

**RESOLUTION NO. 08-56**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, AMENDING THE BYLAWS OF THE NAPA COUNTY WILDLIFE CONSERVATION COMMISSION**

**WHEREAS**, on October 3, 1972, the Board adopted Resolution No. 72-138 establishing objectives, responsibilities, committee membership and organization of the Napa County Parks and Recreation Committee; and

**WHEREAS**, on January 21, 1975, the Board adopted Resolution No. 75-6 which changed the composition of the Napa County Parks and Recreation Committee and added the responsibilities of the Napa County Wildlife Conservation Commission (the "Commission"); and

**WHEREAS**, on April 5, 1977, the Board adopted Resolution No. 77-43 changing the composition of the Commission by deleting two of the citizen representatives and substituting for them a youth representative and a sportsperson-angler representative; and

**WHEREAS**, on March 7, 1995, the Board adopted Resolution No. 95-42 changing the composition of the Commission to consist of the following members: four citizen representatives, one representative from the Napa County Conservation, Development and Planning Commission, one youth representative, one sportsperson-angler representative and one wildlife/conservation representative; and

**WHEREAS**, on March 6, 2007, the Board adopted Resolution No. 07-36 amending the Bylaws to be more consistent with the bylaws of other County commissions/committees and to change duties of the Chair and Vice-Chair, the establishment of age limit for the youth representative, time of election of the Chair and Vice-Chair, termination of Commission members, establishment of a general meeting schedule, procedures for special meetings and for adjourning meetings and recordation of Commission actions; and

**WHEREAS**, the Commission seeks to adopt the proposed amended bylaws attached as Exhibit "A" which the Board desires to approve, and pursuant to Napa County Policy Manual Section G(2), Page 11 of Sec. 8, the rules and regulations of a committee's conduct of business must be adopted by the Board of Supervisors.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Supervisors of the County of Napa hereby finds as follows:

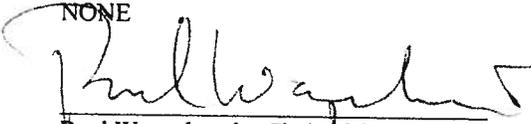
1. The Board hereby finds the foregoing recitals to be true and correct;
2. The proposed amended bylaws of the Commission, attached as Exhibit "A", are hereby approved.
3. The County Executive Officer is directed to display a copy of this Resolution, or appropriate summary thereof, in Part II of the Napa County Policy Manual, as a new Section 21.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Board of Supervisors of the County of Napa, State of California, at a regular meeting of the Board held on the 15<sup>th</sup> day of April, 2008, by the following vote:

AYES: SUPERVISORS DODD, DILLON, MOSKOWITE, LUCE  
and WAGENKNECHT

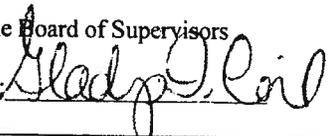
NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS NONE

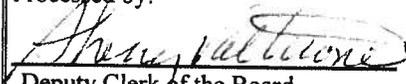


Brad Wagenknecht, Chair of the Board of Supervisors

ATTEST:  
Clerk of the Board of Supervisors

By: 

**APPROVED AS TO FORM**  
Office of County Counsel  
By: *Chris R. Y. Apallas*  
Deputy County Counsel  
(by e-signature)  
Date: \_\_\_\_\_, 2008

**APPROVED BY THE NAPA COUNTY  
BOARD OF SUPERVISORS**  
Date: April 15, 2008  
Processed by:   
Deputy Clerk of the Board

BYLAWS OF THE NAPA COUNTY WILDLIFE  
CONSERVATION COMMISSION

(March 2007)

**I. THE NAPA COUNTY WILDLIFE CONSERVATION COMMISSION**

- A. Name.** The official name shall be the Napa County Wildlife Conservation Commission, hereinafter referred to as the "Commission."
- B. Goal.** To support those proposals that advance the purposes listed in Section 13103 of the California Fish and Game Code

