there is a benefit to making County Code provisions for advisory committees internally consistent regarding both appointment and removal provisions; and

WHEREAS, there is a benefit to making County Code provisions for advisory committees consistent with California Government Code.
ON MOTION BY Supervisor ________________, seconded by Supervisor ________________, this resolution duly passed and adopted this 4th day of October 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

__________________________
Jim Allen, Chairman
Mariposa County Board of Supervisors

ATTEST:

__________________________
Margie Williams
Clerk of the Board of Supervisors

APPROVED AS TO LEGAL FORM:

__________________________
Steven W. Dahlem
County Counsel