

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

DEPT: Chief Executive Office

BOARD AGENDA:6.B.11  
AGENDA DATE: March 17, 2020

**SUBJECT:**

Approval to Amend the Bylaws of the Valley Home Municipal Advisory Council  
Changing the Members from Elected Members to Appointed Members and Approval of  
the Updates to the Vacancies Section of the Bylaws

**BOARD ACTION AS FOLLOWS:**

**RESOLUTION NO. 2020-0114**

On motion of Supervisor Chiesa Seconded by Supervisor Withrow  
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Berryhill, DeMartini and Chairwoman Olsen

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1)  Approved as recommended

2)  Denied

3)  Approved as amended

4)  Other:

**MOTION:**

ATTEST: Kelly Rodriguez  
KELLY RODRIGUEZ, Assistant Clerk

File No. MAC-08-03

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

DEPT: Chief Executive Office

BOARD AGENDA:6.B.11  
AGENDA DATE: March 17, 2020

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

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**SUBJECT:**

Approval to Amend the Bylaws of the Valley Home Municipal Advisory Council Changing the Members from Elected Members to Appointed Members and Approval of the Updates to the Vacancies Section of the Bylaws

**STAFF RECOMMENDATION:**

1. Amend the Valley Home Municipal Advisory Council bylaws, Section III, to change the members from elected members to appointed members.
  
2. Approve the changes to Section IX of the bylaws to allow the board to appoint members if a vacancy occurs.

**DISCUSSION:**

On August 21, 2007, the Stanislaus County Board of Supervisors approved the formation of the Valley Home Municipal Advisory Council (MAC) in Supervisorial District 1. At that time, the Board also approved the required boundaries and bylaws. The Valley Home 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 Valley Home; 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.

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 December 27, 2019, the Valley Home MAC requested to become an appointed membership MAC because they have had two vacancies since April 2019.

Valley Home MAC has been affected by the strict deadlines as the County has not been able to successfully appoint individuals to the vacancies within the timeframes. Switching the Valley Home MAC to an appointed membership would give the Board of Supervisors more time to fill the 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 Valley Home 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 Valley Home 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 Valley Home 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 February 19, 2020 Special Meeting, with a unanimous vote from the Council voting to approve the bylaws at a February 26, 2020 Special Meeting.

**POLICY ISSUE:**

Amendments to the Valley Home 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 Valley Home Municipal Advisory Council meetings periodically. The Registrar of Voters will no longer be responsible for candidate filings and other administrative work associated with the Valley Home Municipal Advisory Council. The Clerk of the Board will continue its responsibility of tracking the appointments of the Valley Home MAC.

**CONTACT PERSON:**

Erica May Inacio, Community Manager

Telephone: (209) 480-2074

**ATTACHMENT(S):**

1. Proposed Valley Home MAC Bylaws
2. Valley Home MAC Bylaws

## VALLEY HOME MUNICIPAL ADVISORY COUNCIL

### I.

#### Formation of Organization

This Council will be known as the Valley Home Municipal Advisory Council, as established by resolution #2007-650, August 21, 2007, by the Stanislaus County Board of Supervisors pursuant to Government Code Section 31010. The boundaries served by the Council are described as follows and shall be referred to as Valley Home.

### **SEE EXHIBIT A FOR LEGAL DESCRIPTION OF PROPOSED BOUNDARIES FOR THE VALLEY HOME MUNICIPAL ADVISORY COUNCIL**

### II.

#### Purpose

The Council 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 Valley Home; and, represent this community to any governmental agency or other organization on matters concerning the community.

### III.

#### Membership

The Council is composed of five (5) members. Council members shall be registered voters residing within Valley Home Municipal Advisory Council. The term of each member is four (4) years or until their successors are ~~elected~~appointed by the Stanislaus County Board of Supervisors. ~~The terms of members initially appointed are staggered with two (2) members' terms expiring December 4, 2009 and three (3) members' terms expiring December 2, 2011. Upon expiration of the term of any member or resignation, the vacancy, which occurs, shall be filled by nomination made by the Supervisor of the district and approved by a majority of the Board. of the initial terms, council vacancies shall be filled by a County held election of registered voters in Valley Home.~~ If a Council position should become vacant prior to the expiration of the term, 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.). Eligibility and the number of appointed representatives shall be established by the enabling resolution of the MAC as adopted by the Board of Supervisors and in accordance with Government Code Section 31010.~~

**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, and (7) to sign all necessary documents, letters, etc., 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 Valley Home 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, and (8) to maintain a current and up to date list of all residents and property owners of Valley Home.

