

RESOLUTION NO. 2016-03
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
REVISING RESOLUTION NO 2006-112
OF THE MARIN COUNTY BOARD OF SUPERVISORS
SPECIFYING GUIDELINES FOR THE ESTABLISHMENT AND DISSOLUTION OF
COUNTY ADVISORY BOARDS, COMMISSIONS AND COMMITTEES,
AND STANDING RULES AND APPLICATION AND APPOINTMENT PROCEDURES
FOR THESE BODIES

WHEREAS, the County of Marin depends on many boards, commissions and advisory committees to conduct the public business and to comply with applicable statutory mandates; and

WHEREAS, as a matter of public interest, this Board of Supervisors deems it advisable to establish guidelines for the establishment and dissolution of boards, commissions, and advisory committees (hereinafter referred to as "commission" or "commissions") and clarify standing rules and appointment procedures for commissions and the members of these bodies.

WHEREAS, these guidelines are applicable to all discretionary commissions established by a resolution, ordinance, or an action of the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED:

I. Establishment and Dissolution of Discretionary Commissions

1. Commissions that are not mandated by State or federal law or regulation are designated as discretionary commissions.
2. In order to conserve County resources, the Board of Supervisors may consider using ad hoc committees, advisory councils and town hall meetings prior to establishing a new discretionary commission.
3. If the Board of Supervisors deems it desirable to establish a new discretionary commission, it shall be established by a resolution of the Board. This resolution shall include a statement of purpose and a "sunset date," or date of dissolution, for the commission. The sunset date shall be set with consideration to the projected time frame upon which the commission is expected to accomplish the special purpose for which it is being created. Although some commissions may be expected to exist for many years, the sunset date shall not be set beyond four (4) years from the date that the commission is authorized by the Board.
4. The commission shall sunset on its sunset date unless the Board of Supervisors takes action to continue the commission.

5. The 23 discretionary advisory commissions listed below were previously established by a resolution, ordinance, or an action of the Board of Supervisors as of January 26, 2016, and can be changed by a subsequent action of the Board of Supervisors:
- (a) Alcohol and Drug Advisory Board
 - (b) Architectural Commission
 - (c) Aviation Commission
 - (d) Bolinas Lagoon Advisory Council
 - (e) Cultural Services Commission
 - (f) Fish and Wildlife Commission
 - (g) FLW Civic Center Conservancy
 - (h) Health Council of Marin
 - (i) Human Rights Commission
 - (j) Integrated Pest Management (IPM) Commission
 - (k) Kentfield Planning Advisory Board
 - (l) Library Commission
 - (m) Parks and Open Space Commission
 - (n) Strawberry Design Review Board
 - (o) Tamalpais Design Review Board
 - (p) Wildlife & Fisheries Advisory Committee
 - (q) Women's Commission
 - (r) CSA #6 (Gallinas Creek) Advisory Board
 - (s) CSA #16 (Greenbrae) Advisory Board
 - (t) CSA #18 (Las Gallinas) Advisory Board
 - (u) CSA #20 (Indian Valley) Advisory Board
 - (v) CSA #29 (Paradise Cay) Advisory Board
 - (w) CSA #33 (Stinson Beach) Advisory Board

For consistency with the policies regarding sunset dates for new commissions, the original sunset date for these existing commissions was August 15, 2010, and every four years thereafter, unless the Board of Supervisors takes action to either continue or discontinue a commission prior to this date.

6. Any commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Board of Supervisors. This dissolution may occur prior to a discretionary commission's established sunset date.
7. Discretionary commissions shall submit a biennial (every two years) report to the Board of Supervisors by March 1st of the first year of each two-year budget cycle, that includes a summary of their activities and accomplishments during the current fiscal year as well as commission goals and initiatives for the next fiscal year. Commissions that do not submit a report may be reviewed by the Board of Supervisors and appropriate actions, including dissolution of the commission, may be considered.

