

RESOLUTION No. 18-180

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION RATIFYING THE BYLAWS OF THE PENN VALLEY AREA MUNICIPAL ADVISORY COUNCIL (MAC), (DISTRICT IV)

WHEREAS, on March 28, 2017 the Board of Supervisors adopted Resolution 17-144 creating and establishing the Penn Valley Area MAC, with an effective date of July 1, 2017, as a pilot program for two years until July 1, 2019; and

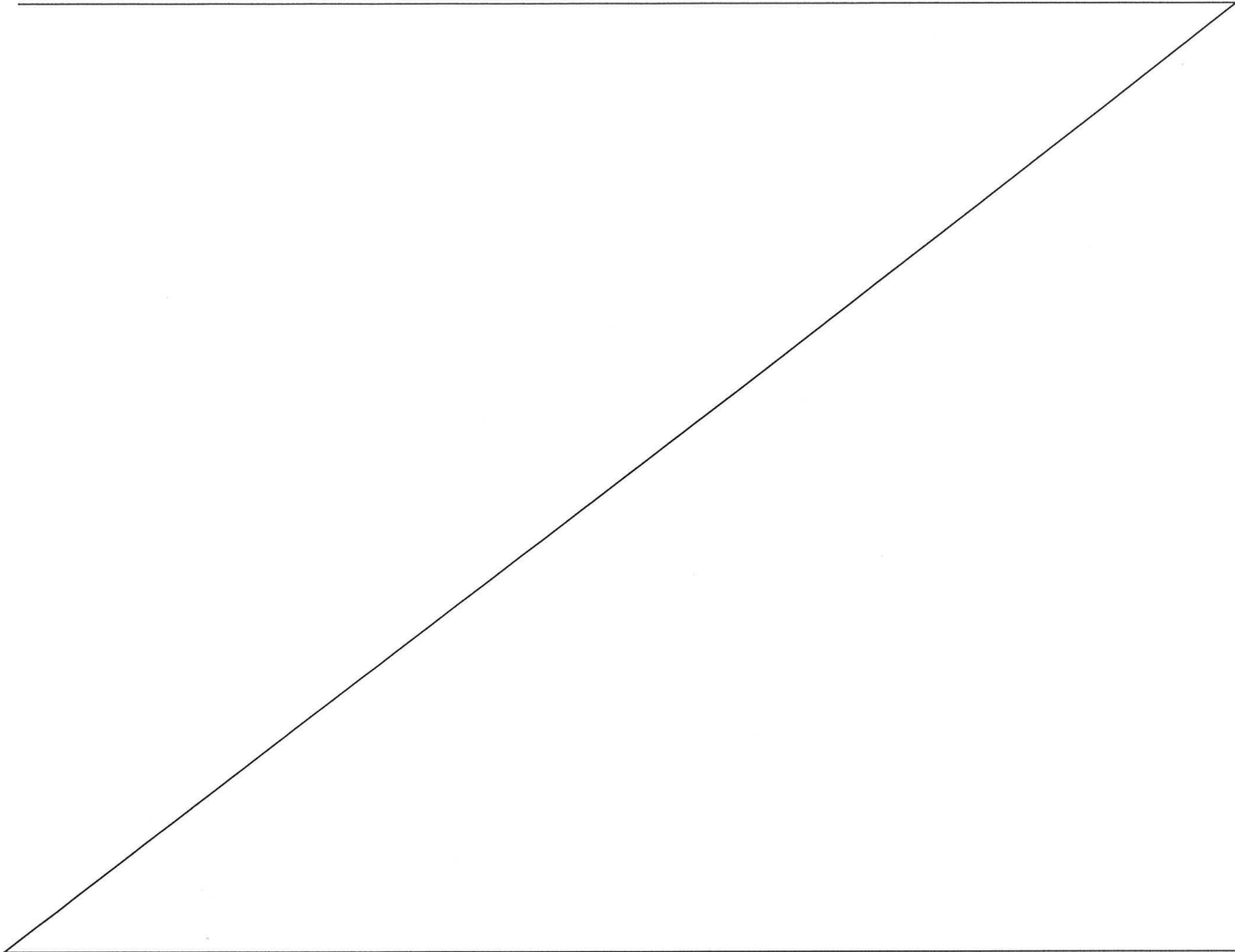
WHEREAS, on June 27, 2017 the Board of Supervisors adopted Resolution 17-362 to amend "Section 4. Membership" of Resolution 17-144 to add alternate members for the Penn Valley Area MAC; and

