

THE BOARD SUPERVISORS OF THE COUNTY OF ANISLAUS
ACTION AGENDA SUMMARY

12

DEPT: Board of Supervisors

BOARD AGENDA # *A-4

Urgent _____ Routine x

AGENDA DATE July 20, 1993

CAO Concurs with Recommendation YES _____ NO _____
(Information Attached)

4/5 Vote Required YES _____ NO x

SUBJECT: APPROVAL OF ADOPTION OF BYLAWS AND BOUNDARIES FOR THE EMPIRE MUNICIPAL ADVISORY COUNCIL.

STAFF
RECOMMEN-
DATIONS:

- 1. APPROVE THE ADOPTION OF THE BYLAWS AND THE BOUNDARIES AS SHOWN IN EXHIBIT A FOR THE EMPIRE ADVISORY COUNCIL.

FISCAL
IMPACT: NONE

BOARD ACTION

No. 93-730

On motion of Supervisor Paul, Seconded by Supervisor Caruso, and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) x Approved as recommended

2) _____ Denied

3) _____ Approved as amended

Motion:

Christine Ferraro

File No.

DISCUSSION: The Empire Municipal Advisory Council was formed on June 27, 1989, by the Stanislaus County Board of Supervisors. The boundaries for the Empire MAC were to be the same as the Empire Sanitation District and were adopted at the time of formation though no map was attached. Subsequently on February 13, 1990, the Empire MAC adopted the bylaws, however, the bylaws were not formally adopted by this Board.

The Board of Supervisors must approve the Empire MAC Bylaws. The Empire MAC has forwarded their Bylaws which also included the legal description of the boundaries and the map as shown in Attachment A to the Board of Supervisors for adoption.

POLICY
ISSUE

The Board of Supervisors' approval is required for the adoption of the bylaws and boundaries of Municipal Advisory Councils.

STAFFING
IMPACT

None.

EMPIRE MUNICIPAL ADVISORY COUNCIL

P.O. Box 1717

Empire, CA 95319

EMPIRE MUNICIPAL ADVISORY COUNCIL BY-LAWS

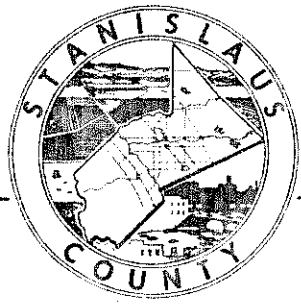
Article I

Formation of organization

This council will be known as the EMPIRE MUNICIPAL ADVISORY COUNCIL, as established by resolution #89-887, June 24, 1989, by the Stanislaus county board of Supervisors pursuant to government code section 31010. The boundaries served by the council are described as follows and hereafter shall be referred to as Empire.

All that portion of Sections 29, 30, 31, and 32, Township 3 South, Range 10 East Mount Diablo Meridian, County of Stanislaus State of California, described as follows:

BEGINNING at a point on the north line of Yosemite Boulevard, 337 feet west from the west line of "A" Street of the Town of Empire in Section 30, Township 3 South, Range 10 East Mount Diablo Meridian; thence North 337 feet, west of and parallel with the West line of said "A" Street, 2610 feet to the East and West one-quarter section line of said Section 30; thence Easterly 1243 feet more or less to the Easterly line of 100 feet wide A.T. & S.F.R.R. right-of-way; thence North $10^{\circ}34'30''$ West along said railroad right-of-way 1730.54 feet to northwest corner of Lot 2 of Swanger Estates, Volume 22 of Maps at Page 80; thence South $88^{\circ}12'$ East on the North line of said Lot 2, a distance of 1130.13 feet to the East line of Church Street; thence South $0^{\circ}04'$ East a distance of 24.63 feet, on said East line to the North line of South 10 acres of Lot 40 of Root Colony, as shown on the map filed in Volume 6 of Maps Page 16 Stanislaus County Records; thence Easterly on the north line of the South 10 acres of said Lot 40, a distance of 1302.9 feet to the east line of said Lot 40 of Root Colony; thence South $0^{\circ}00'05''$ West 4264.67 feet on the one-quarter one-quarter section line of said Section 29, to the centerline of Yosemite Boulevard, and northwest corner of northeast one-quarter of northwest one-quarter of Section 32; thence North $89^{\circ}59'$ East along centerline of Yosemite Boulevard, a distance of 135.00 feet; thence Southerly 265.00 feet; thence South $89^{\circ}59'$ West 135.00 feet; thence Southerly 3009.85 feet on the one-quarter one-quarter section line of Section 32, to the north right-of-way line of Modesto Irrigation District Lateral No. 1; thence Southwesterly along said right-of-way line 975.09 feet to the West right-of-way line of Santa Fe Avenue; thence West 100 feet to the point on the west line of A.T. & S.F.R.R. right-of-way; thence Northwesterly along said the railroad right-of-way line 830 feet; thence Northwesterly 227.51 feet; thence Northwesterly along said right-of-way line 1534.50 feet to the southeast corner of Lot 1 of the Torbert Tract, recorded in Volume 2 of Maps Page 17 Stanislaus County Recorder's Office; thence West 650.2 feet on the south line of said Lot 1 to a point 320 feet east of the southwest corner of said Lot 1; thence North 820.88 feet along a line parallel with and 320 feet from the West line of Lot 1; thence West 320 feet along a line parallel and 75 feet from the northerly line of said Lot 1, to a point in the West line of Lot 1, a distance of 75 feet southerly from the northwest corner thereof; thence North 75 feet to the northwest corner of said Lot 1; thence West along the south line of the railroad right-of-way, said line being parallel with and 40 feet measures at right angles to the south line of Yosemite Boulevard, a distance of 746 feet, to a point of intersection with a line lying parallel with, and 337 feet west of the West line of said "A" Street; thence North 106 feet to the point of beginning.