**V.**  
Meetings

The Valley Home Municipal Advisory Council (MAC) shall hold at least four meetings a calendar year (a minimum of one every quarter) to be held in a public building which is accessible and can accommodate all those residents and/or property owners of Valley Home who may wish to attend the meeting. A regular convenient 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. The Chair may cancel regular scheduled meetings with prior notice and consent of two (2) other members of the Valley Home MAC. 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 Valley Home may vote on issues before the Council. Participants of any meeting may be challenged and the Secretary asked to verify their status as a resident or property owner within Valley Home. 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 (those committees that exist for a specified period of time) or special committees (those 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.**  
Method of Amending the By-Laws

The Valley Home 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 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 Valley Home MAC adopts the rules contained in Robert's Rules of Order to govern it in all situation not governed by the By-Laws or any special rules of order of the Council.

**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 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 Chairperson of the Council or the Stanislaus County Board of Supervisors, unless the notice specifies a later time for the effectiveness of such resignation. If a position 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. 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 debts, liabilities, or other obligations of the Valley Home MAC.

**XI.**  
Fiscal Year

The fiscal year of the Valley Home MAC shall be the same as the Stanislaus County Board of Supervisors.



EXHIBIT A

VALLEY HOME MUNICIPAL ADVISORY COUNCIL

BOUNDARY DESCRIPTION

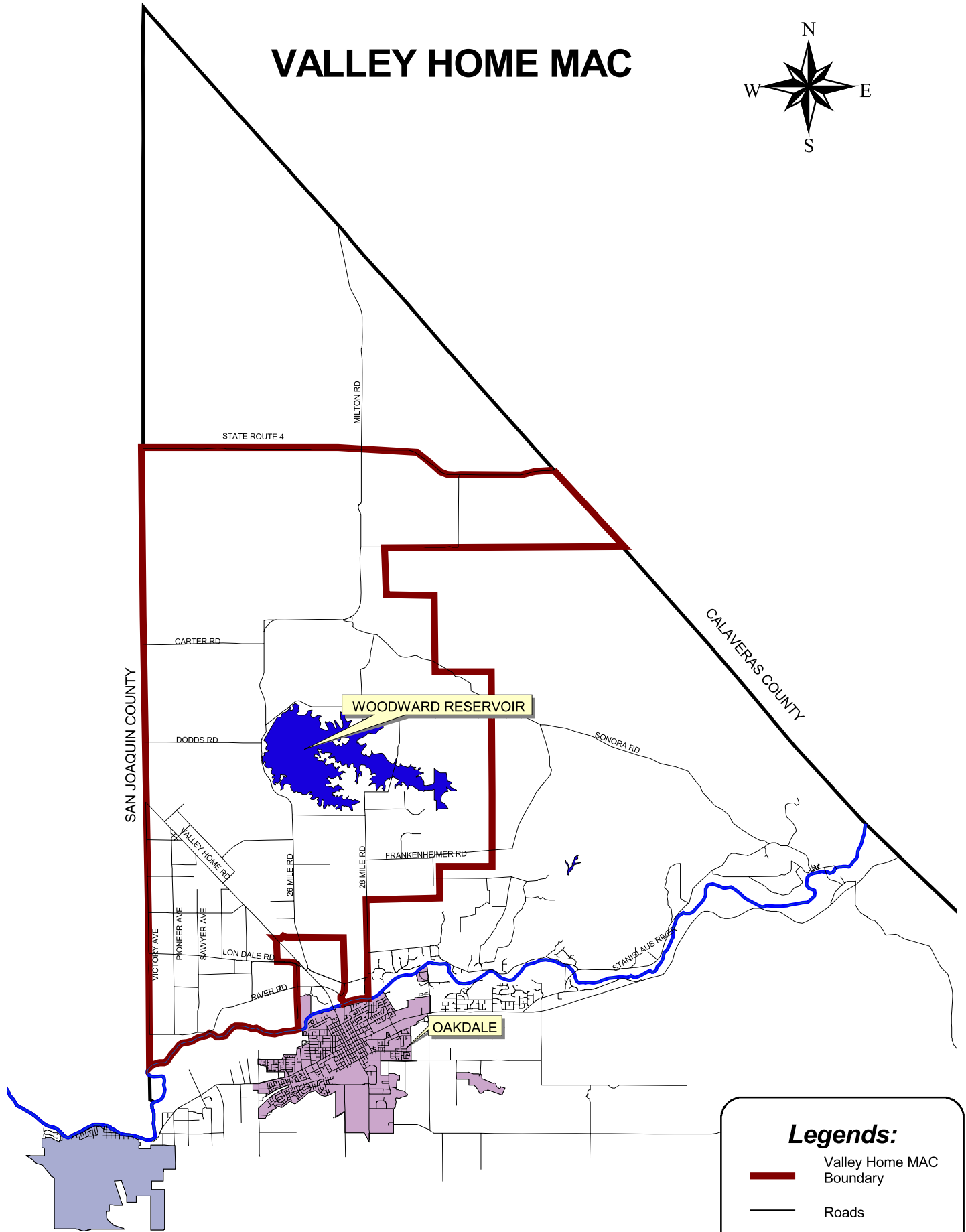
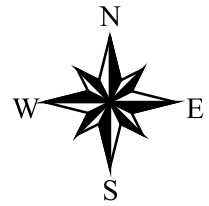
All that portion of Stanislaus County lying within Township 1 North, Range 10 East, Township 1 North, Range 11 East, Township 1 South, Range 11 East, Township 1 South, Range 10 East and Township 2 south, Range 10 East of Mount Diablo Base and Meridian, together with protracted sections in Rancheria del Rio Estanislao and Thompson's Rancho described as follows:

Beginning at the intersection of the Stanislaus-Calaveras County Line, and the south right-of-way of State Highway 4, said point bears Southeasterly along said County line 12.8 miles from the most northerly point of Stanislaus County, Thence

1. Southeasterly 2.1 miles along said Stanislaus-Calaveras County Line to the South line of Section 22 of Township 1 North, Range 11 East, Mount Diablo Base and Meridian, thence;
2. Westerly Approximately 4.8 miles along section lines to the Northwest corner of Section 25, Township 1 North, Range 10 East, thence;
3. South 1.0 mile along west line of said Section 25 to the Southeast Corner thereof, thence;
4. East 1.0 mile along the South line of said section 25 to the Southeast Corner thereof, thence;
5. South 1.5 miles to the West  $\frac{1}{4}$  Corner of Section 6 of Township 1 South, Range 11 East, as section lines would be projected into Ranchria del Rio Estanislao, thence;
6. East 1.0 mile along the projected quarter section line to the East  $\frac{1}{4}$  Corner of said Section 6, thence;
7. South 4.0 miles along the projected section lines to the East  $\frac{1}{4}$  Corner of Section 30 of said Township and Range, thence;
8. West 1.0 mile along the projected quarter line to the West  $\frac{1}{4}$  Corner of said Section 30, thence;
9. South 0.5 mile along the projected section line to the Southeast corner of Section 25, Township 1 South, Range 10 East, thence;
10. West 1.5 miles along the projected section lines to the South  $\frac{1}{4}$  Corner of Section 26, said Township and Range, in 28 Mile Road, and on the Grant Line between Ranchria del Rio Estanislao and Thompson's Rancho, thence;\
11. South 2.2 miles along the projected quarter line to the north bank of the Stanislaus River, thence;
12. Southwesterly along said north bank of the Stanislaus River 0.5 miles to the East line of the Sphere of Influence Modification to the City of Oakdale as accepted on October 24, 1994, thence;

