

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING: April 30, 2002 – Consent	AGENDA NO.: 4.
SUBJECT: Approve Bylaws of the Reorganized Monterey County Animal Control Program Advisory Board.	
DEPARTMENT: Health	

RECOMMENDATION

It is recommended the Board of Supervisors approve bylaws of the reorganized Monterey County Animal Control Program Advisory Board.

SUMMARY/DISCUSSION

Monterey County operates an Animal Services Program that is established as a Division within the Health Department. The program operates pursuant to Section 25802 of the Government Code. The Board of Supervisors originally established the Animal Control Program Advisory Board by Resolution No. 90-367 on June 12, 1990. The Resolution provided that the Board would consist of fifteen (15) members appointed by the Board of Supervisors, three (3) appointed by each Supervisor, for staggered three (3) year terms. Further the Resolution provided that, "All actions of the advisory board shall require the affirmative vote of not less than eight members present at the meeting at the time the vote is taken."

The composition of the Advisory Board combined with the number of votes necessary to take action has proven problematic. At present the Advisory Board has several vacancies. As a result, of the thirteen (13) Advisory Board meetings conducted since June of 1998, only three have had sufficient members to take action. The last meeting to have a quorum was in April of 2000. As a result, the Advisory Board has not been able to take formal action on matters for submission to the Board of Supervisors for consideration.

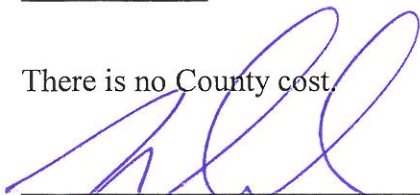
Under the reorganized bylaws, the Animal Control Program Advisory Board would consist of nine (9) members. Each Supervisor would appoint one (1) member and the Director of Health would appoint four (4) members. A revision to the number of Advisory Board members required for a quorum (5) will allow the Advisory Board to conduct their business. (Copy of bylaws as Attachment A).

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed and approved the proposed changes for legal form.

FINANCING

There is no County cost.



 Len Foster, Director of Health

Date: 4/22/02

Cc: Adrienne M. Grover, County Counsel

BYLAWS OF THE
REORGANIZED MONTEREY COUNTY ANIMAL CONTROL PROGRAM
ADVISORY BOARD

1. ESTABLISHMENT, PURPOSE, AND AUTHORITY

1.01. Establishment. The Monterey County Animal Control Program Advisory Board (the "Advisory Board"), which was created by Resolution No. 90-367, is hereby reorganized as provided herein. The Advisory Board shall be independent of any other commission, committee, or board established by the Monterey County Board of Supervisors.

1.02. Purpose. The Advisory Board shall:

(a) Review, analyze, and propose appropriate changes to the provisions of Title 8 of the Monterey County Code relating to Animal Control.

(b) Review and evaluate the Animal Control Program needs, services, facilities, and budget.

(c) Advise and assist the Animal Control Program in its public information and public relations activities.

(d) Report to the Monterey County Board of Supervisors, through the Director of Health as Chief Animal Control Officer, its findings and recommendations concerning its areas of responsibility set forth above.

1.03. Staff Assistance to Advisory Board. The Monterey County Health Department and its Animal Control Division shall provide administrative and clerical support to the Advisory Board.

2. MEMBERSHIP

2.01. Members, Appointment, and Terms. The Advisory Board shall consist of nine (9) members. Each Supervisor shall appoint one (1) member and the Director of Health shall appoint four (4) members. The term of appointment shall be three (3) years commencing on the first of July, unless a member is replaced as described below. Members of the Advisory Board shall be so classified by the Board of Supervisors that one-third of the members will have terms expiring on July 1 of each year. The membership of the Advisory Board should include representatives from the veterinary profession, the educational community, the agricultural industry, pet owner association and clubs, kennel and pet shop operators, cities, and concerned citizens. Ex-officio members of the Advisory Board shall include the Chief Animal Control Officer, Sheriff, District Attorney, and Agricultural Commissioner or their respective designees and a representative of the Monterey County Superior Courts and of the Society for the Prevention of Cruelty to Animals of Monterey County, Inc.

