



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: JUNE 3, 2020
TO: MENDOCINO COUNTY FISH AND GAME COMMISSION
FROM: PLANNING AND BUILDING SERVICES
RE: PROPOSED AMENDMENTS TO FISH AND GAME COMMISSION BYLAWS

Background

The Fish and Game Commission has attempted, but been unable, to retain a person willing to serve as the Secretary for the Commission. Given the difficulties of recruiting for such a part-time position, members of the Commission have reached out to the Mendocino County Department of Planning and Building Services and the County Counsel's Office for assistance in determining whether a member of the Commission could serve as Secretary. This would eliminate the need for retaining a person for the position.

Pursuant to Section 2.02 of the Commission's existing Bylaws, a member of the Commission may not presently serve as the Secretary; this section currently reads as follows:

SECTION 2.02 Organizational Meeting.

At the first meeting of the Commission the Commissioners shall organize by electing from their number a Chairman and Vice Chairman. In addition the Board of Directors shall make provision for a Secretary to the Commission which Secretary shall not be a Commissioner. Each officer shall hold office until the election and qualification of his or her successor, or until his or her death, resignation or removal.

To enable a Commissioner to serve as Secretary, the above paragraph must be amended. However, Mendocino County Code section 2.50.080 provides as follows regarding the Commission's Bylaws:

SECTION 2.50.080 - Bylaws.

The Commission may adopt and amend bylaws subject to the prior approval of the Board of Supervisors.

Based on the above County Code section, in order to amend the Commission's Bylaws to allow for a Commissioner to serve as Secretary, the Commission must first propose an amendment to the Board of Supervisors for the Board's consideration, the Board of Supervisors must approve the amendment, and then the Commission could adopt the change to the Bylaws.

While the Commission considers changing its Bylaws, the Department of Planning and Building Services has offered its staff to serve as Secretary to the Commission and clerk its meetings.

Proposed Amendments to Section 2.02 of the Bylaws

Staff has prepared the below redline of Section 2.02 for the Commission's consideration, if the Commission desires to move forward with changing the Bylaws to allow for a Commissioner to serve as the Secretary.

The Commissioner would do so without compensation.

One additional change to the section is recommended: replacing the term "Board of Directors" with the word "Commission." The term "Board of Directors" is not used anywhere else in the Bylaws. It is unlikely that the Bylaws intended to use the term "Board of Supervisors," as the Bylaws use that term in other sections, and the designation of a Secretary for the Commission would seem more appropriate to be done by the Commission itself rather than the Board of Supervisors.

SECTION 2.02 Organizational Meeting.

At the first meeting of the Commission the Commissioners shall organize by electing from their number a Chairman and Vice Chairman. In addition the ~~Board of Directors~~Commission shall make provision for a Secretary to the Commission; a member of the Commission may be elected as Secretary, but may not receive compensation for serving as Secretary which Secretary shall not be a Commissioner. Each officer shall hold office until the election and qualification of his or her successor, or until his or her death, resignation or removal.

Proposed Motion

Should the Commission determine that it supports the above, as an amendment to the Bylaws, and desires to submit a proposed Bylaw amendment to the Board of Supervisors, staff offers the following proposed motion:

Approve proposed amendments to Section 2.02 of the Fish and Game Commission Bylaws as stated in the memorandum presented to the Fish and Game Commission at its June 3, 2020, meeting, and request the approval and authorization of the Mendocino County Board of Supervisors to allow the Fish and Game Commission to formally amend Section 2.02 of its Bylaws.

If the Commission determines not move forward with an amendment to the Bylaws, or to change the above proposed revisions to Section 2.02, the motion would need to be revised.