

**Sonoma County
Municipal Advisory Council
Recommended Policies and Procedures**

Adopted July 18, 2017

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I. Statutory Authority

Pursuant to Government Code section 31010 the Board of Supervisors (Board) may, by resolution, establish a municipal advisory council (MAC) for any unincorporated area in the County to advise the Board on matters relating to that area. MACs have two primary functions: an advisory function and an advocacy function. The Board may grant and define these functions as it sees fit. MACs do not have the power to interpret, make, or set policies, ordinances, or laws, and lack fiscal authority. Counties use MACs to provide an information sharing forum for the community and local government agencies. MACs provide recommendations to the Board on matters designated by the Board, such as current or prospective government services, public health, safety, welfare, public works, and planning.

The resolution establishing the MAC must contain the following statutorily required information:

- The name of the municipal advisory council;
- The qualifications, number, and method of selection of municipal council members;
- The designated powers and duties;
- The unincorporated area or areas for which the municipal advisory council is established;
- Whether the council will be established by the Board or by the voters in an election;
- The rules, regulations and procedures governing the establishment and operation of the municipal advisory council.¹

Aside from the information listed above, the Board has discretion to create the policies and procedures governing MACs.

II. MACs in Sonoma County

Use of MACs in Sonoma County is limited. The Board established the now-dissolved Windsor Municipal Advisory Council in 1987.² There are currently two MACs in existence: the Dry Creek Valley Citizens Advisory Council³ and the Mark West Area Citizens Advisory Council,⁴ both located in the Fourth District of unincorporated Sonoma County.

III. Purpose

This document provides MAC policy recommendations and analysis to ensure consistency in the operations and governance of existing and future MACs.

IV. Sources Consulted

The recommendations discussed in this document are adapted from MAC guidance issued by Contra Costa County and Mendocino County.

¹ Gov. Code, § 31010.

² Resolution No. 87-0139 (Jan 21, 1987).

³ Resolution No. 12-0410 (Aug 21, 2012).

⁴ Resolution No. 16-0231 (Jun 14, 2016).

V. Recommended Policies & Procedures

a. Member Appointments

The Board may choose to select members by election or by appointment. Membership by appointment is recommended because it reduces the likelihood of unfilled positions, costs, and procedural concerns. To ensure the size and composition of a MAC is large enough to facilitate representation of the MAC area, but small enough to manage administrative costs and handle business efficiently, MACs consisting of five members is recommended. A MAC may be established with seven members if it is demonstrated that this is necessary to provide appropriate representation of all segments of the community. Establishing alternate member positions may assist with reaching a quorum.

Recommendations

- i. MACs shall consist of five members in total.
- ii. All members must reside within the MAC boundaries.
- iii. To nominate or re-nominate a member, the District Supervisor reviews applications and submits a list of nominations to the Board of Supervisors for approval. A majority vote of the Board is required to approve a member.
- iv. Nominations and re-nominations should be made within the first 60 days of the authorization of the MAC.
- v. In the event of a member vacancy, the District Supervisor should arrange for the position information to be posted on Sonoma County online vacancy list within 20 days of the vacancy.
- vi. The District Supervisor shall establish two alternate member positions. Alternate members may attend MAC meetings for absent members on an as-needed basis.

b. Member Terms

The Board must determine the member term length and the member removal procedure.

Recommendations

- i. Members shall hold a term of two years.
- ii. Members can serve up to two terms (four years in total).