2.02. Continuation of Active Members until Expiration of Current Terms. Active members of the Advisory Board as of the date these bylaws are adopted shall continue to serve until the expiration of their respective terms. Upon expiration of the continuing term of any active member of the Advisory Board, the Board of Supervisors and the Director of Health shall make appointments on a rotational basis as provided in paragraph 2.01 above.

2.03. Vacancies and Removal of Members.

A. A vacancy on the Advisory Board occurs when a member's term expires, a member resigns or dies, or when a position is declared vacant by the Board of Supervisors upon the recommendation of the Advisory Board due to an incumbent member's incapacity or failure to attend meetings. A vacancy shall be filled by appointment in the same manner as the appointment of the original Advisory Board member. Any appointment to fill a vacancy shall be for the remainder of the unexpired term. If an Advisory Board member is absent without excuse from three consecutive regular meetings or from three of any five consecutive meetings, the Advisory Board may recommend to the Board of Supervisors that the Board of Supervisors declare a vacancy.

B. At least one month prior to the expiration of any Advisory Board member's term, the Advisory Board shall notify the Board of Supervisors of such term expiration and the representation qualification, if any.

C. The Advisory Board may provide the Board of Supervisors with a list of names of interested and qualified persons from which to make appointments.

2.04. Compensation. The members of the Advisory Board shall serve without compensation.

2.05. Conflicts of Interest. For purposes of Government Code section 87103 and section 18707.4 of Title 2 of the California Code of Regulations, it is hereby found and declared that some of the persons appointed to the Advisory Board are appointed to represent and further the interests of the specific economic interest which an individual member is appointed to represent and each such person therefore does not have financial interests in decisions of the Advisory Board that will have a material financial effect on such person or a member of his or her immediate family, distinguishable from its effects on the public generally.

3. OFFICERS

3.01. Designation of Officers. The officers of the Advisory Committee shall be the Chair, Vice-Chair, and Secretary.

3.02. Qualification, Selection, and Terms. The Chair and Vice-Chair shall be members of the Advisory Committee. The Chief Animal Control Officer or his designee shall be the Secretary for the Advisory Committee. The Chair and Vice-Chair shall be elected by the Advisory Committee no later than July 1st of each year and shall serve for a term of one year and until a successor has been duly elected. A member of the

Advisory Board shall not simultaneously hold more than one office on the Advisory Board.

3.03. Duties of Chair. The Chair shall preside at all meetings of the Advisory Board, shall be an ex officio member of all committees, shall execute correspondence and other written instruments authorized by the Advisory Board, shall appoint committees or representatives to various committees related to animal control, and shall present the annual report to the Board of Supervisors.

3.04. Duties of Vice Chair. The Vice-Chair shall, in the absence of the Chair, assume the duties of the Chair and perform such other reasonable duties as may be assigned by the Advisory Board or by the Chair.

3.05. Duties of Secretary. The Secretary shall mail, deliver, or otherwise transmit all notices required by law; shall maintain minutes for Advisory Board meetings and other records that may from time to time be required by the Advisory Board's activities; and shall perform such other reasonable duties as may be assigned by the Advisory Board or by the Chair. The Secretary may delegate the actual performance of the tasks necessary to fulfill these duties.

3.06. Vacancies and Removal of Officers. A vacancy in any office shall be filled by nomination and election by the Advisory Board as soon as practicable following the vacancy. Officers may be removed by a majority vote of the Advisory Board for failure to perform the duties of the office.

4. COMMITTEES

4.01. Standing and Ad Hoc Committees. The Advisory Board may establish such standing committees, ad hoc committees, or task forces as it deems necessary or appropriate to carry out its duties and purposes.

4.02. Staff Assistance to Committees. The Monterey County Health Department and its Animal Control Division shall provide administrative and clerical support to committees and task forces established by the Advisory Board.