**II. OFFICERS.** The officers of the Commission shall be the Chair, Vice-Chair and Secretary, chosen as follows:

- A. Time of Election of the Chair and Vice-Chair.** At the first meeting of each calendar year, the membership of the Commission shall elect the Chair and Vice-Chair from among themselves.
- B. Term of the Chair and Vice-Chair.** The Chair and Vice-Chair shall serve for a period of one year from the date of their election. If the office of Chair becomes vacant during the term, the Vice-Chair shall become Chair. Vacancy in the office of Vice-Chair during the term shall be filled by election to serve the remainder of the term.
- C. Duties of the Chair and Vice-Chair.** The Chair, or the Vice Chair in the absence of the Chair, shall act as the presiding officer of the Commission and in that capacity shall preserve order and decorum, decide questions of order subject to being overruled by a two-thirds vote and perform such other duties as are required by these Bylaws, the resolution(s) of the Napa County Board of Supervisors creating and/or modifying the composition and charge of the Commission or by vote of the Commission. The Chair shall have all the rights and duties enjoyed by any other member of the Commission, including the right to make and second motions.
- D. Secretary.** The Deputy Director of the Conservation Division of the Napa County Conservation, Development and Planning Department shall serve ex officio as the Secretary of the Commission.

**III. COMPOSITION AND SERVICE**

- E. Authority to Bind Commission.** No member of the Commission shall have any power or authority to bind the Commission by any contract, to pledge its credit, or to render it liable for any purpose in any amount.
- F. The Commission shall consist of eight (8) members as follows:**

- Four (4) members appointed by the Napa County Board of Supervisors from the Public-at-Large (No specialized or professional background is required.);
- One (1) member recommended by the Conservation Development and Planning Commission and appointed by the Napa County Board of Supervisors from the Conservation, Development and Planning Commission;
- One (1) member appointed by the Napa County Board of Supervisors from the Youth population (No specialized or professional background is required; age range of 15 to 25 years old);
- One (1) Sportsperson/Angler (Applicant must be interested in wildlife sports); appointed by the Napa County Board of Supervisors and,
- One (1) Wildlife/Conservation representative appointed by the Napa County Board of Supervisors.

**G. Term of Commission members.** The term of office shall be three (3) years from the initial date of appointment for all members, with the exception of the Youth Representative which shall be a two (2) year term.

**H. Service and termination of Commission membership.**

1. **Service.** Members appointed to the Commission by the County Board of Supervisors shall serve at the will and pleasure of the Board.
2. **Termination.** A Commission member's term may be concluded before expiration if any one of the following events occurs:
  - a. His or her unexcused absence from one regular meeting during the term year, unless confined by illness or other absence approved by a majority of the Commission at any meeting thereof, will be considered as having involuntarily resigned her/his position as a member of the Commission. Excused absences shall be acceptable by the Chair.
  - b. His or her resignation is submitted to the Chair.
  - c. His or her ceasing residency in Napa County.
  - d. His or her conviction of a felony or any offence involving a violation of his or her official duties.
  - e. Refusal or neglect to file the required oath of office.

**III. MEETINGS**

**A. General Meeting Schedule.** Meetings of the Commission shall be scheduled as necessary to complete the duties of the Commission relative

to recommendations for use of fine monies originating from the State Fish and Game Department. The Commission shall schedule at least four regular meetings per year on a quarterly basis. Notwithstanding the foregoing, any regularly scheduled meeting of the Commission may be canceled by majority vote or, if there is not a quorum, be adjourned by the Chair, Vice-Chair or Secretary in the manner set forth in Section IV (G) of these By-laws.

