

Committee REPORT - Final version - 10/16/18

This document is a report to the General meeting of The Glen Ellen Forum (hereafter referred to as The Forum), as prepared by the Advisory Council Exploratory (ACE) committee (a sub-committee of The Forum.)

I. Introduction

This report summarizes research done by the Advisory Council Exploratory (ACE) committee of The Forum. The ACE was charged by The Forum as a whole to research and answer a list of questions regarding the establishment of a Municipal Advisory Council for the Glen Ellen area which is an unincorporated area of Sonoma County. We begin with two core questions as part of our report introduction:

1. What is a MAC? how is it created, by whom, under what legal authority, and for whom?
2. What is the relation of a MAC to its community, the county government and other Organizations?

What is a MAC? how is it created, by whom, under what legal authority, and for whom?

In California a Municipal Advisory Council or “MAC” is a state authorized, legally constituted advisory council for an unincorporated land area or “community.” The State empowers county governments to form and fund MACs as a hybrid type local community governance able to discuss and engage in resolving the types of community issues typically addressed by town councils and city governments. As such, MACs serve several traditional governmental functions and several different political constituencies. As examples, representing the views and interests of a local population and/or its major stakeholders, advising county and state governments and other organizations and institutions regarding issues or proposed actions, and advocating for policy changes or new initiatives.

A general overview of MACs is provided by a current Wikipedia citation: (parsed here)

“A **municipal advisory council** in the United States is an organization composed of elected or appointed members whose purpose is to advise a city or county government about the activities and problems of the area represented.

In California state government, for example, the councils serve unincorporated communities as links to county boards of supervisors under authorization of a 1971 legislative statute. Such a council is an advisory body of local citizens elected by the community or appointed by the board of supervisors with the purpose of representing the community to the board. Although

a municipal advisory council is a governing body, it has no fiscal authority or administrative organization. Because it lacks authority to implement its position directly, it seeks to accomplish its goals through county government.

These councils face two ways: toward the county, offering the views of the community; and toward the community, supplying information about county proposals and a place where individuals can air opinions on community problems and perhaps receive help. The councils hold public meetings, survey community opinion and speak for the community to the board of supervisors. The most common subject of activity is land-use planning. The county often uses the group as a planning advisory council to draft or revise the community's portion of the county general plan.”

What is the relation of a MAC to its community, the county government and other organizations?

In addition to what was described and indicated above, MACs are formed by county boards of supervisors in accordance with the state’s criteria stated in California Code 31010. Specifically :

“The board of supervisors of any county may by resolution establish and provide funds for the operation of a Municipal Advisory Council for any unincorporated area in the county... The resolution establishing any such municipal advisory council shall provide for the following:

- (a) The name of the municipal advisory council.
- (b) The qualifications, number, and method of selection of its members, whether by election or appointment.
- (c) Its designated powers and duties.
- (d) The unincorporated area or areas for which the municipal advisory council is established.
- (e) Whether the establishment of the council should be submitted to the voters and the method for such submission; provided that if an election is required pursuant to subdivision (b), such election shall be held at the same time as an election held pursuant to this subdivision. Such other rules, regulations and procedures as may be necessary in connection with the establishment and operation of the municipal advisory council.”

These general state guidelines for a county resolution provide enormous latitude in how the county actually forms and relates to local MACs. Much of this comes into play during the by-law drafting process- which is done by the community served and then approved by the county during the MAC formation process.

Some History of California MACs:

The first MAC in California was formed in 1967 “as an experiment in community participation” authorized by the California State Legislature for the unincorporated area of East Palo Alto in San Mateo County. By 1977 twenty-five MACs had been created in eight counties. As of 2010 there were 114 MACs in 15 counties and an additional 67 community or town council type of local advisory boards or councils which serve some of the same functions as MACs.

As the number of MACs has grown so has the diversity of purposes they have been used for and the scope and diversity of activities and policies they have initiated and advocated. As counted by Ellen Conlan about half of the MACs are managed by a board of locally elected leaders and half are managed by people appointed to a local board by county supervisors. As can be gathered from browsing MAC websites, by-laws, and policy documents the range and depth of engagement of MACs in local community issues is roughly commensurate with the range and depth of issues dealt with by a small state chartered community such as Sonoma. The primary difference is that a MAC is an advisory governmental agency without the power to tax or police.

Nonetheless, MACs throughout the state are demonstrating that their engagement with local community participants is an effective means of generating community consensus and political persuasion regarding community interests and policies. In this regard MACs serve county government and local citizens very much like Citizen Advisory Boards created by large city governments such as Los Angeles to engage local citizens in public policy formation and Implementation.

