

RESOLUTION No. 21-035

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION TO CREATE AND ESTABLISH THE SOUTH COUNTY AREA MUNICIPAL ADVISORY COUNCIL WITH AN EFFECTIVE DATE OF MARCH 1, 2021 THAT SHALL SUNSET AND DISSOLVE UPON THE ADOPTION OF THE UPDATED NEVADA COUNTY HIGGINS AREA PLAN AND RATIFYING THE BYLAWS OF THE SOUTH COUNTY AREA MUNICIPAL ADVISORY COUNCIL

WHEREAS, on November 14, 1995, the County of Nevada adopted a General Plan for the County of Nevada, through Resolution 95-530; and

WHEREAS, Area Plans are supporting land use policy documents that compliment and assist in the further implementation of the goals, policies, and programs of the General Plan; and

WHEREAS, Section 65031b of the Government Code of the State of California identifies the adoption of Area Plans as amendments to the General Plan; and

WHEREAS, on December 5, 2000 the Board of Supervisors adopted Resolution 00-572 amending the Nevada County General Plan to adopt the Higgins Area Plan to operate as Specific Design Guidelines for the Higgins Corner-Lake of the Pines Village Center pursuant to General Plan Policy 18.2; and

WHEREAS, the Board of Supervisors has determined that an amendment to the Plan to update the Higgins Area Plan is needed; and

WHEREAS, General Plan Goal 1.2 outlines, "Recognize and allow for a range of land uses that preserve the qualities of each Community Region, Rural Region and Rural Place"; and

WHEREAS, General Plan Goal 1.4 outlines, "Within Community Regions, provide for an adequate supply and broad range of residential, employment-generating, and cultural, public and quasi-public uses located for convenience, efficiency, and affordability while protecting, maintaining, and enhancing communities and neighborhoods"; and

WHEREAS, General Plan Goal 2.1 outlines, "Provide for a strong economic base while protecting and maintaining communities and neighborhoods"; and

WHEREAS, the unincorporated community areas of Lake of the Pines, along State Route 49, and areas in Supervisorial District II are historic communities within Nevada County possessing unique character and tradition that shall be protected and have a vested interest in the Higgins Area Plan; and

WHEREAS, California Government Code section 31010 outlines that the Board of Supervisors of any county may by resolution establish and provide for the operation of a municipal advisory council, for any unincorporated area in the county to advise the board on such matters which relate to that area as may be designated by the board concerning services which are or may be provided to the area by the county or other local governmental agencies, including but not limited to public health, safety, welfare, public works, and planning.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Supervisors of the County of Nevada hereby creates and establishes the South County Area Municipal Advisory Council with an effective date of March 1, 2021 that shall sunset and dissolve upon the adoption of the updated Higgins Area Plan to advise the County regarding the development, passage, and implementation of the Higgins Area Plan as follows:

Section 1. Municipal Advisory Council Name:

The South County Area Municipal Advisory Council

Section 2. Area of Responsibility:

The Council shall review and make recommendations regarding the community of interest area designated as the South County Area Municipal Advisory Council which incorporates the boundaries of Supervisorial District II.

Section 3. Council Purpose:

The Council shall a) review and make recommendations to the District II Supervisor, Planning Commission and Board of Supervisors regarding the development, passage and implementation of the Higgins Area Plan; and b) serve as a conduit to promote community involvement, and garner community input throughout the Higgins Area Plan planning process.

Section 4. Membership:

The Council shall be comprised of a minimum of five (5) and maximum of nine (9) members whose composition shall include members of the community that represent a fair cross-section of the community as determined by the District II Supervisor. All members shall reside in the South County Area Municipal Advisory Council area of responsibility. Members shall serve without compensation. All members shall be appointed, and may be removed, by the District II Supervisor and Board of Supervisors.

Section 5. Terms of Office:

The term of office of all members shall be for the duration of the South County Area Municipal Advisory Council until its sunsets and dissolves upon the adoption of the updated Higgins Area Plan. The Council and all members shall not represent the County on any issue to the public, public or private institution, agency or organization, and state and/or federal government.

Section 6. Meetings:

The Council shall meet at least quarterly or more often as deemed necessary by the Council, District II Supervisor or Board of Supervisors. The Council may establish a time and place for regular meetings. Special meetings of the Council may be called by the Chairperson with approval of the District II Supervisor. Regular and special meetings shall be noticed as required by law. Agendas of regular and special meetings shall be posted as required by law.

