

# **Rules, Regulations and Procedures for Operation of The McKinleyville Municipal Advisory Committee (MMAC)**

(Approved January 11, 2022 by the Humboldt County Board of Supervisors)

## **1) Territorial Jurisdiction**

The territorial jurisdiction of the MMAC are historic lands of the Wiyot Tribe and include all lands within the boundaries of the McKinleyville Community Planning Area and areas served by the McKinleyville Community Services District as shown in the attached map (Figure 1).

## **2) Composition and Terms of Office of the MMAC Members**

The MMAC is composed of eight (8) voting members. Six voting members are appointed by the Board of Supervisors and they may serve three four-year terms for a total of 12 years. The terms shall be staggered such that no more than four voting member's terms expire at the same time.

The 5<sup>th</sup> District Supervisor will appoint three (3) voting members serving 4-year terms.

The full Board of Supervisors, by majority vote, will appoint three (3) voting members to 4-year terms.

One (1) voting member will be a McKinleyville Community Services District (MCSD) Board Member appointed by the MCSD Board President to a one-year term. The MCSD Board President will also appoint an alternate MMAC member to serve when the appointed designee is not available. The MCSD General Manager will serve as a voting member of the MMAC.

## **3) Qualifications for Membership**

All MMAC voting members are to be residents or business owners within the MMAC geographical area (Figure 1) with the exception of the MCSD General Manager.

A link for the application to serve on the MMAC can be found at the County's MMAC Webpage:

[MMAC Webpage](#)

Submit completed applications to the Clerk of the Board of Supervisors.

#### **4) Removal from Office**

The MMAC members appointed by the 5<sup>th</sup> District Supervisor shall serve at the will of the sitting Supervisor and may be removed by that Supervisor at any time. The MMAC members appointed by the Board of Supervisors serve at the pleasure of the Board of Supervisors and may be removed from office by a majority vote of the Board of Supervisors at any time. The voting MMAC member appointed by the MCSD Board President serves at the will of that Board and may be removed by the MCSD Board President at any time.

Replacement of voting MMAC members removed by the 5<sup>th</sup> District Supervisor, by the MCSD Board by majority vote, or by the Board of Supervisors by majority vote shall follow the procedures in Section 2 (Composition and Terms of Office for the MMAC Members). For example, if the MMAC voting member removed from office was appointed by the 5<sup>th</sup> District Supervisor, the 5<sup>th</sup> District Supervisor shall appoint a replacement voting member to serve the remainder of the term.

Failure of a voting MMAC member to attend (4) four consecutive regularly scheduled MMAC meetings shall be reported to the Chair of the MMAC by the secretary and will result in automatic removal unless the MMAC member missing the meetings wishes extenuating circumstances to be considered. The MMAC member may continue to serve if a majority of the voting MMAC members find the extenuating circumstances are acceptable reasons for non- attendance.

#### **5) Responsibilities of the MMAC**

In accordance with the 2002 McKinleyville Community Plan, 1730, the Board of Supervisors has appointed the Municipal Advisory Committee to advise the Board of Supervisors on local McKinleyville community issues.

The McKinleyville Municipal Advisory Committee (MMAC) is tasked with gathering input from the community and providing advice on matters which relate to services which are or may be provided to the McKinleyville Community Planning Area by the County or other local governmental agencies. The advice to be provided by the MMAC includes but is not limited to advice on matters of public health, safety, welfare, public works, public financing and proposed annexation that may affect the local area covered by the MMAC. The MMAC is not intended to address countywide matters unless those matters have a localized impact within the area mapped in Figure 1 and described as the territorial jurisdiction of the MMAC.

A second responsibility of the MMAC is to review, comment, and provide advisory recommendations to the Planning Commission and the Board of Supervisors on proposed zoning amendments, and General Plan petitions and amendments located within the McKinleyville Planning Area. MMAC is to evaluate the proposed amendments and petitions for conformance with the McKinleyville Community Plan. The MMAC will also discuss and provide input on long-range planning issues.

- The MMAC will not review, comment or provide advisory recommendations on subdivisions, conditional use permits, special permits, coastal development permits or variances unless they are a part of a larger project which also includes a General Plan Amendment or Zone Reclassification.
- The MMAC is not a decision-making body but can make recommendations on proposed zoning, General Plan petitions and amendments.
- The MMAC will not have authority to make, set, provide interpretation of or enforce county ordinances, policies or laws.

