

STANISLAUS ANIMAL SERVICES AGENCY BOARD

BYLAWS

ARTICLE I-FUNCTIONS AND DUTIES

The Stanislaus Animal Services Agency Board, referred to hereafter as the "Agency Board," functions under a Joint Powers Agreement entered into on October 27, 2009 ("Agreement") pursuant to Government Code section 6500. The following articles govern all proceedings of the Agency Board and other affairs of the Stanislaus Animal Services Agency.

ARTICLE 2-MEMBERSHIP, OFFICERS, ORGANIZATION, AND ATTENDANCE

Section 1-Membership: The Agency's membership shall be composed of the County of Stanislaus and the Cities of Ceres, Hughson, Modesto, Patterson and Waterford. Any city within Stanislaus County that is not named or that may hereafter be incorporated, and which desires to participate in the activities of the Agency may also become a member under the terms set forth in the Agreement. Each member of the Agency shall have one representative on the Agency Board ("Agency Board Member").

Section 2-Terms of Office-Chair and Vice Chair The terms of Chair and Vice Chair shall serve a one-year term of office beginning at the first regular meeting of each fiscal year.

Section 3-Officers:

(a) Selection. The Agency Board shall appoint the Chair and Vice Chair by majority vote of the members of the Board. These positions will be held by the member agency appointed to each position. Either the City Manager or their designated permanent alternate representative shall serve in the appointed position. If a member agency designates additional alternate representative(s), then these alternates as designated by the member agency shall act in the absence of the Chair and Vice- Chair as set forth in paragraph (b) Succession below.

(b) Succession. The Vice Chair shall act in the place of and have all the powers and duties of the Chair in the absence of the Chair as may be required by provisions of applicable law, the Bylaws, or by the direction of the Agency Board or the Chair. The alternate-Chair shall serve as Chair in the absence of the Chair and the Vice-Chair and shall perform such duties as may be required by provisions of applicable law, the Bylaws, or by the direction of the Agency Board or the Chair. In addition, the alternate Vice-Chair shall serve as Chair in the absence of the Chair, Vice-Chair and the alternate-Chair and shall perform such duties as may be required by provisions of applicable law, the Bylaws, or by the direction of the Agency Board or the Chair.

(c) Chair's Responsibilities. The responsibilities and powers of the Chair shall be as follows:

1. Preside at all meetings of the Agency Board and rule on all questions of order.
2. Call special meetings of the Agency Board in accordance with legal requirements, including the Brown Act, and the Rules of Procedure.
3. Sign documents on behalf of the Agency Board.
4. Direct appropriate action on items raised that are not listed on the Agency Board agendas.
5. Have the same rights and responsibilities as any Agency Board member.
6. Work with committees, as necessary, to develop and recommend policy

Section 4- Absence or Disqualification of Chair: In the absence of the Chair, or when the Chair is disqualified from participation or voting, the Vice Chair shall assume the responsibilities of the Chair. In the event that both the Chair and Vice Chair, and their alternates, are absent or unable to participate, then the remaining Agency Board members shall select by majority vote a member to chair the meeting.

Section 5-Secretary: The Executive Director shall serve as the Secretary of the Agency Board. The Secretary will maintain a public record of the Agency Board resolutions, transactions, findings, and determinations, and shall prepare agendas and minutes of each Regular and Special meeting of the Agency Board. The Executive Director is not an Agency Board member and does not have voting rights.

Section 6-Vacancy: Upon a vacancy occurring in the office of the Chair, the Vice Chair shall assume the office of the Chair for the balance of the unexpired term. Upon a vacancy occurring in the office of the Vice-Chair, the Agency Board members shall elect, from among them, a Vice-Chair to serve the balance of the unexpired term.

ARTICLE 3-MEETINGS

Section 1-Conduct at Meetings: Except as herein or otherwise provided, the California Brown Act commencing with Government Code section 54950, et seq. and Robert's Rules of Order, Revised shall govern all proceedings of the Agency Board.

Section 2-Regular Meetings: The Agency Board shall hold regular meetings. At least one meeting will be held quarterly on the third Thursday of March, June, September and November. The time and the place of each meeting shall be determined by and the subject to the approval of the Agency Board members. Notice of regular meetings shall be given to each member and alternate representative at least seven days before each meeting. The Agency Board agenda shall state the location of the meeting. The Chair will call the meeting to order.

