

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

DEPT: Chief Executive Office

BOARD AGENDA:6.B.5
AGENDA DATE: April 20, 2021

SUBJECT:

Approval to Amend the Bylaws of the Knights Ferry Municipal Advisory Council
Changing the Members from Elected Members to Appointed Members and Approval of
the Updates to the Vacancies Section of the Bylaws and Additional Sections

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2021-0145

On motion of Supervisor Withrow, Seconded by Supervisor Grewal
and approved by the following vote,
Ayes: Supervisors: B. Condit, Withrow, Grewal, C. Condit and Chairman Chiesa
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:

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Chief Executive Office

BOARD AGENDA:6.B.5
AGENDA DATE: April 20, 2021

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Approval to Amend the Bylaws of the Knights Ferry Municipal Advisory Council Changing the Members from Elected Members to Appointed Members and Approval of the Updates to the Vacancies Section of the Bylaws and Additional Sections

STAFF RECOMMENDATION:

1. Amend the Knights Ferry Municipal Advisory Council Bylaws, Section III, to change the members from elected members to appointed members.
2. Approve the changes to Section IV of the Bylaws to update the officers and their duties.
3. Approve the changes to Section V regarding meetings and Section VI regarding its Committees.
4. Approve the changes to Section IX of the Bylaws to allow the board to appoint members, if a vacancy occurs.
5. Approve the addition of Sections X, XI, and XII to maintain uniformity between all the MACs and their respective Bylaws.
6. Approve other minor changes for clarification purposes and grammar revisions.

DISCUSSION:

On December 13, 1983, the Stanislaus County Board of Supervisors approved the formation of the Knights Ferry Municipal Advisory Council (MAC) in Supervisorial District 1. On May 22, 1984, the Board also approved the required boundaries and bylaws. The Knights Ferry MAC is charged with advising, "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 of Knights Ferry Town; and, represent this community to any governmental agency or other organization on matters concerning the community."

Stanislaus Municipal Advisory Councils (MAC) are established by a Board of Supervisors resolution pursuant to Government Code Section 31010 as an advisory body of local citizens which can either be elected by the community or appointed by the Board of Supervisors to advise the Board on matters of public health, safety, welfare, public works, and planning. There are currently nine Municipal Advisory Councils in Stanislaus County representing the communities of Denair, Empire, Hickman, Keyes, Knights Ferry, Salida, South Modesto, Valley Home and Wood Colony.

When establishing a Municipal Advisory Council, Government Code Section 31010 gives the Board of Supervisors an option on the method of member selection to be by appointment or election. Elections Code and Government Code have strict timelines of filling seats in-lieu of election, and filling vacancies when one occurs. It is possible for these deadlines to pass before an eligible candidate is identified, therefore impacting the ability of the MAC to function as intended until the next election occurs up to two years later.

On September 24, 2020, the Knights Ferry MAC requested to become an appointed membership MAC because they would have one vacancy and recognized how challenging it could be to fill the vacancy within the strict timelines of the Elections Code and Government Code.

Switching the Knights Ferry MAC to an appointed membership would give the Board of Supervisors more time to fill vacancies, because the seat would not be subject to strict timelines stated in Elections and Government Code. Currently, the Board of Supervisors has only 90 days to appoint a person to a vacancy. This timeline gets shortened to meet administrative deadlines and can be further shortened due to the timing of Board meetings. This can result in a vacant position on the MAC until the next scheduled election. Without the Election and Government Code restrictions, the Board of Supervisors could appoint new members to vacancies at any time, therefore increasing the chances of filling the vacancies.

There are instances in which an elected MAC member fails to attend numerous meetings. Since members are elected, there is no recourse for MAC members or the Board of Supervisors to remove absent members from the council. In extreme cases, this can affect a MAC's ability to meet a quorum and conduct official meetings. It is easier to hold appointed MAC members accountable for missing important meetings. Attendance requirements are in the MAC bylaws and give the Board of Supervisors clear authority to replace members who are chronically absent from meetings.

MACs are unique in the fact that they are elected officials, but the Board of Supervisors have the sole appointing authority over vacancies. By transitioning the Knights Ferry MAC to an appointed membership, the Registrar of Voters will no longer be required to perform the administrative work needed (preparing and maintain files, accepting candidate paperwork, etc.) to prepare for a potential Knights Ferry MAC election.

