

**SANTA MARGARITA AREA ADVISORY COUNCIL
BY-LAWS**

Revised: February 2016

Article I. Purposes of the Council

Section 1: To advise the Board of Supervisors and other governmental agencies, in all matters pertaining to, but not restricted to, land uses, zoning, public services, circulation, public improvements, and aspects of orderly community growth.

Section 2: To establish an organization representative of the area in matters of planning and development and to represent the community before all bodies, public and private, where the subject is appropriate to the objectives of the area advisory council.

Section 3: To represent the community and act as the official intermediary, or spokesperson, between the Board of Supervisors and the public, with the understanding that the council will never infringe upon the right and prerogative of private citizens to speak as individuals in their own behalf.

Article II. Membership and Elections

Section 1: The Council shall be comprised of ten geographical areas, with two duly elected representatives from nine areas, excepting the Santa Margarita Ranch. The ten geographical areas are: Pozo, Garden Farms, Santa Margarita, Highway 58, Santa Margarita Lake-Rinconada, Santa Margarita Ranch, Las Pilitas-El Dorado, South Atascadero, Parkhill, and Tassajara Canyon.

Section 1-A: Area representatives for the nine elected areas shall be elected by persons who reside in their geographical area. All voters must be registered to vote in San Luis Obispo County. All voters must sign a voter's manifest indicating their residential address. For the Santa Margarita Ranch area, two representatives and alternates shall be appointed by the owners of the Ranch without consideration of their domicile. There will be two alternates from each area and each area representative shall appoint one no later than the end of the meeting following the representative's election, re-election, or appointment. The term of office for each area representative is two years. Their terms are never concurrent; one representative is elected in even years and the other in odd years.

Section 1-B: In the event of a vacancy caused by loss of a representative, an alternate may fill such vacancy if she/he is able to obtain five signatures from that area's residents, who are also registered voters in San Luis Obispo County. In the event that an alternate is unable to do so, the vacancy will be announced by the chair and ratified by a majority vote of the quorum present. At the following regularly scheduled meeting, a bonafide candidate submitting a petition with 5 signatures will be seated. If more than one candidate presents the signatures required, the seat will be decided by lottery. In the event of a vacancy of an alternate, a new alternate shall be announced by the representative at the following meeting.

Section 2: An area representative or candidate shall be a resident of that area and registered to vote in San Luis Obispo County. Any representative on the council at the time a geographical area is revised may finish out his/her term.

Section 2-A:

As a courtesy to the council and the community, incumbents should declare their candidacy before the adjournment of the February meeting. All eligible candidates, new or incumbent, must declare to the SMAAC Chair or the Elections Chair no later than the adjournment of the March Meeting.

Section 3: Elections shall be held on a Tuesday one week and a day before the April Meeting. Only representatives who are not up for reelection may run the polls and certify the election results. Election results must be made available on the Council website no later than midnight the day following the election.

Section 3-A: In elections, in which both seats are vacant, the person obtaining the greatest number of votes shall be seated for a two-year term and the person obtaining the second most votes shall be elected for a one-year term. In the event there is a tie in the number of votes cast the tie will be broken with the toss of a coin. The winner will be seated for the two-year term.

Section 3-B: Elected representatives shall be seated at the April Council meeting unless an election challenge is lodged and accepted by the Council as provided in 3-C, in which case only unchallenged candidates should be seated

Section 3-C: In the event a candidate wishes to challenge election results, he/she must notify the Chair in writing no later than midnight the Monday following the election. The Chair

should immediately notify all Council members of the challenge, and agendize it for discussion at the April meeting. At the meeting, prior to the seating of any newly elected members, the challenger may make a presentation, and a majority of the Council must vote to accept or reject the challenge for investigation. If the challenge is accepted, the challenging candidate shall be provided with copies of the registered voter list, poll roster and all ballots cast, and allowed one month to collect information and investigate the election. The challenger may withdraw his/her challenge at any time by notifying the Chair in writing. If the challenge is not withdrawn, the challenger may present evidence to the Council at the May meeting. Following the presentation, a majority of the Council must vote to either reject the challenge, or verify the challenge as legitimate. If the challenge is rejected, the election results shall stand and the winning candidate shall immediately be seated. If the challenge is verified as legitimate, the election results shall be thrown out as to the challenged seat only, and another election must be held for that seat the Tuesday one week and a day before the June meeting.

Article III. Officers

Section 1: Officers shall consist of a chairperson, vice-chairperson, secretary, and a treasurer.

Section 1-A: Officers shall be elected by a secret ballot vote of the council representatives, unless there is only one nominee for a position. Four separate elections shall be conducted; first the Chairperson, second the Vice-Chairperson, third the secretary and fourth the treasurer.