13. North along the meanderings of the East line of said Sphere of Influence 1.33 miles to a point that bears South, 409.95 feet from the Northeast Corner of Section 3, of said Township 2 South, Range 10, thence;
14. West along the north line of said Sphere of Influence 0.9 miles to the easterly right-of-way of 26 Mile Road, thence;
15. Northwesterly, 425 feet along said easterly right-of-way of 26 Mile Road to the North line of said Section 3, thence
16. West, 480 feet along the north line of said Section 3 to the Section Corner common to Sections 3,4, 33 and 34 of Townships 1 and 2, Range 10 East, thence;
17. West, 950 feet to the Northeast corner of Parcel 'C' of Volume 40 of Parcel Maps, Page 41, S.C.R., thence;
18. Along the following 3 courses of said Parcel Map:
  1. N.  $57^{\circ}$ ,  $57^{\prime}$ ,  $03''$  W., 312.32 feet
  2. N.  $47^{\circ}$ ,  $22^{\prime}$ ,  $45''$  W., 400.00 feet
  3. N.  $85^{\circ}$ ,  $37^{\prime}$ ,  $16''$  W., 518.92 feet
 To a point on the easterly right-of-way of Valley Home Road, thence;
19. Northwesterly 150 feet to the more northerly Northeast Corner of Parcel 2 of Volume 41 of Parcel Maps, Page 51 S.C.R., said point being on the westerly right-of-way said Valley Home Road, thence;
20. Southeasterly, 264.28 feet along said right-of-way to the more easterly Northeast Corner of said Parcel 2, thence;
21. South, 0.47 miles along the East line of said Parcel 2 and the east line of Lot 5 of Volume 3 of Maps, Page 45 S.C.R. and it's southerly prolongation to the North right-of-way of Frontage Road, thence;
22. East, 0.42 miles along said North right-of-way to it'd intersection with the westerly right-of-way of Cottle Road, thence;
23. South 0.45 miles along said west right-of-way of Cottle Road to the northerly right-of-way of River Road, thence;
24. Southeasterly, 64 feet to the northwest corner of the parcel of land granted to the United States of America said point being on the southerly right-of-way of River Road, thence;
25. Leaving said right-of-way, South, 1148 feet along the westerly line of said U.S.A. property to the northwesterly corner of the Liberini Annexation to the City of Oakdale, said point also being the terminus of the Sphere of Influence, thence;
26. South, 0.65 miles along the west line of said Liberini Annexation to the north bank of the Stanislaus River, thence;
27. Leaving said Liberini Annexation westerly 3.25 miles along the meanderings of the north bank of the Stanislaus River to the County Line common to Stanislaus and San Joaquin Counties, thence;
28. North along said County line also being the Wet line of Townships 2 South, Range 10 East, Township 1 South, Range 10 East, Township 1 North, Range 10 East, a distance of 12.5 miles to the South right-of way of said State Highway 4, thence;
29. Easterly along the said south right-of-way of State Highway 4, a distance of 8.67 miles to the Point of Beginning.

# VALLEY HOME MAC



### Legends:

-  Valley Home MAC Boundary
-  Roads
-  River

## **VALLEY HOME MUNICIPAL ADVISORY COUNCIL**

### **I.**

#### **Formation of Organization**

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### **II.**

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- 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, and (7) to sign all necessary documents, letters, etc., that state the official business of the Council.

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## **VIII.**

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The Valley Home MAC adopts the rules contained in Robert's Rules of Order to govern it in all situation not governed by the By-Laws or any special rules of order of the Council.

## **IX.**

### Vacancies

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## **X.**

### Non-Liability of Council Members and Officers

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

## **XI.**

### Fiscal Year

The fiscal year of the Valley Home MAC shall be the same as the Stanislaus County Board of Supervisors.

