

ALAMEDA COUNTY BOARD OF SUPERVISORS

** MINUTE ORDER **

The following was action taken by the Board of Supervisors on February 9, 2010

Approved as Recommended Other

Unanimous Carson Haggerty Miley Steele Lai-Bitker - 5
Vote Key: N=No; A=Abstain; X=Excused

Documents accompanying this matter:

- Resolution(s) R-2010-44
- Ordinance(s) _____
- Contract(s) _____

File No. 25855
Item No. 7

Document to be signed by Agency/Purchasing Agent

Contract(s) _____

Copies sent to:

Maria Palmeri, QIC 50701

Special Notes:



I certify that the foregoing is a correct copy of a Minute Order adopted by the Board of Supervisors, Alameda County, State of California.

ATTEST:
Crystal Hishida Graff, Clerk of the Board
Board of Supervisors

By: _____
Deputy



Board of Supervisors

Nathan A. Miley, Vice-President
Supervisor, District 4

Oakland Office
1221 Oak Street, Suite 536
Oakland, CA 94612
510-272-6694/510-465-7628 Facsimile

Eden Area District Office
20993 Redwood Road
Castro Valley, CA 94546
510-670-5717/510-537-7289 Facsimile

district4@acgov.org

February 1, 2010

Agenda Item: # 7
February 9, 2010

Board of Supervisors
1221 Oak Street
Oakland, 94612

Dear Boardmembers:

SUBJECT: Consideration of amendments to Board Resolution 190307A and succeeding resolutions establishing the Castro Valley Municipal Advisory Council to revise provisions pertaining to the Council's area of jurisdiction, members, operation, and also to resolve issues relating to current appointments.

RECOMMENDATION:

That the Board of Supervisors review the attached material and 1) adopt the attached draft resolution amending Resolution 190307A and its succeeding resolutions; and 2) set terms of current members as outlined in this letter.

SUMMARY:

The Board established the Castro Valley Municipal Council in April, 1981, at the request of the then-District Four Supervisor. The Board has amended the original resolution establishing the Council four times, in June, 1981, June, 1991, January, 2002, and September, 2003. These proposed amendments would set the Council's jurisdictional area as that of the Castro Valley Plan Area (although the Council would still be able to review and comment on matters outside the area that would or could affect the community), would allow any Supervisor whose District included part of the Castro Valley Plan Area to nominate members in proportion to the population in the respective Districts, and would bring members' term limits into conformance with current Board policy.

DISCUSSION:

When the Board established the Council in 1981 it set the Council's jurisdictional boundaries generally consistent with those of the Castro Valley Fire Protection District on the north and east. Since that time the District was consolidated with other fire districts and reincarnated as the County Fire Department. Since the County general plan structure provides for a Castro Valley Plan, it would be logical to establish the Council's jurisdictional boundaries as the Castro Valley Plan Area. As the Plan Area boundaries might change over the years, so would the Council's area. The proposed language also formalizes the Council's ability to consider and advise the Board on anything that might occur outside the area, but would have impacts on or otherwise affect the area.

Until now the area has been contained wholly within Supervisorial District Four. However, since the Board has officially indicated its intent to extend the Plan Area beyond the current District Four boundaries as part of the current plan review, it would be appropriate to allow other Supervisors who represent the area to nominate members to the Council. The proposed language would provide that any Supervisor who represents the area nominates one or more members in proportion to the population in their District, with each Supervisor having at least one nomination. Should the supervisorial district boundaries shift as a result of the redistricting following the 2010 (or any later) Census, supervisorial appointments would change accordingly.

The current resolution sets specific terms for each Council seat, which are staggered so that a maximum of two seats became vacant each year. If Councilmembers resign prior to expiration of their term, the Board appoints their replacement to fill out the unexpired portion of the term(s), after which the new appointee may be appointed for a full term. The proposed language would start each term from the date of appointment and thus eliminate the staggered terms. In general the reason for staggered terms is so that all terms do not expire at one time and ensure that there is always some carryover on the body. However, in reality it is unlikely that this will happen, and having the terms start from date of appointment will eliminate confusion in the long run.

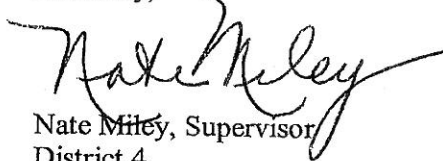
The current resolution also states that appointees may serve two full terms and no more than ten years total including unexpired terms. This is inconsistent with Board policy set out in Alameda County Board of Supervisors Board Operating Procedures, most recently amended in May, 2005. Procedure 15c of that policy statement says that, 'No appointee to a Board or Commission may serve more than twelve (12) consecutive years on such board of commission.' The resolution states the twelve year limit, but also ties it to any future amendments to the Procedures.

