

**COUNTY OF SANTA CLARA
SAN MARTIN PLANNING ADVISORY COMMITTEE
BYLAWS**

I. ESTABLISHMENT OF THE SAN MARTIN PLANNING ADVISORY COMMITTEE

The San Martin Planning Advisory Committee (hereafter SMPAC) was established in 1981 by the Board of Supervisors to provide advisory recommendations on land use policies within the San Martin Planning Area, in particular the preparation of a detailed area plan. The scope of SMPAC authority is more precisely defined under II. Purpose.

II. PURPOSE

The purpose of SMPAC is to serve as an advisory body to the Board of Supervisors and Planning Commission and shall have the following functions and duties: (1) to provide advisory recommendations on land use applications for properties within the San Martin Planning Area that require Planning Commission or Board of Supervisor approval; (2) to review and make advisory recommendations to the Planning Commission and Board of Supervisors on proposed amendments to the Ordinance Code and General Plan that will impact the San Martin Planning Area; and (3) to provide review and comment on major County capital projects or plans for public facilities within the San Martin Planning Area, such as the San Martin County Airport.

III. MEMBERSHIP

A. Composition, Appointment, Qualifications, and Term of Members

SMPAC shall be composed of seven (7) members of the public, who shall be nominated on a rotating basis by the District 1 Supervisor and appointed by the full Board of Supervisors.

Each person appointed as a member shall be a resident of the unincorporated area of the County defined within the County General Plan as the San Martin Planning Area and shall have a demonstrated interest, competence, or knowledge in the San Martin Planning Area. Any member who is not a resident of the San Martin Planning Area as of the effective date of these bylaws may continue to serve on SMPAC until his or her term expires.

Each person appointed as a member shall serve a four year term and until the appointment of his or her successor. Members may be reappointed to serve a total of two four-year terms. No member shall be eligible to serve on SMPAC for more than two consecutive terms.

B. Attendance

Every SMPAC member shall attempt to attend each meeting. In the event that a member fails to attend a posted meeting and fails to notify the Chairperson in advance of the absence, the Chairperson shall note the absence as unexcused. If a member incurs three unexcused absences

from consecutive regular meetings the Chairperson shall request the Board of Supervisors to consider replacing the designated member with a representative who can attend meetings on a regular basis.

C. Resignation

A resignation by a member shall be in writing and shall be filed with the Clerk of the Board of Supervisors and the Chairperson.

If the Chairperson learns that a member is no longer able to participate but has not received a resignation, notification shall be made to the Board of Supervisors, which may result in removal of the member.

IV. OFFICERS – POWERS AND DUTIES

A. Chairperson and Vice-Chairperson

SMPAC shall elect one member to serve as Chairperson from the membership of SMPAC at the first regular meeting following the first day of July of every year. A Chairperson shall hold office for a one-year term or until such time as a successor is elected, and may be re-elected by the SMPAC.

SMPAC shall elect one member to serve as Vice-Chairperson from the membership of SMPAC at the first regular meeting following the first day of July of every year. A Vice-Chairperson shall hold office for a one-year term or until such time as a successor is elected, and may be re-elected by the SMPAC.

If the office of the Chairperson or Vice-Chairperson becomes vacant, the SMPAC shall elect a successor from its membership at the earliest meeting at which such election is practicable. Such election shall be for the unexpired term of the office.

B. Duties of Officers

The Chairperson, when present, shall preside at all meetings of the SMPAC, shall sign all resolutions, reports, and other documents of actions adopted by the SMPAC, and shall make appointments to authorized committees of the SMPAC. The Chairperson shall also report, or delegate reporting, the results of SMPAC meetings as necessary to the Planning Commission and Board of Supervisors.

A Vice Chairperson shall have all the powers and duties of the Chairperson during the absence, or inability to act, of the Chairperson.

In the absence of the Chairperson and Vice Chairperson, the remaining members shall appoint one of the members to act as Chairperson pro tempore for the duration of the meeting at which such appointment was made.