Section 2: Duties of the Officers:

Section 2-A: The Chair is to preside at all meetings of the council. The Chair shall open the meeting after ascertaining a quorum is present, then conduct the meeting through the order established in the agenda. Duties include: setting the agenda with input from council members; recognizing members entitled to the floor; stating and putting to vote all legitimate questions that come before the council as motions; tallying and announcing the results of each vote; diligently enforcing the rules of civil discourse and debate; expediting meeting business in a manner compatible with the rights of the members; deciding on questions of order; responding to all inquiries of members bearing on the business of the Council; authenticating by his or her signature, when necessary, all acts, orders or proceedings of the

meeting; posting the business of the Council on the official website; adjourning each meeting when the Council so votes.

Section 2-B: The vice-chair shall assume the chairmanship in the absence or resignation of the Chair; and assist the Chair with his/her duties as requested, including posting the business of the Council on the official website

Section 2-C: The secretary shall: record the minutes of each proceeding and make them available to Council members in attendance; keep on file all committee reports; keep a file of all correspondence sent on behalf of the Council; keep the Council's membership roll and to call or pass the roll as required; maintain a record of past minutes and prior versions of bylaws; provide a copy of the bylaws to all new representatives and to alternates by request; assist with posting the business of the Council on the official website.

Section 2-D: The Treasurer shall: keep financial records and maintain them in accordance with established procedures; prepare a draft budget for Council no later than the June meeting of every year and an update no later than the December meeting of every year; provide copies of all statements and records to the 5th District Supervisor's office for an audit at or immediately following the February meeting each year; coordinate with the Chair to request a discretionary fund allotment from the 5th District Supervisor's office starting in June of each year Any officer may be a signatory to the Council's bank account, but the Treasurer shall have primary responsibility for maintaining the account and financial records.

Section 2-F: In the event the Chair is not present at a meeting, the duties of Chair will pass to the Vice Chair. In the event that the Vice Chair is not present, the duties of Chair will pass to the Treasurer. In the event the Treasurer is not present, an acting chair may be selected by a majority vote of the quorum present at the meeting. In the event that the Secretary is absent from a meeting, an acting Secretary may be appointed by the Chair or acting Chair to take minutes for that meeting. The duties of the officers do not transfer to their alternates if the officers cannot be present.

Article IV. Committees

Section 1: A committee is a body of one or more persons, including councilmembers, alternates, or members of the public, appointed by the Chair. This power does not transfer to the acting chair if the elected Chair is absent from a meeting. All committees are required to establish a quorum at the opening of their sessions in order to function as a committee and conduct any business. Upon the election of new Santa Margarita Area Advisory Council officers all standing committee members are dismissed and new members are appointed. New members may include any or all the existing members. Special Committees shall be appointed as needed for a term as needed. Special committee members may continue for the duration of the function. Standing committees may only be dissolved by a two-thirds vote of the council.

Section 1-A: Standing Committees shall be comprised of Councilmembers, excluding alternates. The Standing Committees are:

The Elections Committee shall be appointed by the Chair no later than the February meeting to conduct the business of running the election in April of each year. Committee members may not be up for election or re-election. The Committee shall: prepare notice of an election, stating eligibility requirements and deadline date, to be published on the official website and other locations as appropriate; prepare candidate list and ballots for area representatives; furnish election information to local media and a list of candidates/open seats for the website; provide for coverage at the election tables; secure and count ballots and immediately provide election results to Chair and Secretary for posting on the website; and maintain election materials, including cast ballots, voter manifest and voter rolls for one year. Although all non-incumbent SMAAC members may volunteer to staff the election tables, only the Elections Committee may tally the votes at the close of the election.

The Bylaws Committee shall be comprised of at least three members, to be appointed at the May meeting every year, to report to the Council with any proposed bylaw amendments, if any, for that year. The Committee should present initial recommendations at the June meeting, and take suggestions from the Council at that time. The Committee should present final recommendations to the Council for a first reading per Article VI Section 5 no later than the December meeting of each year. Following approval, the Committee must provide both “track changes” and clean Word versions to the Secretary.

Article V. Meetings

Section 1: The Council shall meet the first Wednesday of each month, and each area seat shall have one vote. The Council shall not meet in July and January.

Section 1-A: An elected representative may be deemed to have vacated their seat if they miss more than half of the regular meetings over a Council year (April – March). Attendance by an alternate does not count toward an elected representative's attendance. If the Chair determines that an elected representative has vacated their seat under this section, the Chair shall announce the vacancy and it may be ratified by a majority vote of the quorum present. Following ratification, filling the vacancy shall proceed as per Article III, Section 1-B of these Bylaws.

Section 2: Public notice shall be published on the Council website stating the time and place of each regularly scheduled meeting.

Section 3: The Chairperson may call a Special Meeting if all council members are notified by telephone or email at least 48 hours in advance.

Section 4: The Chairperson must call a special meeting if six or more representatives so request and all council members are notified by telephone or email at least 48 hours in advance.