Section 3-No Meeting on Holidays: Whenever the Agency Board meeting falls on a public holiday, no regular meeting shall be held. Such regular meeting may be rescheduled to another business day, or canceled at the direction of the Chair.

Section 4-Adjourned Meetings: The Chair may, with the approval of a majority of the members present, adjourn any meeting to a time and location of his or her choice, or to the next regularly scheduled meeting.

Section 5-Special Meetings: The Chair, at his or her discretion, or a majority of the Agency

Board members, may call a special meeting. Each Agency Board member shall be notified, either personally or by written notice, at least twenty-four (24) hours before the meeting. No business except that specified in the notice shall be discussed at a special meeting.

Section 6-Notice of Meetings: The Chair shall direct the publication of notices of all meetings, public hearings, including notice to the media, as required by the Brown Act.

Section 7-Study Sessions and Workshops: Study sessions or workshops may be set only upon a majority vote of the members at a meeting. No official action shall be taken and no quorum shall be required. Such meetings shall be open to the public; and unless the Agency Board invites evidence or comments to be given, participation by interested members of the public shall not take place at such study sessions.

Section 8-Cancellation of Meetings: The Chair may cancel any regular or special meeting of the Agency Board if it is determined there is no significant business to be conducted, except upon objection by any Agency Board member.

Section 9-Committee Meetings: Except as herein or otherwise provided, the Standing and Special Committees of the Agency Board shall meet on the call of their Chair. Each committee member shall be notified of a meeting, either personally or by written notice, at least five days before the meeting.

ARTICLE 4-AGENDAS, ORDER OR BUSINESS

Section 1-Agendas: An agenda for each meeting of the Agency Board shall be prepared by assigned staff. The Executive Director shall determine the items to be placed on the agenda. Individual Agency Board members, may request items be placed on the agenda, upon approval of the Chair and submission of the item to the Executive Director.

Section 2 -Agenda- Order of Business: The following sequence shall be used in the preparation of agendas:

1. Welcome
2. Roll Call (silent)
3. Public Comment
4. Minutes of Previous Meeting
5. Correspondence
6. New Business
7. Committee Reports
8. Director Report
9. Member Referrals
10. Adjournment
11. Closed Session

The order of business may be altered at the Chair's discretion.

Section 3-Requests for Continuance of a Public Hearing: If a request is made for continuance, a motion may be made and voted upon to continue the public hearing to a definite date and time or to continue indefinitely. A motion may also be made and voted on to place the item anywhere under the "Public Hearing Items" heading on the agenda. Any person desiring to be heard on the item may be

given an opportunity to make a presentation.

Section 4-Public Hearings: The Chair shall announce, open, request the staff report and preside over each public hearing conducted by the Agency. It shall be the duty of the Agency to make a decision on each matter presented. The Agency Board may accept, reject or modify the finding requested in the staff report.

Section 5-Conduct of Speakers: Each speaker shall be required to approach the microphone and give their name and address. The speaker may then proceed to offer information. However, speakers will be limited to the item under consideration and the Chair may rule out irrelevant and off-the-subject comments. The Chair will not tolerate any complaints regarding individual Agency Board members or the staff or any remarks of a personal nature during the public hearing. All comments shall be addressed to the Agency Board.

Section 6-Time Limits for Testimony: The Chair may limit the amount of time afforded to each speaker to five (5) minutes. In addition, the Chair may foreclose any testimony, which presents evidence which is repetitious, incompetent, irrelevant, immaterial, which constitutes offensive or inappropriate language or remarks of a personal nature.

Section 7-Closing of the Public Hearing: The Chair shall close the public hearing when it is determined that all solicited testimony has been received. Subsequently, at the discretion of the Chair, persons in the audience may make comments if any matter was not previously discussed or introduced into the Hearing or if clarification is necessary.

Section 8-Discussing and Decision by the Agency: After the public hearing has been closed, the Agency Board members shall discuss the evidence presented and reach a decision on the item under consideration. The item may be continued to a future meeting if the Agency Board determines that additional information is required or additional time is necessary to consider oral and written testimony.

Section 9-Voting Requirements:

(a) A quorum shall consist of one-half the total number of Agency Board members entitled to vote, plus one. Each member Agency shall have one vote on the Agency Board. All votes shall be cast by the Agency Board member, or his or her alternate representative authorized to do so, for the member Agency that they represent. Such authorization shall be made known to the Executive Director of the Animal Services Agency at least 24-hours before each meeting of the Agency Board at which that alternate is to attend. No proxy, absentee, or fractional votes may be cast.

