



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: ORD 15-012, **Version:** 1

Introduce, waive reading, and set September 29, 2015, as the date and time to consider adoption of an ordinance to amend Chapter 2.04 of the Monterey County Code to permit the Board of Supervisors, and its standing and advisory committees, to hold regular meetings at locations other than the county seat (Salinas, California). (ADDED VIA ADDENDUM)

RECOMMENDATION:

It is recommended that the Board of Supervisors amend the Monterey County Code to permit the Board, and its standing and advisory committees, to meet at locations other than the county seat (Salinas, California).

SUMMARY:

This matter previously appeared on the Board of Supervisors agenda for May 19, 2015, at which time the ordinance was introduced; however, the matter was not calendared for June 2, 2015 for adoption. Accordingly, the ordinance needs to be re-introduced and set for adoption on September 29, 2015.

State law and the County Code require that the Board of Supervisors hold its regular meetings at the county seat, which is Salinas. Committees of the Board (standing and advisory) must also hold their regular meetings in Salinas. In Board referral no. 2015.03, Supervisor Parker requested that the County Code be amended to allow Board committees to meet at locations outside the Government Center in order to allow the committee members flexibility to choose alternative public locations as needed to better meet the goals of the committee and improve public outreach. The proposed amendment to the County Code described herein would permit the Board and its committees to hold regular meetings at locations within the county other than Salinas.

DISCUSSION:

Government Code section 25081 generally requires that regular meetings of a board of supervisors be held at the county seat. The provisions of the California Open Meeting Law, the Brown Act (Government Code section 54950 et seq.) require that a board of supervisors provide for the location of its regular meetings. Accordingly, for Monterey County, Section 2.04.030 of the County Code provides that all regular meetings of the Board be held at the county seat, specifically at 168 W. Alisal Street, Salinas, California. The Brown Act also requires that all meetings of standing and advisory committees of a board of supervisors be considered for its purposes as regular meetings of the full board. The result is that regular meetings of a board of supervisors, and its standing and advisory committees, must be held in the county seat. This restriction applies only to regular meetings, and special meetings of a board and its committees may be held at locations other than the County seat, and regular meetings may be adjourned or continued to a different location in compliance with the provisions of the Brown Act.

Government Code section 25081, however, allows a board to hold a regular meeting at a different location within the county provided the change is made by ordinance or other formal action of the board and notice of the location change is provided no later than the prior regular meeting of the board. By extension of the Brown Act, this ability to hold regular meetings at a different location also applies to committees of a board of supervisors. The proposed amendment to the County Code would permit regular meetings of the Monterey County Board of Supervisors and its committees to be held at alternative locations provided that the location change is either 1) adopted as part of the schedule of regular meetings adopted by the Board or committee, or 2)

adopted by resolution or order at a regular meeting and noticed no later than prior to the regular meeting immediately preceding the meeting at the alternate location. The Code would also permit, but not require, committees to annually adopt a schedule of regular meetings, as does the Board of Supervisors.

Finally, the proposed County Code amendments would change the term “subcommittee” to “committee” throughout the provisions of Chapter 2.04. The Board of Supervisors has committees, not subcommittees; therefore the change is appropriate

OTHER AGENCY INVOLVEMENT:

None.

FINANCING:

Accommodations for regular meetings at locations other than at the County Government Center must be provided for in the budget for the applicable body.

Prepared by:

Approved by:

Leslie J. Girard
Chief Assistant County Counsel

Charles J. McKee
County Counsel

Attachments: Exhibit A - Ordinance adopting amendments to County Code, Chapter 2.04
Exhibit B - Underline/~~strikeout~~