Section 5: All regular and special meeting require a quorum. A quorum means the majority (fifty percent plus one) of the representatives (or alternates) are present, as determined when the meeting is called to order. Seats currently vacant are not counted for purposes of determining a quorum. In the event that a meeting is called to order and no quorum is established the meeting must immediately be adjourned.

Section 5-A: An Adjourned Meeting: An adjourned meeting is only held when a regularly scheduled meeting has been adjourned due to lack of a quorum. An adjourned meeting can continue as a public informational meeting where no minutes may be taken, no business conducted, nor any correspondence read.

Section 6: Conflicts of interest do not prevent a member from voting if they are disclosed in advance. All conflicts of interest pertaining to a particular item must be disclosed and recorded in writing or in the minutes prior to a member voting on that item. As a general rule, a member is considered to have a disclosable conflict of interest if the matter under consideration would, if approved or denied, have a reasonably foreseeable impact on the member or his or her immediate family (parents, siblings, spouse, or children) that is unique or distinguishable from its effect on the public or neighborhood generally. Each member has the responsibility to determine if they have a conflict of interest on any particular matter, and the appearance of impropriety can be avoided through proper disclosure.

Section 6-A: Any member may choose to recuse themselves from considering an item or abstain from a vote, with or without explanation. Recusal means to voluntarily refrain from participating in both the discussion and voting on an item. Abstention means to voluntarily refrain from voting. Recused Councilmembers not replaced by their alternates will not count for purposes of determining a quorum.

Article VI. General

Section 1: In all matters and things not otherwise provided for herein, the proceedings of the Council shall be governed according to "Robert's Rules of Order, 1990 + Revision".

Section 2: Any person or issue that needs correspondence requires that the responsible party submit a handwritten or typed draft to the council for approval. If the Council has authorized the Chair to conduct correspondence on its behalf, the substance of the correspondence must substantially conform with the motion approving such correspondence.

Section 3: Motions may only be offered by representatives or alternates when acting for a representative. Each motion must have a second to be voted on.

Section 4: An agenda shall be provided to each member prior to each meeting. To expedite the business of the council it shall be adhered to. A public comment or open forum section shall be included on the agenda. At this time the public is invited to comment as well as area representatives that have non-agenda issues to bring forth.

On occasion, an item will come before the board, which will be time sensitive and not have the benefit of the public's comment. Should the board deem action on such an item would be of extreme benefit to the council and or community it can be designated "extraordinary". An "extraordinary" designation would allow the item to be voted on and acted on in the same meeting as presented. To become an "extraordinary" agenda item it must be voted on and pass with a 2/3 vote. It can then be placed on the agenda as an action item.

Section 5: Amendments or and revisions to these bylaws proposed by the Bylaws Committee require a majority vote at their first reading. At the next regularly scheduled meeting they require a two thirds majority vote by the council to be incorporated into the bylaws. All bylaw changes are to be incorporated into the appropriate sections and sequence where they are applicable.

Article VII. Written Description of the SMAAC Areas of Representation

Garden Farms: Includes all of Garden Farms and Margarita Farms. Boundaries are Margarita Road on the north, El Camino Real on the east, and Santa Margarita Ranch on the south and west.

Highway 58/West Pozo Road: Includes State Highway 58 in a westerly direction from the junction of State Highway 229 to the Santa Margarita Village Reserve Line and West Pozo Road from the junction of State Highway 58 to the Las Pilitas Road junction and all ancillary roads.

Las Pilitas Road: All of Las Pilitas Road including ancillary roads.

Parkhill Road: Includes all of Parkhill Road and all ancillary roads beginning at the State Highway 58 junction in an easterly direction to the Pozo Road junction, excluding Huerhuero Road and River Road.

Pozo: Pozo Road and all ancillary roads from the summit of Rinconada Grade in an easterly direction to the Parkhill Road junction, and then east to Pozo Summit and south to the Avenales Ranch gate, including all of River Road.

Rinconada: Pozo Road from the Las Pilitas Road junction in an easterly direction to the summit of the Rinconada Grade, including Santa Margarita Lake Road and all ancillary roads.

Santa Margarita: All of Santa Margarita within the village reserve line.

South Atascadero: Encompasses the area within the boundaries of Santa Barbara Road on the north, the Salinas River on the east, Santa Margarita Road on the south, and U.S. Highway 101 on the west.

Tassajara Canyon: Includes all of Tassajara Creek Road and all ancillary roads and all properties along the east side of U.S. Highway 101 from the State Highway 58 junction on the north to the Cuesta Grade summit on the south, and all properties along the west side of U.S. Highway 101 from the boundary of the Eagle Ranch on the north to the Cuesta Grade summit on the south to the Cuesta Ridge on the west, including Spanish Oaks Ranch.