

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS

ACTION AGENDA SUMMARY

DEPT: Agricultural Advisory Board - Ag Commissioner BOARD AGENDA # *B-1

Urgent

Routine

AGENDA DATE January 12, 2010

CEO Concur with Recommendation YES NO

4/5 Vote Required YES NO

(Information Attached)

SUBJECT:

Approval to Amend the Agricultural Advisory Board Bylaws Making Minor Administrative Changes

STAFF RECOMMENDATIONS:

Amend the Agricultural Advisory Board Bylaws making minor administrative changes.

FISCAL IMPACT:

There is no direct fiscal impact associated with the proposed minor administrative changes to the Agricultural Advisory Board bylaws. The Agricultural Commissioner currently provides the necessary administrative and technical support and costs are absorbed through their approved annual budget.

BOARD ACTION AS FOLLOWS:

No. 2010-007

On motion of Supervisor Monteith, Seconded by Supervisor DeMartini

and approved by the following vote,

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

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-57-24

DISCUSSION:

Background

The Agricultural Advisory Board (Advisory Board) was formed on December 12, 1989 for the purpose of advising the Board of Supervisors on agricultural issues pertaining to Stanislaus County. The Board of Supervisors may refer issues to the Advisory Board as needed. Historically, the Advisory Board has reviewed subjects such as agricultural burn permits, the confined animal ordinance, agricultural zoning, endangered species, and the use of biosolids and genetically modified organisms in Stanislaus County. Additionally, the Advisory Board was instrumental in the recent update to the Agricultural Element of the Stanislaus County General Plan and has been involved in other land use policy discussions.

Proposed Amendments

On May 4, 2009, the Advisory Board formed a subcommittee to review the current bylaws to ensure that they were not outdated. As part of that review, the subcommittee was also charged with revisiting the existing composition of the Advisory Board and making recommendations to remove any ambiguity that existed with the roles and responsibilities of each member. The subcommittee met several times to review the bylaws and discuss possible changes. Proposed amendments were reviewed by the Office of County Counsel for completeness and to ensure that the proper procedures to amend the bylaws were followed. On December 14, 2009, the subcommittee presented its findings and recommendations for consideration to the Agricultural Advisory Board. The Advisory Board unanimously accepted the changes to the bylaws as presented and took action to forward the amended bylaws to the Board of Supervisors for final approval.

In summary, the proposed substantive changes to the Agricultural Advisory Board bylaws include:

- Composition – modify the composition to consist of eleven voting members and four non-voting members. Included in this change is designating one (1) voting member as a representative from a Resource Conservation District and designating the representatives from the Board of Supervisors, Department of Environmental Resources, USDA (United States Department of Agriculture) Natural Resources Conservation Service and Agricultural Commissioner as ex-officio, non-voting members.
- Committees and Task Forces – remove the provision that the Chairperson of the Advisory Board serve on all committees and task forces as an ex-officio member.
- Meetings – clarify that the Advisory Board hold, cancel and reschedule meetings under the guidelines of the Brown Act.
- Quorum – clarify that a quorum of the Advisory Board shall consist of six (of the eleven) voting members.

Approval to Amend the Agricultural Advisory Board Bylaws Making Minor Administrative Changes

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- Vote – clarify that a majority of the Advisory Board members present and voting, provided that there is a quorum, shall constitute the vote required for action.
- Termination – clarify that a member may be removed from the Advisory Board by the appointing authority upon the recommendation by a two-thirds (2/3) vote of a quorum of the Advisory Board members.
- Officers – clarify that the election of officers (Chairperson and Vice-Chairperson) shall occur annually in accordance with the fiscal year (July through June).
- Secretary – clarify that the Secretary of the Agricultural Advisory Board will be the Agricultural Commissioner or his/her designee.
- Conflict of Interest – clarify that Advisory Board members will comply with the California Conflict of Interest laws.

Method of Amending Bylaws

Per the current bylaws, “These Bylaws may be amended by a two-thirds (2/3) vote of a quorum of the Agricultural Advisory Board provided that fifteen (15) days prior to the meeting, the full Advisory Board is notified of the language of such change(s) of the time, date and place of the intended voting on such changes(s). The amendment will not be effective until approved by a majority vote of the Stanislaus County Board of Supervisors.”

POLICY ISSUE:

The Board of Supervisors should determine whether or not the amendment to the Agricultural Advisory Board bylaws would be consistent with its current priority of striving for a strong agricultural economy/heritage.

STAFFING IMPACT:

There are no additional staffing impacts associated with this item. Designees from the Department of Environmental Resources, Cooperative Extension, and the Agricultural Commissioner will continue to serve on the Advisory Board. Other County Departments (such as the Department of Planning and Community Development, Chief Executive Office, and County Counsel) will provide support and technical assistance as needed.

AGRICULTURAL ADVISORY BOARD

BYLAWS

ARTICLE 1

Name

The name of this body shall be the Stanislaus County Agricultural Advisory Board. Whenever the term "Advisory Board" is used in these Bylaws, it shall mean the Stanislaus County Agricultural Advisory Board.

ARTICLE II

Authority

The authority for the formation and operation of this Advisory Board is set forth by the Stanislaus County Board of Supervisors' Resolution #89-1667 dated December 12, 1989.

ARTICLE III

Purpose

The purpose of this Advisory Board shall be:

- a. To advise County staff and the Board of Supervisors generally on agricultural issues.
- b. To hold informal public meetings and workshops to provide the public with information and to receive comments relative to agricultural issues.

