



## Board of Supervisors

Nathan A. Miley

Supervisor, District 4

May 10, 2017

Honorable Board of Supervisors  
County of Alameda  
1221 Oak Street, Suite 536  
Oakland, CA 94612

Dear Board Members:

**SUBJECT: ORDINANCE TO ESTABLISH A MUNICIPAL ADVISORY COUNCIL  
(MAC) FOR THE FAIRVIEW COMMUNITY**

RECOMMENDATION:

Adopt an ordinance adding Chapter 2.126 to Title 2 of the Alameda County Administrative Code to establish a Fairview Municipal Advisory Council (MAC).

DISCUSSION/SUMMARY:

Phase 2 of the Eden Area Livability Initiative (EALI), which began in January of 2013, included a working group tasked with identifying ways to enhance local governance. This group, consisting of residents from throughout the urban unincorporated area, met regularly over the last four years to identify needs, and craft solutions for the unique circumstances of the five communities that make up the Eden Area.

As the discussions evolved, it became clear that some communities faced circumstances substantially different than those of their neighbors. The hillside community of Fairview, wedged between the borders of Castro Valley and Hayward is one. Despite its small population, just over ten thousand residents, it enjoys an active and engaged citizenry participating in their local affairs.

Supervisor Miley has held an ongoing community stakeholders meeting with Fairview residents for the last 16 years. During that time a steady group of capable community leaders emerged. They participated meaningfully in the EALI process and came to the conclusion that establishing a MAC for Fairview would best achieve the goals set out by the EALI Governance Working Group.

Fairview residents, with support from Supervisor Miley, formed a MAC Formation Committee of approximately 12 members to explore the viability of creating a Fairview MAC. In the late Summer and Fall of 2016 this effort gained momentum, and after an impressive community outreach by the residents of Fairview, two Town Halls were held on Thursday, October 20 in the evening at the Fairview Elementary School and in the morning of Saturday, October 22 -at East Avenue Elementary School to discuss the merits of a MAC for Fairview and answer questions the residents had with establishing a MAC. Approximately 96 Fairview residents turned out from a wide swath of the community, and support for creating a Fairview MAC was overwhelming.

An update on the creation of a Fairview MAC was presented at the December 7, 2016 Unincorporated Services Committee and the December 8, 2016 Transportation and Planning Committee where both committees recommended forwarding the creation of the Fairview MAC to the full board for approval.

**CONCLUSION:**

The workload likely to come before a Fairview MAC would justify up to two meetings per month and would have a council of five qualified community members recommended by Supervisor Miley and appointed by the Board of Supervisors.

Analysis and discussion with the Planning Department and other county agencies that would be impacted by the creation of a Fairview MAC show the need is there, and implementation is feasible. The objective of the Fairview MAC is to advise the Board of Supervisors on all matters concerning services which are or may be provided to Fairview by the county or other local governmental agencies, including but not limited to advice on matters of public safety, welfare, public works, and planning. It was concluded that a MAC would meaningfully contribute to enhanced local governance for Fairview and that the county should proceed with establishing one.

**FINANCING:**

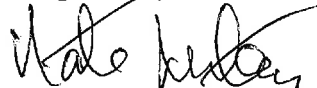
There are sufficient funds in District 4’s operating budget to cover \$19,500 until another funding source is identified. The chart below is the line item budget based on one meeting per month for 12 months with five seated councilmembers.

**FAIRVIEW MAC ANNUAL BUDGET (12 MONTH)**

<b>STAFFING</b>	<b>DESCRIPTION</b>	<b>COST</b>
Clerk of the Board	Agenda development/distribution, clerking meetings (travel/meeting time), and preparing minutes	\$10,000
County Analyst	Attend meetings	In-Kind

Planning Department	Attend meetings and provide noticing required by law for land use items (as needed)	In-Kind
Public Works Agency	Attend meetings (as needed)	In-Kind
Sheriff's Office	Attend meetings (as needed)	In-Kind
District 4 Staff	Agenda development with councilmember(s) and attend meetings	In-Kind
<b>RENT</b>	H.A.R.D. Board Chambers \$25/hour for an attendant Average 5 hours per meeting including set up and clean up 1 meeting per month	\$1,500
<b>STIPENDS</b>	\$50/meeting 5 councilmembers 1 meeting per month	\$3,000
<b>OTHER</b>	Printing, trainings, etc.	\$5,000
<b>TOTAL</b>		<b>\$19,500</b>