V. STAFF

The Department of Planning and Development shall provide staff support for the operation of SMPAC, such as preparation of SMPAC agendas, attendance at meetings, preparation of meeting summaries, work plans and meeting room support, as necessary.

VI. MEETINGS

A. Notice of Meetings

Meetings of the SMPAC shall be properly noticed in advance of the meeting and open to the public in accordance with the Ralph M. Brown Act (Gov. Code section 54950 et seq.) and the County Open Government Ordinance (Division A17). At the meeting, a minimum of two copies of the monthly SMPAC packets and any emailed amendments should be made available for the public to view on site.

B. Schedule of Regular Meetings

The SMPAC shall approve a schedule of regular meetings for each calendar year. All meetings of the SMPAC shall be held at the South County Office Building, located at 80 W. Highland Avenue, San Martin, CA.

C. Special Meetings

Special meetings may be called by order of the Chairperson or by order of a majority of the SMPAC and must be noticed in compliance with the Ralph M. Brown Act and County Open Government Ordinance. A majority is defined as a majority of the entire SMPAC membership seats, not just those members present or those seats that are filled.

VII. SMPAC AGENDA

The Department of Planning and Development is responsible for the preparation and publication of agendas. The Chairperson may consult with and coordinate with staff to prepare the agenda for each SMPAC meeting, particularly regarding desired informational items or presentation requests. Any member of the SMPAC may recommend an item to be placed on the agenda.

VIII. PROCEDURES

A. Robert's Rules of Order

Except as provided in these bylaws or to comply with the Ralph M. Brown Act, meetings of the SMPAC shall be conducted in accordance with Robert's Rules of Order, latest edition.

B. Ralph M. Brown Act

In compliance with Government Code section 54953(c)(2) of the Ralph M. Brown Act, the SMPAC shall publicly report any action taken and the vote or abstention, as well as recusal, on that action of each member present for the action. Items cannot be approved on consensus.

C. SMPAC Report to the Planning Commission

Action minutes will be taken by a member of SMPAC or Department staff and delivered by the Department to the Planning Commission. The Chair or designee of the SMPAC should be present at the meetings of the Planning Commission to convey SMPAC meeting deliberations and results. Action minutes of SMPAC and a report by Department staff may be substituted for an in-person report as necessary or appropriate for the information being conveyed. The Chair or designee should also report to the Planning Commission at least annually, so the business of SMPAC can be reflected in the Planning Commission's annual work plan.

IX. QUORUM

A quorum is required to initiate the transaction of business at any meeting of the SMPAC. A quorum is a majority (4) of the entire SMPAC membership seats, whether filled or vacant. A member who abstains from an item is counted to determine whether a quorum exists. However, a member who is disqualified from participating and recuses himself/herself from an item due to a conflict of interest is not counted toward the quorum for that item.

A majority of the members present, whether or not a quorum is present, may adjourn any meeting to another time and place.

X. VOTING

A motion passes only when a majority of the membership seats (not just those members present or those seats that are filled) votes in support of the motion.

No member shall be permitted to vote upon an item unless present (including teleconference) for the meeting. Voting by proxy shall not be permitted.

In compliance with Government Code section 54953(c)(2) of the Ralph M. Brown Act, the SMPAC shall publicly report any action taken and the vote or abstention on that action of each member present for the action. Items cannot be approved by consensus.

A member may, at any time, explain his/her vote or file, in writing, an explanation of such vote after the result of the voting has been announced and recorded.

XI. COMMITTEES

The SMPAC may establish standing and ad hoc committees, as prescribed in these bylaws and the County of Santa Clara Boards and Commissions Handbook, to assist in furthering the purposes of the SMPAC.

Any committee will have the duties provided by its mandate, but will not have the power to exercise the authority of the SMPAC or to bind the SMPAC. Committees report their recommendations to the full SMPAC for consideration.

Committees may be composed of members from the SMPAC as well as individuals not on the SMPAC. However, a committee may not include a quorum of the entire SMPAC membership.