Lastly, there is some confusion as to when some members' terms began. While the Clerk of the Board's Office shows Andy Frank beginning May 9, 2000, Council minutes show Mr. Frank attending the meeting of August 23, 1999, and being welcomed as a new Councilmember. The Clerk's Office shows Dean Nielsen' original appointment as June 29, 1999, but Council minutes show him introduced as a new member January 14, 2000. The Clerk's Office records show Jeff Moore as appointed July 22, 1997, but Council minutes of January 14, 2002 show Mr. Moore being welcomed as a new member to begin February 11, 2002. Excerpts of all the noted minutes are attached. Since members' initial starting dates affect their potential reappointments, staff recommends setting the above noted dates as the members' starting dates.

Since this is an internal matter, there has been no public review, nor has it gone to Board Committees. However, staff has reviewed this with the Council and with District Four representatives and they all concur with the proposal.

FINANCIAL CONSIDERATION: Since the proposed action deals with technical issues only there is no increase in net County cost.

Sincerely,



Nate Miley, Supervisor
District 4

Attachments

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

MINUTES FOR AUGUST 23, 1999

(Approved as submitted October 18, 1999)

1. **CALL TO ORDER: ROLL CALL:** The Chair called the meeting to order at 7:32 p.m. Members present: Cossette Sun, Chair; Councilmembers Ken Carbone, Tom Edwards, ~~Andy Frank~~, Nicholas Hanson, Roberta Rivet, and Steve Szalay (Mr. Szalay arrived after Item 5). Councilmembers excused: None. Staff present: Tona Henninger, Michelle Torres, Sonja Penn, and Ronald Gee. There were approximately twelve people in the audience.

2. **APPROVAL OF MINUTES OF JULY 26 AND AUGUST 9, 1999**

Mr. Carbone moved, seconded by Mr. Hanson, that the Council approve the minutes of July 26, 1999, with correction of one typo in Item 4, second paragraph, 'fat' to 'that'; and approve the minutes of August 9, 1999, as submitted.

The motion passed 2/0 with Messrs Edwards, Frank, and Hanson and Ms Rivet abstaining.

3. **PUBLIC ANNOUNCEMENTS** ~~The Chair welcomed the newest members and staff, Mr. Andy Frank~~ Councilmember, Mr. Ronald Gee, staffmember; and Ms Sonja Penn, Secretary. Judge Hunter was introduced as an audience member.

4. **CONDITIONAL USE PERMIT C-7474 - RIFKIND** - Application to allow continued occupancy by a caretaker of a second permanent dwelling on a parcel containing approximately 147.46 acres in an A (Agricultural) District, located at 17123 Cull Canyon Road, west side, approximately three miles north of Crow Canyon Road, Castro Valley, bearing County Assessor's Designation: 085-1200-001-08.

Mr. Gee presented the staff report. He described the project and noted that all referral agencies have recommended approval with updated current requirements. He added that staff has received no calls or letters on this application.

Mr Gee presented a letter that Mr. Rifkind, applicant, submitted to explain his absence. Mr. Rifkind is now divorced and has relocated to another state; therefore he was not present. There was no one present to speak on the application, and there were no concerns from audience or Councilmembers.

Mr. Edwards moved, seconded by Mr. Carbone, that the Council recommend approval of the Conditional Use Permit subject to the planning considerations outlined in the staff report, for five years.

The motion passed 6/0.

5. **TENTATIVE MAP, PARCEL MAP 7343 - NICHOLSON** - Application to subdivide one site containing approximately 10,342 square feet (0.24 acres) into two parcels in an R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle Regulations) District, located at 18404 Lakecrest Court, east side, approximately 10 feet south of Dominic Drive, unincorporated Castro Valley area of Alameda County, bearing County Assessor's designation: 084B-0473-029-00.

**CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL
MINUTES FOR DECEMBER 10, 2001**

(Approved as submitted January 14, 2002)

1. **CALL TO ORDER:** The Chair called the meeting to order at 7:34 PM. **Councilmembers present:** Ken Carbone, Chair, Andy Frank, Vice Chair, Councilmembers Ineda Adesanya, Roberta Rivet, and Carol Sugimura. **Councilmembers excused:** None. (There were two vacancies.) **Staff present:** Phil Sawrey-Kubicek, Tona Henninger, Yvonne Bea Grundy. There were approximately twenty-five people in the audience.