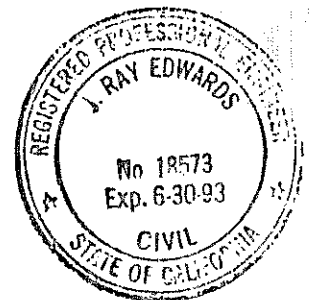
EMPIRE MUNICIPAL ADVISORY COUNCIL

P.O. Box 1717

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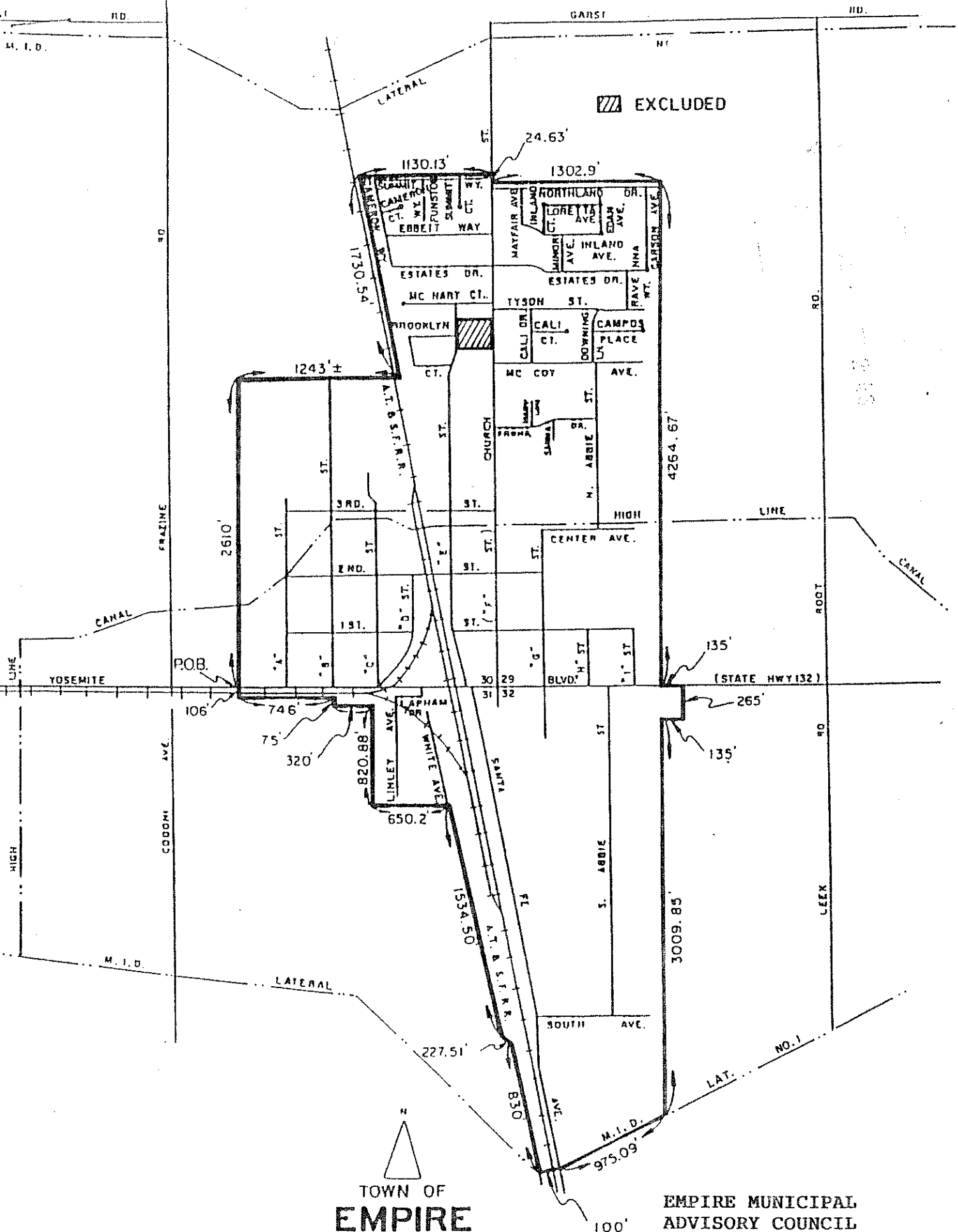
EXCEPTING there from all that certain property being a portion of Sections 29 and 30, Township 3 South, Range 10 East, Mount Diablo Meridian, County of Stanislaus and being more particularly described as follows:

COMMENCING at the East quarter corner of Section 30 of the aforementioned township and range; thence West along the east-west quarter section line running through said Section 30, a distance of 410.00 feet; thence North $0^{\circ}04'$ West a distance of 280.00 feet; thence Easterly along a line which is 280.00 feet North of and parallel with said east-west quarter section line a distance of 147.86 feet to a point in the present boundary of the Empire Sanitary District and the true point of beginning of this description; thence along the present sanitary district boundary the following courses and distances; (1) North $0^{\circ}04'$ West 218.11 feet; thence (2) Easterly and parallel with said east-west quarter section line a distance of 242.14 feet to the west line of Church Street; thence (3) Southerly along the westerly line of Church Street a distance of 152.02 feet to a point; thence (4) Easterly 50.00 feet to the east line of Church Street; thence (5) Southerly along the east line of Church Street 66.09 feet to a point which is 280.00 feet north of the east-west quarter section line running through Section 29 on the aforementioned township and range; thence (6) West along a line parallel with and 280.00 feet north of the aforementioned east-west quarter section line of Section 29, a distance of 30.00 feet; thence (7) continuing West along a line parallel with, and 280.00 feet north of the east-west quarter section line of Section 30, a distance of 262.14 feet to the point of beginning.



(F:\SURVEY\EMPIRE.GM)

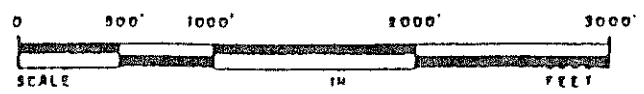
Approved as to description	
<i>J. Ray Edwards</i>	
J. Ray Edwards	ROE 18573
Date	6/26/91



EXCLUDED

TOWN OF
EMPIRE

EMPIRE MUNICIPAL
ADVISORY COUNCIL



11.