Conclusion of Introduction

A brief review of the history and diversity of MACs in California suggests that the purposes and scope of concerns and activities of MACs has been and continues to change in response to the needs and interests of local community citizens and their political situations. If a MAC sees itself as being a first step toward exploring incorporation it may choose to take a different path than a MAC which is motivated primarily to improve services from its existing county government. If a MAC sees itself as being primarily a means of representing the views of local community interests on all subjects to any relevant organization then its bylaws need to explicitly insure that such expressions are authorized by the county resolution calling for the formation of the MAC.

II. Answers to questions posed by The Forum Steering Committee members in late 2017/early 2018

Herein are simple answers to the questions. Please recognize that more detailed answers to most of these questions can only be determined by the future choices of people and the county supervisor who participate in the formation of a MAC.

These questions have been reordered from the original list and organized into several topic blocks for flow and ease on the reader.

Basic structural questions regarding MACs in general and a proposed GE-included MAC specifically.

Ideal number of members? Most MACs use five to seven members (always an odd number to avoid tie votes). Based on the size of our represented area, we recommend 7, with 5 as a quorum.

How would the boundaries of the Council be set? (e.g. zipcode(s), fire district, school district. Self-identified? Include Eldridge?) By community choice and bylaws. As a committee we have created a potential map to show the represented area. We have also come to feel that needs, precedent, and population encourage us to combine with the Kenwood area and establish a North Valley MAC that would encompass Glen-noma (pocket community just south of Madrone), Eldridge (former SDC campus), Glen Ellen, and Kenwood. This is our working proposal and recommendation at this point (See Map 1, attached to the end of this document).

Would applicants have to apply individually or could the Forum pick or recommend Council members? The Forum and other area non-profits would help to put forth possible board members and encourage participation. The Sonoma County template for MAC bylaws suggests appointment by the supervisor informed by community recommendations and via applications. Ultimately, the by-laws will dictate whether the members are elected by the community or appointed.

What mix of demographic/interest groups would best represent the community of Glen Ellen? (e.g. residents, agriculture, business owners, ethnic background, age etc.)

Whatever is outlined in bylaws. Examples of organizing representation include: geographically, by professions, residents as well as business owners... etc... Our initial recommendation is that the governing language allow for balance and diversity of representation while avoiding overly restrictive language that could make it difficult to fill a seat if no interested party can 'check off the appropriate criteria boxes' for that seat.

How would the Council get information to, and feedback from, Glen Ellen's approximately 4000 residents and avoid small groups being railroaded? Democratically by open,

scheduled and noticed meetings, a free press, and public surveys. MACs typically are required to hold monthly meetings that include public comment in their structure. A North Valley MAC would be informed well by the non-profit structures already in place- Valley of the Moon Alliance, Glen Ellen Forum, Glen Ellen/Kenwood Rotary, etc.... Any person or group can request the placement of an agenda item at one of the meetings- according to the rules of the by-laws.

What would be the process for removal of a Council member? Would there be public recourse if our Supervisor is proposing removal to the rest of the Board of Supervisors (who must approve by majority)? The removal process would be established in the MAC bylaws. Any non-profit or citizen will continue to have voice at the county and could lodge complaints that would feed into the removal process outlined in the MAC by-laws.

Questions regarding a relationship and distinction between the existing Glen Ellen Forum and a proposed GE-included MAC.

Is there a difference in the constituencies of the Council and the Forum, in the people they are serving? That depends on who is served how by whom. "Constituency" implies a district in which voters are represented by elected officials at governmental legislative bodies. The Forum can and should advocate and lobby government for its member's interests. In some instances a MAC may serve as another way for the community to express the interests of its participating members. It would not be appropriate for the MAC to only represent interests of forum participants. The "constituency" of the MAC is defined by the boundaries set forth in its bylaws.

Does the Forum already serve the purpose of a Council? No. One example is that the Forum does not have a mechanism to review proposed development applications within the Glen Ellen area whereas it is likely that the MAC would have this review ability.

What is the separation between the roles of the Council and the Forum? It depends on how each chooses to participate and advocate. Can any citizen, group, or organization bring forward issues with the County that the Council does not take up? Yes. Would they be recognized differently, by the County, than the Council? Probably. Again, the council is a government entity and The Forum is a non-profit organization. The Forum can bring issues to the MAC or directly to the county or both depending on the topic, scope, and considerations of timing/impact.

As a non-profit, how much involvement/influence is the Forum allowed with the Council, which is a type of political body? The same as with any government agency. A MAC is an officially recognized governmental entity.

How would the Council make official requests for services from the County? Is this different than one coming from a private citizen or The Forum? It is different in that the MAC has legal recognition as a representative advisory agency and has to abide by public meeting rules such as the Brown Act. Issues would be put on a meeting agenda, discussed, and then recommendations or requests would be forwarded to the county. Councils are required to have public comment at each meeting and produce minutes to go to the county.