Section 7. Officers of the Council:

At the first meeting of the Council, held after March 1, 2021, the Council shall select one of its members as Chairperson and one if its members as Vice-Chairperson, who shall hold office for one year and until the election of their successors. The Chairperson shall be responsible for chairing meetings, calling special meetings, and conferring with District IV Supervisor and staff on meeting agendas. The Vice Chairperson shall assume the duties and responsibilities of the Chairperson in the Chairperson's absence.

Section 8. Designated Powers and Duties:

The Council shall serve at the pleasure of the District II Supervisor and Board of Supervisors and shall not represent the County on any issue to the public, public or private institution, agency or organization, state and/or federal government. The Council shall be an advisory body only to the District II Supervisor, Planning Commission and Board of Supervisors for its stated purpose and shall not have any power to approve, deny, delay or other formal action but rather shall only provide advisory recommendations as a representative cross-sector of the community of the area of responsibility.

BE IT FURTHER RESOLVED by the Board of Supervisors of the County of Nevada, State of California, that the Bylaws of the South County Area Municipal Advisory Council, as attached hereto as Exhibit A, are hereby ratified.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 9th day of February, 2021, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Dan Miller, Chair

**BYLAWS OF THE
SOUTH COUNTY AREA
MUNICIPAL ADVISORY COUNCIL**

I. STATEMENT OF PURPOSE

- A. The purpose of the South County Area Municipal Advisory Council (herein referenced as “SC MAC”) shall be:
1. To review and make recommendations to the District II Supervisor, Planning Commission and Board of Supervisors on the Higgins Area Plan.
 2. To promote, support and actively participate in community engagement activities in the Higgins Area Plan planning process.
- B. This SC MAC has been authorized to operate in accordance with California Government Code § 31010 and Resolution 21-035, as adopted by the Board of Supervisors.
- C. The boundaries of the SC MAC shall be all that property located within Nevada County Supervisorial District II.
- D. County Staff available to the SC MAC, as applicable, shall be as follows:
1. Staff Analyst from the Board of Supervisors Office.
 2. The Office of the Clerk of the Board.
 3. The Office of the County Counsel.

II. DEFINITIONS

The following words shall have the following definitions for the purpose of these Bylaws.

- A. “Board” is the Nevada County Board of Supervisors.
- B. “SC MAC” is the South County Area Municipal Advisory Council
- C. “Community of Interest” is the residents and communities located within the boundaries of the SC MAC.

III. SCOPE OF AUTHORITY

A. POWERS AND DUTIES

1. The SC MAC shall be only advisory and shall report directly to the District II Supervisor.
2. The SC MAC shall serve at the pleasure of the District II Supervisor and Board of Supervisors and shall not represent the County on any issue to the public, public or private institution, agency or organization, state and/or federal government. The Council shall be an advisory body only to the District II Supervisor and shall not have any power to approve, deny, delay or take any other formal action on land use, development or other issues reviewed by the Council but rather shall only provide advisory recommendations as a representative cross-sector of the community of the area of responsibility.
3. The SC MAC shall respond to all Board communications and board orders as directed, as well as comply with all Federal, State and local regulations including but not limited to the

Brown Act, California Fair Political Practices Commission regulations and all applicable noticing requirements related to the review and recommendations regarding land use issues.

4. The SC MAC shall promote and encourage public participation and inclusion and shall solicit community input on the Higgins Area Plan, including but not limited to promoting and encouraging public comment at its regular and special meetings.
5. The SC MAC may exercise any other powers as may be authorized by the Board and allowed by state law.

IV. ORGANIZATION

- A. This SC MAC shall consist of nine (9) appointed members.
- B. Officers of the SC MAC shall be chosen from and by the current members of the SC MAC and shall consist of the following:
 1. A Chair who shall be elected at the July meeting by a majority vote of the members of the SC MAC and who shall prepare agendas, preside at SC MAC meetings, represent the SC MAC and its position before County bodies, including the Planning Commission, Zoning Administrator and Board of Supervisors at the request or approval of the District II Supervisor and perform other tasks necessary for the conduct of SC MAC business. The Chair shall not serve more than one (1) consecutive term unless other members are unwilling to serve as Chair, in which case the current Chair may continue to serve on a year-to-year basis.
 2. A Vice Chair who shall be elected at the July meeting by a majority vote of the members of the SC MAC and who shall assume the duties of the Chair in his or her absence. The Vice Chair shall not serve more than one (1) consecutive term unless other members are unwilling to serve as Vice Chair, in which case the current Vice Chair may continue to serve on a year-to-year basis.
- C. The Chair and Vice-Chair shall serve from the day after elected for one calendar year or until the next election.