The MMAC meetings will also provide an opportunity for County and non-county agency staff to provide the McKinleyville community with information or updates.

## **6) Governance**

The MMAC has adopted rules, regulations and procedures as are reasonable and appropriate for its activity to deliberate and provide recommendations to appropriate agencies, County Departments and the Board of Supervisors. These rules may only be revised upon specific approval by the Board of Supervisors. In the absence of other approved governing procedures, Rosenberg's Rules of Order shall be used to govern the MMAC.

The MMAC will annually, at the beginning of the calendar year select its own Chair, Vice Chair, Secretary and Treasurer.

**Chair:**

The Chair of the MMAC plays an important role in conducting meetings that are orderly, positive and productive. The Chair is also responsible for the following:

- Drafting an agenda. Note: If two MMAC members request an item to be placed on the agenda, the requested item will be placed on a future agenda as an action item.
- Ensuring the agenda and meeting materials are emailed to the County Clerk of the Board for distribution to the MMAC members and other interested parties for review at least 72 hours in advance of the meeting.
- Drafting language for and signing recommendation and comment letters approved by the MMAC.
- Providing copies of all correspondence from the MMAC to the Clerk of the Board.

**Vice Chair:**

In the absence of the Chair, the Vice Chair performs the Chair responsibilities as outlined above.

**Secretary:**

The Secretary's responsibility is to record the minutes of each MMAC meeting. The minutes should record members attending, invited guests and summaries of information shared and discussions during the meeting.

The minutes should record motions made, the members making and seconding the motion and the voting tally with the names of individual board members casting “yes” votes, “no” votes and abstaining from the vote. After transcribing the minutes of each meeting, the secretary is to forward the draft minutes to the Clerk to the Board of Supervisors, for distribution to the MMAC members. The draft minutes are to be reviewed and revised and/or approved at the next scheduled regular MMAC meeting. Once minutes have been approved by the MMAC they should be forwarded to the Clerk to the Board of Supervisors, in a timely manner, for posting on the Humboldt County website. The Secretary will maintain current contact information for all MMAC members and provide updated information to the Clerk of the Board in a timely manner. In the absence of both the Chair and the Vice Chair the Secretary shall perform the Chair responsibilities as outlined above.

Treasurer:

The Treasurer is responsible for managing the MMAC budget account created by the Board of Supervisors in coordination with the processes specified by County staff. This includes collecting reimbursement requests from the MMAC members for expenditures on materials, supplies, online meeting expenses and expenses related to MMAC hosted special meetings and events. The Treasurer is to forward these requests to the Clerk of the Board of Supervisors. The Treasurer shall also keep an account of when and whether these reimbursements have been issued and shall provide a record of these transactions to the Clerk of the Board of Supervisors at the end of each calendar year.

## **7) Meeting Frequency**

Regular and special MMAC meetings will be held in conformance with the Brown Act and take place in a convenient venue for McKinleyville residents. Regular meetings are to be held monthly on the fourth Wednesday of the month unless otherwise decided by a quorum (5 members) of the MMAC. If the MMAC is

unable to reach a quorum at a scheduled meeting, the meeting may continue for informational functions, but no official acts shall take place. The chair may also rule to cancel the meeting.

For proposed zoning and General Plan petitions and amendments, time is of the essence and meetings will be held to ensure review is completed within two (2) months of receiving the project referral from the Planning Division.

### **8) Promote and Encourage Public Comment**

The public has a right to be present at all MMAC meetings, to hear all of the dialogue related to any item on the MMAC agenda and to comment on any item which is discussed (with the exception of closed session items that conform to Brown Act requirements as advised by County Counsel). The MMAC shall encourage public comment and maintain an impartial viewpoint regarding any topic until information or comments have been presented.

Input received from the community is not limited to comments received at a MMAC meeting. Community input to the MMAC can be received via letter to the Humboldt County Board of Supervisors, Clerk of the Board, 825 Fifth Street, Suite 111, Eureka, CA or email to [cob@co.humboldt.ca.us](mailto:cob@co.humboldt.ca.us). Correspondence received by the Clerk of the Board 72 hours in advance of a meeting will be attached to the Agenda Packet for that meeting and may be read as a part of the Public Comment during the "Items not on the Agenda" period or during the agenda item to which they relate as a public comment. Correspondence received within 72 hours of a meeting will be included in the following month's meeting Agenda Packet.

Community members may also provide direct input to the Planning Commission and Board of Supervisors by attending meetings held by those bodies, by email or by written communication. The MMAC should encourage and inform the public when there are other opportunities to provide input.