Could the Forum recommend removal of a Council member? Yes, as could other area groups, organizations or individuals. Suggestions for removal would be made to the District Supervisor.

What unit would work best with the County bureaucracy? It is not an either/or choice between The Forum or the MAC. Each mode of community participation in public policy has its merits and limitations. Having both is better than having only one. The MAC would be an officially recognized county body, tasked with making recommendations to the County decision makers on specific topics and planning decisions.

What structure will remain relevant well into the future? How would the roles and responsibility of the Council change if the Forum were no longer in place? The MAC is a government entity. The Forum is an NPO. The GE Forum and a MAC have different yet potentially collaborative community roles and responsibilities. The Forum is an NPO without legally binding obligations to represent any particular community interests or provide advice or advocacy to any governmental or other organization. A MAC is more narrowly prescribed as an advisory and advocacy governmentally authorized community council.

Questions related to financing/funding

What is the financial support mechanism for the Council? For the Forum? The MAC may or may not receive clerical support and some expenses from county funds, depending on the decision of the Board of Supervisors. The County staff proposal for Sonoma County MACs includes an annual funding of about \$12,000 to pay for clerical support and training estimated at about 16 hours per month. The Forum is an NPO that fundraises, etc.... according to its charter.

What is the Council's eligibility for grants and funding? How is this different than the Forum non-profit? A MAC may receive clerical support from the County. Both a MAC and/or an NPO may receive grants.

Would forming a MAC create an unnecessary extra layer of bureaucracy? No. There may be some overlap in addressing local issues, however, a MAC is not a taxing, policing, or administrative agency. It is an advisory and advocacy governmentally authorized agency responsible for representation and advocacy. "Bureaucracy" refers to the administrative/executive function of governmental agencies.

Relationship of a GE-included MAC to other recognized governmental structures

How would the relationship between the Council and the Sonoma Valley Community Advisory Council (SVCAC) be structured? What role would the Glen Ellen representative on the SVCAC play? Could they serve on both? These matters will have to be determined by the bodies involved and likely established in the MAC by-laws. Also the SVCAC by-laws would need to be consulted. It is possible that the proposal to form a North Valley MAC would trigger a restructuring of the SVCAC regarding representation on this end of the valley. For projects within the MAC representation area it is unlikely that any planning issue would be required to go through two councils.

Could the SVCAC serve as a model? No. The SVCAC was formed as a county/city planning advisory body. There are other MACs in the county and throughout the state that can serve as models. Also, there are county guidelines specifically regarding MACs.

Could the Council potentially become a puppet of the Supervisor and/or the County?

Only if the represented constituents are completely unengaged. A healthy democratic culture requires the active participation of its citizens.

What happens when there is a change in Supervisor for our district? If the MAC members are elected, then that process continues. If MAC members are appointed to terms, then when their term is over the new supervisor will appoint.

Next steps in this process

Present something as a test? Talk to other CACs? The ACE committee has conducted significant research into California MACs and is in the process of bring its learning to the Forum and other interested “constituents” in the Glen Ellen/Kenwood unincorporated area of Sonoma Valley. We are also meeting with the current County Supervisor who represents our area to present to her a draft of by-laws so that we can test the waters and begin the conversation.

III. Summary of the ACE committee's recommendation regarding MAC formation for the GE area

In early 2017 our Committee explored several alternatives for local governance, including incorporation, creating a home-owners' association, forming a Community Improvement District, forming a non-profit, and forming a MAC. For a variety of reasons, which were laid out at the April 2017 Forum general meeting, we recommended forming both a non-profit and a MAC. This recommendation was adopted by a majority vote of the Forum.

Later, some concerns arose about how forming a MAC might impact the function of the Forum. Our Committee re-convened to explore those concerns. This report is the result of that effort. If the community desires that its collective voice have influence and recognized standing within the official sphere of local government and that that voice be determined through a clear and transparent process, then we recommend formation of a MAC as the best way to fulfill those desires.

As part of our exploration regarding the history of MACs throughout California and the formation of MACs in the county of Sonoma we have come to the consensus that the most sustainable structure for a Glen Ellen-associated MAC is to have an expanded represented area that would include Kenwood, Glen Ellen, Eldridge, and Rancho Madrone (pocket community south of Madrone sometimes referred to as Glen-noma.). Our recommendation is that a north valley MAC should be explored.

The next steps will include (as a county/community partnership) holding several community informational meetings, formally establishing by-laws, presentation of the proposed MAC creation to all County Supervisors, and finally, full creation of the MAC which will include appointment of members and the kick-off of monthly meetings. We recently met with Susan Gorin, the current County Supervisor who represents our area, presented her with our draft bylaws and began a conversation about starting a MAC. County Counsel is currently reviewing these bylaws and will be responding shortly.

We expect that this process could take as little as 2-3 months OR as long as 6 months.

Attachment: Map 1