- B. Time of Meetings.** Regular meetings shall commence at 4:00 p.m. and continue until all agendized business is concluded unless adjourned earlier on motion of the Commission for any reason or by the Secretary for lack of a quorum.
- C. Location of Meetings.** Unless specially noticed otherwise, regular meetings shall be held at 1125 Third Street, Hall of Justice Building, 2<sup>nd</sup> Floor Meeting/Training Room, Napa, California.
- D. Emergency Meetings.** Emergency meetings shall be called in conformance with the provisions of the Brown Act (Government Code Section 54950 and following).
- E. Special Meetings.** Special meetings of the Commission shall be called in conformance with the provisions of the Brown Act, including 24 hour notice of the meeting posted at the regular meeting location, and in those local newspapers who have requested to be informed of Commission meetings.
- F. Agendas Involving Regular Meetings.** At least 72 hours before a regular meeting, an agenda containing a brief general description of each item of business to be transacted or discussed shall be posted at a location freely accessible to members of the public. All agendas shall include a time period for public comment and shall specify the time and location of the regular meeting. No discussion shall occur, or action be taken, on any item not appearing on the posted agenda except as permitted by law. Questions or comments regarding items not included on the agenda shall be limited to the scope permitted for “public comment”. Supplemental agendas involved in a regular meeting will be prepared and considered by the Commission only under the following conditions:

  - 1. Emergencies.** Upon a determination by the Commission that an emergency situation exists, as defined in Section 54956.5 of the Government Code.
  - 2. Need Arising after Posting.** Upon a determination by a two-thirds vote of the Commission or, if less than two-thirds of the potential votes are present, a unanimous vote of the Commission members present, that there is a need to take immediate action and the need to take action came to the attention of Commission or

staff subsequent to the regular agenda being posted.

3. **Recently Continued Item.** The item was properly posted for a prior meeting of the Commission occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

**G. Adjourning Meetings.** The Commission may adjourn any meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all Commission members are absent from any regular meeting or adjourned regular meeting the Secretary or Acting Secretary of the Commission may declare the meeting adjourned to the next regular meeting of the Commission. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

**H. Meetings to be Open and Public.** All meetings of the Commission to take action or to deliberate concerning Commission business and its conduct shall be open and public. All persons shall be permitted to attend any such meetings except as otherwise provided or permitted by law.

#### **IV. CONDUCT OF MEETINGS**

**A. Order of Business.** The regular order of business of the Commission shall be:

1. Call to order.
2. Approval of the minutes of the previous meeting.
3. Public comment on unagendized items.
4. Consideration and Action on Agenda Items.
5. Adjournment.

**B. Parliamentary Procedure.** Unless otherwise provided by these Bylaws, all proceedings before Commission shall be conducted in accordance with and pursuant to the parliamentary procedure prescribed in "Sturgis Standard Code of Parliamentary Procedure, 4<sup>th</sup> edition" or the most current published and available edition of such work.

- C. **Recording of Meetings.** Any meeting of the Commission, other than a closed session permitted under the Brown Act, may be recorded by any person, unless the Commission determines that such recording could constitute a disruption of the proceedings.
- D. **Presentations to the Commission.** Any person desiring to address the Commission shall, when recognized by the Chair, give his or her name and address. The Chair may, in the interest of facilitating the business of Commission, set in advance of the presentation of testimony reasonable time limits for oral presentations. Persons may be required to submit written testimony in lieu of oral testimony if the Chair determines that a reasonable opportunity for oral presentations has been provided, and in such a case, the matter may be continued to a later date to allow a reasonable time for such submittals to occur.
- E. **Recordation of Commission Actions.** All official actions or decisions by the Commission shall be entered in the minute book of the Commission kept by the Secretary. The vote or votes of each member of the Commission on every question shall be recorded. Only action minutes will be maintained, however, electronic recordings will be made of each meeting of the Commission by the Secretary which shall be available to the public for inspection by request made at the Conservation, Development and Planning Department, 1195 Third Street, Suite #210, Napa, California, 94559.