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12. **COUNCIL ANNOUNCEMENTS, COMMENTS, AND REPORTS:** Ms. Adesanya announced that she would be leaving her position with the Oakland School District to start her own business called, IPA Planning Solutions. One of her clients will be Alameda County, however, she will excuse herself on discussions when necessary.

~~The Chair announced that Messrs. Dean Neilson and Jeff Moore will be joining the Council, and that he had been re-appointed to the Council.~~

The Chair also announced that Mr. Chris Tribee of The Daily Review was now going to be the reporter covering the Council meetings. Ms. Henninger asked Mr. Tribee if the assignment was permanent to which Mr. Tribee replied he hoped so.

13. **ADJOURN:** There being no further business, the Chair adjourned the meeting at 9:05 p.m.

**CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL
MINUTES FOR JANUARY 14, 2002**

(Approved as corrected February 11, 2002)

1. **CALL TO ORDER:** The Chair called the meeting to order at 7:34 p.m. **Councilmembers present:** Ken Carbone, Chair, Andy Frank, Vice Chair, Councilmembers Ineda Adesanya, Dean Nielsen, and Carol Sugimura. **Councilmembers excused:** Roberta Rivet. (There was one vacancy.) **Staff present:** Phil Sawrey-Kubicek, Tona Henninger, Yvonne Bea Grundy. There were approximately twenty-five people in the audience.

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16. **COUNCIL ANNOUNCEMENTS, COMMENTS, AND REPORTS:** The Chair welcomed Messrs. Dean Nielsen and Jeff Moore as new Councilmembers. Mr. Nielsen replaces Mr. Szalay. Mr. Moore is Mr. Hanson's replacement and he will start February 11, 2002. Some of the Councilmembers attended RED training, and it was very informative.

17. **ADJOURN:** There being no further business, the Chair adjourned the meeting at 9:06 p.m.

**CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL
MINUTES FOR FEBRUARY 11, 2002**

(Approved as submitted February 25, 2002)

1. **CALL TO ORDER:** The Chair called the meeting to order at 7:33 p.m. **Councilmembers present:** Ken Carbone, Chair; Andy Frank, Vice Chair; Councilmembers Dean Nielsen and Carol Sugimura. **Councilmembers excused:** Ineda Adesanya, ~~Jeff Moore~~, and Roberta Rivet. Staff present: Yvonne Bea Grundy, Tona Henninger, Maria Palmeri, and Phil Sawrey-Kubicek. There were approximately twenty-five people in the audience.

ALAMEDA COUNTY BOARD OF SUPERVISORS

** MINUTE ORDER **

The following is action taken by the Board of Supervisors on January 29, 2002

Approved as Recommended Other

Unanimous Carson Lai-Bitker Miley Steele Haggerty - 5
Vote Key: A=Yes; N=No; AB=Abstain; X=Excused

Documents accompanying this matter:

- Resolution(s) R-2002-378
- Ordinance(s) _____
- Contract(s) _____

File No. 16445
Item No. 8

Copies sent to:
Supervisor Miley, Crystal Hishida



Special Notes:

I certify that the foregoing is a correct copy of a Minute Order adopted by the Board of Supervisors, Alameda County, State of California.

ATTEST:
Crystal Hishida, Clerk of the Board
Board of Supervisors

By: _____
Deputy



AGE 1A 8 January 29, 2002

Board of Supervisors

Nathan A. Miley
Supervisor, District 4

Oakland Office
1221 Oak Street, Suite 536
Oakland, California 94612

(510) 272-6694 Main Line
(510) 465-7628 Facsimile
EMail: BOSdist4@co.alameda.ca.us

January 17, 2002

Honorable Board of Supervisors
Administration Building
Oakland, CA 94612

Dear Board Members:

**SUBJECT: AMEND CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL'S
RESOLUTION**

RECOMMENDATIONS: It is recommended that your Board approve the following amendments and adopt the attached resolution to allow:

1. A person who has actively participated in a business in Castro Valley for at least five years to serve on the Castro Valley Municipal Advisory Council, so long as the appointee continues his/her active participation;
2. The Council to have a maximum of thirty meetings, including special meetings each calendar year; and
3. The Council members to receive an increase in per diem to a maximum of \$50.00 per meeting, including special meetings.

DISCUSSION:

The Castro Valley Municipal Advisory Council (CVMAC) was established in 1981 for the purpose of advising your Board on matters concerning the government of that unincorporated area related to services which are or may be provided to said area by the County or other local governmental agencies. This was including but not limited to advice on matters of public safety, welfare, public works and planning. The following amendments are recommended:

Council Members:

The current resolution requires that Council members be residents of Castro Valley. While Council members certainly should have a substantial interest in the community, this language precludes appointments of people who have long-standing business interests in the community yet are not residents. It is recommended that a person who has actively participated in a business in Castro Valley for at least five years be allowed to serve on the Council, so long as they continue their active participation. This would benefit the community by broadening the base for selection of

Council members and would bring in people with diverse backgrounds to participate on the Council. Further, should the person cease their connection with the business, their appointment would be void.

