

# CAYUCOS CITIZENS' ADVISORY COUNCIL

## BYLAWS AMENDED

### ARTICLE 1

#### Purposes of the Council

The Cayucos Citizens' Advisory Council has as its purposes:

**SECTION 1:** To develop a unified, cooperative effort among all individuals, organizations and public jurisdictions interested in furthering sound planning and development resulting in a positive quality of life for the Cayucos area.

**SECTION 2:** To establish an organization truly representative of the people of Cayucos in matters of civic interest, and to represent the community before all bodies, public and private, where the subject is appropriate to the objectives of the Cayucos Citizens' Advisory Council.

**SECTION 3:** To establish a forum for the public review of matters historically identified with sound development including, but not limited to, land use, public services, circulation, zoning, public improvements and all aspects of orderly community growth.

**SECTION 4:** To initiate, sponsor, review and make recommendations, particularly concerning all matters of significance affecting the community.

**SECTION 5:** The Council's role is advisory only. Since the Cayucos Citizens' Advisory Council ("CCAC") is advisory in nature to the County of San Luis Obispo, no member of the Council is empowered to commit the community or the County to any action, participation or financial involvement. Only the President or, in his/her absence, the Vice President or other Council member specifically identified, shall speak formally for the Council. The President may delegate other Council members to communicate with the County on specific issues.

### ARTICLE II

#### Council Membership

**SECTION 1:** The term of office for Council membership shall be two (2) years. Council membership shall be comprised of the following:

- A. Two (2) voting precinct representatives per each of the eight (8) precincts, pursuant to the precinct map attached.
- B. One (1) alternate representative per precinct.

**SECTION 2:** Precinct representatives and alternates shall be registered to vote in San Luis Obispo County and must, at all times, have their primary and permanent residence within the

precinct they represent.

**SECTION 3:** Precinct representatives and alternates from odd-numbered precincts (1,2,5 and 7) shall be elected and have their terms begin and end in odd-numbered years (e.g., 2017, 2019). Precinct representatives and alternates from even-numbered precincts (2,4,6, and 8) shall be elected and have their terms begin and end in even-numbered years (e.g., 2018, 2020). For the election to be held in 2017 only, representatives and alternates in even-numbered precincts will be elected and begin their term in 2017, but this term will be for one (1) year only.

**SECTION 4 :** The alternate shall assume the position of a voting representative in the event of an absence of a representative, which includes if a representative is recused due to a conflict of interest. In the event of a permanent vacancy of a voting representative, the alternate shall fill the position.

**SECTION 5:** A voting or alternate representative shall be dropped automatically after three (3) un-notified absences. A representative who is unable to attend a council meeting shall notify prior to the meeting either the President or Vice President or Secretary and advise of same, which shall then be deemed a “notified” absence and recorded in the minutes.

### ARTICLE III

#### Election of the Council

**SECTION 1:** Candidates may be nominated by a Council member or self-nominated. Candidates shall not be nominated without their consent.

**SECTION 2:** Nominations must be made by or during the scheduled February council meeting prior to the election. Candidates must submit their written Candidacy Forms (as approved by the Council) by the end of the regular January Council meeting. The President shall read the candidates' names to the Council at that time. Any candidate who withdraws must do so in writing to the President. A candidate may not re-enter his candidacy after he has formally withdrawn. At the February meeting, the proposed election ballot shall be submitted to the Council for approval. In approving the ballot, the Council accepts each candidate as being eligible as prescribed in the Council Bylaws.

**SECTION 3:** Elections are to be held the second Tuesday in March. One polling site shall be established for election day.

**SECTION 4:** Those eligible to vote in the Advisory Council election must be registered voters in San Luis Obispo County and must have their principal and permanent residence within the precinct for which they vote.

**SECTION 5:** Precinct representatives shall be elected by the first and second highest number of votes cast. The alternate representative shall be elected by the third highest number of votes cast.

If a tie vote between second highest number of votes cast and alternate, a straw vote will determine the voting representative for the first year and alternate will vote the next, first year voting representative becomes the alternate.

**SECTION 6:** Newly elected representatives are to be seated at the first meeting following election.

**SECTION 8:** If there is a vacancy in a precinct of a representative and/or an alternate, it will be filled by an applicant completing their written Candidacy Form and providing it to their precinct representative who will provide the Candidacy Form to the President. If there is no precinct representative the applicant will provide the Candidacy Form directly to the President. The Vice-President shall verify that the applicant meets the residency requirements and report this to the CCAC. The CCAC shall then vote to appoint the applicant as a representative or an alternate, as appropriate. If there are more applicants than vacancies the CCAC shall determine who is seated as a representative and/or alternate by majority vote. All applicants must attend at least two (2) CCAC meetings before submitting their written Candidacy Form.

