[MS-0398.040.008.016]

District 4

BOARD OF SUPERVISORS

COUNTY OF SANTA CRUZ

GOVERNMENTAL CENTER

701 OCEAN STREET SANTA CRUZ, CALIFORNIA 95060-4069
(408) 425-2201 ATSS 525-2201 FAX (408) 458-7077

JANET K. BEAUTZ, FIRST DISTRICT
ROBLEY LEVY, SECOND DISTRICT
GARY A. PATTON, THIRD DISTRICT
RAY BELGARD, FOURTH DISTRICT
FRED KEELEY, FIFTH DISTRICT

OCT 14 2 54 PM '91

October 8, 1991

RECEIVED
OCT 15 1991
Ans'd. B7

Chairpersons and Members
Board of Supervisors
San Diego County
1600 Pacific Highway
San Diego, CA 92101

RE: PROPOSED CSAC CONSTITUTIONAL AMENDMENTS

Dear Colleagues:

As you probably know, CSAC will consider proposed constitutional amendments at its upcoming Annual Meeting. The CSAC General Assembly is presently scheduled for November 14, 1991, at the Monterey Hyatt Regency Hotel. The purpose of this letter is to urge several, relatively minor amendments to the proposed CSAC Constitution, so as to eliminate some internal inconsistencies, and so as to make certain that resolutions which are debated before the Executive Committee are debated in a context in which the Supervisor, Board of Supervisors, regional association, or caucus of Supervisors that has proposed the resolution is able to be present and participate, if the Executive Committee asks other parties from outside the Executive Committee to come in to discuss a proposed resolution.

A letter from Supervisor Patton, presented to our Board, is attached for your information. We urge that you vote to support the changes shown on Exhibit 2, which we believe will make the proposed Constitution work better, and which will eliminate some internal inconsistencies which we assume were inadvertently included in the draft Constitution.

Thank you for your helpfulness in this matter.

Sincerely,

FRED KEELEY, Chair
Board of Supervisors

FK:ted
Attachment

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F 'D OF SUPERVISORS

COUNTY OF SANTA CRUZ

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SECOND DISTRICT

GARY A. PATTON
THIRD DISTRICT

RAY BELGARD
FOURTH DISTRICT

FRED KEELEY
FIFTH DISTRICT

AGENDA: 10/8/91

October 2, 1991

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: PROPOSED CSAC CONSTITUTIONAL AMENDMENTS

Dear Members of the Board:

The County Supervisors Association of California will hold its General Assembly for calendar year 1991 on Thursday, November 14, at the Monterey Hyatt Regency Hotel. At that time, CSAC will consider proposed constitutional amendments, which have been presented to all members of the Board of Supervisors. The draft constitutional amendments suggest numerous changes in the structure and operations of CSAC. One notable change is a proposed change relating to the consideration of resolutions relating to matters of policy.

Under current CSAC constitutional provisions, any Board of Supervisors may propose a resolution for consideration by the General Assembly of CSAC. Our Board has proposed such resolutions in the past, and I believe that we have, by submitting resolutions for CSAC consideration, helped draw the attention of all County Supervisors in California to significant public policy issues of special concern to Santa Cruz County. Under the proposed constitutional provisions, it will no longer be possible for Boards of Supervisors to submit resolutions directly to the CSAC General Assembly. Instead, all proposed resolutions will be considered only through the CSAC committee structure. The chance of drawing important public policy issues to the attention of all Supervisors in California will be significantly reduced, I believe, which is regrettable.

Of course, there are some advantages in the proposed system, as well as disadvantages. For instance, the proposed constitutional amendments will help to strengthen and make more important the CSAC committee structure, and will speed up CSAC's annual business meetings.

While I have doubts about eliminating the ability of CSAC's General Assembly to act directly on public policy matters, through the existing resolutions procedure, it is my impression that there is a strong agreement within CSAC that the procedure should be changed, along the lines outlined in the proposed Constitution. Accordingly, I have reviewed the proposed provisions with care, to see whether I think the new system will work well on its own terms, and find that there are certain inconsistencies and problems. I believe that it is important, if CSAC is going to change its current resolutions procedure, for the changes to be internally consistent, and it's also important that the new procedures provide a meaningful opportunity for the proponents of resolutions to get a full and fair hearing before the significant decision making bodies.

Attached to this letter as Exhibit 1 is a copy of the relevant provisions of the proposed CSAC Constitution. Exhibit 1 is presented in strike-out and underline form, using the existing CSAC Constitution as a foundation. Therefore, by examining Exhibit 1, it is possible to see what the existing Constitution provides, and to see what is proposed. By reviewing Exhibit 1, it is clear that significant changes are being made in the CSAC resolutions procedure.

