

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

115

DEPT: Board of Supervisors

BOARD AGENDA# *A-6

Urgent _____ Routine X

AGENDA DATE April 18, 2000

CEO Concurs with Recommendation YES X NO _____
(Information Attached)

4/5 Vote Required YES _____ NO X

SUBJECT:

APPROVAL TO AMEND THE BY-LAWS OF THE DENAIR MUNICIPAL ADVISORY COUNCIL

STAFF RECOMMENDATIONS:

1. APPROVE AMENDING THE BY-LAWS OF THE DENAIR MUNICIPAL ADVISORY COUNCIL TO CHANGE THE NUMBER OF COUNCIL MEMBERS FROM SEVEN TO FIVE

FISCAL IMPACT:

NONE

BOARD ACTION

No. 2000-295

On motion of Supervisor Blom, Seconded by Supervisor Simon

and approved by the following vote,

Ayes: Supervisors: Paul, Mayfield, Blom, Simon, and Chairman Caruso

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

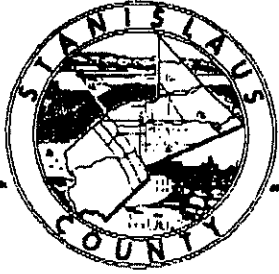
3) _____ Approved as amended

Motion:

Christina Ferraro

File No. MAC-5-11

ATTEST: REAGAN M. WILSON, Clerk By: Deputy



DENAIR MUNICIPAL ADVISORY COUNCIL

P.O. Box 427

Denair, California 95316

April 12, 2000



Stanislaus County
Board of Supervisors
1100 H Street
Modesto, CA 95354

RE: Denair MAC Bylaw Change

At our March 7, 2000 meeting the discussion of changing the bylaws of the Denair MAC from seven members to five ensued. It was decided to place that item on the agenda for the April 4, 2000 meeting.

At our April 4, 2000 meeting the MAC voted unanimously, with all members present, to change the Denair MAC bylaws to state, "The council is composed of five(5) members who shall be elected...."

If you have any questions, please feel free to call.

Sincerely,

Dennis Hartman, Chairman

ATTACHMENTS AVAILABLE
FROM YOUR CLERK

BY-LAWS
DENAIR MUNICIPAL ADVISORY COUNCIL
(DENAIR MAC)

I
OFFICES

SECTION 1. PRINCIPAL OFFICE

The principal office of the council for the transaction of its business is located in Stanislaus County, California.

II
PURPOSES

SECTION 1. OBJECTIVES AND PURPOSES

The Council will advise the Stanislaus County Board of Supervisors on matters of public health, welfare, safety, planning and public works, and other such matters as the Board may designate which affect the territory and inhabitants within the Denair MAC; and, represent this community to any governmental agency or other organization on matters concerning the community.

SECTION 2. BOUNDARIES OF THE DENAIR MUNICIPAL ADVISORY COUNCIL

The boundaries of the Denair MAC shall be as found in Attachment One to these By-laws.

III
MEMBERSHIP

Council members shall be registered voters residing within the Denair MAC. The council is composed of five members who shall be elected by the registered voters residing within the Denair MAC. The terms of each member is four (4) years or until their successors are elected. The terms of members initially elected are staggered with three (3) members' terms expiring December 31. If a council position should become vacant, the Supervisor of District 2 shall appoint a person to serve the remainder of the term. No person shall be elected for more than two (2) consecutive terms. These elections shall conform to state general election procedure (California Election Code Section 23500 et seq.).

**IV
OFFICERS AND DUTIES**

SECTION 1. ELECTION OF OFFICERS

The Council shall, at its first official meeting each calendar year, nominate and elect a Chairperson, a Vice-Chairperson, and a Secretary/Treasurer. These persons shall serve for one (1) year.

SECTION 2. DUTIES OF CHAIRPERSON

The duties of the Chairperson are: 1) to prepare the agenda for each meeting; 2) to call the members of each meeting to order; 3) to enumerate the business of the meeting and the order in which it is to be acted upon; 4) to recognize members who are entitled to the floor; 5) to state and put to a vote all questions which are properly moved; 6) to maintain order throughout the meeting; 7) to sign all necessary documents, letters, etc., including the Secretary/Treasurer's report, that states the official business of the Council.

SECTION 3. DUTIES OF THE VICE-CHAIRPERSON

The duties of the Vice-Chairperson are to assume the duties of the Chairperson when the Chairperson is absent.

