

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-1

Urgent

Routine

ok

AGENDA DATE January 13, 2009

CEO Concurs with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Adoption of the Revised Stanislaus County Economic Development Action Committee Rules and Regulations

STAFF RECOMMENDATIONS:

Adopt the Revised Rules and Regulations for the Economic Development Action Committee.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2009-50

On motion of Supervisor O'Brien, Seconded by Supervisor Grover
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. BD-18-B-4

Adoption of the Revised Stanislaus County Economic Development Action Committee Rules and Regulations

DISCUSSION:

The County Economic Development Action Committee (EDAC) has been in existence since 1962 and functions to develop and implement the Comprehensive Economic Development Strategy (CEDS) for Stanislaus County and its nine incorporated cities. The Committee serves as a liaison between member jurisdictions and the programs offered by the Federal Economic Development Administration (EDA) that promote permanent employment and economic growth. This committee has been increasingly active since late 2007 with major committee emphasis being placed on development of an updated Countywide CEDS document.

In January 2008, the Committee revised its by-laws in order to better regulate its actions. Due to the large membership (21) and the desire of members to set some guidelines for attendance, the Committee, with the Board of Supervisors' approval, adopted governing rules and regulations in January 2008. The rules and regulations cover membership, officers, organization and attendance, as well as meetings, agendas, and order of business and have been patterned after those of other County committees.

Over the course of this year's meeting schedule, several membership issues have arisen and we have sought to rectify those issues by modifying the Rules and Regulations as follows.

First, recruiting active participant membership has been challenging and has greatly impacted the functionality of the group. The restrictions on membership outlined in the January 2008 by-laws have made it difficult to fill all committee positions. This language has been modified to allow more flexibility in recruiting EDAC members while recognizing the importance of a diverse workgroup.

Second, as there are many committee members dedicated to working through the issues presented to the EDAC, a change deleting term limits is also being implemented in order to allow the opportunity to continue to serve for those who are serving well in their current capacity and who exhibit a strong desire to fulfill the mission of the committee.

Third, a related change is the definition of a quorum to be fifty percent of appointed membership plus one. The current regulations define a quorum as 11 members. With the difficulty in appointing membership, there are currently only 15 voting members out of a possible 21 which makes achieving a quorum very difficult.

Fourth, in order to facilitate the functionality of the Committee, we have included language allowing members to assign their voting privilege in advance to a proxy representative.

In addition to the membership guideline modifications, the Committee also made several other changes to the Rules and Regulations. It was recommended that the role of EDAC Secretary be aligned with the Deputy Executive Officer or designee assigned to Economic Development in the County Chief Executive Office. And, as a housekeeping issue, as the Committee does not hear a consent calendar, all language pertaining to "consent items" has been removed and language referring to "non-consent items" has been changed to "action items." Also, as the EDAC's major

Adoption of the Revised Stanislaus County Economic Development Action Committee Rules and Regulations

function is the preparation of the CEDS document and the review of the items within that document, the Committee did not feel it necessary to meet a prerequisite four times per year as outlined in the Rules and so reduced the number of required meetings to two with the caveat that the committee will meet as needed as determined by the Committee Secretary.

In order to best represent its member jurisdictions and to fulfill its assigned obligations, the EDAC reviewed and approved the attached revised Rules and Regulations with the changes as described, via an e-mail vote following the regularly scheduled meeting on November 20, 2008 as there was no quorum at the regular meeting. All of these changes should facilitate a more efficient and serviceable committee.

POLICY ISSUES:

The Board must determine if the revised structure of the EDAC will support the Board's stated priority of a Strong Local Economy.

STAFFING ISSUES:

Existing staff from the Chief Executive Office will assume the Committee facilitation role with nominal staff assistance from Planning and Community Development. There is no staffing impact associated with this item.

**STANISLAUS COUNTY ECONOMIC DEVELOPMENT ACTION COMMITTEE
RULES AND REGULATIONS**

SECTION 1 – FUNCTIONS AND DUTIES

1.1 The Stanislaus County Economic Development Action Committee, referred to hereafter as “committee,” functions to develop and implement the Comprehensive Economic Development Strategy for Stanislaus County and its nine incorporated cities. The Committee serves as a liaison between member jurisdictions and the programs offered by the Economic Development Administration that promote permanent employment and economic growth.

The following sections shall govern all proceedings of the Committee.