Exhibit 2 is based upon Exhibit 1, but with certain additions and amendments which I believe would help make the proposed constitutional provisions work better. Specifically, the draft constitutional provisions which have been suggested by the CSAC Board of Directors are not internally consistent, in that some provisions allow an individual Supervisor to propose a resolution, and other provisions seemingly restrict the right to propose a resolution to a Board of Supervisors, a regional association, or a caucus of Supervisors. I am suggesting that we urge that the more expansive ability to propose a resolution be adopted uniformly. I also suggest a correction in Article XVI, which indicates that certain types of constitutional amendments may be acted upon only by the general membership. As currently drafted, Article XVI erroneously cites a reference to Article XV, which is proposed to be amended to eliminate any general membership action on constitutional amendments.

In addition, I am suggesting changes which make clear that a Supervisor, Board of Supervisors, or regional association or caucus of Supervisors must be promptly informed of the action of any committee, with respect to any recommendation made on a proposed resolution; further, the amendments I propose would guarantee the right of the Supervisor, Board of Supervisors, or regional association or caucus of Supervisors to appear and be heard in favor of their proposed resolution, if the Executive Committee or the Board of Directors is going to hear any arguments presented by persons who are not members of the Executive Committee or Board of Directors. This seems to me to be an elemental rule of fairness, which I think should be built into the procedures at the outset.

In Exhibit 2, the changes that I am suggesting to the proposed CSAC constitutional changes are printed in italics. Exhibit 2, thus, shows the existing CSAC Constitution, the proposed changes suggested to the existing Constitution, in strike out and underline form, and the further changes that I suggest, in italics.

I recommend that the Board of Supervisors take the following actions at this time:

1. Endorse the changes to the proposed CSAC draft Constitution presented in Exhibit 2 to this letter.

2. Direct the County's representative to the CSAC Board of Directors to urge that these changes be incorporated in any constitutional procedure.

3. Direct the Chairperson of the Board promptly to inform the CSAC Executive Committee and Board of Directors that our County urges the changes in Exhibit 2, to make the proposed constitutional changes work better.

4. Direct the Chairperson to write to members of Boards of Supervisors from other counties in California, urging that these amendments be incorporated in the Constitution before adoption.

Very truly yours,

Gary A. Patton /ted

GARY A. PATTON, Supervisor
Third District

GAP:ted
Attachments

cc: Steve Swendiman, CSAC Executive Director

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the general membership, for the purpose of removal of directors and election of their replacements.

C. *Notice*

A written notice of any meeting of all members, stating the general nature of any business to be transacted, shall be mailed to each member not less than ~~twenty~~ ***ten (10) days*** nor more than ninety ***(90)*** days before the first day of the meeting.

D. ***Quorum and Voting Requirements***

A quorum of the general membership shall consist of one-third of the members of the Association, unless ~~the resolution proposes~~ an amendment to this Constitution ***is proposed or an officer is being elected to fill a vacancy created by the removal of an officer-director under Article VI, Section H2,*** in which case a majority of the membership shall constitute a quorum. ~~Proxies shall not be permitted.~~

The members present at any General Assembly where a quorum is initially present may continue to transact business until adjournment, notwithstanding the withdrawal of enough members to leave less than a quorum, provided that any action taken must be approved by at least two-thirds of the members required to constitute a quorum.

ARTICLE XV

RESOLUTIONS PROCEDURE

A. PROPOSAL OF RESOLUTIONS. Any board of supervisors maintaining membership in the Association, ***and*** ~~or~~ any regional association of county supervisors ***or Caucus of supervisors*** may propose a resolution for consideration by the ~~General Assembly at the Annual Meeting~~ ***Board of Directors.***

A resolution may be proposed to accomplish any of the following purposes:

1. To add to, delete from or amend the basic policies of the Association, as contained in the California County Platform.

2. To establish a position on proposed legislation or administrative actions which are of concern to California

counties.

3. To amend the Constitution of the Association.

4. To develop issues of the Association for implementation during a legislative session.

B. ~~TIME FOR SUBMISSION OF PROPOSED RESOLUTIONS. All proposed resolutions shall be delivered to the Executive Director by September 1 of each year. Each resolution shall be accompanied by such supporting information as the Executive Director may request. Resolutions not received by September 1, shall not be considered.~~

TIME FOR SUBMISSION OF PROPOSED RESOLUTIONS. Resolutions may be submitted at any time by a supervisor, board of supervisors, regional association or caucus. Resolutions shall be submitted to the appropriate policy committee, then forwarded to the Executive Committee for consideration and recommendation to the Board of Directors for approval.