The recommended bylaw amendments will change the MAC members from elected members to appointed members and will also affect the vacancies section should a position become vacant prior to the expiration of the term.

The Knights Ferry MAC bylaws detail the amendment process. In summary, bylaw amendments must be first submitted in writing at a monthly meeting with a copy for each member. At the next meeting, the amendment shall be approved by the majority of the Council. Amendments to the bylaws must be approved by the Board of Supervisors. The bylaw amendments were submitted in writing to each of the Council members at a October 22, 2020 Regular Meeting, with a unanimous 4-0 vote from the Council voting to approve the bylaws at the March 25, 2021 Regular Meeting.

If approved by the Board, the Knights Ferry MAC will join the Valley Home MAC with appointed membership with the remaining seven MACs with the traditional elected membership.

POLICY ISSUE:

Amendments to the Knights Ferry Municipal Advisory Council (MAC) bylaws must be forwarded to the Board of Supervisors for approval. In doing so, the Board should determine whether the amendment to the bylaws is consistent with the MAC's objectives and purposes.

FISCAL IMPACT:

There is no direct fiscal impact associated with the proposed bylaw changes. Municipal Advisory Councils are currently allocated \$150 annually within the Chief Executive Office – Operations and Services budget for administrative and meeting expenses.

BOARD OF SUPERVISORS' PRIORITY:

Approval of the recommended actions supports the Board of Supervisors' priorities of *Strong and Safe Neighborhoods, Supporting Community Health, Delivering Efficient Public Services and Community Infrastructure* through the continued support of Municipal Advisory Councils.

STAFFING IMPACT:

County departments attend the Knights Ferry Municipal Advisory Council meetings periodically. The Registrar of Voters will no longer be responsible for candidate filings and other administrative work associated with the Knights Ferry Municipal Advisory Council. The Clerk of the Board will continue its responsibility of tracking the appointments of the Knights Ferry MAC.

CONTACT PERSON:

Erica May Inacio, Community Manager

Telephone: (209) 480-2074

ATTACHMENT(S):

1. Proposed Knights Ferry MAC Bylaws
2. Knights Ferry MAC Bylaws

KNIGHTS FERRY MUNICIPAL ADVISORY COUNCIL BY-LAWS

I.

Formation of Organization

This Council will be known as the Knights Ferry Municipal Advisory Council (Knights Ferry MAC), as established by resolution #83-1744 December 13, 1983, by the Stanislaus County Board of Supervisors pursuant to Government Code Section 31010. The boundaries served by the Council are described in Attachment A and shall be referred to as Knights Ferry Town.

II.

Purpose

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

III.

Membership

The Knights Ferry MAC is composed of five (5) members who shall be registered voters residing within the boundaries of the Knights Ferry MAC and appointed by the Board of Supervisors. The term of each member is four (4) years or until their successors are appointed; provided, however, the initial term for two members shall be two years and, thereafter, the term shall be four years for those seats. Upon expiration of the term of office, or if a vacancy occurs prior to the expiration of the term, the Board of Supervisors shall appoint a qualified person to serve the remainder of the term. Eligibility and the number of appointed representatives shall be established by the enabling resolution of the Council as adopted by the Board of Supervisors and in accordance with Government Code Section 31010.

IV.

Officers & Duties

- a. The Knights Ferry MAC shall, at its first official meeting each calendar year, nominate and elect a Chair, Vice-Chair, and Secretary. These persons shall serve for one (1) year and may serve multiple one-year terms as an officer at the discretion of the Knights Ferry MAC.
- b. The duties of the Chair 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., that state the official business of the Knights Ferry MAC.

- c. The duties of the Vice-Chair are to assume the duties of the Chair when he/she is absent.
- d. The duties of the Secretary are: (1) to record minutes of all regular meetings and special meetings of the Knights Ferry MAC in accordance with Section XII of these bylaws (2) to notify officers and/or committees of their appointment, (3) to maintain the official copy of the Bylaws, (4) to send out written notices of meetings to all persons or entities who have requested such notice pursuant to the California Government Code, Section 54954.1, (5) to prepare and send official correspondence of the Knights Ferry MAC, (6) to have at each meeting a list of committees and their members as well as the Bylaws of the Knights Ferry MAC and copies of the minutes of all previous meetings; and (7) to maintain a current and up to date list of all residents and property owners within the boundaries of the Knights Ferry MAC.

V.