### **9) Provide Written Advisory Recommendations**

After the MMAC has reviewed a local community issue or proposed project, listened to presenters and gathered community input, the Chair (or designated

MMAC member) may draft a written advisory recommendation for support, modifications or denial; with or without suggested changes. A quorum of the MMAC may direct the Chair to compose and submit written advisories without review by the MMAC if the issue is time sensitive or may direct the Chair to bring a draft of the written advisory to the following meeting for review and approval by the MMAC. The advisory recommendation shall be submitted to the Planning Commission, Board of Supervisors, or other agency for consideration as appropriate. Copies of all correspondence from the MMAC Chair shall be provided to the Clerk of the Board and to all members of the MMAC. This correspondence shall be part of the Agenda Packet for the following MMAC meeting.

After the MMAC is presented with an issue or proposed project, the MMAC may choose to not formally consider, deliberate and vote on the issue or the MMAC may choose to take a neutral position. Failure of the MMAC to comment prior to a public hearing on a proposed project shall not be cause for the hearing to be postponed.

### **10) Conformance with the Brown Act**

The California State Legislature passed the Ralph M. Brown Act to assure that legislative bodies, like the MMAC, conduct their business and make their recommendations in open public meetings.

The MMAC was created by a formal action of a legislative body; is covered by the requirements of the Brown Act; and will conduct its affairs consistent with all Brown Act requirements. (The County is to provide regular Brown Act training to MMAC, See Section 15, Provide Training.)

### **11) Ex Parte Communications**

ExParte communications are contacts (e.g. emails, meetings, conversations) made by one party with a decision-maker outside the presence of other interested parties. When these contacts occur about a matter that is quasi-judicial in nature, i.e. subdivision maps, conditional use permits, variances or Coastal Development

Permits, the applicant's right to an impartial decision-maker may be unfairly impacted. The MMAC is neither a decision-making body nor is it designed to make recommendations on quasi-judicial matters. However, to the extent that quasi-judicial projects are included in general plan or zoning amendment matters presented for recommendation, members should avoid ex parte communication on these items, and ensure that discussion takes place only during public meeting. MMAC members may attend community events open to the public, but a quorum may only discuss items within the MMAC jurisdiction at a properly noticed meeting.

## **12) Compensation**

All members of the MMAC will serve without compensation.

## **13) Conflict of Interest**

If a MMAC member's professional or community interests involve issues before the MMAC, there may be a conflict of interest. To allow the MMAC to remain as objective as possible in the comments and recommendations it provides, a MMAC member must refrain from participating in MMAC discussions or decisions in which they have a financial or other interest that would cause them to be biased, to not be impartial, or to have an appearance of bias.

If a MMAC member believes there may be a conflict of interest or the appearance of a conflict of interest, the MMAC member shall publicly identify in detail the economic interest that creates the conflict, step down from the dais and must then leave the room. If a MMAC member has a personal economic interest in a matter on the agenda and wishes to speak on the matter as a private citizen, the MMAC member must follow the rules set forth in the Fair Political Practices Act. If a MMAC member or community member wishes to raise or discuss a possible conflict of interest issue related to one of the MMAC members they should contact the MMAC Chair or the 5<sup>th</sup> District Supervisor. These inquiries shall be shared at the following MMAC meeting.

The MMAC is included in the County's Conflict of Interest Code. All MMAC members will be required to comply with the Fair Political Practice Act which is standard County policy and includes the annual filing of the Form 700 Statement of Economic Interest. A link to a copy of the current County Conflict of Interest Code can be found on [County Counsel's webpage](#).

#### **14) Subcommittees**

The MMAC may decide to form Subcommittees to discuss, research and work on topics of interest to the community outside of the regular MMAC Meetings. Subcommittees can be Standing Committees if the topic is ongoing or Ad Hoc if the topic is limited and/or related to a non-reoccurring specific task, and the committee will dissolve once completed. Standing Committees will comply with Section 10 regarding the Brown Act.

No more than three (3) members of the MMAC can serve on a Subcommittee at a time. Up to three (3) community members may also be invited to participate on these committees especially if they have expertise and/or special interest in the focus topic of the subcommittee. An application process for community members to serve on a MMAC Subcommittee may be used to select from a pool of interested parties. A link for an application to serve on a MMAC Subcommittee can be found at the County's [MMAC webpage](#). Submit completed applications to the Clerk of the Board of Supervisors.

