

## **COMPLIANCE REQUIREMENTS FOR CITIZEN ADVISORY COMMITTEE (CAC)**

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### **INTRODUCTION & OVERVIEW:**

In preparation for the periodic review of Josephine County's Comprehensive Plan, the Citizen Involvement Program was reviewed. The program was established in 1978 but had not been reviewed or updated afterwards. As a result, the planning department drafted revised documents, which were then reviewed, modified and approved by the Josephine County Planning Commission and Board of Commissioners as Ordinance 93-13. Ordinance 93-13 consists of two documents, one entitled, *Citizen Involvement Program, Josephine County*, and the other as, *Adopted By-Laws for the Josephine County Citizen Involvement Committee*. This paper is intended to guide interested land use participants in forming a Citizen Advisory Committee (CAC). Compliance with Ordinance 93-13 must be certified by the Citizen Involvement Committee (CIC) in order for interested land use participants to have the right land use noticing and automatic party status in subsequent land use actions.

This document lists the program requirements taken from Ordinance 93-13 (shown in *italics*), and then explains what must be done to comply.

### **REQUIREMENTS:**

The first requirement is that a board of directors, consisting of 5 or more members, must be elected at an election which is open to all people who live or own property within the CAC boundary. The election must be well publicized using methods such as publication in one or more newspaper having circulation in the CAC area, along with other forums, such as public service announcements on the television and radio, and putting posters up at public places like the post office or the local gas station or grocery store. The specific requirements are as follows from Article III of the CIP By-Laws:

1. ***ELECTION:** CAC Board members shall be elected by their CAC areas throughout the county. Each CAC will then elect or appoint from the Board representatives and designate alternate members for each CAC area. The following are the procedures to be followed:*
  - a. *The elections shall be open to qualified voters of each CAC area.*
  - b. *Voters must be verified residents or property owners of the CAC area. There shall be an identification check at the time of polling using such verification as drivers' license, landlord's statement and/or property tax statement.*
  - c. *Absentee ballots shall be accepted for CAC elections. There will be only one ballot per qualified voter, with the marked ballot folded and*

*inserted into an envelope. The voter will then sign their name, current address, and where appropriate, identification of owned property in the CAC area, across the edge of the sealed envelope. This envelope may then either be mailed, or given to a second party to be delivered to the election place so that it arrives no later than the time of the election. Once it has been verified that the ballot was from a qualified voter, the envelope shall be opened and the folded ballot included with the rest of the uncounted ballots.*

- d. Elections shall be well publicized through newspaper publication and/ore mail notification (Grants Pass Daily Courier, Illinois Valley News).*
- e. Elections shall be held annually in a local community building, or wherever regular elections are held for that area.*
- f. Nominations will open at a regular meeting prior to the election date (nominations may be submitted by sealed letter, but the nominee must know of and accept the nomination. If nominees are not able to attend, nominees shall endeavor to have a statement of policy presented at the meeting. Nominees must be informed of the requirements of the office). Nominations from the floor may be accepted at the night of the elections.*
- g. The election will be run by a non-partisan volunteer group with a minimum of two persons. A CAC member not in contest must be present to verify board election results.*
- h. Election results will be made public information within seven (7) to fourteen (14) days. A copy of the results must be submitted to the Planning Office for record.*

The second requirement is for CACs to have an organizational document, sometimes called a charter or by-laws. The by-laws are to be reviewed every 5 years and need to contain certain requirements for conduction business, elections and possible recalls. At a minimum, the by-laws must contain provisions that cover the following items:

1. Procedures for conducting the election of board members, submitting the results to the planning office for CIC certification; and
2. The designation of officers (e.g., chair, vice-chair, secretary, etc.) a description of duties and the length and staggering of terms; and
3. The procedures for the scheduling and calling meetings and the conduct of business so the CAC constituency is notified of meetings; and
4. Procedures for developing recommendations on applications for timely submission to the planning office. The process should include majority and minority recommendations of the Board, as well as the vote of the constituency, and all other relevant information collected and used by the CAC in making its decision; and

5. Procedures for recall of CAC Board members consistent with the CIP By-Laws, Article VI.

The foregoing requirements come from Section C of the *Citizen Involvement Program, Josephine County*:

2. Organization: *Each CAC shall be organized in the following manner;*
  - a. *Each CAC shall furnish a group of officers which will be responsible for the operation of the CAC and for coordinating with the Planning Director with a minimum of a presiding officer and a secretary-treasurer;*
  - b. *Each CAC shall determine specific length of term of officers and number of consecutive terms, including a stipulation for staggering terms and for uneven number of members;*
  - c. *Minimum size of committee shall be five (5) members;*
  - d. *Each CAC shall have a recall procedure to recall members of that CAC;*
  - e. *Meeting dates shall coincide with the planning process;*
  - f. *Charging dues for membership shall not be required. Voluntary contributions may be used as a source of income.*
  - g. *The CACs which have been mapped and have boundaries delineated on the map officially adopted in 1978 and incorporated by reference into this document are: Wolf Creek, Sunny Valley, Jump Off Joe, Hugo, Shan Creek-Galice, North Valley, Jones Creek, Murphy-New Hope, Williams, Lower Applegate, Slema, Central Illinois Valley, O'Brien, Takilma, Redwood, Fruitdale-Harbeck/Green Creek.*
  - h. *Each CAC shall maintain a copy of the CAC By-Laws and the County By-Laws and the County Citizen Involvement Program. The local CAC By-Laws shall be reviewed and submitted to the CIC every 5 years.*
3. Function: *The function of the CACs shall be as follows:*
  - a. *To review and provide comments on any land use or land division applications in their area. The process for this shall be as follows:*
    - 1) *The Planning Department shall send notice to the affected CAC at the time general notice is mailed for the request;*
    - 2) *The CAC may call a public meeting to deliberate a request and shall keep minutes of this meeting. Notice of the meeting shall be posted in a location such as the Post Office which is central to the citizens of the community at least 24 hours prior to the meeting;*

- 3) *CAC representatives must disclose prior to the beginning of a meeting called to discuss an application, whether they have had any ex-parte contacts with the applicant and what was said during the contact and whether they are an effected party or have a financial interest in the matter at hand.*
  - 4) *The CAC recommendation to the Planning Commission shall be in writing and will include a majority and minority report, enumeration of decision reasons, and include all relevant data collected by the CAC in their deliberations;*
  - 5) *The CAC recommendation shall be considered as part of the record of the public comment for the request.*
- b. *The CAC may hold public hearings to review and recommend changes in the Comprehensive Plan for its area and shall submit a record of the recommendation and deliberations including majority and minority reports in writing to the Planning Department.*
  - c. *CAC's may recommend Planning Commission candidates to the Board of County Commissioners in order to assist the Board in ensuring reasonable geographic representation on the Planning Commission.*

#### COMPLIANCE REQUIREMENTS:

Non-compliance with CIP requirements increased between 1978 and 1993, until few, if any, of the recognized CACs met program goals. Periodic review procedures required the county to address this problem. Also, with increased pressure from new development and increased scrutiny from residents and land use activists, formal compliance with the program is more important than ever. To address this situation, recognized CACs will be required to demonstrate program compliance at the time of formation and at the time of all subsequent board of director elections. CACs must submit the following information to the planning office. When the information is complete, the planning office will schedule a time on a planning commission agenda for review and certification. The following information is required for certification:

1. A complete roster of the board of directors for the CAC by showing the names of directors and officers, the length of terms for each and when each term expires; and
2. An election summary report that shows the names of all candidates for board positions, the votes received by each, with notes indicating the newly elected directors and whether they are regular or alternate board of directors. The report must be certified by the two non-partisan individuals and a CAC constituent who is not running for election. Voter verification forms, ballots and tally sheets shall be submitted with the summary report.

3. A copy of the current CAC charter or by-laws. If the charter or by-laws have been modified since the last review, the changes must be clearly marked.
4. Items 1, 2 and 3 must be submitted to the planning office within 14 days of the election. The election results and charter or by-laws will be promptly scheduled for review by the CIC.
5. The CIC will review the information and determine if it complies with the requirements of the County CIP and CIP By-Laws:
  - a. If the information demonstrates compliance with the CIP, the CAC will be certified and granted the right to notice and party status on all quasi-judicial applications in their geographic area;
  - b. If the information submitted does not comply with the requirements of the CIP, the CIC shall give the Chair person of the CAC a statement of reasons why certification cannot be given. The affected CAC may correct the deficiencies and resubmit the information to the CIC for review. Until certified by the CIC, the CAC is not entitled to receive notice of and be granted party status on quasi-judicial applications in their geographic area. Until certified, a group shall not be entitled to use the title of Citizen Advisory Committee or CAC;
  - c. Certification shall be consistent with the election schedule set for CAC Board members (if members are elected yearly, it shall be a yearly process), and CAC certification shall be required each time an election is held;
  - d. It is not the planning office's responsibility to remind CACs to hold election or submit the information required to maintain certification. It shall be the responsibility of the CAC Board to submit the information necessary to obtain or maintain certification;
6. The planning office shall be responsible for maintaining the Planning Department files on the Citizen Involvement Program and for bringing items requested and/or submitted by a CAC(s) before the CIC (this does not include recommendations for the CAC on quasi-judicial or legislative items which shall be handled by the staff planner responsible for the application).