C. REFERRAL OF PROPOSED RESOLUTIONS. The Executive Director shall refer proposed resolutions to the appropriate policy committees of the Association. Resolutions proposing an amendment to the Constitution of the Association shall be referred to the Executive Committee.

D. MEETING OF POLICY COMMITTEES TO CONSIDER PROPOSED RESOLUTIONS. The policy committees of the Association shall meet to consider the proposed resolutions referred to them ~~by the Executive Director~~. The policy committees shall take one or more of the following actions with respect to each of the proposed resolutions referred to them:

1. Recommend approval of the proposed resolution as presented.

2. Recommend disapproval of the proposed resolution as presented.

3. Consolidate the proposed resolution with other proposed resolutions on the same or related topics, and recommend either approval or disapproval, as consolidated.

4. Amend the proposed resolution to eliminate any ambiguity or unclearness of language, and recommend either approval or disapproval, as amended.

5. ***If the resolution originates within the policy committee, the committee may choose to take no action or make no recommendation; however, if an individual supervisor, board of supervisors, regional association or caucus sponsors the resolution, the policy committee must forward a recommendation to the Executive Committee for recommendation to the Board of Directors.***

A county ~~or~~, regional association ***or caucus*** of county supervisors proposing a resolution shall be informed of the time and place of the policy committee meeting at which the proposed resolution will be considered. Such county ~~or~~, regional association ***or caucus*** shall be entitled to send a representative to appear and be heard at the policy committee meeting with respect to the resolution proposed by that county. The procedures specified herein shall be used by the Executive Committee, with respect to any resolution proposed to amend the Constitution of the Association and which has been referred to the Executive Committee as provided in this Article.

~~E. DISTRIBUTION OF PROPOSED RESOLUTIONS TO THE GENERAL MEMBERSHIP. Copies of all proposed resolutions as such resolutions may have been amended or consolidated or both, and with the recommendations of the policy committees to which they were referred, shall be mailed to all members at least 20 days before the first day of the General Assembly. The Executive Director may edit proposed resolutions to conform them to uniform style and format before they are mailed.~~

~~F. CONSIDERATION OF PROPOSED RESOLUTIONS AT THE GENERAL ASSEMBLY. The President of the Association, or his or her designee, shall preside over the General Assembly consideration, debate and action upon the resolutions. The Association's President shall designate a person to act as parliamentarian.~~

~~Voting upon proposed resolutions shall proceed as follows:~~

~~1. A single motion shall be made and seconded, to approve all of the recommendations of the policy committees with respect to all of the proposed resolutions mailed to the members of the Association, including the recommendation either to approve or disapprove as initially presented or as the resolutions may have been~~

~~altered by amendment or consolidated by the policy committees.~~

~~2. Any member, including a regional association president or his or her designee, may make a motion to amend the main motion, by withdrawing consideration of any specific proposed resolution from the main motion, and to require separate consideration of such resolution. If such a motion is approved, that proposed resolution shall be removed from the main motion for separate consideration.~~

~~3. The main motion shall be voted upon, and if approved, the recommendations of the policy committees for either approval or disapproval on all proposed resolutions contained within the main motion shall be adopted.~~

~~4. Any proposed resolution which has been removed from the main motion for separate consideration shall be considered separately, and may be adopted, either as presented, or as amended.~~

~~Notwithstanding the provision of Paragraph B and C, the General Assembly on motion of a member and with the approval of three fourths of the members present and voting, shall consider a resolution not previously submitted to the Executive Director if all of the following conditions are satisfied:~~

~~1) The resolution has been submitted to and considered by the Executive Committee;~~

~~2) The Executive Committee determines that the subject matter of the resolution is urgent and has arisen since the time for submission of resolutions to the Executive Director;~~

~~3) The resolution meets all criteria generally applicable to resolutions;~~

~~4) The resolution does not propose an amendment to the Constitution; and~~

~~5) Written copies of the resolution have been made available to all members in attendance.~~

~~G~~ *E.* QUORUM AND VOTING REQUIREMENTS. The affirmative vote of ~~two-thirds~~ ***a majority*** of the ~~members~~ ***Directors*** present and voting shall be required to approve a resolution.

~~H~~ *F.* DISPOSITION OF ADOPTED RESOLUTIONS.