In creating any committee, the SMPAC will:

1. Define the purpose and scope of the committee's charge;
2. Identify if the committee will have an ongoing role in a particular subject area/issue or if the committee is being created for a limited duration to address a single issue/purpose;
3. Define the membership of the committee;
4. Only take formal action to set a meeting schedule of the committee if it is to be subject to the Brown Act;
5. Document the creation of the committee in the SMPAC's minutes;
6. If the committee is subject to the Brown Act, immediately notify the Clerk of the Board's Records Unit; and
7. If the committee is to be a standing committee, update the bylaws for approval by the Board of Supervisors.

A. Creation of Standing Committees

A standing committee has a continuing subject matter it oversees or a meeting schedule fixed by formal action.

A standing committee may be created following majority approval of the SMPAC and designation in the SMPAC's bylaws, approved by the Board of Supervisors. A majority is defined as a majority of the entire SMPAC membership seats, not just those members present or those seats that are filled.

The Chairperson of the SMPAC shall appoint a chair to each committee subject to confirmation by the SMPAC. The SMPAC shall approve appointments to the committee.

All standing committees are subject to the Brown Act and must be properly noticed, open to the public, and have a quorum of the committee membership present to transact business. Each standing committee is required to prepare an agenda for each meeting and ensure the agenda is properly posted. Minutes (in summary form) of each committee meeting shall be prepared in compliance with Board Policy 3.34.2 and shall include a record of attendance of the

members and the vote taken on each matter. Copies of the minutes shall be submitted to the next meeting of the committee for approval.

B. Creation of Ad Hoc Committees

An ad hoc committee may be established by the SMPAC, as the need arises, to carry out a specific task for a limited duration.

An ad hoc committee may be created following majority approval of the SMPAC. A majority is defined as a majority of the entire SMPAC membership seats, not just those members present or those seats that are filled.

The Chairperson of the SMPAC shall appoint a chair to each committee subject to confirmation by the SMPAC. The SMPAC shall approve appointments to the committee.

If an ad hoc committee includes as a member one or more individuals who is not a member of the SMPAC, the ad hoc committee is subject to the Ralph M. Brown Act. For ad hoc committees subject to the Brown Act, meetings must be properly noticed, open to the public, and have a quorum of the committee membership present to transact business. Each ad hoc committee that is subject to the Brown Act is required to prepare an agenda for each meeting and ensure the agenda is properly posted. Minutes (in summary form) of each committee meeting shall be prepared in compliance with Board Policy 3.34.2 and shall include a record of attendance of the members and the vote taken on each matter. Copies of the minutes shall be submitted to the next meeting of the committee for approval.

C. Disbanding Ad Hoc Committees

The SMPAC shall agendaize the disbanding of an ad hoc committee when the committee's specific task is completed. The disbanding of the ad hoc committee shall be noted in the SMPAC's meeting minutes.

XII. CONFLICT OF INTERESTS

SMPAC members shall comply with all applicable federal, state, and local conflict of interest laws and regulations, including, without limitation, California Government Code section 1090 et. seq., the California Political Reform Act (California Government Code section 87100 et. seq.) and the regulations of the Fair Political Practices Commission concerning disclosure and disqualification (2 California Code of Regulations section 18700 et. seq.).

XIII. AB 1234 ETHICS TRAINING

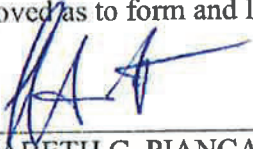
Each member of the SMPAC must receive training in public service ethics laws and principles within twelve months of assuming membership on the SMPAC and every two years thereafter. If a member has already received the training prior to assuming membership, the member may submit proof of his/her last training completion. The signed certification of

completion must be sent to the Clerk of the Board as soon as practicable upon completion of the training.

XIV. AMENDMENT TO BYLAWS

Proposed amendments to these bylaws may be considered at any meeting of the SMPAC. Upon majority vote of the entire membership, the SMPAC may recommend amendment of these bylaws, subject to approval as to form and legality by County Counsel and approval by the Board of Supervisors.

Approved as to form and legality:



ELIZABETH G. PIANCA
Lead Deputy County Counsel