Meetings:

The current resolution limits the Council to two meetings each month or 24 meetings per year. There are often times when, for various reasons, additional meetings are necessary. It is recommended that the Council be allowed a maximum of thirty (30) meetings each calendar year, including special meetings.

Per Diem:

The current resolution has a per diem of \$20 per meeting with a maximum of two meetings per month for each attending Council member. Since the Council was established in 1981, this practice has not changed. With the level of responsibilities of Council members, it is recommended that the per diem be increased to \$50 per meeting, including special meetings but not to exceed 30 meetings per year.

FINANCIAL CONSIDERATION:

With an increase to a maximum of thirty meetings a year, including special meetings and the increase of per diem paid, the total cost is estimated at \$10,500 a year. The cost of these changes is within the Castro Valley Municipal Council's budgetary allocation and will not result in any increase in net County cost.

On behalf of the Council and myself, I wish to thank you for your continued support of the Council and its actions.

Sincerely,



Nate Miley, Supervisor
District 4

NM:ckh:sjh

Attachment

v:\gg\amend to MAC resol

c: Auditor-Controller

County Administrator

County Counsel

Chair, Castro Valley Municipal Advisory Council

Director, Community Development Agency

BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA
RESOLUTION NO. R-2002-378

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

WHEREAS, Resolution No. 190307A, adopted by the Board of Supervisors April 7, 1981, amended by Resolution No. 190914, June 16, 1981, and amended by Resolution R-91-497, June 11, 1991, created the Castro Valley Municipal Advisory Council as authorized by Government Code §31010;

WHEREAS, it would be beneficial to expand the membership requirements to allow a person who has actively participated in a Castro Valley business for the past 5 years and continues to participate to qualify for membership on the Council although not a resident of Castro Valley;


WHEREAS, the present resolution as amended limits the Council to bimonthly meetings, and it has become necessary to on occasion meet more frequently; and

WHEREAS, the \$20 per meeting expenses authorized in the present resolution as amended has not been raised since 1981;

BE IT RESOLVED, that Resolution No. 190307A, as amended, is hereby amended as follows:

3. MEMBERS. The Council shall consist of seven (7) members, each appointed for a four-year term, not to exceed two (2) terms, by the Board of Supervisors upon the nomination of the Supervisor representing the Fourth Supervisorial District. Each member shall be a resident of Castro Valley, or shall have owned or actively operated a business in Castro Valley for a period of at least five years prior to their appointment. Any member appointed by virtue of owning or operating a business in Castro Valley shall do so for the entire period of their appointment. Should such member cease to own or operate a business during their term, their appointment shall be void and the Board shall appoint a replacement member as indicated above. Any Council member may be removed from office at any time by the appointing authority.
4. COUNCIL OPERATION. The Council shall meet regularly on the second and fourth Monday of each month at an established time and place. The Council may hold special meetings as it deems necessary, and shall consult with the Board of Supervisors as the Board or Council may request. The Council shall prepare and adopt rules for the conduct of its business and shall be subject to Government Code Sections 54950 *et seq.* concerning public meetings.
5. BUDGET. The Council shall prepare and submit a budget for adoption by the Board of Supervisors. The Board shall provide funds for Council expenses not to exceed \$12,000 per fiscal year. In addition thereto, Council members shall receive \$50.00 per meeting attended not to exceed a total of thirty (30) regular and special meetings per year.

CVMAC1


Approved as to Form
RICHARD E. WINNIE, County Counsel
By 
LORENZO E. CHAMBLISS

THE FOREGOING was **PASSED** and **ADOPTED** by the following vote of the Alameda County Board of Supervisors this 29th day of January, 2002, to wit:

AYES: Supervisors Carson, Lai-Bitker, Miley, Steele & President Haggerty - 5

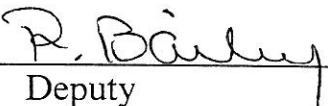
NOES: None

EXCUSED: None



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:
Crystal K. Hishida, Clerk
Board of Supervisors

By: 
Deputy

File: 16445
Agenda No: 8
Document No: R-2002-378



I certify that the foregoing is a correct copy of a Resolution adopted by the Board of Supervisors, Alameda County, State of California.

