

DEPARTMENT: MARIPOSA PLANNING

BY: Eric Jay Toll

PHONE: 209-966-0302

RECOMMENDED ACTION AND JUSTIFICATION: (Policy Item: Yes X No)

Pass an ordinance amending the Mariposa County Code adding §2.50.100, Planning Advisory Committees and schedule the matter for first hearing and action.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

Policy discussion on August 23, November 11, 2001, January 15, 2002, and February 26, 2002. Please refer to staff report.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Please refer to staff report.

COSTS:	(x) Not Applicable
A. Budgeted current FY	\$ _____
B. Total anticipated costs	\$ _____
C. Required additional funding	\$ _____
D. Internal transfers	\$ _____
SOURCE:	() 4/5 th Vote Required
A. Unanticipated revenues	\$ _____
B. Reserve for contingencies	\$ _____
C. Source description:	_____
Balance in Reserve for Contingencies, if approved:	\$ _____

SPECIAL INSTRUCTIONS:
List the attachments and number the pages consecutively:

CLERK'S USE ONLY:

Res. No.: _____ Ord. No. 973

Vote - Ayes: 3 Noes: 0

Absent: _____ Abstained: Parler

Approved () Denied

() 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

ADMINISTRATIVE OFFICER'S RECOMMENDATION:
This item on agenda as:

_____ Recommended

_____ Not Recommended

_____ For Policy Determination

_____ Submitted with Comment

_____ Returned for Further Action

Comment: _____

A.O. Initials: ET

**BOARD OF SUPERVISORS
COUNTY OF MARIPOSA
STATE OF CALIFORNIA**

Ordinance
No. 973

**AN ORDINANCE ADDING CHAPTER 2.50.100, CITIZEN ADVISORY
COMMITTEES, TO THE MARIPOSA COUNTY CODE
ESTABLISHING UNIFORM ADMINISTRATIVE PROCEDURES.**

Section 1:

The Board of Supervisors of the County of Mariposa does find and declare as follows:

1. The County of Mariposa has no incorporated cities, and its various unincorporated communities have many diverse localized needs and considerations.
2. Chapter 2.50 of the Mariposa County Code empowers the Board of Supervisors to appoint advisory committees consistent with the requirements for the Planning Agency.
3. To ensure the Board of Supervisors has an understanding of community needs and values, the Board seeks local representation to advise it on matters of importance to the various community areas.
4. The Board of Supervisors has a long tradition of advisory committees throughout the unincorporated County with each established by separate resolution and some committees with additional requirements contained within adopted specific plans.
5. Committees are comprised of member constituencies and ex-officio members as determined by the Board.
6. Past action of the Board results in committees with minor differences in nomenclature, different ex-officio members, terms of office, noticing requirements, and operational by-laws.
7. The inconsistencies between the committees result in administrative procedures, which are prone to error and also add costs to the Planning Agency in excess of the benefit returned to the public.
8. Uniform administrative procedures of this ordinance result in better service to the community, less opportunity for noticing errors, and greater opportunity for staff resources to focus on substance, rather than process.

Section 2:

The Board of Supervisors of the County of Mariposa finds and declares as its official policy:

1. Resolutions establishing planning-related advisory committees, which contain language in conflict with this ordinance, shall be governed by this ordinance.

2. Components of specific plans adopted by ordinance, which refer to aspects of advisory committees or councils and contain provisions in conflict with this ordinance shall be governed by this ordinance.
3. All specific plans which include language empowering the creation of advisory committees or councils are hereby interpreted as follows:
 - a. The purpose, membership, and role of such committees described in the adopted specific plans shall remain consistent with any resolutions chartering such committee.
 - b. Any language describing administrative, appointment, meeting schedule, or noticing procedures otherwise established in this ordinance shall be governed by this ordinance.

Section 3:

The Board of Supervisors of the County of Mariposa does ordain as follows:

Section 2.50.100 is hereby added to the Mariposa County Code:

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 committee to utilize the standard by-laws 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 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 by-laws for planning advisory committees. The planning director or designée 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 designée 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 by-laws 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;

I. Meetings of a planning advisory committee shall be subject to the provisions of the California Open Meeting Law (Brown Act).

Section 4: This ordinance shall become effective thirty days after the date of enactment.

Passed and adopted by the Board of Supervisors of the County of Mariposa this ninth day of April, 2002, by the following vote:

Ayes: REILLY, BALMAIN, STEWART

Nays: PICKARD

Excused: NONE

Abstained: PARKER

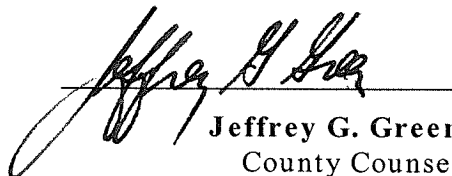


Robert C. Stewart, Chair
Board of Supervisors

Attest:



Margie Williams
Clerk of the Board



Jeffrey G. Green
County Counsel



COUNTY OF MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222


ROBERT C. STEWART, CHAIRMAN
PATTI A. REILLY, VICE-CHAIRMAN
DOUG BALMAIN
GARRY R. PARKER
BOB PICKARD

DISTRICT III
DISTRICT I
DISTRICT II
DISTRICT IV
DISTRICT V



MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: ERIC TOLL, Planning Director
FROM: MARGIE WILLIAMS, Clerk of the Board 
SUBJECT: Ordinance Regarding Planning Advisory Committees
Ordinance No. 973

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on April 9, 2002

ACTION AND VOTE:

11:00 a.m. Eric Toll, Planning Director;

Waive Second Reading and Adopt an Ordinance to Add 2.50.100 to the Mariposa County Code, Planning Advisory Committees

BOARD ACTION: Discussion was held with Eric Toll.

Input from the public was provided by the following:

- Pierce Loberg referred to previous discussions and scheduling of this matter. He questioned whether this ordinance is necessary, and he noted that there are individual resolutions for the committees. He stated he feels there are conflicts between the proposed ordinance and the existing structure of the committees.

- Mike Stephens, Stephens Planning Group, stated he represents the Fortner Trust. He referred to his previous correspondence to Planning and the Board relative to concerns regarding the proposed ordinance. He requested that consideration be given to requiring ten days notice versus fourteen. He provided comment on the role of the advisory committees once a Specific Plan is approved.

Eric Toll advised that consideration was given to the changes that have been requested, and some changes were made to the ordinance when it was submitted for introduction.

- Pierce Loberg again referred to previous discussion on this matter, and he stated he was unable to provide input due to the scheduling of the matter. He also noted that Larry Williams has concerns, but could not be present today.

Further discussion was held with Eric Toll relative to addressing the comments that have been made. Jeff Green, County Counsel, responded to a question from the Board and advised that if changes are made to an ordinance between the first and second reading, the process would need to start over. (M)Reilly, (S)Stewart (who passed the gavel), second reading was waived and Ordinance No. 973 was adopted.

Discussion was held relative to the by-laws and possibly changing the resolutions for each committee.
Ayes: Reilly, Balmain, Stewart; Noes: Pickard; Abstained: Parker.

cc: Jeff Green, County Counsel
File