PURPOSE

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 EMPIRE: AND, REPRESENT THIS COMMUNITY TO ANY GOVERNMENTAL AGENCY OR OTHER ORGANIZATION ON MATTERS CONCERNING THE COMMUNITY.

111.

MEMBERSHIP

COUNCILMEMBERS SHALL BE REGISTERED VOTERS RESIDING WITHIN EMPIRE. THE COUNCIL IS COMPOSED OF FIVE (5) MEMBERS WHO SHALL BE ELECTED BY THE REGISTERED VOTERS RESIDING WITHIN EMPIRE. THE TERM OF EACH MEMBER IS FOUR (4) YEARS OR UNTIL THEIR SUCCESSORS ARE ELECTED. THE TERMS OF MEMBERS INITIALLY ELECTED ARE STAGGERED WITH TWO (2) MEMBERS' TERMS EXPIRING DECEMBER 31, 1991. IF A COUNCIL POSITION SHOULD BECOME VACANT, THE BOARD OF SUPERVISORS SHALL APPOINT A PERSON TO SERVE THE REMAINDER OF THE TERM. THESE ELECTIONS SHALL CONFORM TO STATE GENERAL ELECTION PROCEDURES (CALIFORNIA ELECTION CODE 23500 ET SEQ.).

IV.

OFFICERS & DUTIES

- A. THE COUNCIL SHALL, AT ITS FIRST OFFICIAL MEETING EACH CALENDAR YEAR, NOMINATE AND ELECT A CHAIRPERSON, VICE-CHAIRPERSON, AND SECRETARY. THESE PERSONS SHALL SERVE FOR ONE (1) YEAR.
- B. THE DUTIES OF THE CHAIRPERSON ARE: (1) 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 TREASURER'S REPORT, THAT STATE THE OFFICIAL BUSINESS OF THE COUNCIL.
- C. THE DUTIES OF THE VICE-CHAIRPERSON ARE TO ASSUME THE DUTIES OF THE CHAIRPERSON WHEN HE/SHE IS ABSENT.
- D. THE DUTIES OF THE SECRETARY ARE: (1) TO RECORD MINUTES OF ALL 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/OR 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 EMPIRE WHO HAVE REQUESTED SUCH NOTICE PURSUANT TO THE CALIFORNIA GOVERNMENT CODE, SECTION 54954.1, (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 TREASURERS' REPORTS.

V.

MEETINGS

THE EMPIRE MUNICIPAL ADVISORY COUNCIL SHALL MEET ONCE EACH MONTH IN A PUBLIC BUILDING WHICH IS ACCESSIBLE AND CAN ACCOMMODATE ALL THOSE RESIDENTS AND/OR PROPERTY OWNERS OF EMPIRE. 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 OF EMPIRE MAY VOTE ON ISSUES BEFORE THE COUNCIL. VOTERS OF ANY MEETING MAY BE CHALLENGED AS TO THEIR QUALIFICATIONS TO VOTE BY THE SECRETARY AND UPON CHALLENGE MUST PROVIDE EVIDENCE TO THE SECRETARY'S SATISFACTION THAT THEY ARE EITHER A RESIDENT OR PROPERTY OWNER OF EMPIRE. THE PUBLIC VOTE IN A MEETING SHALL CARRY BY A MAJORITY OF THOSE PRESENT. A MAJORITY OF THE COUNCIL MEMBERSHIP 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 EMPIRE MUNICIPAL ADVISORY COUNCIL 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 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 VOTE 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 EMPIRE MUNICIPAL ADVISORY COUNCIL ADOPTS THE RULES CONTAINED IN ROBERT'S RULES OF ORDER TO GOVERN IT IN ALL SITUATIONS NOT GOVERNED BY THE BY-LAWS OR ANY SPECIAL RULES OF ORDER OF THE COUNCIL.