**SECTION 9:**

A. Since the Cayucos Citizen's Advisory Council is recognized, but not established by the San Luis Obispo County Board of Supervisors as an official organization, the following Election Procedures shall be the only rules by which the Council members are elected. The Advisory Council is not bound by the California Election Code.

B. Elections Shall be conducted as follows:

1. There shall be no write-ins or absentee ballots.
2. After the official ballot is printed, it shall be authenticated by the President and the Vice-President. The ballot shall be in essentially the format as is attached.
3. The Vice-President shall appoint and chair a committee of Council members (the Election Planning Committee (EPC) ) in December in order to plan the annual election of CCAC representatives. Before the election, the EPC shall have the following duties:
  - a. Between the January and February regular meetings the EPC shall verify that all candidates meet the residency and age requirements set forth in the Bylaws;
  - b. The Vice-President and the EPC shall also organize a separate committee of Cayucos citizens, the Community Election Committee [CEC]. The purpose of the CEC is to oversee the actual election and determine the results, as described in more detail in Section 9B. 4. No one whose name appears on the CCAC official ballot may serve on the CEC.

Representatives and alternates who are not up for election may serve on the CEC.

c. The EPC shall arrange for a suitable polling place (e.g., the Vet's Hall) and shall provide the materials required for running the election. The necessary materials are: copies of the official ballot, ballot boxes, voter registration lists, precinct maps and descriptions, voter sign-in sheets, residency statements, tables, chairs, pens, pencils, etc.

d. Before the election date, the EPC shall set up the polling place with the materials described above. The Vice-President shall be responsible for assuring that the ballots provided are true copies of the official ballot.

e. In lieu of the CEC, the CCAC may arrange, by a majority vote, for an independent entity (e.g., League of Women Voters) to conduct the election.

4. The purpose of the Community Election Committee (CEC) is to conduct the CCAC election in a fair, impartial, and orderly manner. The CEC is completely independent of the Council and shall select its own Chair. Members of the CEC shall conduct the election according to the following procedures:

a. Polling hours on election-day shall be 4 p.m. to 8 p.m. Voters shall be admitted to the polling place only during these hours. Voters inside the polling place at closing shall be allowed to finish. The Chair of the CEC shall declare the opening and closing of the poll. At least two (2) members of the CEC shall be present at all times during this period to act as election workers.

b. The actual voting procedure shall be as follows:

i) The precinct in which the voter lives shall be verified at a table which has the precinct map and descriptions;

ii) Each voter shall sign in on the Voter Registration List which shall list every registered voter in Cayucos. If the voter's name is not on the Voter Registration List, in order to vote the voter must sign a statement of residency and produce proof of residency.

iii) Voters may vote only in the precinct where they reside.

iv) An election worker writes the voter's precinct number on the ballot, circles the candidates for that precinct, and instructs the voter to vote for no more than two of those candidates;

v) The voter is directed to a private voting area out of view of adjoining tables. The voter is then directed to deposit the completed ballot in the box for the appropriate precinct.

vi) The CEC shall ensure that a minimum of two (2) CEC members are present in the voting area at all times.

c. The CEC shall ensure all voters exit the polling place immediately after voting and shall record the reasons of those who do not. No campaigning is allowed within 100 feet of the polling place and individuals who do not vote shall not loiter at the polling place. No voter shall accompany another voter past the precinct verification table (CEC escort only). No voter shall enter the polling area after he or she has voted.

d. After the poll closes, the ballots shall be counted in a closed area of the polling place with only working members of the CEC present. Ballots shall be disqualified if they are wrongly or illegibly marked, or if they are not true copies of the official ballot. For instance, a ballot shall be disqualified entirely if the wrong precinct has been voted, if more than two candidates were marked, or if write-ins are present. A majority of CEC members present must agree for a ballot to be disqualified which will be initialized by CEC members present. Disqualified ballots shall be marked as such and held separately.

e. When counting is complete, the CEC Chair shall give the summary of election results (including the count of disqualified ballots) to the Vice-President. The Vice-President shall verbally announce the results and then shall dismiss the CEC members and then post the results outside the polling place. The Vice-President shall forward the election results to the President and assist the President in notifying all candidates at that time. The President, Vice-President or the Publicity Chairperson shall notify the news media of the results in a timely manner.

f. The Chair of the CEC shall store all ballots in sealed envelopes by precinct. Voter sign-in sheets and Statements of Residency shall also be stored in sealed envelopes. Sealing of the envelopes shall be verified by the signatures of at least two CEC members across the flap. The stored materials shall be presented to the Council President after the election or at the next regular meeting, and no one shall have access to these materials until that time. Subsequent handling of these materials are discussed in Article III, Section 9.B.9.

g. Challenges to the election results (including requests for recounts) shall be heard at the next regular Council meeting as described in Article III, Section 9.B.5. Neither the Vice-President nor any member of the CEC shall accept challenges at the time the results are posted.