SECTION 4. DUTIES OF THE SECRETARY/ TREASURER

The duties of the Secretary/Treasurer are: 1) to record the minutes of all meetings of the Council and read publicly the minutes of the meetings of the Council and read publicly the minutes of the previous meeting, and all special meetings; 2) to maintain a register of those who attend each meeting of the Council; 3) to notify officers and committees of their appointment; 4) to maintain the official copy of the By-Laws; 5) to send out written notices of meetings to all those living or who own property within the Denair MAC who have requested such notice pursuant to the California Government Code Section 54954.1 et. seq.); 6) to conduct the correspondence of the Council; 7) to have at each meeting a list of committees and their members as well as the By-Laws of the Council and copies of the minutes of all previous meetings 8) to sign with the Chairperson all Secretary/Treasurer's reports; 9) to maintain a current and up to date list of all residents and property owners within the Denair MAC.

**V
MEETINGS**

The Denair MAC shall meet once each month in a public building which is accessible and can accommodate all those residents and/ or property owners of the Denair MAC. A

regular time and place for each meeting will be established and announced by the Council. The Council may through public notification, call for those special meetings it deems necessary. If the Council wishes, it may seek the views of those present at a meeting by calling for a vote by those in attendance. Only residents or property owners within the Denair MAC may vote on the issues before the Council. Participants of any meeting may be challenged and the Secretary/Treasurer asked to verify their status as a resident or property owner within the Denair MAC. The public vote in a meeting shall carry by a majority of those present. A majority of the council Members shall constitute a quorum for the conduct of business. All special and regular meetings of this Council shall comply with California Government Code Sections 54950 et seq. (The Brown Act).

VI COMMITTEES

The Chairperson may appoint, as needed, standing committees that exist for a specified period of time, or special committees that are created to consider special issues. A committee may consist of one (1) member, but not more than two (2) members of the Council.

VII METHODS OF AMENDING BY-LAWS

The Denair MAC may amend its By-Laws in the following manner: 1) the amendment must be submitted in writing at the monthly meeting preceding the one at which it is to be voted upon, with a copy provided for each council member; 2) at the next monthly meeting the amendment shall be placed on the agenda for discussion and vote; 3) adoption of the amendment shall be by a majority of the votes cast by the Council, a quorum being present; 4) upon approval by the Stanislaus County Board of Supervisors, the amendment will be considered adopted and the By-Laws amended.

VIII PARLIAMENTARY AUTHORITY

The Denair MAC adopts that all meetings shall be governed by ROBERTS' RULE OF ORDER, as such rules may be revised from time to time, insofar as such rules are not inconsistent with or in conflict with these By-Laws.

**IX
VACANCIES**

Vacancies on the Council shall exist 1) on the death, resignation or removal of any member, and 2) whenever the number of authorized members is increased.

The council members may declare vacant the seat of a council member who has missed three unexcused absences from the regular meeting dates, during any one term or has been declared of unsound mind by a final order of court, or has been convicted of a felony.

Any member may resign effective upon giving written notice to the Chairperson of the Council and the Stanislaus County Board of Supervisors, unless the notice specifies a later time for the effectiveness of such resignation.

Vacancies on the council may be filled by the County Board of Supervisors.

**X
NON-LIABILITY OF COUNCIL MEMBERS AND OFFICERS**

The members shall not be personally liable for the debts, liabilities, or other obligations of the Denair MAC.

**XI
FISCAL YEAR**

The fiscal year of the Denair MAC shall be the same as that of the Stanislaus County Board of Supervisors.

**XII
EXECUTION OF DEPOSITS AND FUNDS**

SECTION 1. CHECKS AND NOTES

Except as otherwise specifically determined by resolution of the County Board of Supervisors, or as otherwise required by law, checks, drafts, promissory notes, orders for the payment of money, and other evidence of indebtedness of the Denair MAC shall be signed by the Secretary/Treasurer and countersigned by the Chairperson.

SECTION 2. DEPOSITS

All funds of the council shall be deposited from time to time to the credit of the council in such banks, trust companies, or other depositories as the Council may select.

**XIII
COUNCIL RECORDS AND REPORTS**

The Council shall keep at its principal office in Stanislaus County A) Minutes of all meetings, committees of the Council indicating the time and place of holding such meetings, whether regular or special, how called, the notice given, and the names of those present and the proceeding thereof; B) Adequate and correct books and records of accounts, including accounts of its properties and business transaction and account of its assets, liabilities, receipts, disbursements, gains and losses.

**XIV
MEMBERSHIP INSPECTION RIGHTS**

Every council member shall have the absolute right at any reasonable time to inspect and copy all books, records and documents of every kind and to inspect the physical properties of the Council.

Submitted by _____
Acting Chairperson

Date _____