Meetings

In full compliance with the Brown Act (Government Code, Section 54950 et seq.), the Knights Ferry MAC shall hold at least four meetings in a calendar year (a minimum of one every quarter in a public building that is accessible and can reasonably accommodate those who may wish to attend the meeting. A regular convenient time and place for each meeting will be established and announced by the Knights Ferry MAC. The Knights Ferry MAC may, through public notification in accordance with the Brown Act, call for those special meetings it deems necessary. The Chair may cancel regular scheduled meetings due to lack of quorum or lack of business for consideration by the Knights Ferry MAC.

If the Knights Ferry MAC wishes, it may seek the views of those present at a meeting by calling for an advisory vote by those in attendance. Only residents or property owners within the boundaries of the Knights Ferry MAC may vote on issues before the Knights Ferry MAC. Participants of any meeting may be challenged and the Secretary asked to verify their status as a resident or property owner within the boundaries of the Knights Ferry MAC. The public vote in a meeting shall carry by a majority of those voting.

A majority of the Knights Ferry MAC membership shall constitute a quorum for the conduct of business and shall require at least three (3) affirmative votes to take action on any matter.

VI.
Committees

The Chair may appoint, as needed, standing or ad-hoc committees to consider the business of the Knights Ferry MAC, consisting of one (1) member, but not more than two (2) members of the Knights Ferry MAC.

A standing committee is one that has continuing subject matter jurisdiction (i.e., a permanent committee that is designed to handle an issue or issues on a continual basis) and is subject to the notice and posting requirements of the Brown Act. An ad-hoc committee is one that has a defined purpose and limited time frame to consider that issue and is subject to the Brown Act.

VII.
Methods for Amending the Bylaws

The Knights Ferry MAC may amend its Bylaws 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 member of the Knights Ferry MAC; (2) at the next monthly meeting the amendment shall be placed on the agenda for discussion and action; (3) action to approve amendment of the Bylaws to the Board of Supervisors for its consideration and approval; and (4) upon approval by the Board of Supervisors, the amendment will be considered adopted and the Bylaws amended.

VIII.
Parliamentary Authority

The Knights Ferry Municipal MAC adopts the rules contained in Robert's Rules of Order to govern it in all situations not governed by these Bylaws or any special rules of order of the Knights Ferry MAC.

IX.
Vacancies

Vacancies on the Knights Ferry MAC shall exist: (1) on the death, resignation or removal of any member, and (2) whenever the number of authorized members is increased. The Board of Supervisors or the Knights Ferry MAC may declare vacant the seat of a Knights Ferry MAC member who has missed three unexcused absences from the regular meeting dates during any twelve-month period 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 Chair of the Knights Ferry MAC or the Board of Supervisors, unless the notice specifies a later time for the effectiveness of such resignation. If a position on the Knights Ferry MAC should become vacant prior to the expiration

of the term, the Board of Supervisors may appoint a person to serve the remainder of the term as set forth in Section III of these Bylaws.

X.

Non-Liability of Members and Officers

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

XI.

Fiscal Year

The fiscal year of the Knights Ferry MAC shall be the same as for Stanislaus County.

XII.

Records and Reports

The Knights Ferry MAC shall keep minutes of all its meetings, and the meetings of any committees of the Knights Ferry MAC indicating the time and place of holding such meetings, whether regular or special, how called, the given notice, the name of those members present, and the nature of the proceedings and all action taken by the Knights Ferry MAC.

ATTACHMENT A
Knights Ferry Municipal Advisory Council Boundaries

All that certain real property situated in Sections 28 and 29, Township 1 South, Range 12 East, Mount Diablo Base & Meridian, located in and adjacent to the Town of Knights Ferry, County of Stanislaus, State of California described as follows:

Commencing at the corner common to sections 28 29, 32 and 33, Township 1 South, Range 12 East, Mount Diablo Meridian; thence North 0°47' East along the line common to sections 28 and 29, a distance of 2375.00 feet to a point on the Northerly side of the Stanislaus River and the point of beginning of this description; thence downstream along the Northerly side of the Stanislaus River the following six (6) courses;