EXHIBIT A

VALLEY HOME MUNICIPAL ADVISORY COUNCIL

BOUNDARY DESCRIPTION

All that portion of Stanislaus County lying within Township 1 North, Range 10 East, Township 1 North, Range 11 East, Township 1 South, Range 11 East, Township 1 South, Range 10 East and Township 2 south, Range 10 East of Mount Diablo Base and Meridian, together with protracted sections in Rancheria del Rio Estanislao and Thompson's Rancho described as follows:

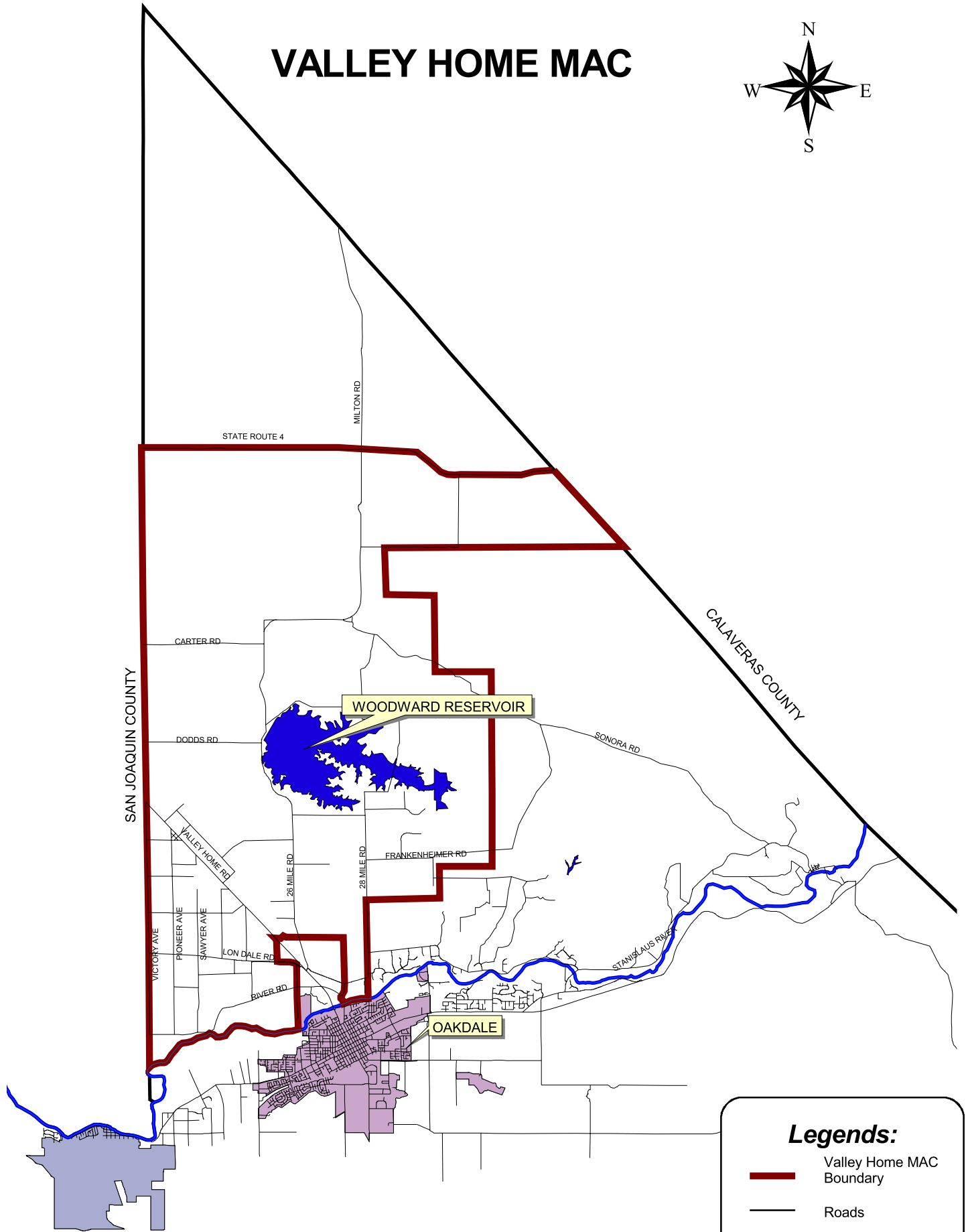
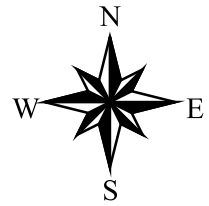
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1. Southeasterly 2.1 miles along said Stanislaus-Calaveras County Line to the South line of Section 22 of Township 1 North, Range 11 East, Mount Diablo Base and Meridian, thence;
2. Westerly Approximately 4.8 miles along section lines to the Northwest corner of Section 25, Township 1 North, Range 10 East, thence;
3. South 1.0 mile along west line of said Section 25 to the Southeast Corner thereof, thence;
4. East 1.0 mile along the South line of said section 25 to the Southeast Corner thereof, thence;
5. South 1.5 miles to the West ¼ Corner of Section 6 of Township 1 South, Range 11 East, as section lines would be projected into Ranchria del Rio Estanislao, thence;
6. East 1.0 mile along the projected quarter section line to the East ¼ Corner of said Section 6, thence;
7. South 4.0 miles along the projected section lines to the East ¼ Corner of Section 30 of said Township and Range, thence;
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9. South 0.5 mile along the projected section line to the Southeast corner of Section 25, Township 1 South, Range 10 East, thence;
10. West 1.5 miles along the projected section lines to the South ¼ Corner of Section 26, said Township and Range, in 28 Mile Road, and on the Grant Line between Ranchria del Rio Estanislao and Thompson's Rancho, thence;\
11. South 2.2 miles along the projected quarter line to the north bank of the Stanislaus River, thence;
12. Southwesterly along said north bank of the Stanislaus River 0.5 miles to the East line of the Sphere of Influence Modification to the City of Oakdale as accepted on October 24, 1994, thence;