5. MEETINGS

5.01. Regular Meetings – Time and Place. The Advisory Board shall establish a regular meeting date and time, which shall not be less than quarterly, and shall establish a regular place for holding meetings.

5.02. Special Meetings. Special meetings may be called at any time by the Chair or at the request of the Chief Animal Control Officer.

5.03. Ralph M. Brown Act. All meetings of the Advisory Board shall be conducted in conformity with the provisions of the Ralph M. Brown Act, Government Code sections 54950, et seq.

5.04. Quorum. The Advisory Board shall take no action unless a quorum is present at the meeting. A quorum shall be a majority of all the members constituting the Advisory Board.

5.05. Majority Vote. Actions of the Advisory Board shall be by not less than a majority vote of all the members constituting the Advisory Board. A member who abstains from any vote shall be counted for the purpose of determining whether a quorum is present, but the vote of such abstaining member shall not be counted either for or against the measure in determining whether a majority vote has been obtained.

5.06. Minutes. A record of proceedings in the form of minutes of the advisory Board shall be kept on file with the Animal Control Division.

5.07. Robert's Rules of Order. Except as otherwise provided in these bylaws or in the rules and regulations adopted by the Advisory Board, all meetings of the Advisory Board shall be guided by the latest edition of Robert's Rules of Order.

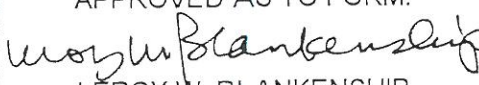
5.08. Meeting Procedure. The Chair shall determine the order of business at all meetings of the Advisory Board.

6. AMENDMENT OF BYLAWS

6.01. The Monterey County Board of Supervisors may amend these bylaws by resolution.

Adopted: BOS Resol. No. 90-367 6/12/90

Amended:

APPROVED AS TO FORM:

LEROY W. BLANKENSHIP
Assistant County Counsel

Before the Board of Supervisors in and for the
County of Monterey, State of California

Resolution No. 02-165

Bylaws of the Reorganized)
Monterey County Animal Control)
Program Advisory Board)

This Resolution is made with reference to the following facts and circumstances:

- A. The County of Monterey operates an Animal Services Program that is established as a Division within the Department of Health.
- B. The Animal Services Program operates pursuant to Section 25802 of the Government Code; applicable sections of Division 14 (commencing with Section 30501) and division 14.5 (commencing with Section 3170) of the Food and Agricultural Code, Chapter 3 (commencing with Section 1900) of Division 3 of the Health and Safety Code, Title 17 of the California Code of Regulations; and title 8 of the Monterey County Code.
- C. The Board of Supervisors originally established the Animal Control Program Advisory Board by Resolution No. 90-367 on June 12, 1990.
- D. It is necessary to reorganize the bylaws of the Animal Control Program Advisory Board to constitute the Board, to revise the number of Board members required for a quorum, and to comply with recent amendments to the Ralph M. Brown Act (Government Code sections 54950, et seq.).

NOW, THEREFORE, BE IT RESOLVED that the Monterey County Board of Supervisors hereby reorganizes the bylaws of the Animal Control Program Advisory Board as set forth in the attached exhibit, which is incorporated herein, and that the bylaws as reorganized shall be effective as of the date of this Resolution.

PASSED AND ADOPTED this 30th day of April, 2002, upon motion of Supervisor Johnsen, seconded by Supervisor Calcagno, and carried by the following vote, to wit:

AYES: SUPERVISORS ARMENTA, PENNYCOOK, CALCAGNO, JOHNSEN and POTTER
NOES: NONE
ABSENT: NONE

I, SALLY REED, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof at page x of Minute Book 71, on April 30, 2002.

Dated: 5/1/02

SALLY REED, Clerk of the Board of Supervisors, County of Monterey, State of California.
By Barbara S. Grant
Barbara S. Grant Deputy