

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

Adopted this Resolution on July 28, 2015 by the following vote:

AYES: John Gioia, Candace Andersen, Mary N. Piepho, Karen Mitchoff

NOES: None

ABSENT: Federal Glover

ABSTAIN: None



Resolution No. 2015/264

**SUBJECT: In the matter of amending the establishing resolution of the
Kensington Municipal Advisory Council**

WHEREAS, pursuant to Resolution No. 89/257, the Kensington Municipal Advisory Council was created to advise the Board of Supervisors on specified matters relating to the community of Kensington; and

WHEREAS, the Board of Supervisors in Resolution 2006/395 did amend the method of selection of members of the Municipal Advisory Councils (MACs) to determine that members shall be selected and appointed by the Board of Supervisors; and

WHEREAS, the Board of Supervisors on June 27, 2006 directed the County Administrator to prepare new resolutions for each MAC, amending the MAC membership selection and powers of authority to reflect changes approved in Resolution 2006/395; and

WHEREAS, the Board of Supervisors on December 16, 2008 directed the County Administrator to amend the establishing resolutions for each MAC to be consistent with the Board-adopted MAC policies and boundaries; and

WHEREAS, the Board of Supervisors on August 4, 2009 adopted Resolution No. 2009/386 amending the establishing and governing resolution of the Kensington MAC to be consistent with Board-adopted policies for municipal advisory councils; and

WHEREAS, this resolution further amends the Kensington MAC's membership requirements to increase the pool of eligible candidates while maintaining a desire for council members to have a knowledge of the community; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS, in its capacity as governing Board of the County of Contra Costa, that:

1. Establishment of the Kensington Municipal Advisory Council

Pursuant to the authority granted by Section 31010 of the California Government Code, the Kensington 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 of the Kensington Community Services District and the Kensington Fire District; which is more particularly described on the attached map marked as Exhibit A, dated February 2, 2009 (hereafter referred to as "Kensington community").

3. **Membership**

The Council shall consist of five (5) members and two (2) alternates (a First Alternate and a Second Alternate), who shall be residents of the Kensington community, shall have resided there for at least one (1) year prior to assuming office, and who shall be selected and appointed by the Board of Supervisors, upon nomination by the District I Supervisor.

The First Alternate member shall fill in for any regular member who is absent from all or part of a meeting. The Second Alternate member shall fill in when the First Alternate member is not available or when two regular members are absent.

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. Effective January 2009, MAC member terms shall be coterminous with the term of office of the District Supervisor nominating the member.

5. **Removal from Office**

Each appointed member (including Alternate members) 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**

The Council shall advise the Board of Supervisors on land use planning matters affecting the Kensington community, such as land-use designations, General Plan amendments, environmental impact reports, negative declarations, and zoning-variance applications.

The Council shall also represent the community before the County Planning Commission, the Zoning Administrator, and the County Board of Supervisors on such land use, planning, and zoning matters. In addition, the Council may: advise the Board of Supervisors on local government services as requested by the Board; provide input and reports to the Board, County staff or any County hearing body on issues of concern to the community; and serve as liaison between the community and the County Supervisor representing Kensington.

It is understood that the Board of Supervisors is the final decision making authority with respect to issues concerning the Kensington community and that the Council shall serve solely in an advisory capacity. Except as specified above, the Council and its individual members acting on behalf of the Council may not represent the Kensington 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 any public office.

7. **Quorum and Vote Necessary for Action**

A quorum shall be a majority of the total number of authorized positions on the Council, not a majority of the total number of filled positions. The Council may only take action by a majority vote of the total number of authorized positions, not by a majority vote of the quorum. (With 5 authorized positions, a quorum is 3 members; 3 affirmative votes are necessary for action.)

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. Until such a time that the Board of Supervisors determines there is sufficient budgetary capacity, the Board shall provide no ongoing professional or clerical staff support to

the Council or funds to pay for any of the Council's operating costs.

- b. County staff will provide the Council in a timely manner with information and reports on planning matters (referenced in paragraph 6 above) that are to be located in, or have an effect on, the Kensington community. County staff will also provide notices of decisions on all such matters to the Council.
- c. County staff will provide Kensington community planning entitlement applicants with the time and place of Council meetings and the names and any non-restricted phone numbers of Council members so that timely discussion of pending applications may be conducted between them, (the Council and applicants), before County Planning Agency hearings and decisions.

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 its area.

11. **Council Establishment Not Subject to Vote**

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

12. **Council Operation and Procedural Rules**

Within the parameters of this Resolution, the Council may organize itself and operate as it determines but shall hold regular meetings at least monthly at an established time and place. The Council may develop bylaws for the operation of the Council, but such bylaws must be approved by the Board of Supervisors to be effective. 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. 2009/386.



I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown

ATTESTED: July 28, 2015

David Twa, Clerk of the Board of Supervisors
and County Administrator

By Stacey M. Boyd Deputy

cc: Supervisor Federal Glover
Supervisor Mary N. Piepho
Supervisor John Gioia
Supervisor Karen Mitchoff