Respectfully submitted,



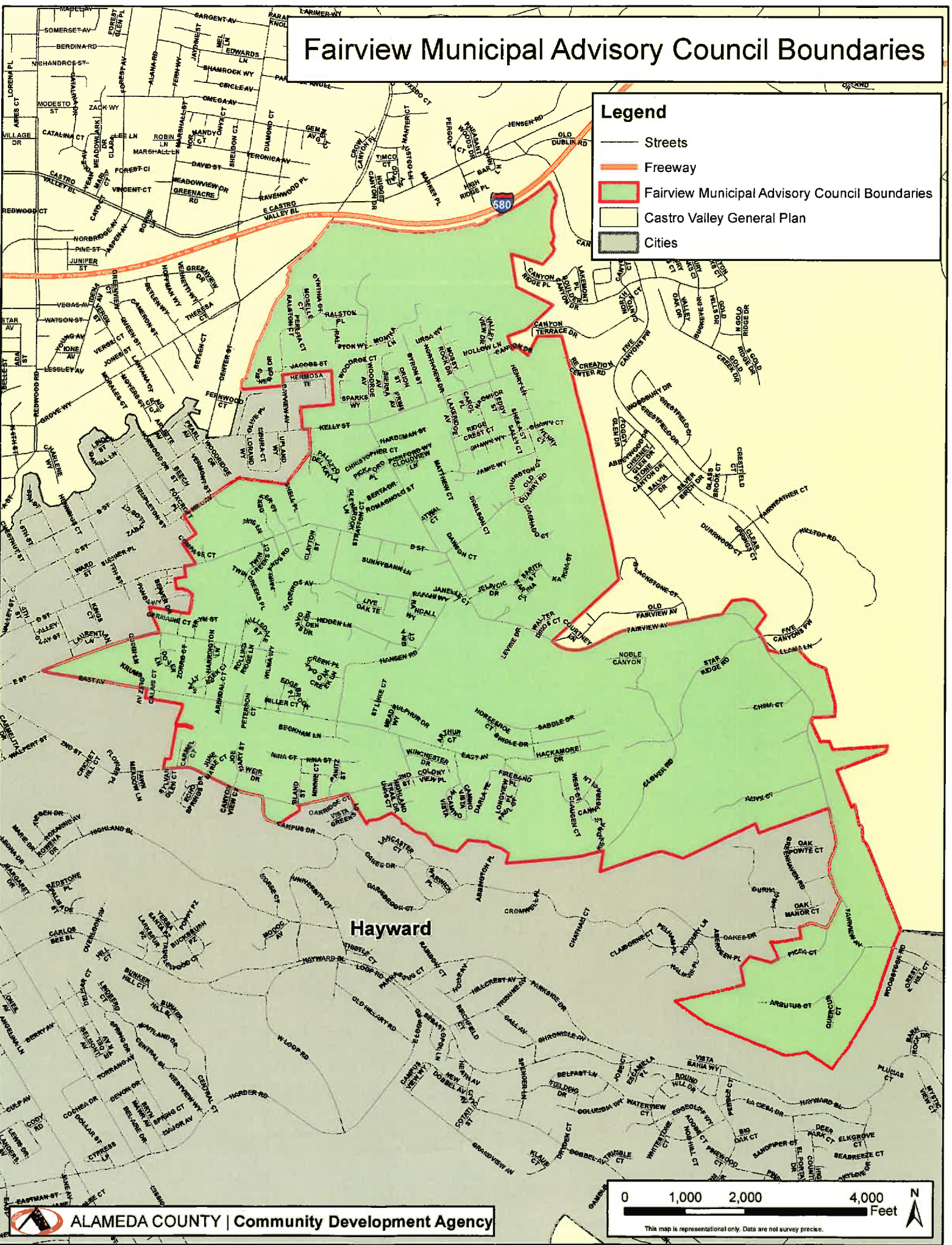
Nate Miley

Supervisor, District 4

# Fairview Municipal Advisory Council Boundaries

**Legend**

- Streets
- Freeway
- Fairview Municipal Advisory Council Boundaries
- Castro Valley General Plan
- Cities



Hayward



This map is representational only. Data are not survey precise.