ATTEST:
Crystal K. Hishida, Clerk
Board of Supervisors

By: _____
Deputy

June 16, 1981

Approved as to Form

RICHARD J. MOORE, County Counsel

By [Signature] Deputy

EL 131 IMAGE 10:9

THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA

On motion of Supervisor Excell, Seconded by Supervisor George,
and approved by the following vote,
yes: Supervisors Excell, George, Santana and Chairman Bort - 4
no: Supervisors None
excused or absent: Supervisors Cooper - 1

THE FOLLOWING RESOLUTION WAS ADOPTED: AMEND RESOLUTION NUMBER 190914

BE IT RESOLVED By the Board of Supervisors of the County of Alameda, State of California, that Resolution No. 190307A relating to the Castro Valley Municipal Advisory Council is hereby amended in the following particulars:

3. MEMBERS. The Council shall consist of five (5) residents of Castro Valley each appointed for a one-year term by the Board of Supervisors upon the nomination of the Supervisor representing the Fourth Supervisorial District. Any Council member may be removed from office at any time by the appointing authority.

4. COUNCIL OPERATION. The Council shall meet regularly on the second and fourth Monday of each month at an established time and place and shall consult with the Board of Supervisors as the Board or Council may request. The Council shall prepare and adopt rules for the conduct of its business and shall be subject to Government Code Sections 54950 et seq. concerning public meetings.

5. BUDGET. The Council shall prepare and submit a budget for adoption by the Board of Supervisors. The Board shall provide funds for Council expenses not to exceed \$24,000 per fiscal year for payment of Consultant services. In addition thereto, Council members shall receive \$20.00 per meeting attended not to exceed two (2) paid meetings per month.

By.....Deputy

THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA

On motion of Supervisor.....Santana, Seconded by Supervisor.....Excell, and approved by the following vote, Cooper, Excell, George, Santana and Chairman Bort - 5
Ayes: Supervisors.....
Noes: Supervisors.....None
Excused or Absent: Supervisors.....None

AMENDED - Sm

Res. No. 190914

NUMBER 190307A

THE FOLLOWING RESOLUTION WAS ADOPTED:

CASTRO VALLEY MUNICIPAL ADVISORY COUNCIL

BE IT RESOLVED by the Board of Supervisors of the County of Alameda, State of California, that

1. ORGANIZATION. There is hereby created pursuant to the provisions of Government Code Section 31010 the Castro Valley Municipal Advisory Council, hereinafter referred to as "the Council".

2. DUTIES. The Council shall advise the Board of Supervisors on matters concerning the government by said Board of that area known as Castro Valley, to wit, those unincorporated lands bounded on the west by Interstate 580 and Foothill Boulevard, the south by San Lorenzo Creek and Interstate 580, the east by Eden Canyon Road and following the Castro Valley Fire Protection District boundary generally described as a line along the East boundary line of the Jensen Ranch properties and the easterly property line of those properties fronting on the east side of Crow Canyon Road crossing Norris Canyon Road approximately 1.2 miles westerly of the County line, extending 1 mile westerly of Crow Canyon Road and southwesterly to Cull Canyon Road approximately 4 miles south of the county line, extending westerly to the East Bay Municipal Utility District properties, crossing Lake Chabot Road approximately 1500' southeasterly of Fairmont Drive, extending westerly along the southerly boundary of the Lutheran Church properties and the southerly boundary of the Fairmont Hospital property. Any annexation, withdrawal or change in city or county boundaries shall be deemed to correspondingly alter the boundaries of said Castro Valley. Such advice to the Board of Supervisors shall be on all matters concerning services which are or may be provided to said area by the County or other local governmental agencies, including but not limited to advice on matters of public safety, welfare, public works and planning.

3. MEMBERS. The Council shall consist of five (5) residents of Castro Valley appointed for a one-year term by the member of the Board of Supervisors representing the Fourth Supervisorial District. Any Council member may be removed from office at any time by the appointing authority.

4. COUNCIL OPERATION. The Council shall meet at least monthly at an established time and place and shall consult with the Board of Supervisors as that Board or the Council may request.

The Council shall determine who shall be its official representative or representatives to the Board of Supervisors. The County Administrator or an independent contractor shall be executive secretary to the Council. The Council shall be subject to Government Code Sections 54950 et seq. regarding open public meetings.

5. BUDGET. The Council budget shall be limited to \$24,000 per year and shall be used to pay the necessary Council expenses as set forth in the County Administrator's letter of April 2, 1981, a copy of which is hereby incorporated by reference in this resolution.

6. EFFECTIVE DATE. The provisions of this resolution shall take effect on July 1, 1981 and shall expire on June 30, 1983 unless extended by subsequent action of the Board of Supervisors.

AMENDED - See
No. 190914