- iii. Members may be re-appointed after two terms, only after a two year break in service.
- iv. Members serve at the pleasure of the Board of Supervisors, and can be removed by the Board at any time.
- v. Classification of Initial MAC Members: The Board of Supervisors shall classify the initial members into two classes. Class A shall consist of three members; Class B shall consist of two members. Class A shall have an initial membership term of two years. Class B shall have an initial membership term of three years.
- vi. MAC Member Removal Procedure: (1) District Supervisor submits recommendation for removal to the Board of Supervisors; (2) MAC member receives written notice from MAC secretary of the recommendation for removal, the date and time of the meeting at which the Board will consider the removal, and the opportunity for public comment at the meeting prior to Board action; (3) A majority vote by the Board of Supervisors is required to remove a member.
- vii. There should be no automatic re-appointment of MAC members. When a member's term expires, his or her appointment terminates.
- viii. Absence from two consecutive or three cumulative regular MAC meetings in a 12-month period may result in removal. If a member is absent from two consecutive or three cumulative regular MAC meetings in a 12-month period, the secretary shall notify the District Supervisor. A recommendation for removal based on absences is within the District Supervisor's discretion.
- ix. Failure to comply with MAC Bylaws may result in a recommendation of removal by the District Supervisor to the Board of Supervisors.

c. Administrative Roles

MACs require administrative leadership and support. Establishing Chair and Vice Chair positions may be helpful to assist with MAC operations and communications. A non-member secretary position may be filled by the District Supervisor's staff or by an independent contractor retained by the County.

Recommendations

- i. The District Supervisor shall appoint the first MAC Chair to serve for the first year the MAC is in existence. After that, the MAC will elect the Chair annually. Chair responsibilities include:

1. Preside over regular meetings;
 2. Call for and preside over special meetings;
 3. Set meeting agenda and coordinate preparation and posting of agenda with administrative support;
 4. Appoint members to MAC committees;
 5. Act as liaison between MAC.
- ii. The District Supervisor shall appoint the first MAC Vice Chair to serve for the first year the MAC is in existence. After that, the MAC will elect the Vice Chair annually. Vice Chair responsibilities include:
1. In the event of Chair's absence, assume Chair's responsibilities;
 2. Research agenda items and report back to MAC on an as-needed basis;
 3. Maintain record of useful government contacts.
- iii. The MAC members shall elect the Chair and Vice Chair for the second year and every year after.
- iv. The District Supervisor should determine how to fill the role of MAC Secretary. Secretary responsibilities include:
1. Prepare, post, and distribute meeting agendas and meeting materials pursuant to the Brown Act;
 2. Arrange attendance at MAC meetings;
 3. Attend all MAC meetings;
 4. Take MAC meeting minutes;
 5. Distribute and maintain record of meeting minutes;
 6. Prepare and transmit MAC reports to the District Supervisor, the Board, or other government agency;
 7. Prepare responses to public comments and inquiries;
 8. Prepare responses to requests from MAC members;
 9. Maintain records of MAC agendas, minutes, meeting materials, records of action, annual reports, MAC member training certifications, and communications from at least the prior two years.
 10. Provide copies of formal MAC communications to the District Supervisor.
 11. Manage MAC budget.
- ii. The District Supervisor should coordinate with the Secretary to determine a sufficient storage method and location to retain at least two years of records.
- x. The District Supervisor shall oversee the Chair, Vice Chair, and Secretary performance, and Secretary's compensation.

d. MAC Committees

MACs may establish committees or subcommittees (collectively referred to as "committees") on an as-needed basis. The Board should consider whether the MAC may

establish committees, and if so, clarify the additional rules that apply to committees under the Brown Act.

Recommendations

- i. A MAC may establish single-purpose committees on an as-needed basis by a quorum vote.
- ii. An outline of the committee's specific purpose should be submitted to the Board with the MAC's annual report.
- iii. Committees should have an annual life of one year.
- iv. Committees should be composed of two MAC members in total.
- v. Members of the public, who are not appointed to the MAC, may not serve on a MAC committee.
- vi. All committees shall comply with the Brown Act.

e. Member Training

Member training is necessary to familiarize members with the state laws that apply to public bodies, such as the Brown Act. Training for new MAC members should be coordinated by the Sonoma County Administrators' Office and the Sonoma County Counsel's Office.

Recommendations

- i. Designate MAC training liaison at County Administrator's Office and the County Counsel's Office.
- ii. Provide all new MAC members with general training on the MAC Policies and Procedures, the MAC Bylaws, and the laws that apply to public bodies within 60 days of appointment.
- iii. Provide MAC members with annual training on laws that apply to public agencies, specifically including the Brown Act and the Public Records Act.
- iv. Require that MAC members complete the FPPC AB 1234 online conflict of interest training.

f. Conflicts of Interest

To address potential conflicts of interest the following policies are recommended.