1. A resolution proposing to add to, delete from or amend the basic policies of the Association, if adopted as specified herein, shall result in an amendment to the California County Platform. An amended copy of the Platform, incorporating the amendments, shall be provided to each member of the Association ***at least once each year by January 1.***

2. A resolution proposing to establish a position on proposed legislation or on any administrative actions which are of concern to California counties, shall, if adopted as specified herein, guide the conduct of the Association's legislative advocacy efforts, subject to the overall direction of the Board of Directors.

3. A resolution proposing to amend the Constitution of the Association, if adopted as specified herein, shall effect an amendment to the Constitution. An amended copy of the Constitution shall be provided to each member of the Association.

ARTICLE XVI

AMENDMENTS

This Constitution may be amended by:

- The Board of Directors, acting at any general assembly of the Association, on the affirmative votes of two-thirds of the membership of the Board, subject to the exceptions stated below. Notice of the proposed amendment, including the text thereof, shall be mailed to all members of the Association at least 30 days before the first day of the general assembly at which the amendment will be considered, ***or***

- ~~The general membership, acting by resolution as provided in Article XV.~~ ***The general membership, acting in person or by written two-thirds (2/3) consent by mail vote.***

The following types of amendments may only be acted upon by the general membership under Article XV:

1. An amendment specifying or changing the number of members of the Board of Directors, or the maximum or minimum number of such members, or changing the Board of Directors from a fixed to a variable number of members or vice versa. The Board, however, may fix the exact number of directors within a specified maximum and minimum, as provided in Article VI.

2. An amendment extending the term of a member of the Board of Directors beyond that for which the member was elected, or increasing the terms of all members of the Board.

3. An amendment changing or repealing quorum requirements for actions of the general membership.

EXHIBIT 2

ARTICLE XV

RESOLUTIONS PROCEDURE

A. PROPOSAL OF RESOLUTIONS. Any *supervisor, or* board of supervisors maintaining membership in the Association, and ~~or~~ any regional association of county supervisors or Caucus of supervisors may propose a resolution for consideration by the ~~General Assembly at the Annual Meeting~~ Board of Directors.

A resolution may be proposed to accomplish any of the following purposes:

1. To add to, delete from or amend the basic policies of the Association, as contained in the California County Platform.

2. To establish a position on proposed legislation or administrative actions which are of concern to California counties.

3. To amend the Constitution of the Association.

4. To develop issues of the Association for implementation during the legislative process.

B. ~~TIME FOR SUBMISSION OF PROPOSED RESOLUTIONS. All proposed resolutions shall be delivered to the Executive Director by September 1 of each year. Each resolution shall be accompanied by such supporting information as the Executive Director may request. Resolutions not received by September 1, shall not be considered.~~

TIME FOR SUBMISSION OF PROPOSED RESOLUTIONS. Resolutions may be submitted at any time by a supervisor, board of supervisors, regional association or caucus. Resolutions shall be submitted to the appropriate policy committee, then forwarded to the Executive Committee for consideration and recommendation to the Board of Directors for approval.

C. REFERRAL OF PROPOSED RESOLUTIONS. The Executive Director shall refer proposed resolutions to the appropriate policy committees of the Association. Resolutions proposing an amendment to the Constitution of the Association shall be referred to the Executive Committee.

D. MEETING OF POLICY COMMITTEES TO CONSIDER PROPOSED RESOLUTIONS. The policy committees of the Association shall meet to consider the proposed resolutions referred to them ~~by the Executive Director~~. The policy committees shall take one or more of the following actions with respect to each of the proposed resolutions referred to them:

1. Recommend approval of the proposed resolution as presented.

2. Recommend disapproval of the proposed resolution as presented.

3. Consolidate the proposed resolution with other proposed resolutions on the same or related topics, and recommend either approval or disapproval, as consolidated.

4. Amend the proposed resolution to eliminate any ambiguity or unclearness of language, and recommend either approval or disapproval, as amended.

5. If the resolution originates within the policy committee, the committee may choose to take no action or make no recommendation; however, if an individual supervisor, board of supervisors, regional association or caucus sponsors the resolution, the policy committee must forward a recommendation to the Executive Committee for recommendation to the Board of Directors *and shall promptly inform the supervisor, board of supervisors, regional association or caucus proposing the resolution of the recommendation of the committee.*

6. A *supervisor, or board of supervisors, or any* regional association or caucus of county supervisors proposing a resolution shall be informed of the time and place of the policy committee meeting at which the proposed resolution will be considered, *and* ~~Such county or, regional association or caucus~~ shall be entitled to send a representative to appear and be heard at the policy committee meeting with respect to the resolution proposed. ~~by that county.~~ The procedures specified herein shall be used by the Executive Committee, with respect to any resolution proposed to amend the Constitution of the Association and which has been referred to the Executive Committee as provided in this Article.

