



Monterey County Board of Supervisors

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Upon motion of Supervisor Phillips, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

Approved and adopted amendments to the Commission on Disabilities Bylaws.

PASSED AND ADOPTED on this 25th day of October 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas and Parker

NOES: None

ABSENT: Supervisor Potter

I, Gail T. Borkowski, 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 of Minute Book 79 for the meeting on October 25, 2016.

Dated: October 27, 2016
File ID: 16-1192

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By *Denise Hancock*
Deputy

BYLAWS OF THE MONTEREY COUNTY COMMISSION ON DISABILITIES

ARTICLE I - INTRODUCTION

This organization, which is advisory to the Monterey County Board of Supervisors, shall be known as the Monterey County Commission on Disabilities. It is established pursuant to Resolution No. 01-073, as amended by Resolution No. 11-257. It shall be guided by the policies and procedures established by the Monterey County Board of Supervisors in the performance of its duties.

ARTICLE II – PURPOSE, MISSION AND DUTIES

1. The primary purpose of the Commission Bylaws is to establish the framework that allows the Commission to fulfill its role as advisor to the Monterey County Board of Supervisors regarding matters relating to equal access to employment, public services, communications and public accommodations for people with disabilities. The Commission's jurisdiction is county-wide, including unincorporated areas, and areas within cities and special districts; provided that it shall not have power to investigate, charge, or otherwise enforce legal mandates and guidelines. The Commission's scope of activities is to inquire, listen, and engage in discussion with any persons or entities for the purpose of gathering information of potential interest to the Board of Supervisors. The Commission's scope of activities may also include, but is not limited to, advocating public policy that supports the rights of all people with disabilities in Monterey County to live their lives to the fullest extent possible. To achieve this type of public policy, it may be appropriate in the scope of its duties for the Commission to advocate policies and programs that encourage access to public and private buildings and grounds and better access to education and employment for people with disabilities of the community.
2. The Monterey County Commission on Disabilities shall:
 - a. Review matters and issues relating to equal access to employment, public services, communications, and public accommodations for people with disabilities, and advise the Board of Supervisors as to any significant situations and developments that may be positive, negative, or neutral;
 - b. Hold meetings with appropriate organizations and community groups regarding areas of mutual interest relating to persons with disabilities.

ARTICLE III - MEMBERSHIP AND SELECTION

The Commission shall be composed of representatives, whose total number shall not exceed twenty-three (23), as follows:

1. Each member of the Board of Supervisors shall appoint a representative who lives or works in his/her district. Such member shall serve at the pleasure of the appointing Supervisor, or until resignation or replacement.
2. Each city within Monterey County that desires to do so, shall submit a request for membership and appointment of a representative to the Commission. A combined total of representatives from the various cities shall not exceed eight (8) at any point in time.
3. The Director of the County's Resource Management Agency or his/her designee shall serve ex-officio as a non-voting member of the Commission.
4. The Monterey County Department Heads Council shall select a representative to serve a three-year term.
5. A combined total of not-to-exceed eight (8) representatives from various community-based organizations located in Monterey County that represent the interest and concerns of people with a variety of disabilities and/or, actively advocate for civil rights of individuals with disabilities may be appointed. Each representative appointed must reside or work for an agency/organization in Monterey County. Each organization requesting representation on the Commission shall be screened and approved by the Commission. The Commission shall give priority consideration to individuals with disabilities. A representative may be appointed only after the organization is approved for membership on the Commission. Each community based group's representative shall serve a three-year term, and then must petition for any additional three-year appointment. Consideration for an additional term shall be made along with other interested and qualified community-based organization(s).
6. All members of the Monterey County Commission on Disabilities shall be approved by the Board of Supervisors, within their sole discretion.
7. The Commission will consider the following criteria in recommending membership on the Commission to the Board of Supervisors:
 - a. The Organization's Mission/Value Statement;

- b. The purpose of organization and the background working with individuals with disabilities and services provided including physical, mental or developmental disabilities;
- c. The organization's active advocacy for civil rights and/or representation of the interests and concerns of individuals with disabilities in Monterey County;
- d. Availability to serve as Commissioner, willingness and ability to commit to attend Commission meetings and active participation on at least 1 (one) subcommittee; and
- e. Absence of any potential conflict of interests.

The Commission will balance and enhance the range of representation on the Commission.

ARTICLE IV - TERMS OF OFFICE

1. Representatives shall serve three (3) year terms. Those representatives who serve at the pleasure of their appointing body may continue to serve until their successor representative is appointed, unless their appointing body specifically determines otherwise.
2. Terms of office shall begin January 1st and end December 31st.
3. Representatives shall serve not more than a maximum of six consecutive years, as calculated to the next December 31st for any individual appointed to fill a vacancy for the remainder of that term (excludes Board of Supervisors' representatives). Any vacancy shall be filled for the remainder of the term.