WHEREAS, on March 27, 2018 Board of Supervisors adopted Resolution 18-119 amending 17-362 amending "Section 4. Membership" of Resolution 17-144 to remove alternate members and add two regular members for the Penn Valley Area MAC; and

WHEREAS, the Penn Valley Area MAC formed an ad-hoc bylaws sub-committee that worked extensively with County Staff and County Counsel to draft the bylaws attached hereto as Exhibit A; and

WHEREAS, the bylaws were approved by the District IV Supervisor and County Counsel, the Penn Valley Area MAC approved the bylaws at its meeting on April 19, 2018.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada, State of California, that the Bylaws of the Penn Valley 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 8th day of May, 2018, by the following vote of said Board:

- Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson
- Noes: None.
- Absent: None.
- Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By:  _____


Edward Scofield, Chair

**BYLAWS OF THE
PENN VALLEY AREA
MUNICIPAL ADVISORY COUNCIL**

I. STATEMENT OF PURPOSE

- A. The purpose of the Penn Valley Area Municipal Advisory Council (herein referenced as “MAC”) shall be:
1. To review and make recommendations to the District IV Supervisor, Planning Commission and Board of Supervisors regarding the following in the area of responsibility:
 - a. Discretionary project applications;
 - b. Implementation of the General Plan land use designations;
 - c. Zoning Ordinances Updates; and
 - d. Other issues as directed by the District IV Supervisor and/or Board of Supervisors.
 2. To review and make recommendations regarding the community of interest area designated as the Penn Valley Area Municipal Advisory Council which incorporates the boundaries of the Western Gateway Regional Recreation & Park District and the Penn Valley Fire Protection District to the extent and only within the boundaries of Supervisorial District IV.
- B. This MAC has been authorized to operate in accordance with California Government Code § 31010 and Resolutions 17-144, 17-362, and 18-119, as adopted by the Board of Supervisors.
- C. The boundaries of the MAC shall be all that property located within the combined boundaries of the Western Gateway Regional Recreation & Park District, the Penn Valley Fire Protection District to the extent that such boundaries are located only within Nevada County Supervisorial District IV.
- D. County Staff available to the 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. “MAC” is the Penn Valley Area Municipal Advisory Council
- C. “Community of Interest” is the residents and communities located within the boundaries of the MAC.

III. SCOPE OF AUTHORITY

A. POWERS AND DUTIES

1. The MAC shall be only advisory and shall report directly to the District IV Supervisor.

2. The MAC shall serve at the pleasure of the District IV 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 IV 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. When requested by the District IV Supervisor, the MAC shall review and make written recommendations to the District IV Supervisor, regarding matters related to projects or issues within the scope of its general purpose located within the boundaries of the MAC's community of interest that include a) discretionary project applications, b) implementation of the General Plan land use designations, c) zoning ordinance updates and d) any other issue or program as requested by the District IV Supervisor.
4. The MAC may independently research and report to the District IV Supervisor on subjects outside of its general purpose (to provide recommendations on land use and development issues including discretionary project applications, implementation of the General Plan land use designations and zoning ordinance updates) that may be beneficially or negatively impacting the MAC's community of interest, as recommended by the majority of the MAC and approved by the District IV Supervisor.
5. The 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.
6. The MAC shall promote and encourage public participation and inclusion and shall solicit community input on matters being reviewed by the MAC, including but not limited to promoting and encouraging public comment at its regular and special meetings.
7. The MAC shall carry out all other duties as may be assigned by the District IV Supervisor.
8. The MAC may exercise any other powers as may be authorized by the Board and allowed by state law.

IV. ORGANIZATION

- A. This MAC shall consist of nine (9) appointed members.
- B. Officers of the MAC shall be chosen from and by the current members of the 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 MAC and who shall prepare agendas, preside at MAC meetings, represent the 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 IV Supervisor and perform other tasks necessary for the conduct of 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 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 MAC AND QUALIFICATIONS OF MEMBERS

1. The 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 IV Supervisor.
2. All members shall reside in the Penn Valley Area Municipal Advisory Council area of responsibility.
3. All members of the MAC shall be appointed by and shall serve at the will and pleasure of the District IV Supervisor and acknowledged by the Board of Supervisors.
4. All members shall serve a term of two (2) years until the end of the pilot program on July 1, 2019.
5. Upon taking office as a newly elected District IV Supervisor, the Supervisor may, at their discretion, review the MAC membership and request the members of the MAC to reapply for appointment as a regular member of the MAC.
6. All members must be able to dedicate the time necessary to attend meetings and otherwise perform the duties as outlined in Sect. III above.
7. All 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 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.
8. The MAC shall maintain a current membership roster at all times available for inspection at its regular meetings.
9. All 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.
10. All 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 MAC may, by a majority vote at a properly noticed meeting, make a recommendation to the District IV Supervisor or Board of Supervisors that a member be removed from the 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 MAC members.
2. The District IV Supervisor may remove any MAC members at their sole discretion at any time.
3. Upon resignation, MAC members shall provide written notification to the District IV Supervisor, the Clerk of the Board and the MAC Chair informing of their resignation and its effective date.