ARTICLE IV

Section 1. Composition

The composition of the Advisory Board shall consist of eleven voting members and four non-voting members as follows:

- (1) Representative from each Supervisorial District.
- (1) Representative from Farm Bureau.
- (1) Representative from California Women for Agriculture.
- (1) Representative from University of California Cooperative Extension.
- (1) Representative from a Resource Conservation District.
- (1) Representative from agricultural related industry.
- (1) Representative from agricultural financing institution.

- (1) Representative from Department of Environmental Resources to serve as an ex-officio, non-voting member.
- (1) Representative from USDA Natural Resources Conservation Service to serve as an ex-officio, non-voting member.
- (1) Member of the Board of Supervisors, or alternate member of the Board of Supervisors, to serve as an ex-officio, non-voting member.
- (1) The Agricultural Commissioner to serve as an ex-officio, non-voting member.

There shall be such standing, special, and ad hoc committees or task forces as the Chairperson shall appoint with the approval of the Advisory Board.

Section 2. Other

All plans and/or recommendations from a committee or task force shall be presented by the committee Chairperson, or designee, to the Advisory Board for action and shall be acted upon at the next regularly scheduled meeting of the Advisory Board.

ARTICLE V

Meetings

Section 1. Frequency and Time of Meetings

The regular meeting of this Advisory Board shall be held on the first Monday of the month at 10:00 a.m. The Chairperson may cancel or reschedule a meeting under the guidelines of the Brown Act.

Section 2. Special Meetings

Special meetings may be called by the Chairperson or six of the Advisory Board voting members.

Section 3. Public Participation

All meetings of the Advisory Board shall be open to the public as provided for by the Brown Act. The Advisory Board shall make a special effort to involve the public and interested groups in Advisory Board activities and decisions.

ARTICLE VI

Parliamentary Rules

Section 1. Conduct of Meetings

The meetings of this Advisory Board shall be conducted in accordance with Robert's Rules of Order (Revised Edition).

Section 2. Quorum

Six of the total voting membership at the time of the meeting shall constitute a quorum.

Section 3. Vote Required for Action

A majority of the Advisory Board members present and voting, provided there is a quorum, shall constitute the vote required for action.

Section 4. Attendance at Meetings

Members are expected to attend all meetings of the Advisory Board. A member who is unable to attend a meeting shall give advance notice of his/her inability to attend to the Secretary of the Agricultural Advisory Board.

Section 5. Vacancies

(A) Absences

A member who is absent (a) from three consecutive meetings who has not given advance notice as provided in Article VI, Section 4, or (b) from five regular meetings within a calendar year, shall be notified in writing by the Chairperson that his/her absences will be discussed at the next regular scheduled meeting of the Advisory Board, and a vote taken, in presence of a quorum, to recommend to the appointing authority that the members be removed from the Advisory Board.

(B) Termination

A member may be removed from the Advisory Board by the appointing authority upon the recommendation of the Advisory Board by a two-thirds (2/3) vote of a quorum of the Agricultural Advisory Board members.

ARTICLE VII

Officers

The officers of the Advisory Board shall consist of a Chairperson and Vice-Chairperson who shall be elected annually. Election of officers shall be held at the first regularly scheduled meeting of the Advisory Board in July of each new fiscal year. Nominations shall be submitted by the Nominating Committee in June, or made from the floor. Officers shall be elected to serve for one year or until their successors are elected.

In the event that the Chairperson and Vice-Chairperson are unable to attend a scheduled meeting, the members present shall elect a Chairperson to preside over that meeting.

The Agricultural Commissioner or his/her designee, shall serve as Secretary to the Agricultural Advisory Board.

ARTICLE VIII

Committee and Task Forces

Section 1. Nominating Committee

A Nominating Committee of three members shall be appointed by the Chairperson, with concurrence of the Advisory Board, to meet one month prior to the election. This committee shall report to the Advisory Board with recommendations for officers for the following year.

Section 2. Term of Office

The term of each member of the Advisory Board shall be for three years. If, however, prior to the expiration of such a term a member ceased to retain status which qualified him/her for appointment on the Advisory Board, his/her membership on the Advisory Board shall terminate and there shall be a vacancy on the Advisory Board.

A person appointed to complete an unexpired term shall not be considered to have served a term. Members completing unexpired terms may be reappointed to serve for two consecutive terms.

Advisory Board members shall be limited to no more than two consecutive terms. Members shall also serve without compensation.

Section 3. Filling Vacancies

Vacancies shall be filled by the Board of Supervisors in accordance with the California Government Code, Part 1 of Division 2 of Title 5, Chapter 10, Sections 54970-54974 (Maddy Local Appointive List Act of 1975). The Maddy Local Appointment List Act requires that the Board of Supervisors prepare an appointment list for all boards, commissions and committees for which they have appointment power. The Act further requires that a special vacancy notice be posted in the Office of the County Clerk, and in other places as directed by the Board of Supervisors, within 20 days after the vacancy occurs; and prohibits an appointment to a position for 10 days after the notice is posted (except in the case of an emergency).

Section 4. Conflict of Interest

When any case is being discussed, considered or voted upon by the Advisory Board that involves potential financial benefit to a member or the review of an agency with which an individual Advisory Board member is affiliated, the Advisory Board members shall comply with the California Conflict of Interest laws.

ARTICLE IX

Adoption and Amendment

Section 1. Adoption

These Bylaws shall become effective immediately upon approval by a majority of the membership of the Advisory Board and approval of the Stanislaus County Board of Supervisors.

Section 2. Amendments

These Bylaws may be amended by a two-thirds (2/3) vote of a quorum of the Agricultural Advisory Board provided that fifteen (15) days prior to the meeting, the full Advisory Board is notified of the language of such change(s). The amendment will not be effective until approved by a majority vote of the Stanislaus County Board of Supervisors.

DRAFT

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