ARTICLE V – VACANCIES, REMOVAL & REPLACEMENT OF MEMBERS OR OFFICERS

1. Members
 - a. A vacancy shall exist when a member submits a written resignation to the Commission Chairperson and/or the appointing Supervisor/organization.
 - b. If a member is absent from two (2) of the Commission meetings during a calendar year, the Commission may at its discretion advise the Board of Supervisors that a vacancy exists as a result of attendance violations and

shall recommend the appointment of a replacement. If, after advance notification of an absence, the Chair excuses the absence, then the absence shall not count toward vacating the office.

- c. As a matter of professional courtesy, each Commissioner who is unable to attend a regular Commission meeting, shall so advise the Equal Opportunity Office 48 hours in advance in the absences that are foreseeable.
- d. When a Commissioner no longer resides or works in Monterey County, or otherwise does not meet the qualifications for the appointment. Member vacancies may also be created by death, incapacity, or removal.
- e. Each Commission member sits at the pleasure of the Board of Supervisors, and may be removed without cause by vote of the Board of Supervisors. All vacancies shall be filled by appointment by a member of the Board of Supervisors upon the recommendation of the Commission.
- f. When a prospective Commission vacancy is imminent or when a Commissioner resigns, the Commission Chairperson shall forthwith notify the Board of Supervisors in writing. Notice of vacancies shall comply with Board of Supervisors' Resolution No. 80-12. Pursuant to Resolution 80-12, public notices of unscheduled vacancies shall be made public by the Clerk of the Board of Supervisors.

2. Officers

- a. Officers may be removed by vote of a majority of those members currently appointed for failure to perform the duties of the Office, or for malfeasance in office.
- b. Vacancy in any Office shall be filled by nomination and election by the Commission as soon as is reasonably possible.
- c. The Commission may, for good cause, grant leaves of absence for a reasonable period to its members. Request for leaves of absence must be presented to the Commission in writing.

ARTICLE VI – DUTIES OF COMMISSION MEMBERS

Duties of individual Commission members include, but are not necessarily limited to:

1. Attend a minimum of five (5) Commission meetings per calendar year;
2. Actively participate in those committee meetings for which the member is designated as a committee member;
3. Promptly relate community input to the Commission;
4. Represent the Commission in a positive and effective manner in public forums;
5. Learn enough details about disability law and issues, and available services that the Commission member can effectively evaluate issues and proposed solutions;
6. Accept and fulfill reasonable assignments from the Commission Chair;
7. Participate in the development of an educational program for orientation of new Commission members; and
8. The completion of the ethics training as required under AB1234 (Chapter 700, 2005).

ARTICLE VII - COMPENSATION

The members of the Commission shall receive no compensation, but shall be reimbursed for mileage to and from meetings and for reasonable and necessary expenses incurred in the performance of official business of the Commission. Standard rates allowed County personnel shall be used for reimbursement.

ARTICLE VIII – CONFLICT OF INTERESTS

1. No Commission member shall participate in any matter which comes before the Commission, or in any matter in which he/she is required to act in his/her capacity as a Commission member, when the member has or may have a direct or indirect economic interest that may be affected as a result of such action, unless by necessity. Additionally, no Commission member shall undertake any employment, activity, or economic enterprise for compensation that is inconsistent, incompatible, in conflict with or inimical to his/her duties as a Commission member.
2. Commission members shall be required to follow the current Conflict of Interest Code adopted by the Board of Supervisors, which shall be attached hereto and is incorporated herein by this reference.

ARTICLE IX - MEETINGS

1. Each Commission meeting shall be governed by applicable law and the requirements of the Board of Supervisors' Resolution No. 01-073, as currently amended. The location for the meetings shall meet all physical access concerns and be near bus stops. The time and place shall be determined by a quorum of the members at the first meeting of each calendar year. Commission and Standing Committee meetings shall be open to the public and shall be conducted in accordance with the Ralph M. Brown Act (Government Code §56970, *et seq.*) and/or other applicable statutes.

2. Frequency

Meetings are open to the general public, except for any Closed Session authorized by law.

- a. Standing committees of the Commission meet in accordance with the annual schedule of committee meetings adopted by the Commission, or as frequently as is necessary to fulfill the committee's duties, but not less than quarterly.
- b. The Commission shall meet bimonthly.
- c. No action of discussion shall be undertaken on any item not appearing on the posted agenda, except that members of the Commission may briefly respond to statements made or questions posed by persons exercising their public testimony rights or ask a question for clarification, refer the matter to staff or to other resources for factual information, or request staff to report back at a subsequent meeting concerning any matter.

Notwithstanding the foregoing, action may be taken on an item of business not appearing on the posted agenda upon a determination by two-thirds (2/3) of the membership of a standing committee, or if less than two-thirds (2/3) of the members are present, by unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the Commission subsequent to the agenda being posted.