VI. CONDUCT OF BUSINESS

A. QUORUM

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

B. MEETINGS

1. The MAC shall convene a meeting at least quarterly or more often as deemed necessary by the MAC or the District IV Supervisor. The MAC may establish a time and place for regular meetings.
 - a. Regular meetings of the MAC shall be at 6p.m. on the third Thursday of the month except for the months of November and December. All meetings will be held at the Western Gateway Recreation and Park District's Buttermaker's Cottage, 18560 Penn Valley Drive, Penn Valley, CA 95946.
 - b. Regular and Special meeting dates, times and locations of the MAC shall be decided upon either the first meeting of the calendar or first meeting of the July fiscal year by a majority vote of the MAC.
2. Special meetings of the MAC may be called by the Chair with approval of the District IV Supervisor or by the District IV Supervisor. The Chair or the District IV 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 MAC in accordance with Government Code section 54946.
4. Members of the MAC shall vote by roll call vote on any vote that requires action by the MAC including but not limited to voting on advisory recommendations, and/or the creation of ad hoc committees. Members of the MAC shall vote by voice vote on any routine administrative actions including but not limited to the approval of agenda and minutes.
5. The 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, MAC members, and County staff.
6. All MAC regular and special meetings shall provide an opportunity for members of the public to directly address the MAC on any item interest of the public as required by state

law.

C. WRITTEN REPORTS AND RECOMMENDATIONS

1. The MAC may provide the District IV Supervisor, with a written report that outlines the MAC's position, items of concern, and recommendations. The MAC may provide a summary of any dissenting positions or provide a secondary minority report to be submitted along with the majority report to the District IV Supervisor.
2. Upon review of the MAC's written report, the District IV Supervisor may approve and direct the MAC to submit in part or in full the written report to the applicable County agency, including but not limited to the District IV 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 IV Supervisor, the Chair or other designated member of the MAC may represent the 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 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 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 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.
5. The MAC shall hold a public hearing if they are reviewing a proposed development project that has been submitted to the Planning Commission for review and approval and any other applicable project pursuant to Nevada County Land Use and Development Code. The notice of the time and place thereafter, including a general description of the locations of the project or proposed project, shall be given at least ten (10) days before the hearing. Such notice shall be given by publication once in the newspaper or general circulation published and circulated within the County. In addition to notice by publication, the MAC may give notice of the hearing in such other manner as it may deem necessary or desirable. Any interested person may appear at such hearing and shall be heard.

E. CONFLICT OF INTEREST

1. In accordance with the Political Reform Act and other County policies, 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 MAC shall serve without compensation.

VII. AD HOC COMMITTEES

- A. Any ad hoc committee established by the MAC shall a) consist of at least two but limited to less a majority of 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 MAC.
- B. If constituted, ad hoc committees shall be advisory to the MAC and operate under the same provisions of the MAC under state law, unless otherwise noted.
- C. MAC members shall be selected and serve on subcommittees on a voluntary basis.

VIII. AMENDMENTS

- A. 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 MAC Chair at least ten (10) days prior to any regularly scheduled meeting. The Chair may agendize the bylaws to the upcoming meeting or a future MAC meeting. The proponent shall have scheduled time to present arguments followed by discussion. This process is the "first reading." The MAC may, by majority vote, refer the amendment to a subcommittee or ad hoc committee of the MAC.
 2. The bylaw amendment shall again be agendized for the next meeting after the first reading at which time the 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 IV 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 IV Supervisor and County Counsel, the bylaws may then be submitted back to the MAC for a "third reading."
 3. The bylaws may again be agendized for the next meeting for a third reading at which time the MAC may accept, or re-refer to subcommittee the amendment for comment. The bylaws will then be submitted to the District IV 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 MAC members.
 5. Notwithstanding the above process and procedure, the bylaws may be amended by recommendation of the District IV 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 IV 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

Penn Valley Area Municipal Advisory Council MAC



Mike Mastrodonato, Chair



Date

County Counsel



Alison Barratt-Green, County Counsel



Date

District IV Supervisor



Hank Weston, District IV Supervisor



Date

Nevada County Board of Supervisors



Ed Scofield, Chair



Date