5. At the April meeting, the outgoing Council shall approve Minutes of the previous meeting and shall accept the report of the CEC and designate any challenges. No other challenges shall be accepted after the election report is

accepted by the outgoing Council. The newly elected unchallenged representatives who are present shall be seated and conduct the Council's business as stated in Article III, Section 9.B.6. A majority of those seated shall constitute a quorum. The first order of business shall be to resolve any ties and/or challenges. If a recount of votes is requested, it shall be conducted in a closed area by only members of the CEC, the President of the CCAC and a member of the public selected by the public. Election of Officers (Article III, Section 9.B.7.) shall not occur until all ties and challenges are resolved.

#### 6. Seating of the Council

- a. At the April meeting, until the election of officers, the outgoing President, shall serve as the President pro-tem and the outgoing Secretary shall serve as the Secretary pro-tem.
- b. If there is a tie between two candidates for first place in the lineup of precinct representatives, both shall be seated as the voting members.
- c. If three or more candidates are tied for first place, the names shall be placed in three identical envelopes by the Secretary pro-tem, and the President pro-tem shall select a member of the public who shall select one envelope. The person whose envelope has been selected shall become a representative. The person whose name is drawn second shall become the second representative. The third name drawn becomes the alternate.
- d. In the event of a tie for second place, the same procedure shall be followed until two representatives and an alternate have been seated.
- e. The same procedure shall be followed for breaking ties among alternates.

#### 7. Election of Officers

- a. The President pro-tem shall announce the names of the candidates, then conduct the election of the President by secret ballot, but votes only if a member of the new Council. If there is a tie, the ballot process shall be repeated a second time. If there is still a tie, the ballot process shall be repeated a third time. If the tie is not broken on the third ballot, the tie shall be broken by the process outlined for breaking ties for elected representatives in Article III, Section 9.B.6.
- b. The new President shall conduct the election of a Vice-President and a Treasurer. The same process used to elect the president shall be repeated for these officers.
- c. With the election of its new officers, the Council is prepared to conduct

its business. The first item shall be the appointment of a Recording Secretary who shall immediately assume the duty of taking Minutes. All new members shall be provided copies of the Bylaws of the CCAC and an Advisory Council handbook.

8. After the election of officers, the County Supervisor of District 2 may ceremonially install the new Council and its officers.

9. Voter sign-in sheets shall be held for three months from the time all challenges are resolved. After three months, the President shall destroy the sheets. The President shall immediately destroy ballots and other election materials after the resolution of all challenges. Note in Article III, Section 8. B. 5., that no challenges shall be considered after the CEC election report is accepted by outgoing Council.

#### ARTICLE IV

##### Council Voting Procedures

**SECTION 1:** The voting procedures of the Council shall be governed according to Robert's Rules of Order, Newly Revised.

**SECTION 2:** To constitute a quorum, more than fifty percent (50%) of the precinct representatives or their alternate must be present. Unless a quorum is present, no official business may be conducted.

**SECTION 3:** When the roll-call is taken, voting members shall be noted.

**SECTION 4:** No voting member shall be allowed more than one vote at any time.

#### ARTICLE V

##### Council Officers

**SECTION 1:** Officers of the Council shall consist of the President, Vice-President, and Treasurer.

**SECTION 2:** All officers of the Council shall also be precinct representatives and shall be elected by majority vote of the representative members at the first meeting following election.

**SECTION 3:** The Secretary and/or the Parliamentarian and/or the Publicity Chairperson may be appointed without membership requirements.

**SECTION 4:** The officers shall perform the duties prescribed as follows:

A. The President shall supervise the conduct of the organization's business, its committees, and other activities; preside at meetings; make appointments as detailed in these bylaws; be a voting member of only one standing committee; present Council opinions and recommendations to County government and the public, and perform such other duties applicable to the office as prescribed by the parliamentary authority adopted by the Council.

B. The Vice President shall act in place of the president when necessary; preside at meetings when the president temporarily vacates the chair; assume all the duties of the president should the president vacate the office, and perform such other duties applicable to the office as prescribed by the parliamentary authority adopted by the Council.

C. The Treasurer shall receive funds and issue receipts; deposit funds and maintain Council accounts in banks approved by the Council; pay bills for expenses that have been authorized; submit a monthly report of income and expenditures to the Council; present an annual budget for approval by the Council, and perform such other duties applicable to the office as prescribed by the parliamentary authority adopted by the Council.

D. The Secretary shall act as the recorder; shall issue notices of meetings, keep minutes of meetings; email minutes and agenda, handle outgoing correspondence, receive and file committee reports, and perform such other duties applicable to the office as prescribed by the parliamentary authority adopted by the Council.

