



TOWN OF APPLE VALLEY

TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** June 9, 2015
From: Lori Lamson, Assistant Town Manager **Item No:** 14
Subject: DISCUSSION REGARDING THE EQUESTRIAN ADVISORY COMMITTEE REGARDING ANY MODIFICATIONS TO THE ROLE AND TYPE OF COMMITTEE

T.M. Approval: _____

Budgeted Item: Yes No N/A

RECOMMENDED ACTION:

Discuss and provide direction to staff.

SUMMARY:

This item has been agendized under the direction of the Town Manager to provide Council with the opportunity to discuss the future of the Equestrian Advisory Committee (EAC). Recently, two (2) members of the Committee resigned and new staff has been assigned to assist the EAC. There have been some concerns about the ability to plan for events and getting participation at events. Staff feels that providing the Committee with flexibility and the tools necessary to succeed is appropriate in the discussions of the Council, prior to appointing two new Committee members. This staff report is intended to facilitate discussion in order to provide direction to staff.

The EAC is an advisory committee to the Town Council and is tasked with the following:

- A. Advise the Town Council in matters pertaining to equine, equestrian and other citizen concerns of equestrian matters and their needs, including, but not limited to, the care of horses, establishment and maintenance of equestrian trails, establishment of equestrian programs and preservation of the Town's equestrian heritage;
- B. Assemble information on problems and propose solutions for equestrian matters pertaining to the implementation of the Multi-Use and Equestrian Trails Standards;

C. On its own initiative, to make recommendations to the Town Council on matters within its purview, including but not limited to, standards, requirements and criteria for the boarding, care and protection of equine;

D. The Committee shall act to facilitate coordination between existing and proposed equestrian programs and provide for equine care; and,

E. Review the requests to amend established equestrian standards, and any residential subdivision application where a variance of an established equestrian standard is requested. This written review by the Committee shall be forwarded to the Planning Commission.

The following issues pertaining to the formation of the EAC makes it a "Standing Committee" versus an "Ad-Hoc Committee":

- The creation of the committee was a formal action by the Town Council in the adoption of Chapter 2.28 in the Municipal Code.
- The Town Council formally appoints the members to the Committee.
- It is not comprised of less than a quorum of the members of any legislative body.
- The Municipal Code indicates that the EAC is subject to the Brown Act.

As stated within the Municipal Code, the EAC is required to meet for regularly scheduled meetings at a minimum of once per quarter in accordance with Section 2.28.070 of the Municipal Code. Currently, the EAC conducts regular meetings every other month, on the 2nd Wednesday at 7:00 p.m. in the Council Chambers. These meetings are noticed 72 hours in advance as a regularly scheduled meeting. Staff from the Community Development Department provides staff support and prepares the minutes and meeting agenda with materials.

The current schedule of the EAC does not provide them with the flexibility to meet as needed for planning special events or trail rides. If the EAC wanted to conduct special meetings to prepare for these equestrian events, they could do so under the special meeting parameters, but the special meeting would have to be noticed 24 hours in advance.

This type of a standing committee functions differently from an Ad-Hoc committee. As an Ad-Hoc Committee, a quorum of the committee members is not typical. The Ad-Hoc committee is formed to handle a task until it is completed. An Ad-Hoc committee is not formally created and is therefore not considered a legislative body and not subject to the Brown Act.

The EAC has had two (2) recent vacancies of members and has found it difficult to plan events under the current requirements of a standing committee. There is less flexibility to meet and plan for events under this formal type of committee. Recent discussions by staff and the Committee have discussed several possibilities to provide the committee

with the necessary flexibility to allow for the planning of events and have a better participation of the public. Discussion of the following issues may allow the Town Council to determine the best course for successful events. Once these issues and others as deemed necessary, have been discussed, the Town Council should provide direction to staff. Depending on the direction, a change in the Municipal Code may be warranted.