3. Quorum

For regular and special meetings of the Commission, a quorum is a majority of

the total current appointed membership of the Commission. Commission action may be taken only if a quorum is present. A roll call vote shall be taken when requested by any member in attendance. For committees, a quorum shall be a majority of the members of that committee. Ex-officio members do not count for the establishment of a quorum.

4. Special Meetings

- a. Special meetings may be called at any time for a specific, announced purpose by the Commission Chair, or on request of any three (3) Commission members.
- b. Notice of a special meeting shall be delivered, in writing, to all Commission members at least forty-eight (48) hours in advance of the meeting.

ARTICLE X - OFFICERS

1. The Officers of the Commission shall be a Chair and a Vice Chair. They shall be elected by the Commission at its first meeting of the calendar year, from among its own members. Officers are elected for a period of two (2) years and shall serve until a successor has been duly elected. A Commission member shall not simultaneously hold more than one office.

2. Duties of Officers

- a. The Chairperson
 - i. is responsible to speak for the Commission on Disabilities to other organizations and to the public;
 - ii. presides at all Commission meetings;
 - iii. appoints committees and committee chairpersons;
 - iv. signs all documents to carry out the Commission's business;
 - v. is a member of all committees, ex-officio; and
 - vi. is responsible for the establishment of the agenda.

- b. The Vice-Chairperson
 - i. assumes the duties of the Chairperson in case of absence or incapacity and becomes the Chairperson upon the resignation or permanent incapacity of the Chairperson;
 - ii. performs such reasonable duties as may be required by the Commission or by its Chair; and
 - iii. in the absence of the Chair and Vice Chair, the Commission shall nominate an interim Chair to preside at the meeting.

ARTICLE XI – ORGANIZATION AND PROCEDURES

1. Committees

- a. There shall be two (2) Standing Committees:
Outreach Committee
Compliance Review of the County's ADA Transition Plan Committee
- b. For special situations not covered by the standing committee, the Commission Chair, as needed, shall appoint ad hoc committees. Ad hoc committees shall serve only until its final report is given to the Commission.
- c. The Commission Chair may appoint a temporary chairperson of each committee, to serve until each committee meets and selects a chairperson.
- d. The duties of each committee shall be decided upon by the committee members, with input from the Commission Chair, and submitted to the general Commission for approval.
- e. The Chair shall be an ex-officio member of all Commission committees.

2. County Staff Support

The County Equal Opportunity Officer or his/her designee shall be the Executive Secretary to the Commission and shall be responsible for taking minutes of each regular meeting, preparing the same, and for mailing the meeting agenda and informational materials to all Commission members.

3. Minutes

A record of proceedings of all Commission meetings and its committees shall be kept on file. Copies of the approved minutes, indicating attendance and recording actions taken at each Commission meeting, shall be prepared and submitted to the Board of Supervisors through the Clerk to the Board.

4. Annual Report

In accordance with the Board of Supervisors adoption of the County of Monterey Board, Commissions, Committees and Collaborative Training and Annual Reporting Policy (BCCC). The BCCC Policy states, in part, the following procedures:

Reporting Process

- Equal Opportunity Officer will be responsible for the overall reporting process.
- The Equal Opportunity Officer will bring to the Board of Supervisors, once a year, as a scheduled item, a board report with all Annual Reports attached. During the scheduled item, the Equal Opportunity Officer will make a presentation highlighting the accomplishments of some or all of the Commissions for which Annual Reports were submitted.
- It is at the discretion of the Equal Opportunity Officer to decide when to bring the item to the Board of Supervisors as long as it occurs once per calendar year.
- Pursuant to said Policy, the Equal Opportunity Officer will prepare and submit an Annual Report to the Board of Supervisors no later than January of each year.
- Each committee chairperson shall be responsible for preparing a report summarizing the work of his/her committee. Each committee's report shall be approved by the full Commission, and submitted to the Equal Opportunity Officer no later than the November meeting of each year.

5. Rules for Meetings

- a. Board of Supervisors' Resolution No. 80-12, and all other Resolutions that establish County policy and/or procedure for the formation and operation of the various County commissions, shall apply to the activities of the Commission, except as otherwise modified by these Bylaws.
- b. The current edition of Roberts' Rules of Order shall guide the procedural conduct of meetings.

6. Review and Amendment of the Bylaws

Bylaws will be reviewed at least every two years for revision, or more frequently if necessary. Any member of the Commission may suggest amendments to the Commission Bylaws. To be approved, a proposed amendment must first be presented in writing at a regular meeting. At the next regular meeting, it may be adopted by a two-thirds vote of those present. Thereafter, the proposed amendment must be submitted to the Board of Supervisors for final approval.

REVISED and RECOMMENDED FOR ADOPTION this 25th day of July, 2016 by the Monterey County Commission on Disabilities.