## V. VOTING AND QUORUM

- A. **Roll Call Vote.** A roll call vote may be required in voting upon any motion of the Commission at the discretion of the Chair.
- B. **Inaudible Votes.** Any member present who does not vote in an audible voice or abstains for a legally insufficient reason shall be recorded as voting "aye".
- C. **Quorum.** A majority of the members of the Commission shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other official purposes, except that less than a quorum may adjourn from time to time until a quorum is obtained.
- D. **Number of Votes Required for Action.** All actions require a motion and a second. No action or recommendation of the Commission shall be valid and binding unless a quorum is present and the motion is approved by at least a majority of the members present. Each member shall have one vote. No votes may be cast by proxy. Tie votes shall be considered as denial of the motion.
- E. **Voting Affected by Conflict of Interest.** As a general rule, no member shall participate as a member in any discussion or voting if to do so would

constitute a conflict of interest. However, if a quorum cannot be achieved or the required number of affirmative votes for action obtained because conflicts of interest exist that prevent members having such conflicts from discussing or voting on the matter, and the conflicts are such that the members with conflicts will be unable to vote at a later date even if the matter is continued, the matter shall not be continued and a sufficient number of members having conflicts of interest, selected by lot, shall be allowed to participate to provide enough votes for the Commission to form a quorum and take affirmative action.

- F. Motion to Reconsider.** The Commission may reconsider a matter during the meeting at which the vote was taken, provided all members who were present when the matter was discussed and voted upon are still present, provided that all persons who addressed the Commission regarding the matter are still present, and provided the motion to reconsider is made by a member who voted with the prevailing side. A motion for reconsideration shall have precedence over every other motion except a motion to adjourn. Any interested person may request that an action be reconsidered, provided that such a request must be made in writing and filed with the Secretary of the Commission within ten calendar days of the action of the Commission.

## **VI. CHANGES TO BYLAWS**

The provisions of these Bylaws may be altered, amended, or repealed at any time, within limitations imposed by the Brown Act.

## California Fish and Game Code

13103. Expenditures from the fish and wildlife propagation fund of any county may be made only for the following purposes:

- (a) Public education relating to the scientific principles of fish and wildlife conservation, consisting of supervised formal instruction carried out pursuant to a planned curriculum and aids to education such as literature, audio and video recordings, training models, and nature study facilities.
- (b) Temporary emergency treatment and care of injured or orphaned wildlife.
- (c) Temporary treatment and care of wildlife confiscated by the department as evidence.
- (d) Breeding, raising, purchasing, or releasing fish or wildlife which are to be released upon approval of the department pursuant to Sections 6400 and 6401 onto land or into waters of local, state, or federal agencies or onto land or into waters open to the public.
- (e) Improvement of fish and wildlife habitat, including, but not limited to, construction of fish screens, weirs, and ladders; drainage or other watershed improvements; gravel and rock removal or placement; construction of irrigation and water distribution systems; earthwork and grading; fencing; planting trees and other vegetation management; and removal of barriers to the migration of fish and wildlife.
- (f) Construction, maintenance, and operation of public hatchery facilities.
- (g) Purchase and maintain materials, supplies, or equipment for either the department's ownership and use or the department's use in the normal performance of the department's responsibilities.
- (h) Predator control actions for the benefit of fish or wildlife following certification in writing by the department that the proposed actions will significantly benefit a particular wildlife species.
- (i) Scientific fish and wildlife research conducted by institutions of higher learning, qualified researchers, or governmental agencies, if approved by the department.
- (j) Reasonable administrative costs, excluding the costs of audits required by Section 13104, for secretarial service, travel, and postage by the county fish and wildlife commission when authorized by the county board of supervisors. For purposes of this subdivision, "reasonable cost" means an amount which does not exceed 3 percent of the average amount received by the fund during the previous three-year period, or three thousand dollars (\$3,000) annually, whichever is greater, excluding any funds carried over from a previous fiscal year.
- (k) Contributions to a secret witness program for the purpose of facilitating enforcement of this **code** and regulations adopted pursuant to this **code**.
- (l) Costs incurred by the district attorney or city attorney in investigating and prosecuting civil and criminal actions for violations of this **code**, as approved by the department.
- (m) Other expenditures, approved by the department, for the purpose of protecting, conserving, propagating, and preserving fish and wildlife.