- Change the committee to an Ad-Hoc Committee under the advisory of the Parks and Recreation Commission. This committee would be assigned tasks by the Parks and Recreation Commission. There would be no formal appointments by the Town Council. Typically an Ad-Hoc Committee would also include two (2) members of the standing committee, which in this case would be the Parks and Recreation Commission
- Change the standing committee to provide advisory to the Parks and Recreation Commission. There would be formal appointments to the committee by the Town Council and the committee would take direction from the Parks and Recreation Commission rather than the Town Council.
- Set a maximum number of standing meetings and the remaining meetings, as needed, would be considered special meetings. The standing meetings would require a 72-hour notice and the special meetings would require 24-hour noticing. Staff support at the meetings would only be for the regular meetings.
- Change the residency requirement to within Town Limits. Currently the residency requirement is within the previous Parks and Recreation District boundaries.
- Change the location of the meetings to the Parks and Recreation Center or the Conference Center.
- Allow the Chairman of the Committee, majority of the Committee and/or staff to call for a special meeting of the EAC. Currently, staff is not included in the ability to call for a meeting.

FISCAL IMPACT:

Not Applicable

ATTACHMENT:

Chapter 2.28 of the Municipal Code

Chapter 2.28

EQUESTRIAN ADVISORY COMMITTEE

Sections:

- 2.28.010 Created**
- 2.28.020 Membership**
- 2.28.030 Functions, Powers and Duties**
- 2.28.040 Meetings**
- 2.28.050 Staffing**
- 2.28.060 Compensation of Members**
- 2.28.070 Rules, Records and Number of Meetings**

2.28.010 Created. An Equestrian Advisory Committee for the Town is hereby created to perform functions, powers and duties hereinafter set forth and such further tasks as the Town Council assigns the Committee in accordance with the provisions of this Chapter.

2.28.020 Membership. Membership of the Equestrian Advisory Committee shall conform to the following:

(A) The Committee shall be composed of five (5) members, appointed by at least three (3) affirmative votes of the Town Council, based on nominations from members of the Town Council, with due consideration for the representation of major age groups and segments of the community. Subject to the provisions of Municipal Code Section 2.06.010, Committee members shall serve at the pleasure of their appointing Council member and for a term(s) concurrent with the term of the Council member who nominated the Committee member.

(B) Members of the Committee shall be selected from among those residents of the Town, and those residents living within the boundaries of the previously dissolved Apple Valley Recreation and Park District, having a demonstrated interest in equestrian matters, standards, requirements and programs.

(C) The Equestrian Advisory Committee shall annually, at its first meeting held after February 1, choose one of its members as chairperson and one as vice-chairperson. Vacancy in either such position occurring prior to February 1 may be filled as in the first instance, and a new chairperson or vice-chairperson may be chosen at any time by majority vote of all members of the Committee.

(D) Vacancies shall be filled in the manner prescribed in Subsection 2.28.020 (A) above.

(E) A member shall be automatically terminated from membership on the Committee upon three (3) consecutive unexcused absences or unexcused absence from more than twenty-five percent (25%) of the meetings during any fiscal year, as prescribed in Section 2.06.010 of the Municipal Code.

(F) Any Committee member may be removed from office at any time with, or without, cause, by the Town Council member who nominated said appointee to the

Committee or by a majority vote of the entire Town Council, as prescribed in Section 2.06.010 of the Municipal Code.

(G) The term of any member of the Committee will be automatically extended pending the selection and qualification of his or her successor. Except as modified by the provisions in this Chapter, the provisions of Section 2.06.060 of the Municipal Code shall apply.