SECTION 2 – MEMBERSHIP, OFFICERS, ORGANIZATION, AND ATTENDANCE

2.1 Membership. The committee shall consist of twenty-one (21) members appointed by the Board of Supervisors. The membership shall consist of one County Supervisor; a representative from each of the nine cities within the County; a representative from each of the four (4) supervisorial districts not represented by the appointed Board member; and seven (7) community representatives. The committee must represent diverse interests to ensure that viewpoints of all components of the community are represented and to take advantage of local skills in program formulation and implementation.

Therefore, composition should include some combination of representatives of local governments, business, industry, finance, agriculture, the professions, organized labor, utilities, education, community organizations, public health agencies, the unemployed, ethnic minorities, and women. Committee members should also possess knowledge of the business and economic situation of Stanislaus County.

2.2 Term of Office. Committee members are appointed to *indefinite terms* and serve at the pleasure of the Board of Supervisors. Removal from this committee may additionally be at the written request of the committee member and/or Committee Officers.

2.3 Officers.

- (a) Selection. A Chair and Vice-Chair shall be elected annually from among the Committee's membership at the first meeting of the calendar year.
- (b) Succession. The Vice-Chair shall succeed the Chair if the Chair vacates the office before completion of the term and shall serve the remainder of the unexpired term. A new Vice-Chair shall be elected at the next regular meeting to fill the balance of the Vice-Chair term.
- (c) Chair and Vice-Chair Absent. In the absence of the Chair and Vice-Chair, any member may call the Committee to order, and a Chair pro-tem shall be elected from the members present and shall assume the responsibilities of the Chair.
- (d) Consecutive Year. A member shall not serve as Chair for more than two consecutive years or Vice-Chair for more than two consecutive years.
- (e) Chair's Responsibilities. The responsibilities and powers of the Chair shall be as follows:
 - (1) Preside at all meetings of the Committee and rule on all questions of order:
 - (2) Call special meetings of the Committee in accordance with legal requirements and the Rules of Procedure.
 - (3) Sign documents on behalf of the Committee.
 - (4) Appoint all subcommittees of the Committee.
 - (5) Direct appropriate action on items raised that are not listed on the Committee agenda.

- (f) Vice Chair Responsibilities. In the absence of the Chair, or when the Chair is disqualified from participation or voting, the Vice-Chair shall assume the responsibilities of the Chair.
 - (g) Secretary. The Deputy Executive Officer – Economic Development in the Stanislaus County Chief Executive Office, or a designated member of the Chief Executive Office staff, shall function as the Secretary of the Committee. The Secretary shall notify Committee members of meetings, present the reports and recommendations of the committee's staff, enter into the minutes all official actions or decisions of the Committee, keep the official records of the Committee, transmit the findings of the Committee to the Board of Supervisors, and perform such other duties as the Committee may require.
- 2.4 Advisory Staff. County Counsel, or their designated staff, serve as advisory staff to the Committee.
- 2.5 Standing Committees. The Committee may establish whatever standing committees it deems appropriate for the conduct of its business. The Chair shall appoint and replace the members of each standing committee.
- 2.6 Special Committees. The Committee may establish whatever special committees it deems appropriate for the conduct of its business. The Chair shall appoint and replace the members of each special committee.
- 2.7 Attendance. Any member who misses three consecutive regular meetings without a valid excuse, approved by the Committee, is subject to removal from the Committee by the Board of Supervisors.

SECTION 3 – MEETINGS

- 3.1 Conduct of Meetings. Except as herein or otherwise provided, Robert's Rules of Order, Revised shall govern all proceedings of the Committee.
- 3.2 Regular Meetings. The Committee shall hold meetings as needed with a minimum of two (2) meetings annually as determined by the Committee secretary. Special meetings

may be necessary to address specific economic development issues. The Committee agenda shall state the location of the meeting.

- 3.3 No Meeting on Holidays. Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting may be rescheduled to another business day, or canceled at the direction of the Chair.
- 3.4 Adjourned Meetings. In the event it is the wish of the Committee to adjourn its regular meeting to a certain hour on a day, other than a regularly scheduled meeting, a specific date, time and place must be set by the Committee prior to the regular motion to adjourn.
- 3.5 Special Meetings. The Chair may call special meetings as necessary, providing that each member of the Committee, and each newspaper, television station, and other news media which so requests in writing, is notified at least seventy-two (72) hours before the meeting.
- 3.6 Study Sessions and Workshops. The Chair may convene the Committee as a whole or as a committee of the whole, for the purpose of holding a study session provided that no official action shall be taken and no quorum shall be required. Such meetings shall be open to the public; but, unless the Committee invites evidence or comments to be given, participation by interested members of the public shall not take place at such study sessions.
- 3.7 Cancellation of Meetings. The Chair may cancel any regular or special meeting of the Committee if it is determined there is no significant business to be conducted. However, the Committee shall hold at least one (1) meeting each year.