V. MEMBERSHIP

A. COMPOSITION OF SC MAC AND QUALIFICATIONS OF MEMBERS

1. The SC MAC shall be comprised of a minimum of five (5) and maximum of nine (9) regular members, whose composition shall include members of the community that represent a fair cross-section of the community of interest as determined by the District II Supervisor.
2. All members shall reside in the South County Area Municipal Advisory Council area of responsibility.
3. All members of the SC MAC shall be appointed by and shall serve at the will and pleasure of the District II Supervisor and acknowledged by the Board of Supervisors.
4. All members shall serve until the dissolution of the SC MAC per the adoption of the Higgins Area Plan.
5. All members must be able to dedicate the time necessary to attend meetings and otherwise

perform the duties as outlined in Sect. III above.

6. All SC MAC members shall notify the Chair and Vice Chair within a reasonable period of time if they will be not be in attendance of a regular or special meeting to allow for the Chair to determine and approve the absence as an Excused Absence. Should a SC MAC Member fail to notify the Chair of their absence before a regular or special meeting within a reasonable period of time or the Chair determines and declines to approve the absence, then the absence shall be considered an Unexcused Absence and shall be notated within the meeting's records.
7. The SC MAC shall maintain a current membership roster at all times available for inspection at its regular meetings.
8. All SC MAC members shall be required upon taking office, leaving office and annually every year in office, to submit a completed a signed Statement of Economic Interests - Form 700 either in hardcopy or electronically to the Nevada County Clerk of the Board, per State law.
9. All SC MAC members shall be required, per State law, to complete and submit a Proof of Participation Certificate of training that satisfies AB 1234 Ethics Education training every two years.

B. REMOVAL OF MEMBERS

1. For the following reasons, the SC MAC may, by a majority vote at a properly noticed meeting, make a recommendation to the District II Supervisor or Board of Supervisors that a member be removed from the SC MAC:
 - a. Unexcused absences of two (2) consecutive meetings or more than half the meetings in any 12 month period; or
 - b. Two Thirds (2/3) majority vote by the SC MAC members.
2. The District II Supervisor may remove any SC MAC members at their sole discretion at any time.
3. Upon resignation, SC MAC members shall provide written notification to the District II Supervisor, the Clerk of the Board and the SC MAC Chair informing of their resignation and its effective date.

VI. CONDUCT OF BUSINESS

A. QUORUM

1. A majority of the SC MAC members present in person shall constitute a quorum, and the actions of this quorum shall stand as the action of the SC MAC.

B. MEETINGS

1. The SC MAC shall convene a meeting at least quarterly or more often as deemed necessary by the SC MAC or the District II Supervisor. The SC MAC may establish a time and place for regular meetings.
2. Special meetings of the SC MAC may be called by the Chair with approval of the District II Supervisor or by the District II Supervisor. The Chair or the District II Supervisor may establish the date, time and location for special meetings.

3. A special meeting may be called by the Chair or by a majority of the members of the SC MAC in accordance with Government Code section 54946.
4. Members of the SC MAC shall vote by roll call vote on any vote that requires action by the SC MAC including but not limited to voting on advisory recommendations, and/or the creation of ad hoc committees. Members of the SC MAC shall vote by voice vote on any routine administrative actions including but not limited to the approval of agenda and minutes.
5. The SC MAC shall abide by and comply with the Nevada County Board of Supervisors' Order and Decorum Policy when conducting themselves during meetings including but not limited to be prompt at meeting times, speaking when called upon by the Chair, not using e-communication devices during meetings (i.e. smartphones), not talking over on another, adhering to the Chair's requests, and being respectful to members of the public, SC MAC members, and County staff.
6. All SC MAC regular and special meetings shall provide an opportunity for members of the public to directly address the SC MAC on any item interest of the public as required by state law.