Recommendations

- i. MAC members will not involve themselves in official MAC activities that could materially benefit them personally, their business interests, or the interests of organizations that they represent. In a conflict of interest the member will abstain from voting, and the abstention will be recorded in the minutes.
- ii. If the MAC makes substantive recommendations, which are regularly approved by the Board over an extended period of time, without significant amendment or modification, the MAC members and secretary must file an annual Statement of Economic Interests (State Form 700).⁵ These statements will be included in the County's biennial review of the Conflicts of Interest Code. The Clerk of the Board of Supervisors will keep these statements on file and make them available for public inspection.
- iii. Concerns regarding conflicts of interest should be directed to the District Supervisor.

g. Brown Act

MACs, and MAC committees or subcommittees, shall comply with the Ralph M. Brown Act (Government Code, section 54950, *et seq.*).

h. MAC Meetings: Location, Frequency, and Length

Regular MAC meetings should be held on a monthly basis at an established date and time at a place that is open and accessible to the public.

Recommendations

- i. One regular MAC meeting should be held at an established place and time each month, as determined by a quorum vote.
- ii. Meetings should be held a time and place that is convenient and accessible for MAC members, community members, and Secretary to attend.
- iii. MAC meetings should generally not exceed three hours in length.
- iv. The Chair may impose time limits for public comment at MAC meetings.
- v. If the MAC limits the time for public comment at meetings, the MAC must provide at least twice the allotted time to a member of the public who utilizes a human translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency.⁶

⁵ Cal. Code Regs., tit. 2, § 18700.

⁶ Gov. Code, § 54954.3.

i. MAC Meetings: Procedures

MAC meetings provide an opportunity for the members and the public to discuss the Advisory topics and develop recommendations for the Board. All MAC meetings must be open to the public and comply with the Brown Act.

Recommendations

- i. All meetings shall be open and public and held in an ADA accessible location, and all persons shall be permitted to attend any MAC meeting.
- ii. MACs should use the MAC Agenda Template for each regular meeting.
- iii. Notice of the meeting time and place shall be given to the public and the MAC members at least seventy-two (72) hours before the time of such meeting.
- iv. For regular meetings that occur on or after January 1, 2019, the MAC must post the agenda on the primary homepage of its homepage website at least seventy-two (72) hours before the time of such meeting.⁷
- v. Meeting agendas should be posted at least seventy-two (72) hours before a regular meeting.
- vi. Before each meeting the MAC Chair should remind the public on the record that the MAC is an advisory body to the Board of Supervisors.
- vii. Robert's Rules of Order shall be the parliamentary authority at MAC meetings.
- viii. A quorum of MAC members must be present at any regular or special meeting in order for a decision to be made on any matter. A quorum is defined as a majority of MAC members.
- ix. All writings related to an agenda item that are distributed to a majority of the MAC members *prior to* a MAC meeting must be made available to for public viewing at a specified location open to the public, accessible during normal business hours, at least seventy-two (72) hours before a regular meeting. Copies should also be available at the meeting for public inspection.

⁷ Gov. Code, § 54954.2.

- x. Copies (a minimum of 10) of all writings related to an agenda item and prepared by the MAC that are distributed to a majority of the MAC members *during* a MAC meeting, must be made available for public inspection at the meeting. Copies of all writings related to an agenda item and prepared by another person that are distributed to a majority of the MAC members *during* a MAC meeting, must be made available for public inspection after the meeting.
- xi. The Minutes for the prior meeting shall be reviewed and approved by the members at the following regular meeting.
- xii. The Secretary shall attend and take minutes at all meetings.

j. Special MAC Meetings

The Brown Act provides additional requirements for holding special meetings.

