

ORDINANCE AMENDING PORTIONS OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES ARTICLE XVI-C RELATING TO THE FUNCTIONS OF THE SAN DIEGO COUNTY FISH AND WILDLIFE ADVISORY COMMISSION

The Board of Supervisors of the County of San Diego ordain as follows:

Section 1. Certain portions of the Administrative Code from between Section 286 – 286.13, as identified below, related to the functions of the San Diego County Fish and Wildlife Advisory Commission are hereby amended to read as follows:

SEC. 286. SAN DIEGO COUNTY FISH AND WILDLIFE ADVISORY COMMISSION.

There is hereby created and established the San Diego County Fish and Wildlife Advisory Commission (Commission). This Commission is established to advise the Board of Supervisors (Board), the Chief Administrative Officer (CAO) and County Departments on procedures, programs and issues pertaining to fish and wildlife as defined in Section 286.8, Duties and Responsibilities. The Commission is hereby responsible for the disbursement of fines and forfeitures issued by the California Department of Fish and Wildlife (CDFW) and collected in court for violations of laws or regulations that provide for the protection or preservation of birds, mammals, fish, reptiles, or amphibia, pursuant to Fish and Game Code (FGC) Section 13003 and 13100 for any purposes authorized by FGC Section 13103.

SEC. 286.1. MEMBERSHIP AND SELECTION.

The Commission shall consist of ten (10) members demonstrating interest and expertise in fish and wildlife, environmental, and game management issues. Each Supervisor shall nominate two (2) members, who shall be appointed by the Board. Each nominee shall attend at least one meeting of the Commission prior to accepting appointment to the Commission. The members shall serve during their terms at the pleasure of the Board and any member may be removed at any time by a majority vote of the Board or by any member's failure to meet the regularly scheduled meeting attendance requirements.

(Amended by Ord. No. 8851 (N.S.), effective 1-1-98)

Cross reference(s) -- Appointment and removal, § 52.

SEC. 286.2. EXCLUSIONS.

- (a) An employee of the County shall not serve on the Commission.
- (b) An employee of a State agency with responsibilities directly related to fish and wildlife habitat or game management within the county region shall not serve on the Commission.
- (c) No person shall be appointed to the Commission if by reason of such employment a conflict of interest could arise. Appointment by the court of an attorney to represent an individual shall not be considered a conflict of interest.

SEC. 286.3. TERM OF OFFICE.

Members shall serve a term of office concurrent with the term of office of their nominating Supervisor. The terms shall expire on the date of expiration of the term of the nominating member of the Board or at such time as said member of the Board ceases to hold office, whichever first occurs. Any member whose term has expired hereunder shall continue to discharge the duties as a member until a successor has been appointed and qualified. The reelection of a member of the Board for a succeeding term shall not automatically extend the term of any Commission member.

SEC. 286.4. VACANCIES.

A vacancy shall occur on the happening of any of the following events before the expiration of the term:

- (a) The death of the incumbent.
- (b) The resignation of the incumbent.
- (c) Unexcused absences from more than one-third of the regularly scheduled meetings in any 12-month period or three consecutive regularly scheduled meetings.
- (d) Or for any reason specified in Government Code Section 1770.

When a vacancy occurs as the result of missing one-third of the regularly scheduled meetings in one 12-month period or three consecutive regularly scheduled meetings, both the member and the nominating Supervisor shall be notified by the Commission Chairperson. Vacancies shall be filled in accordance with Section 286.1. Vacancies shall be filled for the balance of the unexpired term of the member being replaced.

SEC. 286.5. ORGANIZATION.

(a) Officers. The Commission shall annually select from its membership a Chairperson and a Vice Chairperson. The officers shall serve for a calendar year.

(b) Rules and Bylaws. The Commission shall prepare and adopt the necessary rules and bylaws, for the conduct of its business.

(c) Quorum. A majority of members currently appointed to the Commission shall constitute a quorum. A majority of members in attendance shall be required to carry any motion or approval.

(d) Minutes. The Commission shall keep written minutes of its meetings, a copy of which shall be filed with the Clerk of the Board.