C. RECOMMENDATIONS

1. The SC MAC may provide the District II Supervisor, with a written report that outlines the SC MAC's position, items of concern, and recommendations.
2. Upon review of the SC MAC's written report, the District II Supervisor may approve and direct the SC MAC to submit in part or in full the written report to the applicable County agency, including but not limited to the District II Planning Commissioner, the Planning Commission, the Planning Department and Zoning Administrator, as an official comment of record.
3. At the request or approval of the District II Supervisor, the Chair or other designated member of the SC MAC may represent the SC MAC, its written recommendation and position before County bodies, including the Planning Commission, Zoning Administrator and Board of Supervisors.

D. OPEN MEETING LAW AND AGENDA

1. This SC MAC is subject to the California State Statute requiring open meetings (Brown Act).
2. Notices and Agendas shall be published and distributed at least 72 hours before all regularly scheduled meetings.
3. Notices and Agendas shall be posted and distributed at least 24 hours before all special scheduled meetings.
4. All meetings shall allow for a public comment period to address the SC MAC on any items not on the Agenda. Individuals shall be allotted a three (3) minute time period and individuals representing an organization, entity or group of people shall be allotted five (5) minutes. For any item on the Agenda, public comment period shall be allotted at the time the item is heard by the SC MAC. For any item that is not on the Agenda, public comment period shall be allotted as decided by the Chair and outlined in the Agenda for any given

meeting.

E. CONFLICT OF INTEREST

1. In accordance with the Political Reform Act and other County policies, SC MAC members shall disclose and recuse themselves from discussion and vote on any matter that they have a vested personal or financial interest in the recommendation outcome.

F. COMPENSATION

1. All officers and members of this SC MAC shall serve without compensation.

VII. AD HOC COMMITTEES

- A. Any ad hoc committee established by the SC MAC shall a) consist of at least two but limited to less a majority of SC MAC members, b) shall have a defined purpose and time frame to accomplish its purpose and c) shall not have any authority to take any actions on behalf of the SC MAC.
- B. If constituted, ad hoc committees shall be advisory to the SC MAC and operate under the same provisions of the SC MAC under state law, unless otherwise noted.
- C. SC MAC members shall be selected and serve on subcommittees on a voluntary basis.

VIII. AMENDMENTS

- A. SC MAC recommendations for amendments to these bylaws may be made as follows:
 1. The proponent shall send the text of any proposed amendment to the SC MAC Chair at least ten (10) days prior to any regularly scheduled meeting. The Chair may agendaize the bylaws to the upcoming meeting or a future SC MAC meeting. The proponent shall have scheduled time to present arguments followed by discussion. This process is the "first reading." The SC MAC may, by majority vote, refer the amendment to a subcommittee or ad hoc committee of the SC MAC.
 2. The bylaw amendment shall again be agendaized for the next meeting after the first reading at which time the SC MAC may tentatively accept, reject, or re-refer to subcommittee the amendment upon its "second reading." If the bylaw amendment is tentatively accepted, it shall be referred to the District II Supervisor who may accept, reject, or revise the amendment which will then be sent to County Counsel who may then accept, reject or revise the document. Once approved by both the District II Supervisor and County Counsel, the bylaws may then be submitted back to the SC MAC for a "third reading."
 3. The bylaws may again be agendaized for the next meeting for a third reading at which time the SC MAC may accept, or re-refer to subcommittee the amendment for comment. The bylaws will then be submitted to the District II Supervisor who may then accept or revise and submit the bylaws to the Board of Supervisors for approval and ratification.
 4. Once the bylaws have been approved and ratified by the Board of Supervisors, a copy of the executed bylaws shall be provided to the SC MAC members.
 5. Notwithstanding the above process and procedure, the bylaws may be amended by recommendation of the District II Supervisor and/or County Counsel and approval and

ratification by the Board of Supervisors.

6. APPROVAL OF BYLAWS

- A. These bylaws may be approved or amended with the recommendation by the District II Supervisor and County Counsel and shall be approved and ratification by the Board of Supervisors.
- B. Upon ratification of these Bylaws by the Board, an original and signed copy shall be filed with the Clerk of the Board of Supervisors of Nevada County.

IX. APPROVAL AND RATIFICATION

County Counsel



Kit Elliot, County Counsel



Date

District II Supervisor



Ed Scofield, District II Supervisor




Date

Nevada County Board of Supervisors



Dan Miller, Chair



Date