E. The Parliamentarian shall act as a consultant to the president and other officers, committees, and members on matters of parliamentary procedure; serve as a non-voting advisor on the bylaws committee, and perform such other duties applicable to the office as prescribed by the parliamentary authority adopted by the Council.

F. The Publicity Chairperson shall post Notices of Meetings, Agenda and Minutes in the Senior Center and Library and such other appropriate places, shall notify media of meetings and special events sanctioned by the Council and perform such other duties applicable to the office as prescribed by the parliamentary authority adopted by the Council.

## ARTICLE VI

### Disbursement of Funds

#### **SECTION 1:**

A) Signatures of any two (2) of the following officers shall be necessary for the disbursement of funds:

1. President;



2. Vice-President; or

3. Treasurer

B) The fiscal year of the CCAC will begin on July 1<sup>st</sup> and end on June 30<sup>th</sup>.

## ARTICLE VII

### Council Meetings

**SECTION 1:** Regular meetings are to be held monthly at a time and location specified at the prior meeting. Any change to the specified schedule must be approved by the President for good and specific cause and must be a matter of formal notice to the general membership as soon as possible prior to the rescheduled meeting. All Advisory Council meetings are open to the public.

**SECTION 2:**

A. Public notice of Council meetings and Agendas shall be furnished to at least two (2) local news media and posted on the Council's website by the publicity chairperson who shall be appointed by the Council President. They may be sent to other media.

B. The Council's Agenda and Minutes of the most recent past meeting shall be provided to all Council members, posted on the Council's website and placed in the following locations before each regularly scheduled Council meeting: Library, and Senior Citizens' Office. A permanent file, which may be electronic, containing copies of Minutes of previous meetings shall be kept in the Library.

**SECTION 3:** The President may call a special meeting for any reason of emergency, and must call a special meeting if five (5) or more precinct representatives request it. Attempts to notify all Council members and the public shall be made as soon as practicable and at least twenty-four (24) hours in advance and information given as to the reason for the special meeting.

**SECTION 4:** Council members shall discuss with the President items of business or special speakers before scheduling them for Council agendas. The President may add matters of urgent business to the agenda at his or her discretion. Action shall not be taken on items that are not on the agenda, except under urgent circumstances. Urgent circumstances are defined by a 3/4's majority vote of the Advisory Council.

## ARTICLE VIII

### Council Committees

**SECTION 1:** The President shall, as needed, establish, appoint the members of, and determine the duties of Standing, Special, and Ad Hoc Committees.

A. Members of a Special or Ad Hoc Committee need not be members of the Council.

- B. The President shall appoint the Chair of each committee.
- C. A record of all committees shall be maintained by the Secretary.
- D. All committee meetings shall be open to the public. The participation of non-committee members is at the discretion of the committee's chairperson.

**SECTION 2:** The Standing Committees shall be made up of the following members:

- A. The Chair and voting members of Standing Committees shall be Council members (i.e. precinct Representatives or Alternates).
- B. Two non-voting advisers to each Standing Committee may be appointed by the President in consultation with the Committee Chair. These advisers need not be Council members.
- C. The existing Standing Committees are: Recreational, Land Use, Utilities, By-Laws, Public Safety, Community Design, and CSA IOA.

**SECTION 3:** Committees shall make their recommendations only to the Council, for action by the Council.

## ARTICLE IX

### Conflicts of Interest

**SECTION 1:** A CCAC member has a conflict of interest if and when:

- A. The issue before the Council is a project or proposal in which the member or a member of his/her immediate family has a legal or significant financial interest. To the extent that benefits or losses addressed in an issue would accrue to all residents of the Community of Cayucos or of a neighborhood represented by the CCAC member, and the member fairly represents that viewpoint, it shall not constitute a legal or financial interest.
- B. The issue before the Council is a project or proposal in which the member serves as an agent or attorney to the project or the property owner.

**SECTION 2:** A member with a conflict of interest, as defined in Section 1, above, shall declare that the member has a conflict of interest and shall recuse himself and sit with the public until the issue is concluded.

**SECTION 3:** A member with a conflict of interest, as defined in Section 1, above, cannot vote on any motion regarding the issue.

ARTICLE X

Amendments

These bylaws may be amended at any regular meeting of the Council by a two-thirds (2/3) vote, provided that the amendment has been submitted in writing at the previous regular meeting.

ARTICLE XI

Parliamentary Authority

The Rules contained in the current edition of Robert's Rules of Order, Newly Revised shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the Council may adopt.

These Amended Bylaws have been approved by a two-thirds vote of the CCAC on December 7, 2016, and replace all previous Bylaws and Rules and will be effective on December 31, 2016.

Dated: December 31, 2016

  
\_\_\_\_\_  
President  
  
\_\_\_\_\_  
Vice President  
  
\_\_\_\_\_  
Treasurer