II. Standing Rules

8. Commissions which are responsible for conducting public business for the County of Marin are subject to all provisions of the Ralph M. Brown Act, California Government Code Section 54950 et seq. (as amended), which mandates open meetings for local legislative bodies.
9. Commissions which are responsible for conducting public business for the County of Marin are subject to all applicable county policies regarding non-discrimination.
10. Certain commission members who receive any type of compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties, as listed in the County of Marin's Administrative Regulation No. 1, are required to complete Ethics Training as required by California Government Code Title 5, Chapter 2, Article 2.4, Sections 53234-53235.2.
11. Certain commission members who are responsible for conducting public business for the County of Marin are required to comply with the disclosure requirements of the Political Reform Act of 1974, pursuant to Resolution No. 99-100 adopted by the Board of Supervisors on July 20, 1999, and its successors, and must complete and file all necessary documents in connection therewith and are subject to all applicable California laws regarding conflict of interest.
12. All appointed commission members, whether new or re-appointed, shall take a loyalty Oath of Office prior to voting on any matter presented to the commission to which they have been appointed to serve.
13. Members of commissions which are responsible for conducting public business for the County of Marin shall avoid impropriety and the appearance of impropriety, and shall not use their appointed position to further their own financial/pecuniary gain or for any other purpose not directly related to the governmental function they have been appointed to perform.
14. Unless authorized as the designated spokesperson by the Commission, an individual commissioner may not represent the commission before any other commission, outside agency, to the press, or the general public. Commissioners are defined as "county officers" and hence are governed by Government Code Section 3201-3210 relating to political activities.
15. Members of commissions shall be responsible for having a working knowledge of the establishing ordinance, resolution, by-laws, federal or state mandates or any other governing regulations that define and set forth the intent and purpose of their assigned commission, and shall only represent and take action on matters related thereto.
16. The County Administrator's Office shall prepare a summary report of existing commissions as needed and make recommendations to the Board of Supervisors regarding the elimination of commissions whose functions or purpose have been fulfilled, or where the mandate or purpose for the creation of the commission has expired. This report may also include recommendations regarding modifications such as revisions to charters or memberships, or possible mergers of commissions.

17. No committee shall have powers other than advisory to the Board of Supervisors except as otherwise specified by the County Code. Each commission, so created, shall have adopted by-laws approved by County Counsel and the Board of Supervisors not later than January 31, 2007. Newly formed Commissions shall have adopted by-laws, approved by County Counsel and the Board of Supervisors, within 90 days of formation.
18. Members of commissions who are responsible for conducting public business for the County of Marin shall not knowingly or otherwise misrepresent the scope of their influence or authority in matters assigned to their commission or represent recommendations of their respective advisory body as official County policy until such time as formal action, such as adoption of a resolution, has been taken by the Board of Supervisors.
19. The Board of Supervisors shall retain discretion to rescind any commission appointment(s), as deemed necessary.

III. Application and Appointment Procedures

20. California Government Code Section 54970 et seq. (as amended), which requires annual compilation of a Local Appointments List, is incorporated herein by reference.
21. In the event of an unscheduled vacancy on any commission for which the Board of Supervisors has the appointing authority, whether due to resignation, termination, death or other causes, a special vacancy notice shall be posted in the Clerk of the Board office and the designated library pursuant to California Government Code Section 54973 et seq. (as amended). In the case of At Large vacancies, a press release will be sent to the local newspapers. Final appointment to the commission may not be made by the legislative body for at least 10 working days after the posting of the notice in the Clerk's office.
22. If the Board of Supervisors finds that an emergency exists, it may fill an unscheduled vacancy immediately. However, in the event of an emergency appointment, the person appointed to fill the vacancy shall serve only on a formal "acting" basis until the final appointment is made pursuant to Board action.
23. In the event of a resignation by a commission member, it is the responsibility of the resigning member to send written notice of the resignation to the Clerk of the Board.
24. Members of commissions who wish to continue serving in their appointed capacity for an additional term are required to complete and submit a new application, or may update and resubmit their original application if no pertinent information has changed. All qualifying applications for the vacancy will be submitted to the Board of Supervisors for consideration, selection and appointment.

25. All applications received by commission's staff shall be forwarded to the Clerk of the Board for presentation to the Board of Supervisors. Commissions may make a recommendation regarding specific applicants to fill a vacancy for consideration by the Board of Supervisors. However, the Board of Supervisors retains full appointing authority to select and appoint new commission members.
26. In the event that multiple applications are submitted for an At Large position, the Board of Supervisors may choose to conduct interviews. If selected for interview, applicants will be notified of the date, time and location of the interviews. Interviews by the full Board shall be scheduled only for At Large appointments. Applicants for District appointments may be nominated by the District Supervisor.
27. When a vacancy exists on a commission and no applications have been submitted, the vacancy will be continued until such time as an appointment is made. The Board of Supervisors may, at any time, move to continue an appointment to a subsequent date.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 26th day of January, 2016, by the following vote:

AYES: SUPERVISORS Judy Arnold, Katie Rice, Damon Connolly, Kathrin Sears,
Steve Kinsey

NOES: NONE

ABSENT: NONE



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



CLERK