~~E. DISTRIBUTION OF PROPOSED RESOLUTIONS TO THE GENERAL MEMBERSHIP. Copies of all proposed resolutions as such resolutions may have been amended or consolidated or both, and with the recommendations of the policy committees to which they were referred, shall be mailed to all members at least 20 days before the first day of the General Assembly. The Executive Director may edit proposed resolutions to conform them to uniform style and format before they are mailed.~~

~~F. CONSIDERATION OF PROPOSED RESOLUTIONS AT THE GENERAL ASSEMBLY. The President of the Association, or his or her designee, shall preside over the General Assembly consideration, debate and action upon the resolutions. The Association's President shall designate a person to act as parliamentarian.~~

~~Voting upon proposed resolutions shall proceed as follows:~~

~~1. A single motion shall be made and seconded, to approve all of the recommendations of the policy committees with respect to all of the proposed resolutions mailed to the members of the Association, including the recommendation either to approve or disapprove as initially presented or as the resolutions may have been altered by amendment or consolidation by the policy committees.~~

~~2. Any member, including a regional association president or his or her designee, may make a motion to amend the main motion, by withdrawing consideration of any specific proposed resolution from the main motion, and to require separate consideration of such resolution. If such a motion is approved, that proposed resolution shall be removed from the main motion for separate consideration.~~

~~3. The main motion shall be voted upon, and if approved, the recommendations of the policy committees for either approval or disapproval on all proposed resolutions contained within the main motion shall be adopted.~~

~~4. Any proposed resolution which has been removed from the main motion for separate consideration shall be considered separately, and may be adopted, either as presented, or as amended.~~

~~Notwithstanding the provision of Paragraph B and C, the General Assembly on motion of a member and with the approval of three-fourths of the members present and voting, shall consider a resolution not previously submitted to the Executive Director if all of the following conditions are satisfied:~~

~~1) The resolution has been submitted to and considered by the Executive Committee;~~

~~2) The Executive Committee determines that the subject matter of the resolution is urgent and has arisen since the time for submission of resolutions to the Executive Director;~~

~~3) The resolution meets all criteria generally applicable to resolutions;~~

~~4) The resolution does not propose an amendment to the Constitution; and~~

~~5) Written copies of the resolution have been made available to all members in attendance.~~

E. EXECUTIVE COMMITTEE CONSIDERATION OF PROPOSED RESOLUTIONS. Upon receipt of any resolution proposed according to the provisions contained in this Article, and the recommendation of the policy committee, the Executive Committee shall consider the resolution and make a recommendation for action to the Board of Directors. The Executive Committee may request one or more persons not members of the Executive Committee or CSAC staff to make a presentation on the proposed resolution; but if any such presentation is permitted, the supervisor, board of supervisors, regional association or caucus of supervisors proposing the resolution shall also be permitted to be present and also to make a presentation. The Executive Committee shall thereafter provide the supervisor, board of supervisors, regional association or caucus sponsoring the resolution with notice of the recommendation of the Executive Committee, prior to the Board of Directors meeting at which the resolution will be considered.

~~G.~~E.*F.* ~~QUORUM AND VOTING REQUIREMENTS.~~ *ACTION BY BOARD OF DIRECTORS.* The affirmative vote of ~~two-thirds~~ a majority of the ~~members~~ Directors present and voting shall be required to approve a resolution.

~~H.~~F.*G.* DISPOSITION OF ADOPTED RESOLUTIONS.

1. A resolution proposing to add to, delete from or amend the basic policies of the Association, if adopted as specified herein, shall result in an amendment to the California County Platform. An amended copy of the Platform, incorporating the amendments, shall be provided to each member by the Association at least once each year by January 1.

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- 0 ~~The general membership, acting by resolution as provided in Article XV.~~ The general membership, acting in person or by written two-thirds (2/3) consent by mail vote.

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1. An amendment specifying or changing the number of members of the Board of Directors, or the maximum or minimum number of such members, or changing the Board of Directors from a fixed to a variable number of members or vice versa. The Board, however, may fix the exact number of directors within a specified maximum and minimum, as provided in Article VI.

2. An amendment extending the term of a member of the Board of Directors beyond that for which the member was elected, or increasing the term of all members of the Board.

3. An amendment changing or repealing quorum requirements for actions of the general membership.