



NEVADA COUNTY BOARD OF SUPERVISORS
Board Agenda Memo

MEETING DATE: February 9, 2021

TO: Board of Supervisors

FROM: **Supervisor Ed Scofield**

SUBJECT: 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

RECOMMENDATION: Adopt the attached Resolution

FUNDING: Cost associated with the formation and operation of the South County Area Municipal Advisory Council (MAC) are anticipated to be minimal and are included within the Clerk of the Board FY 2020/21 Budget under Special Department Expenses Account 522090 in the amount of \$2,500. There is no impact to the General Fund.

BACKGROUND: The County of Nevada's General Plan, adopted on November 14, 1995 via Resolution 95-530, provides that 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. The County currently has five adopted areas plans for the communities in Penn Valley Area, Higgins Corner Area, Loma Rica Industrial Area, North San Juan Area, and the Soda Spring's Area. Nevada County General Plan Land Use Policy 1.4.3 outlines that "Village Centers intended to provide for the development of new centers to provide a focus within *Community Regions*. Such centers should include residential, commercial, office, business park, and public or institutional uses, grouped together and interrelated to form a functional and cultural center, and to create a visual identity for the Community. *Village Centers* are established within the Higgins Corner/Lake of the Pines, and Penn Valley *Community Regions*... Area Plans are optional planning tools in Community Regions that allow for more specific treatment of a Village Center."

The Soda Springs Area Plan and The Penn valley Area Plan are the most recent area plans updated and adopted by the Board of Supervisors in 2016 and 2020, respectively. Conversely, the Higgins Area Plan was last updated on December 5, 2000 via Resolution 00-572 with the purpose to establish the goals, policies, and implementation measures that will guide development through the year 2010. Substantial development has occurred in the area that includes the development of sewer improvements and the construction of a new shopping center that included actions from the Board to adopted Resolution 18-042 on January 18, 2018

approving an infrastructure reimbursement agreement to help incentive development. Subsequently, the Higgins Area Plan needs to be updated to reflect the changes in the area and to ensure that the land use goals, policies, and programs properly reflect the community's vision of the area for the coming decade and beyond.

Moreover, in 2017, the Board of Supervisors created and established its first MAC per Resolution 17-144 on March 28, 2017 called the Penn Valley Area MAC. Specifically, California Government Code section 31010 allows the Board of Supervisors of any county by resolution to establish and provide funds 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 advice on matters of public health, safety, welfare, public works, and planning. As such, the Penn Valley Area MAC served as a formal mechanism for Nevada County Planning Department and District IV Supervisor to gain the community's input during the Penn Valley Area Plan development process by both a) providing input on each policy chapter, and b) conducting community outreach promoting the community's participation. The Penn Valley Area Plan was subsequently adopted on August 25, 2020 via Resolution 20-386.

Therefore, in order to promote community participation, and to allow for a formal mechanism for Planning, and the District II Supervisors to engage with the public during the Higgins Area Plan update process, I request the Board of Supervisors to create and establish a South County Area Municipal Advisory Council with the specific purpose to 1) review and make recommendations to the District II Supervisor, Planning Commission and Board of Supervisors on the Higgins Area Plan, and 2) to promote, support and actively participate in community engagement activities in the Higgins Area Plan planning process. Additionally, the South County Area MAC is not intended to be a permanent body, but instead will sunset and dissolve upon the adoption of the updated Nevada County Higgins Area Plan.

To establish a MAC, California Government Code section 31010 requires that a resolution be passed by the Board of supervisors that includes the following:

- (a) The name of the municipal advisory council.
- (b) The qualifications, number, and method of selection of its members, whether by election or appointment.
- (c) Its designated powers and duties.
- (d) The unincorporated area or areas for which the municipal advisory council is established.
- (e) Whether the establishment of the council should be submitted to the voters and the method for such submission; provided that if an election is required pursuant to subdivision (b), such election shall be held at the same time as an election held pursuant to this subdivision.
- (f) Such other rules, regulations and procedures as may be necessary in connection with the establishment and operation of the municipal advisory council.

As such, the attached resolution addresses these requirements in nine (9) sections 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 seven (7) 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 of 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.

Moreover, using the Penn Valley Area MAC Bylaws as a template, staff has developed the Bylaws for the South County Area MAC, which are attached as Exhibit A. Therefore, I request that the Board adopt the attached 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 to advise the County regarding the development, passage, and implementation of the Higgins Area Plan, and to ratify its Bylaws as attached in Exhibit A. Upon the adoption of the South County Area MAC, I will begin to interview applicants to appoint to serve on the MAC and will bring such appointments back to the Board for consideration and appointment.

Sincerely,

Ed Scofield
District II Supervisor