DEPARTMENT: Planning

BY: Larry Enrico, Senior Planner
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RECOMMENDED ACTION AND JUSTIFICATION:
In accordance with Section 2.50.100.G of the Mariposa County Code, the Planning Director is responsible for the preparation of draft by-laws for the review and approval of the planning advisory committees, with final approval of the by-laws by the Board of Supervisors. At their January 27, 2007 meeting, the Fish Camp Planning Advisory Council recommended approval of the attached By-Laws. They are being forwarded to the Board of Supervisors for final review and approval.

BACKGROUND AND HISTORY OF BOARD ACTIONS: The Board of Supervisors approved the By-Laws for the Wawona Town Planning Advisory Committee (WTPAC) on December 12, 2006. The By-Laws you are being asked to consider for the Fish Camp Town Planning Advisory Council very similar to those approved for WTPAC. The differences are some minor text editing/additions and formatting modifications. There are no substantive differences. These By-Laws will serve as a format for other Advisory Committees in the future.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: The Board of Supervisors could make modifications to the attached By-Laws. If the Board does not approve the By-Laws, they would be referred back to the Fish Camp Town Planning Advisory Council for further review.

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 4/5’s vote
Transfer Between Funds 4/5’s vote
Contingency 4/5’s vote
( ) General ( ) Other

List Attachments, number pages consecutively
1. Recommended Fish Camp TPAC By-Laws
2. Section 2.50.100 of the Mariposa County Code

CLERK’S USE ONLY:
Res. No.: 02-23 Ord. No. _____
Vote – Ayes: 5 Noes: _____
Absent: _____
Approved ( ) Minute Order Attached ( ) No Action Necessary

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

COUNTY ADMINISTRATIVE OFFICER:
Requested Action Recommended ( ) No Opinion
Comments: ____________________________

CAO: ____________________________

Revised Dec. 2002
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: Ex-officio non-voting members may include: The Board of Supervisors member from the Supervisorial District which includes Fish Camp; the Planning Commissioner from the Supervisorial District which includes Fish Camp; the following Mariposa County Department heads or their designee: the Mariposa County Planning Department Director, the Mariposa County Public Works Director, the Mariposa County Health Department Director, the Mariposa County Fire Chief and the Mariposa County Sheriff; a representative from the National Forest Service and a National Parks Service representative (as designated by the Yosemite National Park Superintendent).

Section 3: Council members shall be appointed to two-year terms and may be reappointed by the Board of Supervisors without term limitations. All terms shall expire upon the last day of February of the appropriate year. Council members’ terms shall be governed by Mariposa County Code, Section 2.50.100.E. (Note: county ordinance has two-year terms, Fish Camp TPAC resolution has three-year terms).

Section 4: A Council member shall provide advance notice to the Chairperson if they are unable to attend a meeting. If a member fails to attend two consecutive meetings without a valid excuse for those absences, then the Chairperson shall refer the matter to the County Supervisor, District 5, with a recommendation as to whether the member should remain on the Council.

Article IV
Officers

Section 1: Officers of the Council shall consist of the Chairperson, the Vice-Chairperson and the Secretary to serve one year terms or until the successor of each is elected or appointed in accordance with Mariposa County Code, Section 2.50.100.F.

Section 2: At the first scheduled meeting of each year, the Council shall elect officers. Members will assume office immediately at that time.

Adopted 01/27/07
Article V
Ad-Hoc Study Committees

Section 1: At its discretion, and by a majority vote, the Council may appoint members of the Council to study specific items as determined by the Council.

Section 2: These Ad-Hoc Study Committees may make recommendations and submit them to the Council for review and possible action.

Section 3: Ad-Hoc Study Committees may include participants who are not Council members, but whose participation is deemed valuable to the subject being studied.

Article VI
Meetings

Section 1: All meeting of the Council are open to the public. Members of the public may bring matters to the attention of the Council, express opinions and request action. No action will be taken on items not on the agenda. Meetings of the Council shall be subject to the provisions of the California Open Meeting Law (Brown Act) and be conducted in accordance with Robert’s Rules of Order.

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 brief minutes. The Planning Director (or the Planning Director’s designee) is responsible for recording the meeting and the archival storage of the meeting tapes.

Article VIII
Authorities

Section 1: The Chairperson (or designee) shall represent the Council at other public meetings and community events. The Chairperson shall only provide such representation based upon action taken by the Council at a regularly scheduled or special meeting of the Council in which a quorum was present.

Section 2: All correspondence received by any Council member regarding matters being considered by the Council shall be referred to the Chairperson.
Article IX
Amendments

Section 1: These By-laws and amendments to these By-laws may be approved only at a regular meeting of the Council by the two-thirds majority approval of the nine appointed voting members of the Council, providing that the proposed amendment has been previously presented at a meeting of the Council for consideration.

Section 2: By-laws and amendments approved by the Council will be submitted to the Board of Supervisors for review and final approval. Upon approval, the Council shall review these By-laws at its discretion.
E. Act as official spokesman for the planning agency and prepare such notices, publications and other materials necessary to assure that the planning agency meets it statutory public information requirements as set forth in government code section 65103;

F. Prepare an annual report for the legislative body as set forth in government code section 65400(b);

G. Act as zoning enforcement officer of the county and take such actions as necessary to assure fair and equal enforcement of the county’s zoning code;

H. Collect and deposit with the Mariposa County Treasurer's Office, all fees and charges for service by the planning and building department, as set forth by this code;

I. Oversee and administer the county environmental review procedures in accordance with the requirements of Title 14 of the California Code of Regulations and Sections 21000 through 21176 Public Resources Code. (Ord. 920 Sec.II, 1997; Ord. 910 Sec.II, 1997; Ord. 796 Sec.IV, 1991; Ord. 653 Sec.1, 1986).

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. The committee shall be comprised of members who shall be from one of the following groups:

1. Property owners within the planning advisory committee geographic boundaries, or
2. Owners of businesses located within the planning advisory committee geographic boundaries, or
3. Employees of businesses located within the planning advisory committee geographic boundaries, or
4. Electors registered to vote within the planning advisory committee geographic boundaries, or
5. Residents of the area within the planning advisory committee geographic boundaries,
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
recording the meeting, the archival storage of the tapes, and preparation of summary minutes.

c. The committee may opt to change its appointment of a secretary at any time during the year after appropriately placing the matter on its agenda.

d. The duties of the secretary shall be to maintain meeting notes and preparation of meeting minutes within the prescribed form and deadline established in the committee's bylaws;

5. The planning director shall be responsible for receipt, distribution, and preparation of committee correspondence, and related duties as requested by the committee;

G. The planning director shall prepare draft bylaws for the review and approval of the planning advisory committees prior to submittal and final approval by the board of supervisors; Each committee may prepare additional components to the standard bylaws meeting committee needs. The amended provisions are subject to review and approval of the board of supervisors;

H. Notice of committee meetings shall be posted and published not less than fourteen days prior to the date of the meeting at the following locations:
   1. The planning agency internet site, and
   2. The Mariposa County Government Center, and
   3. A centralized posting location within the area served by the committee, and
   4. The meeting location, and
   5. Publication shall occur in a newspaper of general circulation, and
   6. The planning director may supplement required notifications in any manner deemed appropriate for the content of the proposed agenda; and

I. Meetings of a planning advisory committee shall be subject to the provisions of the California Open Meeting Law (Brown Act). (Ord. 973 Sec. 3, 2002)