ORDINANCE NO. 2017-\_\_\_\_\_

AN ORDINANCE ADDING CHAPTER 2.126 TO TITLE 2 OF THE ALAMEDA COUNTY ADMINISTRATIVE CODE TO ESTABLISH THE FAIRVIEW MUNICIPAL ADVISORY COUNCIL

WHEREAS, California Government Code Section 31010 provides the authority for counties to establish municipal advisory councils in unincorporated areas; and

WHEREAS, residents of the Fairview area have expressed an interest in having a municipal advisory council, and the Board of Supervisors finds that establishing a municipal advisory council for the Fairview community would be beneficial to the County;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of the County of Alameda, as follows:

**SECTION I**

Chapter 2.126 is hereby added to the Alameda County Administrative Code and reads as follows:

2.126.010 - Organization.

There is hereby created pursuant to the provisions of Government Code Section 31010 the Fairview Municipal Advisory Council, referred to as "the Council".

2.126.020 - Duties and Purposes.

The Council shall advise the Board of Supervisors on matters concerning the government by the Board of that area known as Fairview, defined as the area within the boundaries established by the Fairview Area Specific Plan, excluding those areas that are also within the boundaries established by the Castro Valley General Plan, as shown on the map titled "Fairview Municipal Advisory Council Boundaries," dated June, 2017, on file with the Alameda County planning department, referred to as 'the Area'. Any annexation, withdrawal, or change in city or county boundaries shall be deemed to alter the boundaries of the Area correspondingly. The Council's advice to the Board of Supervisors shall be on all matters concerning services that are or may be provided to the Area by the County or other local governmental agencies, including advice on matters of public safety, welfare, public works, and planning. The Council may advise the Board of Supervisors on matters that occur outside the Area but would or could have impacts within or otherwise affect the Area.

2.126.030 - Membership and Terms.

A. The Council shall consist of five members, each appointed by the Board of Supervisors upon the nomination of the Supervisor(s) representing the Area. If more than one Supervisor represents the area, nominations shall be in proportion to the population of the Area in each Supervisorial District, with each Supervisor (representing the Area) having at least one nomination.

B. Each member shall be appointed for a four-year term and shall serve until his or her successor is appointed, except that the Board of Supervisors shall initially stagger the terms as follows:

1. One of the members' terms shall be for two years, two shall be for three years, and the remaining two shall be for four years, from the date of Board Approval of Appointment.
2. The Board of Supervisors shall determine by lot which members are to have the two, three and four year terms.
3. After the expiration of these initial terms, all subsequent terms shall be for four years. A person appointed to fill any vacancy shall serve for the unexpired term of the person he or she succeeds.

No appointee shall serve more than twelve (12) years, or as the Board of Supervisors may otherwise set out in the Alameda County Board of Supervisors Board Operating Procedures or any succeeding document. The Board of Supervisors may remove any Council member from office at any time.

C. Each Council member shall be a resident of the Area, or shall have owned or operated a business in the Area for a period of at least five years prior to their appointment. Any Council member appointed by virtue of residency in the Area shall reside in the Area for the entire period of their appointment. Should any such member cease to live in the Area during their term, their appointment shall expire immediately upon termination of their residency in the Area and the Board shall appoint a replacement member as indicated above. Any Council member appointed by virtue of owning or operating a business in the Area shall do so for the entire period of their appointment. Should any member appointed by virtue of their ownership or operation of a business cease to own or operate a business in the Area during their term, their appointment shall expire immediately upon the cessation of their participation in an Area business and the Board shall appoint a replacement member as indicated above.

#### 2.126.040 - Meetings.

The Council shall meet at least once each quarter but not more than twice each month at an established time and place and shall consult with the Board of Supervisors as that Board or the Council may request. The Council shall prepare and adopt rules for the conduct of its business and shall be subject to Government Code Sections 54950, *et seq.* concerning public meetings. The Council shall determine a schedule of regular meeting dates, times and places at the first meeting of the Council following adoption of the ordinance codified in this chapter and annually thereafter.

#### 2.126.050 - Budget.

The Council shall prepare and submit a budget for adoption by the Board of Supervisors. Council members shall receive a stipend in an amount of \$50 for each meeting attended, not to exceed two paid meetings each month. In addition thereto, the Board may provide funds for reasonable and necessary Council expenses.

**SECTION II**

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage. Before the expiration of fifteen (15) days after its passage, it shall be published once with the names of the members voting for and against the same in a newspaper published in the County of Alameda as required by law.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on the \_\_\_\_ day of \_\_\_\_\_, 2017, by the following called vote:

AYES:

NOES:

EXCUSED:

\_\_\_\_\_  
WILMA CHAN  
President of the Board of Supervisors

ATTEST:

ANIKA CAMPBELL-BELTON  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

By:  \_\_\_\_\_  
Heather M. Littlejohn  
Deputy County Counsel