



MARIPOSA COUNTY

Administration • 966-3222



ORDINANCE 2020-1150

MEETING: March 24, 2020
TO: The Board of Supervisors
FROM: Dallin Kimble, County Administrative Officer
RE: Ordinance Amending MCCC 2.04.020 to Add Cancellation/Delay Provisions

RECOMMENDED ACTION AND JUSTIFICATION:

Waive the Second Reading and Adopt an Ordinance Amending Chapter 2.04 of the Mariposa County Code Adding Cancellation and Late Start Provisions for Regular Meetings of the Board of Supervisors.

Under Government Code Section 25081, a Board of Supervisors shall provide, by ordinance, "for the holding of regular meetings of the board at the county seat." In Mariposa County, provisions regarding regular meetings can be found in Mariposa County Code (MCC) Chapter 2.04, with the establishment of the schedule addressed in MCC Chapter 2.04.01 and cancellations addressed in Chapter 2.04.02.

However, the existing cancellation provision only provides for the cancellation of meetings by a vote of the majority during an open session of a regular meeting. While this provision has been adequate in instances where advanced notice of scheduling conflicts have been known, it fails to consider either local emergencies or delayed openings of County offices due to inclement weather, power outages, or other potentially hazardous conditions. This oversight has been a safety concern over the course of the last few years as the county has suffered through major wildfires and destructive weather events.

In researching the practices of other counties, provisions allowing meeting cancellations follow two policy structures. Some allow for cancellation at the sole discretion of the board chair, while others require a determination from the agenda committee. Staff is recommending new language that mirrors the latter structure but have further defined the positions that constitute the agenda review committee.

With a potential for a new health emergency looming on the near horizon, staff is now recommending this amendment to allow additional flexibility to protect the health and safety of meeting participants and the community should circumstances warrant.

Ordinance 2020-1150

This ordinance was introduced on March 17, 2020 and is now coming back to the Board for adoption.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board first codified its regular meeting schedule on December 11, 1979 with Ordinance number 529, but had no cancellation provisions at that time.

November 20, 1984, Chapter 2.04 was amended to add the Chapter 2.04.02 cancellation provisions.

On November 19, 1985, Chapter 2.04.10 and Chapter 2.04.02 were amended to add the Local Transportation Commission, Air Pollution Control District, and the remaining districts and agencies for which the Board may be seated.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

If the Board does not approve, the Ordinance will not go into effect.

ATTACHMENTS:

Chapter 2.04.020 Ordinance Amendment - Final (DOCX)

RESULT: ADOPTED [UNANIMOUS]

MOVER: Merlin Jones, District II Supervisor

SECONDER: Rosemarie Smallcombe, District I Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey

MARIPOSA COUNTY ORDINANCE NO. 1150

**AN ORDINANCE AMENDING CHAPTER 2.04 OF THE MARIPOSA COUNTY CODE
ADDING CANCELLATION AND LATE START PROVISIONS FOR REGULAR
MEETINGS OF BOARD OF SUPERVISORS**

WHEREAS, Mariposa County Code Chapter 2.04 codifies the meeting times and place for regular meetings of the Board of Supervisors, as required by Government Code section 25081; and

WHEREAS, Mariposa County Code Section 2.04.020, which addresses canceling or rescheduling of meetings, was last amended on November 19, 1985 with Ordinance number 648; and

WHEREAS, the only cancellation clause in the current County Code requires the board to cancel a meeting during open session at a regular board meeting, and does not consider health and safety threats which may arise due to local emergencies.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Section 2.04.020 titled "Canceling or Rescheduling of Meetings" shall be amended by adding "Delaying" to the section title and by adding Subsection "B" which shall read in its entirety as follows:

2.04.020 Canceling, Delaying, Or Rescheduling Of Meetings

- A. Notwithstanding anything to the contrary contained in Mariposa County Code 2.04.010, the board of supervisors may, by majority vote, cancel or reschedule any regular meeting of the board, both as a board of supervisors and as the board of directors of the above districts and/or agencies. Any cancellation or rescheduling of a regular board meeting shall be conducted in open session at a regular meeting of the board.
- B. In addition, the Chairperson of the Board of Supervisors may cancel, or delay the start of, any regular meeting in those instances where the agenda review committee determines that there is a need to cancel or delay said meeting. The agenda review committee may meet via phone, email, or other electronic means and shall be comprised of the Board Chair, County Administrative Officer, County Counsel, and Clerk of the Board. Notices of cancellation or delay shall be immediately served upon the remaining board members in person or by email, and shall be posted by the Clerk of the Board in the same manner as a regular meeting agenda.

SECTION II: This ordinance shall become effective thirty (30) days from the date of final

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passage pursuant to Government Code Section 25123.


PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 24th day of March, 2020 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY

NOES: NONE

ABSENT: NONE

ABSTAINED: NONE



KEVIN CANN, Chair
Mariposa County Board of Supervisors

ATTEST:


for **RENE LaROCHE**
Clerk of the Board

APPROVED AS TO FORM:



STEVEN W. DAHLEM
County Counsel