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Date: Wed, 19 Oct 2011 18:00:29 -0700  
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Subject: RE: Midcoast Community Bylaws

Len:

Let me share with you my view of the parts of the MCC's current bylaws that may be internally inconsistent or conflict with or be inconsistent with state law or county ordinances or policies.

- Section 1.02 (3) provides that one of the MCC's purposes is "To seek to preserve the rural small-town character of the Area by protecting the existence of agricultural lands, commercial fishing activities and the natural marine environment; supporting the retention of a greenbelt around urban areas of the County of San Mateo; maintaining the coastal protections afforded by the County Local Coastal Plan and Measure A (1986), and seeking to manage growth in a manner which is consistent with the present character of the Area". I read this to say that the MCC is charged with preserving one particular set of community characteristics (rural small-town character) as part of a long range vision for the area. This particular vision is not set forth in any part of the County's establishing resolution nor in its recitals, and seems to me to be in direct conflict with the very next section 1.02(4) of the bylaws that provides that the MCC is to assist the community in developing a long range vision. In short section 3 seems to provide that the MCC is to promote a particular vision of the Community, while section 4 provides that the community is to develop its own vision.

- Section 1.04(c) provides that "The Community Council is the agency of the Community in the making of Community decisions."

I am not aware of any authority or provision in state law or county ordinances or policies that supports such an assertion. What the establishing resolution does effectively provide for is that the MCC is established to "advise the San Mateo County Board of Supervisors on matters including, but not limited to, public health, safety, welfare, public works and planning which affect the Midcoast " and "to provide a forum for community concerns" (which includes conducting surveys, determine community positions, disseminating information to and from county departments, serving as a liaison for county services, commission studies and reports and developing community support for County activities and County support for community activities).

-Section 3.01 (d) seems to provide that any special meeting may be held in a place outside of the jurisdiction of the MCC (i.e., "which place need not be within the Area"). That bylaw provision ignores the Brown Act provision found in Gov Code Section 54954(b) that permits regular and special meetings to be held outside of the territorial boundaries of the MCC only under certain circumstances ["Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:...."].

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