(b) A simple majority of the Agency Board members present is required for the Agency Board to take action, except to adjourn a regular meeting where a quorum is not present. A two-thirds majority of the Agency Board members shall be required to approve all fiscal matters and any other action requiring, under existing law, a 2/3 majority.

(c) In the case of a tie vote, the motion fails and a new motion is in order. If an alternative action is not possible, the item shall be considered denied.

(d) Agency Board members shall not vote on a motion unless they have been present during the entire hearing on the issue or have listened to the tape recording of that portion of the hearing presented in their absence.

(e) When a member of the Agency Board abstains from voting on any matter before it because of a potential conflict of interest, said abstention shall not constitute nor be considered as either a vote in favor or of opposition to the matter being considered.

Section 10- Disqualification from Voting: Agency Board members shall disqualify themselves from voting in accordance with the Conflict of Interest Code and all applicable laws and regulations. When members disqualify themselves they shall state prior to the consideration of the item to the Chair and inform the Chair the reason. The member must leave the room until the remaining members vote on the item.

Section 11-Closed Sessions and Confidential information:

(a) In accordance with Government Code section 54956.96 (a) (1) information received by an Agency Board member in closed session shall be confidential. That same information when provided to the city council or Board of Supervisors in closed session shall also be confidential. A member of the city council or Board of Supervisors may disclose the information, which has direct financial or liability implications, obtained in closed session to their legal counsel for advice and to other members of their city council or their Board of Supervisors present in a closed session.

(b) In accordance with Government Code section 54956.96(a)(2), if the designated alternate for an Agency Board member is also a city council member or Board of Supervisor member and who is attending a properly notice Agency Board meeting in lieu of the Agency Board member may attend closed sessions of the Agency Board.

Section 12-Records of Meetings: The Agency Board meetings shall be recorded by mechanical means and the Secretary shall take notes. When a request is made in writing for a stenographic record of a public hearing, the record shall be prepared and made available to the requesting party at cost. An advance deposit in the amount necessary for duplication will be required from the requesting party.

ARTICLE 5-COMMITTEES

Section 1-Standing Committees: The Standing Committees of the Agency Board shall be established upon approval of a majority of Agency Board members present at a regular meeting.

Section 2-Special Committees: The Chair or a majority vote of the Agency Board members present at a meeting may appoint additional committees as may be necessary or desirable.

ARTICLE 6-AMENDMENTS

Section 1-Amendments to Bylaws: These Bylaws may be amended by a two-thirds vote of those Agency Board members voting at a Regular Meeting of the Agency Board.

Section 2-Who may propose: Amendments to these Bylaws may be proposed by Agency Board member.

Section 3-Prior Notice of Proposed Amendment: In no case shall a vote on a proposed amendment be conducted unless the said proposed amendment has been submitted in writing by the Secretary to the Agency Board members, or their alternates at least fifteen (15) days before the meeting.

ARTICLE 7- EXECUTIVE DIRECTOR RESPONSIBILITIES

The duties and responsibilities of the Executive Director include:

1. Plans, organizes, implements and evaluates all operations relative to Animal Services within the jurisdiction of the Stanislaus Animal Services Agency.
2. Participates in internal and external committees, advisory groups, and related to the efficient operation and coordination of the Stanislaus Animal Services Agency.
3. Develops and implements Stanislaus Animal Services Agency policies and procedures and oversees the management, development and analysis to ensure authority-wide consistency with state and federal laws.
4. To hold animals needed by the city police as evidence in any matter being investigated or prosecuted for possible violation of state or local laws relating to animals.
5. Prepares reports and recommendations regarding implementation, revisions, or discontinuation of specific programs and services.
6. To impound any and all animals found running at large upon the streets, alleys or public places within the city and, having impounded such animals, if the owner of any such animal desires the release thereof, the Executive Director of Stanislaus Animal Services Agency shall release the same upon the payment of fees as provided by Board resolution. In the event any animal so impounded is not redeemed by the owner, then the Executive Director of Stanislaus Animal Services Agency is authorized to care for the animal as provided by state law for strays.
7. To collect and dispose of dead animals found in public places.
8. Develops the annual budget, monitors expenses and manages projects to their timely conclusion within budgetary guidelines.

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