Recommendations

- i. The Chair may call a special MAC meeting by delivering written notice to each MAC member and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the MAC website, if the MAC has a website.
- ii. The notice of a special meeting shall be delivered personally or by any other means and shall be received at least twenty-four (24) hours before the time of the meeting as specified in the notice.
- iii. For special meetings that occur on or after January 1, 2019, the MAC must post the agenda on the primary homepage of its homepage website at least seventy-two (72) hours before the time of such meeting.⁸

k. External Communications

MACs do not have the power to interpret, make, or set policies, ordinances, or laws, and lack fiscal authority. MAC authority to make external communications is also limited.

Recommendations

- i. Except as specified in the resolution establishing the MAC or the MAC bylaws, the MAC and its individual members acting on behalf of the MAC, may not represent the community to any federal, state, other county, city, special district or school district, agency or commission, or any other organization on any matter concerning the community.

⁸ Gov. Code, § 54954.2.

- ii. The MAC's advisory role is limited to the Advisory Topics stated in the resolution establishing the MAC.
- iii. The MAC may represent the community before the Board of Supervisors by providing public comment on Advisory Topics at Board meetings.
- iv. The MAC may provide input with respect to Advisory Topics to the Board, County staff, or any County hearing body.
- v. Individual MAC members cannot represent the MAC's positions unless such representation has been expressly authorized by a vote of the MAC. When an individual member is authorized to represent the MAC's position to the Board, County staff, or other County hearing body, that member may only speak on issues expressly approved by the MAC.
- vi. The MAC may not, as a body, take positions on candidates for any public office or on any ballot measures.
- vii. All printed or electronic communications from the MAC should identify the MAC as an advisory body to the Board of Supervisors and include:
 1. The District Supervisor's name and contact information; and
 2. Disclaimer: *The views expressed therein are of the MAC only and do not represent Sonoma County's official position.*

I. Annual Report

Annual reports provide the Board with necessary MAC oversight information.

Recommendations

- i. MACs must submit to the District Supervisor a written annual report containing the following information about the prior year:
 1. Activities
 2. Accomplishments
 3. Membership attendance
 4. Membership training
 5. Proposed objectives for the next year
- ii. Annual reports must be submitted to the District Supervisor on the second Tuesday of each February.
- iii. MACs may consult with the District Supervisor and County staff to assist in drafting the annual report. However, assistance from the District Supervisor

and County staff is limited to answering questions. It is the MAC's responsibility to complete and submit the annual report.

- iv. The District Supervisor should review the annual report and recommend appropriate action by the Board of Supervisors.
- v. Failure to submit an annual report may result in the District Supervisor recommending that the MAC be dissolved by the Board of Supervisors.

m. Boundaries

MACs may be established in unincorporated areas of the County.

Recommendations

- i. The Board should consider the following criteria when determining MAC boundaries:
 - 1. Existing borders establishing communities of interest;
 - 2. Population density;
 - 3. Areas of special interest: industrial areas; government-owned property; coastal land.

n. Funding

MAC funding sources vary within the County and among other counties. Some MACs are funded by donations, special revenue streams, or the General Fund. MACs generally require funding for administrative support services, meeting rental spaces, member expense reimbursement, and website maintenance. MACs do not have the authority to enter contracts or to incur any indebtedness in the name of or on behalf of itself, the Board, or the County.

o. Dissolution

MACs shall remain in existed until formally dissolved by the Board of Supervisors.

Recommendations

- i. MAC dissolutions are recommended by the District Supervisor and approved by the Board of Supervisors.

p. Existing MACS

Option 1: In instances where existing bylaws or polices of MACs are inconsistent with these Policies and Procedures adopted by the Board, the policies of the existing MACs take precedence.

Option 2: In instances where existing bylaws or polices of MACs are inconsistent with these Policies and Procedures adopted by the Board, these Policies and Procedures are deemed to

take precedence, and the MAC shall take action at its next available meeting to amend its bylaws or policies.

VI. Resources & Templates

- a. Government Code, section 31010
- b. Sonoma County MAC Checklist
- c. Sonoma County MAC Agenda Template
- d. Sonoma County MAC Minutes Template