

BEFORE
THE BOARD OF SUPERVISORS / DIRECTORS
OF THE COUNTY OF MADERA /FLOOD CONTROL
AND WATER CONSERVATION AGENCY
STATE OF CALIFORNIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 13.06 OF THE MADERA
COUNTY CODE AND ADDING SECTIONS 13.06.070 TO 13.06.170
THERE TO, IN REGARD TO ESTABLISHING A WATER ADVISORY
COMMISSION

The Board of Supervisors of the County of Madera, and Board of Directors of the Madera County Flood Control and Water Conservation Agency, State of California, ordain as follows:

SECTION 1

Chapter 13.06 of the Madera County Code is amended to change the chapter title from Water Appeals Board to Water Appeals Board/Water Advisory Commission and to add sections 13.06.070 through 13.06.170 to read as follows:

CHAPTER 13.06 SECTIONS 13.06.070 – 13.06.170, MADERA COUNTY WATER ADVISORY COMMISSION.

Sections:

- 13.06.070 Water Advisory Commission Established.
- 13.06.080 Membership; appointment.
- 13.06.090 Term of office.
- 13.06.100 Vacancies; removal from office.
- 13.06.110 Officers.
- 13.06.120 Meetings.
- 13.06.130 Compensation/Expenses.
- 13.06.140 Duties.
- 13.06.150 Board of Supervisors and County Defined.
- 13.06.160 Elimination of Existing Water and Flood Control Committees.
- 13.06.170 Limitations.

13.06.070 Water Advisory Commission Established.

Pursuant to section 31000.1 of the Government Code of the State of California, the Madera County Water Advisory Commission is established.

13.06.080 Membership; appointment.

The Madera County Water Advisory Commission (“Commission”) shall be composed of five (5) members appointed by the Board of Supervisors and the Board of Directors. Each Supervisor/Director shall recommend to the Board one appointee to the Commission. To serve on the Commission, prospective members must have experience in issues regarding water supply and use. Members shall be known as Water Commissioners.

13.06.090 Term of office.

Each Water Commissioner shall serve at the pleasure of the Board of Supervisors/Directors and, subject to the following, shall hold office for a term of four (4) years and until the appointment and qualification of his or her successor. The terms of the Water Commissioners in office on the effective date of the ordinance codified in this chapter shall be as follows:

Supervisory District Number	Term Expires
1	June 30, 2009
2	June 30, 2011
3	June 30, 2011
4	June 30, 2009
5	June 30, 2009

13.06.100 Vacancies; removal from office.

The occurrence of any of the events specified in section 1770 of the Government Code of the State of California shall cause a vacancy in the office of a member of the Commission. In addition, a vacancy shall occur whenever a member of the Commission fails to attend three (3) consecutive regular meetings of the Commission without good cause for such failure to attend having been entered into the minutes and approved by the Commission. The Commission shall advise the Board of Supervisors/Directors and the member when a vacancy has occurred so that the vacancy may be filled by recommendation of the appointing Supervisor and appointment by the Board of Supervisors/Directors. A Water Commissioner may be removed from office at any time, but only upon the recommendation of the member of the Board of Supervisors/Directors who recommended appointment of the Commissioner and the affirmative vote of a majority of the Board of Supervisors/Directors.

13.06.110 Officers.

The officers of the Commission shall be a Chair and a Chair Pro Tem. The officers shall be elected by the Commission from among the members of the Commission in accordance with rules to be adopted by the Commission for the conduct of its business at its meetings and the other affairs of the Commission. The Board of Supervisors/Directors shall appoint an Interim Chair of the Commission upon establishment of the Commission. The Interim Chair shall remain in office until such

time as the rules of conduct have been enacted and permanent officers have been elected by the Commission in accordance with this section. The position of Chair and Chair Pro Tem shall rotate annually on January 1st. The Chair Pro Tem shall act in the place and stead of the Chair in his or her absence.

13.06.120 Meetings.

The Commission shall hold a regular meeting at least once each month at a time and place determined by the members of the Commission, and such additional meetings as the members determine to be necessary. All meetings of the Commission shall be conducted in accordance with the Ralph M. Brown Act, beginning at section 54950 of the Government Code of the State of California. The Commission shall adopt all necessary rules governing the transaction of business at its meetings and the other affairs of the Commission. The Clerk to the Board of Supervisors or her designee shall prepare the agenda, agenda materials and attend the meetings of the Commission to record the minutes and other duties as assigned by the Chair or the Chair Pro Tem in absence of the Chair. The County Engineer shall attend all meetings of the Commission. An attorney whose practice emphasizes water law shall be appointed or hired by the Commission as legal counsel to the Commission, and shall attend all meetings of the Commission.

13.06.130 Expenses.

Pursuant to section 31000.1 of the Government Code of the State of California, Water Commissioners shall receive actual and necessary travel expenses incurred in the performance of their duties, and compensation for attendance at each meeting at a rate to be determined by resolution of the Board of Supervisors/Directors. No Water Commissioner shall be reimbursed for expenses related to travel outside the County of Madera or the State of California, unless such travel is approved in advance by the Board of Supervisors/Directors.

13.06.140 Duties.

The Commission shall perform the following duties:

- A. Consider all water and flood matters affecting the County of Madera and report their findings and recommendations to the Board of Supervisors/Directors, and
- B. Make reports to the Board of Supervisors or the Board of Directors on matters referred to the Commission by the Board of Supervisors/Directors, and
- C. Inform the citizens of the County of Madera with regard to water and flood matters affecting the County, and
- D. File a copy of the minutes of each meeting of the Commission with the Board of Supervisors/Directors, and
- E. Perform such other duties as the Board of Supervisors/Directors may direct.

13.06.150 Board of Supervisors/Directors.

This article is simultaneously enacted by the Board of Supervisors for the County of Madera and the Board of Directors of the Madera County Flood Control and Water Conservation Agency. The Commission shall report to the County or Agency dependent upon the issue considered.

13.06.160 Elimination of Water and Flood Control Committees.

On the effective date of this article, the following water and/or flood control committees, boards and commissions shall be eliminated and shall have no further authority to act in any manner: the Madera County Water Oversight Committee; the Eastern Madera County Water Oversight Committee and the Madera County Flood Control and Water Conservation Agency Advisory Committee. However, the Commission may establish committees for the purpose of carrying out the duties of the Commission, within certain geographic regions or for special issues related to the Commission's duties. Members of the committees may be appointed by the Commission based upon the Commission's needs and the mission of any committee so appointed.

13.06.170 Limitations.

In completing the duties described in section 13.06.140, the Commission is not empowered to enact policy or deny or approve specific projects within the County of Madera. The Commission is limited in the scope of its duties to advising the Board of Supervisors and the Madera County Flood Control and Water Conservation Agency Board of Directors. Commission recommendations are advisory only and are not binding upon the Board of Supervisors or the Agency Board of Directors.

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The foregoing Ordinance was adopted this ____ day of _____, 2007,

by the following vote:

Supervisor/Director Bigelow voted: _____

Supervisor/Director Moss voted: _____

Supervisor/Director Dominici voted: _____

Supervisor/Director Rodriguez voted: _____

Supervisor/Director Wheeler voted: _____

Chairman, Board of Supervisors &
Board of Directors

ATTEST:

Clerk, Board of Supervisors

Approved as to Legal Form:
COUNTY COUNSEL

By _____