(e) Meetings. The Commission shall establish a regular meeting schedule and shall give public notice of the time and place of meetings in compliance with the requirements of the Brown Act. All meetings of the Commission shall be open and public, and all persons shall be permitted to attend any meetings of the Commission. The Commission shall meet no more than eight times per year unless authorized by the Board.

(Amended by Ord. No. 8851 (N.S.), effective 1-1-98)

SEC. 286.6 ESTABLISHMENT OF COMMITTEES.

(a) Ad Hoc Committees. The Commission may appoint committees for the purpose of carrying out the functions and duties of the Commission. Any committee appointed shall consist of not fewer than three members, including at least one Commission member. The actions and recommendations of committees shall not be deemed the action of the Commission or its members.

(b) Volunteer and Consultant Services. The Commission shall engage the services of volunteer workers and consultants without salary as it may find necessary from time to time. Service of an individual as a volunteer worker or as a consultant shall not be considered as service for or employment by the County.

SEC. 286.7 COMPENSATION AND EXPENSES.

Members of the Commission shall serve without compensation. Commission members shall be reimbursed for expenses incurred in performing their duties under this Article, including mileage reimbursement in accordance with Administrative Code Section 472 and 484, et seq.

SEC 286.8. DUTIES AND RESPONSIBILITIES.

The Commission shall have the following duties and responsibilities:

a) To develop such criteria, guidelines and evaluation processes as deemed necessary for the distribution of fines and forfeitures collected by the courts for violations of laws and regulations that provide for the protection or preservation of birds, mammals, fish, reptiles, or amphibia in an equitable and regional manner. Programs and projects funded under this program shall demonstrate a benefit to the fish and wildlife of the county of region.

b) To disburse these funds in accordance with applicable State guidelines and monitor

project progress, completion, and evaluation in accordance with established guidelines. The Commission shall disburse funds twice each year.

c) To develop recommendations to the Board, CAO, and County Departments as appropriate regarding regionally significant fish and wildlife issues within the county region, such as but not limited to habitat control, environmental hazards, effects of planning or recreational use on wildlife and its habitat, and wildlife management. Recommendations shall reflect Commission expertise and research which substantiates the Commission's position.

d) To develop recommendations to the Board, CAO, and County Departments on those fish and wildlife issues referred to the Commission or the County by the CDFW. Recommendations shall reflect Commission expertise and research which substantiates the Commission's position

e) To review and comment on policies and programs from County Departments regarding the impact of such policies or programs on fish and wildlife within the County region.

f) To perform such other duties as may be assigned to the Commission by the Board.

(Amended by Ord. No. 8851 (N.S.), effective 1-1-98; amended by Ord. No. 9726 (N.S.), effective 8-12-05)

Cross reference(s) -- Powers and duties of officers, boards, and commissions, § 51.

SEC. 286.9. REPORTS.

The Commission shall make available to the Board its findings and recommendations on fish and wildlife issues and submit a written semi-annual report of its activities to the Board within 60 days of each semi-annual funding meeting.

(Amended by Ord. No. 8851 (N.S.), effective 1-1-98)

SEC. 286.10. STAFF ASSISTANCE.

The CAO shall ensure the provision of the necessary staff assistance to the Commission.

SEC. 286.11. ORDINANCE CHANGES.

Any proposed change in the provisions of this Article, wherever practicable shall be submitted to the Commission for review and comment prior to said proposed change being considered by the Board.

SEC. 286.12. SUNSET.

This Article shall be reviewed as a part of the regularly scheduled sunset review process every seven years.

SEC. 286.13. [RESERVED].


Section 2. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in The Daily Transcript, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED this 9th day of December 2020.

Approved as to Form and Legality

Justin Crumley
Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 9th day of December 2020.



GREG COX
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Fletcher, Gaspar, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 9th day of December 2020.

ANDREW POTTER
Clerk of the Board of Supervisors

By 
Joana Santiago, Deputy



Ordinance No.: 10702 (N.S.)
Meeting Date: 12/09/2020 (03)