

Resolution No. 2022/227

IN THE MATTER OF amending the establishing resolution of the East Richmond Heights Municipal Advisory Council (MAC).

WHEREAS, pursuant to Resolution 2017/175, the East Richmond Heights MAC was created to advise the Board of Supervisors on specified matters relating to the community of East Richmond Heights; and

WHEREAS, during the Envision Contra Costa 2040 process to update the County General Plan, residents of the North Arlington neighborhood indicated that their neighborhood is similar to and shares common interests with the East Richmond Heights community, and therefore should be included within the territorial area of the East Richmond Heights MAC instead of the El Sobrante MAC; and

WHEREAS, the Municipal Advisory Council Policies adopted by the Board of Supervisors on December 16, 2008, include three criteria for establishing MAC boundaries; and

WHEREAS, the Board of Supervisors finds that including the North Arlington neighborhood within the territorial area of the East Richmond Heights MAC is consistent with the criteria for establishing MAC boundaries in the Municipal Advisory Council Policies as more fully described in the attached board order dated June 21, 2022; and

WHEREAS, for ease of administration, it is preferable to have a single resolution governing the establishment and operation of the MAC.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Establishment of East Richmond Heights Municipal Advisory Council

Pursuant to the authority granted by Section 31010 of the California Government Code, the East Richmond Heights Municipal Advisory Council ("Council") is established.

2. Territorial Area

The area for which the Council will serve and discharge the following duties and powers is that area contained within the boundaries indicated on the attached map marked as Exhibit A (hereafter referred to as the "East Richmond community").

3. Membership

The Council shall consist of five (5) members and two (2) alternates, who shall be selected and appointed by the Board of Supervisors, upon nomination by the District One Supervisor. Six (6) of these appointees shall be residents of the unincorporated East Richmond community, and one shall be a resident of either the unincorporated East Richmond community or the area within the boundaries of the East Richmond Neighborhood Council in the City of Richmond as shown on the attached map marked as Exhibit B.

4. Term of Office

The Council members shall serve four (4) year terms. The Board of Supervisors shall fill vacancies on the Council by appointment. Council member terms shall be coterminous with the term of office of the District One Supervisor.

5. Removal from Office

Each appointed member of the Council serves at the pleasure of the Board of Supervisors and may be removed, at will, by a majority vote of the Board of Supervisors.

6. Council Duties and Powers

- A. The Council shall advise the Board of Supervisors on services which are or may be provided to the East Richmond community by the County or other local governmental agencies. Such services include, but are not limited to, public health, safety, fire, welfare, public works, and planning.
- B. The Council may represent the East Richmond community before the County Planning Commission, the Zoning Administrator, and the Board of Supervisors on land use, planning, and zoning matters.
- C. The Council may provide input and reports to the District One Supervisor, the Board of Supervisors, and County staff on issues of concern to the East Richmond community.

It is understood that the Board of Supervisors is the final decision-making authority with respect to issues and policies concerning the East Richmond community and that the Council shall serve solely in an advisory capacity to the District One Supervisor and the Board of Supervisors. Except as specified in 6.B above, the Council and its individual members acting on behalf of the Council may not represent the East Richmond community to any state, other County, city, special district or school district agency or commission, or any other organization on any matter concerning the community. In addition, the Council may not, as a body, take positions on candidates for public office.

7. Quorum and Vote Necessary for Action

A quorum shall be a majority of the total number of authorized seats on the Council, not a majority of the total number of filled seats. The Council may only take action by a majority vote of the total number of authorized seats, not by a majority vote of the quorum. (With five authorized seats, a quorum is three members; three affirmative votes are necessary for action.) An alternate member(s) may vote in place of a regular member(s) who is absent.

8. Compensation

The Council members shall serve without compensation of any kind, and the Board of Supervisors shall not provide funds for the payment of Council meeting stipends or reimbursement of Council members' expenses.

9. Staff and Financial Support

- A. The Board of Supervisors shall provide no ongoing professional or clerical staff support to the Council.
- B. Unless specifically authorized by the Board of Supervisors, the Council shall not receive any funds from the County to pay for any of the Council's operating costs.

10. Council Funds

Any funds transferred to or received by the County for the Council shall be accepted pursuant to Resolution No. 2005/628 and only used for the benefit of the Council and the East Richmond community.

11. Council Establishment Not Subject to Public Vote

The issue of establishment of the Council shall not be an election item submitted to the voters of the East Richmond community.

12. Council Operation and Procedural Rules

Within the parameters of the Resolution, the Council may organize itself and operate as it determines, but shall hold regular meetings at least quarterly at an established time and place. The Council meetings shall be conducted in accordance with the provisions of the "Brown Act" (Government Code sections

54950 ff.) including the pre-meeting posting of meeting calendar notices, and the "Better Government Ordinance" (County Ordinance Code, Division 25). In addition, the Council shall fully comply with the Board of Supervisors' policy concerning conflict of interest and open meetings (Resolution No. 2002/376), the Board's policy governing appointments to boards, committees, and commissions (Resolution No. 2002/377), the Board's policies for Municipal Advisory Councils (approved December 16, 2008), and the Political Reform Act (Government Code sections 81000 ff.) as applicable.

13. This Resolution supersedes and replaces Resolution No. 2017/175.