SECTION 4 – AGENDAS, ORDER OF BUSINESS

- 4.1 Agendas. An agenda for each meeting of the Committee shall be prepared by the Secretary or assigned staff.
- 4.2 Agenda – Order of Business. Unless the Secretary determines otherwise, the following sequence shall be used in the preparation of agendas:

- (a) Roll Call (silent)
- (b) Minutes of Previous Meeting(s)
- (c) Correspondence – Included in agenda packet and received after packet has been distributed.
- (d) Conflict of Interest Declarations
- (e) Action Items
- (f) Other Matters
- (g) Report of the Secretary
- (h) Committee Member Reports
- (i) Adjournment

The order of business may be altered at the discretion of the chair.

- 4.3 Requests for Continuance. If a request is made for a continuance, a motion may be made and voted upon to continue the item to a definite time and date or to continue indefinitely. A motion may also be made and voted on to place the item anywhere under the “Action Items” heading on the agenda. Any person desiring to be heard on the item may be given an opportunity to make a presentation.
- 4.4 Action Items. The Chair shall announce, open, request the Secretary’s report and preside over each action item conducted by the Committee.
- 4.5 Secretary’s Report. If requested by the Chair, the Secretary or designated staff shall present a report on each action item. The Committee may ask technical questions of staff or advisory staff.
- 4.6 Oral Comments. Upon the completion of the Secretary’s report, the Chair shall invite attendees to address the Committee with questions or comments. The Chair shall recognize speakers and determine the order in which they address the Committee.
- 4.7 Conduct of Speakers. Each speaker shall be required to give their name and address. The speaker may then proceed to offer information. However, speakers will be limited to

the item under consideration and irrelevant and off-the-subject comments may be ruled out of order by the Committee. All comments shall be addressed to the Committee.

- 4.8 Time Limits for Testimony. In the event that a large number of speakers wishes to address the Committee, the Chair may limit the amount of time afforded to each speaker to five (5) minutes. In addition, the Chair may foreclose any testimony which presents evidence which is repetitious, incompetent, irrelevant, immaterial, or which constitutes offensive or inappropriate language.
- 4.9 Written Testimony. The committee's policy is to encourage the early submission of all written material to allow sufficient time to comprehend the material. In order to be included in the Committee Member's agenda packet, written material should be presented to the Secretary in the Chief Executive Office not later than ten (10) days prior to the scheduled Committee meeting. Written material received after the agenda has been mailed to the Committee may be presented to them at the scheduled meeting by the Secretary.
- 4.10 Documentary Evidence. Any documents, writings, pictures, exhibits, video tapes or other forms of tangible expression once submitted to the Committee shall become the property of the Committee and part of the public record.
- 4.11 Discussion and Decision by the Committee. After the public comments have been received, the members of the Committee shall discuss the evidence presented and consider the action item under consideration. The proposal may be continued to a future meeting if the Committee determines that additional information is required or additional time is necessary to consider oral and written testimony.
- 4.12 Voting Requirements.
- (a) A quorum shall consist of 50% of the members appointed +1. In the absence of a quorum, the members present shall constitute a committee of the Committee and shall make a report of their action at the next succeeding meeting at which a

quorum is present. The actions of the committee shall become effective when ratified by the members of the Committee at such succeeding meeting.

- (b) A majority vote is required for the Committee to take action unless otherwise required by state law.
- (c) In the case of a tie vote or where less than a majority vote is cast on a motion, the motion fails and a new motion is in order. If an alternative action is not possible, the item shall be considered denied.
- (d) Committee Members shall not vote on a motion unless they have been present during the entire hearing on the issue or have listened to the tape recording of that portion of the hearing presented in their absence.
- (e) When a member of the Committee abstains from voting on any matter before it because of a potential conflict of interest, said abstention shall not constitute nor be considered as either a vote in favor of or opposition to the matter being considered.
- (f) In the event that a member cannot be present at a meeting, that member may assign their voting privilege to a proxy representative.

4.13 Disqualification from Voting. Committee Members shall disqualify themselves from voting in accordance with the Stanislaus County Conflict of Interest Code and all applicable laws and regulations. When Committee Members disqualify themselves, they shall state prior to the consideration of such matter by the Committee that they are disqualifying themselves due to a possible conflict of interest and shall then step down from the dais.

4.14 Records of Meetings. The Secretary or their designee shall prepare the minutes of the Committee meetings.