1. North 69°15'42" West, 358.15 feet,
2. South 87°30' West, 920.00 feet,
3. South 82°50' West, 660.00 feet,
4. South 67°20' West, 500.00 feet,
5. South 57°00' West, 244.00 feet,
6. South 27°45' West, 262.00 feet;

thence leaving said Stanislaus River, North 51°30' 50" West, 1328.30 feet to a point which is the intersection of the Northwesterly line of a 40.00 foot county road known as Frymire Road and the centerline of the Oakdale Irrigation District Frymire Lateral; thence North 34°52' East along the Northwesterly line of Frymire Road, 500.00 feet to a point on the Northeasterly line of a 40.00 foot county road known as Cemetery Road, said point bears North 58°45' West, 20.04 feet and North 34°52' East, 40.08 feet from a concrete monument marking the centerline of Frymire Road with the Northwesterly prolongation of the Southwesterly line of Cemetery Road; thence Southeasterly along the Northeasterly line of Cemetery Road the following three (3) courses:

1. South 58°45' East, 175.00
2. South 45°08'20" East, 210.94 feet,
3. South 34°08' East, 267.00 feet;

thence leaving said Cemetery Road, North 44°24' East, 115.00 feet; thence South 46°52' East, 98.00 feet; thence South 83°23' East, 80.00 feet; thence South 59°52' East, 163.00 feet; thence North 26°03' East, 100.50 feet; thence North 73°55' East, 56.95 feet; thence North 9°48' West, 82.90 feet; thence North 68°05' East, 188.00 feet to a point on the Westerly line of Grant Street, said point bears North 28°06' West, 132.75 feet from the Northerly line of Cemetery Road; thence North 30°10'47" West along the Westerly line of Grant Street, 251.88 feet; thence North 62°00' East, 60.00 feet to a point on the Easterly line of said Grant Street as shown in Volume 4,

Record of Surveys, Page 47, Stanislaus County Records; thence leaving said Grant Street, South 75°24' East, 103.34 feet; thence North 65°29' East, 160.00 feet; thence North 24°32' West, 135.00 feet; thence North 69°24' East, 162.08 feet; thence North 45°36' West, 16.98 feet to the Westerly corner of the Knights Ferry Water Company Reservoir property; thence North 47°00' East, 170.07 feet, thence North 11°44' West, 55.65 feet; thence North 24°32' West, 50.00 feet; thence North 65°28' East, 67.00 feet; thence South 69°32' East, 42.00 feet; thence North 65°28' East, 33.00 feet; thence South 24°32' East, 212.00 feet; thence North 65°28' East, 116.00 feet; thence North 24°32' West, 34.20 feet; thence North 65°28' East, 175.00 feet to the Northerly corner of Block 14, Town of Knights Ferry; thence North 24°32' West along the westerly line of Lynde Street, being also the Westerly line of the Dolling property and the Easterly line of Block 25, Town of Knights Ferry, 333.51 feet; thence along the Northerly line of the Dolling property the following five (5) courses:

1. North 27°23' East, 20.83 feet,
2. South 83°20'20" East, 84.11 feet,
3. North 45°28' East, 72.88 feet,
4. South 69°47' East, 73.92 feet,
5. South 87°17' East, 132.00 feet;

thence South 10°58' West, 20.00 feet to the Northwesterly corner of the Winkler property; thence along the Northerly line of the Winkler property, South 81°55'50" East, 490.15 feet to the Northwesterly corner of the Raggio property; thence along the Northerly line of the Raggio property the following four (4) courses:


1. North 45°08' East, 157.77 feet,
2. South 83°15'30" East, 100.40 feet,
3. South 4°04'15" East, 110.56 feet,
4. North 83°00'3D" East, 223.80 feet

to the Northwesterly corner of the Feichter property; thence along the Northerly line of the Feichter property, North 84°49' East, 225.36 feet; thence along the Easterly line of the Feichter property, South 2°04'30" East, 131.86 feet to a point on the Northerly line of the Hunter property; thence South 87°28' East, 103.62 feet; thence North 71°02' East, 231.00 feet; thence South 58°28' East, 297.00 feet; thence South 0°28' East, 492.60 feet to a point that is the Northwesterly prolongation of the Southwesterly line of the Knights Ferry Covered Bridge; thence South 31°35' East along the Southwesterly line of said Knights Ferry Covered Bridge, 300.00 feet to a point on the Northerly side of the Stanislaus River; thence South 63°13' West along the Northerly side of the Stanislaus River, 208.51 feet; thence South 49°20' West, 470.00 feet to the point of beginning. Containing 92.25 acres.



KNIGHTS FERRY MAC

N
0 500 ft
0 0.1 Miles

 **Information Technology Center**
Geographic Information Services
801 11th St. Modesto, CA 95354