The MMAC Subcommittee Chair is to advance a slate of community members recommended to serve on the subcommittee to the full MMAC for approval. Active Subcommittees shall report to the full MMAC as a regular meeting agenda item.

#### **15) Responsibilities of the County**

##### **Requests To and From County Departments**

The MMAC may request County staff attendance at MMAC meetings to provide information regarding community issues. Requests of County staff will be made

through the Clerk of the Board by phone at (707) 476-2396 or by email to [cob@co.humboldt.ca.us](mailto:cob@co.humboldt.ca.us).

The MMAC may request that a County Department provide information to the MMAC on a matter within the subject matter jurisdiction of the Committee. County Departments likewise may request time on the MMAC's agenda to discuss items and issues of concern related to the McKinleyville area.

The Planning Division will determine if an application for a proposed zoning or general plan petitions and amendments is within the MMAC area. If so, the application will be referred to the MMAC for consideration at the next MMAC meeting.

Planning Division staff will attend MMAC meetings when proposed zoning or general plan petitions and amendments are considered to present them and provide interpretation of the county zoning ordinance, the county General Plan and the McKinleyville Community Plan.

Agencies referring items to the MMAC are encouraged to adopt standards for making referrals to ensure continuity and consistency of items being forwarded.

The Clerk of the Board will forward the MMAC recommendations to the appropriate County agencies to which they are directed and will maintain a file that contains all MMAC agendas, minutes of meetings and records of all MMAC decisions. The MMAC is a local public agency and as such its records are subject to disclosure pursuant to the California Public Records Act.

### **Current Projects Listings**

The Planning Division will prepare and distribute the "Current Projects Listing" to the MMAC once a month. This document will include a list of the discretionary permit applications, proposed zoning and general plan petitions and amendments currently under review.

The Public Works Department will prepare and distribute a "Current Projects Listing" to the MMAC once a month. This document will include a list of the proposed road and other infrastructure projects currently under design and

implementation within the MMAC area, with sufficient detail for the MMAC to anticipate potential conflicts with existing or anticipated MCSD infrastructure.

### **Email Distribution List**

The Clerk of the Board will create and maintain an email distribution list for MMAC members and interested parties. This list will be used to distribute meeting agendas, minutes, reports, and other information to MMAC members and other interested parties. MMAC members may create dedicated MMAC member email accounts to be made available on the County's MMAC webpage (mckinleyvillemac.member.name@gmail.com or similar). These will be updated whenever MMAC membership changes.

### **Staffing and Funding**

The County will provide the MMAC staff resources for support of the MMAC and its officers. This support includes but is not limited to posting, copying and distribution of agendas, improving and maintaining the MMAC webpage (including IT support). Dedicated funding will be provided to cover materials, supplies, online meeting expenses and expenses related to MMAC hosted special meetings and events. Budgetary commitments of County Staff and resources to the MMAC are at the discretion of the Board of Supervisors and shall be set by the Board of Supervisors in their annual budget process. The Clerk of the Board will record, and report staff hours spent on MMAC related work and the MMAC Treasurer will report on their operating funds for this annual review. The MMAC Treasurer will receive training from County staff regarding the processes and procedures necessary for submission of expenditure claims and training for viewing and tracking income, expenditures and status of reimbursements.

County staff will be directed to seek available grant funding to support the committee's efforts.

### **Provide Training**

MMAC will receive Brown Act Training every two years provided by the County Counsel's office. The Clerk of the Board and staff will update the MMAC Chair, Vice Chair, Secretary and Treasurer on any County changes in procedures or policies that affect their work and responsibilities.

#### **16) Responsibilities of McKinleyville Community Services District**

McKinleyville Community Services District (MCSD) will provide an appropriate meeting venue for the MMAC meetings at no cost to the county. MCSD will be responsible for posting all meeting agendas in a conspicuous place at the McKinleyville Public Library and at their public office location at least 72 hours in advance of the meeting.

MCSD will provide in-kind services, valued as set by the MCSD Board of Directors in their annual budget process, for community meetings and other MMAC related activities. MCSD will provide letters of support for MMAC related grants.

The MCSD General Manager and the MMAC Chair will arrange an annual joint meeting of the MCSD Board and the MMAC. This meeting is to be held in the Fall (September or October).

**Figure 1**

**Territorial Jurisdiction of the McKinleyville Municipal Advisory Committee**

(Jurisdiction includes areas served by the McKinleyville Community Services District)