2.28.030 Functions, Powers and Duties. The functions, powers and duties of the Equestrian Advisory Committee shall include the functions, powers and duties prescribed below and such other functions and duties as may be prescribed or directed by the Council:

(A) The Equestrian Advisory Committee shall act in an advisory capacity to the Town Council in matters pertaining to Equine, equestrian and other citizen concerns of equestrian matters and their needs, including, but not limited to, the care of horses, establishment and maintenance of equestrian trails, establishment of equestrian programs and preservation of the Town's equestrian heritage. **(Amended per Ordinance 348, adopted 6/26/07).**

(B) The Equestrian Advisory Committee shall be empowered to assemble information on problems and proposed solutions to equestrian matters pertaining to the implementation of the Multi-Use and Equestrian Trails Standards. **(Amended per Ordinance 348, adopted 6/26/07).**

(C) The Equestrian Advisory Committee shall be empowered, on its own initiative, to make recommendations to the Town Council on matters within its purview, including, but not limited to, standards, requirements and criteria for the boarding, care and protection of Equine.

(D) The Equestrian Advisory Committee shall act to facilitate coordination between existing and proposed equestrian programs and provide for equine care.

(E) The functions and duties of the Equestrian Advisory Committee shall not be construed as preempting or otherwise interfering with the functions, duties or responsibilities of other commissions, boards, committees or officers which are empowered or mandated by law or ordinance or other regulation to act upon or make recommendations to the Town Council concerning matters such as applications or requests for permits, approvals or other entitlements, the enactment or repeal or amendment of Town ordinances or regulations or taking such other actions as are mandated, prescribed or permitted by law.

(F) The Equestrian Advisory Committee shall be notified in writing of requests to amend established equestrian standards, and any residential subdivision application where a variance of an established equestrian standard is requested. The Committee shall provide the Planning Commission with a written recommendation on the notified request within thirty (30) days of receipt by the Chairperson of such request, or such earlier time if required to comply with the time required for action by the Commission in any given matter, provided, however, failure of the Committee to make a recommendation shall not prevent the Commission from action on the matter. Any applicant for a residential subdivision may request that its tentative map be reviewed and commented upon by the Equestrian Advisory Committee prior to it being deemed complete for submission to the Planning Commission. **(Amended per Ordinance 348, adopted 6/26/07).**

2.28.040 Meetings.

(A) Not less than thirty (30) days following the appointment of its initial members, the Committee shall meet to organize and elect officers as prescribed in Section 2.28.020 above. Following the election of the Chairperson and Vice-Chairperson, the Committee shall inform the Council thereof.

(B) The Equestrian Advisory Committee shall meet at whatever interval of time that the Committee and/or the Town Council finds expedient for the completion of the Committee's assigned function and tasks. Special meetings may be called by the Chairperson or a majority of the Committee, provided notice has been given to all members at least twenty-four (24) hours prior to the meeting, and as otherwise required by law.

(C) Written notice of special meetings shall set forth the time and place of business to be conducted at such meeting(s), and be personally served on each Committee member given at least twenty-four (24) hours prior to the meeting in accordance with the Ralph M. Brown Act.

(D) Meetings shall be held at announced times and places and shall be open to the public in compliance with the Ralph M. Brown Act.

(E) A majority of the Committee members shall constitute a quorum for the transaction of business, and a majority vote of a quorum shall be required to pass a motion or other enactment, but a lesser number may adjourn from time to time to a day certain.

2.28.050 Staffing. The Town Manager may appoint appropriate staff and provide such compensation for their services as may be authorized by the Town Council and/or by the annual Town budget of expenditures to support the Equestrian Advisory Committee in the performance of its duties. Said staffing shall be provided in the discretion of the Town Manager, considering the issue being addressed by the Committee.

2.28.060 Compensation of Members. No direct compensation shall be paid to committee members; however, members shall be reimbursed for actual and necessary expenses, including travel expenses, incurred in the discharge of their duties as members of the Equestrian Advisory Committee, as may be authorized by the Town Council.

2.28.070 Rules, Records and Number of Meetings. The Equestrian Advisory Committee shall adopt rules of proceedings for the transaction of its business and shall keep a public record of its resolutions, recommendations, transactions, findings, and determinations, and shall hold at least one regular meeting quarterly. Minutes of the Equestrian Advisory Committee meetings shall be filed with the Town Clerk."

(Entire Section 2.28 Added per Ordinance 281, April 13, 2004)