13. North along the meanderings of the East line of said Sphere of Influence 1.33 miles to a point that bears South, 409.95 feet from the Northeast Corner of Section 3, of said Township 2 South, Range 10, thence;
14. West along the north line of said Sphere of Influence 0.9 miles to the easterly right-of-way of 26 Mile Road, thence;
15. Northwesterly, 425 feet along said easterly right-of-way of 26 Mile Road to the North line of said Section 3, thence
16. West, 480 feet along the north line of said Section 3 to the Section Corner common to Sections 3,4, 33 and 34 of Townships 1 and 2, Range 10 East, thence;
17. West, 950 feet to the Northeast corner of Parcel 'C' of Volume 40 of Parcel Maps, Page 41, S.C.R., thence;
18. Along the following 3 courses of said Parcel Map:
  1. N. 57°, 57', 03" W., 312.32 feet
  2. N. 47°, 22', 45" W., 400.00 feet
  3. N. 85°, 37', 16" W., 518.92 feet
 To a point on the easterly right-of-way of Valley Home Road, thence;
19. Northwesterly 150 feet to the more northerly Northeast Corner of Parcel 2 of Volume 41 of Parcel Maps, Page 51 S.C.R., said point being on the westerly right-of-way said Valley Home Road, thence;
20. Southeasterly, 264.28 feet along said right-of-way to the more easterly Northeast Corner of said Parcel 2, thence;
21. South, 0.47 miles along the East line of said Parcel 2 and the east line of Lot 5 of Volume 3 of Maps, Page 45 S.C.R. and it's southerly prolongation to the North right-of-way of Frontage Road, thence;
22. East, 0.42 miles along said North right-of-way to it'd intersection with the westerly right-of-way of Cottle Road, thence;
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24. Southeasterly, 64 feet to the northwest corner of the parcel of land granted to the United States of America said point being on the southerly right-of-way of River Road, thence;
25. Leaving said right-of-way, South, 1148 feet along the westerly line of said U.S.A. property to the northwesterly corner of the Liberini Annexation to the City of Oakdale, said point also being the terminus of the Sphere of Influence, thence;
26. South, 0.65 miles along the west line of said Liberini Annexation to the north bank of the Stanislaus River, thence;
27. Leaving said Liberini Annexation westerly 3.25 miles along the meanderings of the north bank of the Stanislaus River to the County Line common to Stanislaus and San Joaquin Counties, thence;
28. North along said County line also being the Wet line of Townships 2 South, Range 10 East, Township 1 South, Range 10 East, Township 1 North, Range 10 East, a distance of 12.5 miles to the South right-of way of said State Highway 4, thence;
29. Easterly along the said south right-of-way of State Highway 4, a distance of 8.67 miles to the Point of Beginning.



# VALLEY HOME MAC



### Legends:

-  Valley Home MAC Boundary
-  Roads
-  River