

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

553A



FROM: Office on Aging

SUBMITTAL DATE:
June 19, 2012

SUBJECT: Revision of the Advisory Council on Aging Bylaws

RECOMMENDED MOTION: That the Board of Supervisors:
1) Approve the attached Advisory Council on Aging Bylaws

BACKGROUND: The Advisory Council is a 17 volunteer leadership body mandated to serve in an advisory capacity to the Office on Aging and Board of Supervisors on senior related matters. The Council Bylaws are reviewed annually and after careful deliberation the Council is requesting to update the Bylaws Article VI: Section 1. Quorum: Lines 28, 29 and 30 to read: A quorum shall consist of a majority of the members of the Council not counting vacant positions *or members on an approved Leave of Absence.*

Edward F. Walsh

Edward F. Walsh, Director

**FINANCIAL
DATA**

Current F.Y. Total Cost: \$0
Current F.Y. Net County Cost: \$0
Annual Net County Cost: \$0

In Current Year Budget: NA
Budget Adjustment: NA
For Fiscal Year:

SOURCE OF FUNDS:

Positions To Be Deleted Per A-30 ☐
Requires 4/5 Vote ☐

C.E.O. RECOMMENDATION:

APPROVE

BY: *Lani Sioson*
Lani Sioson

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: *NEAL R. KIPNIS*
DATE: *7/12*

Consent ☒ Policy ☐
Consent ☒ Policy ☐

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.:

District: ALL

Agenda Number:

2.12

1 **Board of Supervisors**

County of Riverside

2 **Resolution No. 2007-271**

3 **RELATING TO THE ADVISORY COUNCIL ON AGING**

4
5 WHEREAS, the California Department of Aging designated
6 the County of Riverside as an Area Agency on Aging in 1974
7 pursuant to Title III of the Older Americans Act of 1965, as amended;
8 and,

9 WHEREAS, this Board of Supervisors, by its Order on June 18,
10 1974, approved the establishment of the Advisory Council on Aging;
11 and,

12 WHEREAS, this Board of Supervisors by its Resolution No. 81-
13 388 delineated the organization of the Advisory Council in
14 compliance with Section 9360 et seq. of the Welfare and Institutions
15 code and rescinded Resolution Nos. 75-355, 79-16, and 79-140 with
16 respect to the Advisory Council; and

17 WHEREAS, this Board of Supervisors by its Resolution No. 82-
18 327 further delineated the organization, provisions and functions of
19 the Advisory Council to allow it to effectively perform its duties and
20 rescinded Resolution No. 81-388, and

21 WHEREAS, in order to continue the Advisory Council on Aging
22 and comply with all statutory requirements, certain organizational
23 matters and functions must be revised; now,
24 Therefore,

25 BE IT RESOLVED by the Board of Supervisors of the County of
26 Riverside, State of California, in regular session assembled on June
27 5, 2007, that the revised By-laws as adopted by the Advisory Council
28 on Aging and attached hereto are hereby approved.

FORM APPROVED COUNTY COUNSEL
BY:  DATE: 7/3/07

1 This Resolution supersedes Resolution Nos. 89-386, 86-357, and
2 82-327, 93-034.

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4 Roll Call:

5 Ayes: Buster, Tavaglione, Stone, Wilson, and Ashley

6 Noes: None

7 Absent: None

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1 **ADVISORY COUNCIL ON AGING**
2 **BY-LAWS**
3 **RIVERSIDE COUNTY OFFICE ON AGING**

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5 **ARTICLE 1**

6 **Name and Purpose**

7 **SECTION 1. Name** The name of this organization is the
8 Advisory Council on Aging herein called "Council."

9 **SECTION 2. Purpose** The Council is formed pursuant to
10 Resolution 82-327 adopted by the Riverside County Board of
11 Supervisors and Section 9250 et seq. of the Welfare and Institutions
12 Code (WIC) of California. In connection therewith, the Council shall
13 endeavor to advocate that older persons within the planning and
14 service area of the County have full and free enjoyment of the
15 opportunity to achieve an adequate income in retirement; have
16 access to the best possible physical and mental health services; have
17 suitable housing; have access to appropriate institutional care; have
18 the opportunity for employment; be able to pursue meaningful
19 activity within the widest range of civic, cultural and recreational
20 opportunities; have efficient and coordinated community services
21 which provide assistance in achieving these goals; have information
22 about research which can sustain and improve health and
23 happiness; and have freedom and independence in the exercise of
24 individual initiative in planning and managing their own lives.
25 Nothing in the WIC shall be construed as limiting in any way the
26 ability of the Council to serve as an advocate for all older persons and
27 adults with disabilities.

1 **ARTICLE II**

2 **Functions**

3 **SECTION 1. Functions** The Council shall:

4 A. Be advisory to the Riverside County Office on Aging and
5 Board of Supervisors on all matters for which they are required and
6 empowered to perform by law and as directed by the Board of
7 Supervisors.

8 B. Study, review, evaluate and make recommendations to
9 the Board of Supervisors relative to any and all matters affecting
10 older persons and adults with disabilities in the County, including,
11 but not limited to, health, education, employment, housing,
12 transportation and recreation.

13 C. Assess and report on the nature and extent of the unmet
14 needs of older persons and adults with disabilities, develop a county-
15 wide 4-year Strategic Plan with annual updates that prioritizes and
16 addresses ways to meet those needs.

17 D. Identify the various public and private services available
18 to older persons and adults with disabilities in the County.

19 E. Form a By-Laws Committee at the first meeting of the new
20 term of office. A Parliamentarian, appointed by the Council Chair, shall
21 serve as Chairman of the By-Laws Committee. The Council Chairperson
22 shall appoint two (2) members from the Executive Board and two (2)
23 members from the Council to serve as the committee.

24 F. Adopt and follow by-laws concerning, but not necessarily
25 limited to:

- 26 a. Terms of membership and office,
27 b. Election of officers,
28 c. Frequency and notice of meetings,
29 d. Accessibility of meetings to members of the
30 general public,

- 1 e. Rules regarding the conduct of Council and
2 Council committee meetings,
3 f. Removal of members and officers and the
4 filling of vacancies.
- 5 G. Establish and delineate functions on an annual basis
6 during the September meeting for standing and ad hoc committees
7 comprised of Council members to assist the Council in fulfilling its
8 functions.
- 9 H. Establish membership attendance requirement.
- 10 I. Prescribe duties for officers.
- 11 J. Delineate any other functions not inconsistent with
12 any relevant Resolution, ordinance, or statute provisions.
- 13 The Council shall have no administrative functions.

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15 **ARTICLE III**

16 **Reports**

17 **SECTION 1. Annual Report** The Council shall file with
18 the Board of Supervisors, the Office on Aging, California
19 Department of Aging, California Commission on Aging, the Senate
20 Sub-Committee on Aging and Long Term Care, the Assembly
21 Committee on Aging and Long Term Care and, insofar as resources
22 permit, all other interested parties, a copy of the Council's annual
23 report.

24 **SECTION 2. Special Reports** The Council may file a
25 special report with the Board of Supervisors whenever it deems
26 desirable to do so, and shall file a report(s) when requested by the
27 Board of Supervisors.

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1 **Article IV**

2 **Membership**

3 **SECTION 1. Composition of Membership**

4 Council membership shall consist of seventeen (17) members and be
5 composed of:

- 6 A. A majority of persons sixty (60) years of age or older,
7 B. Service providers,
8 C. Members who reflect the Districts established by the
9 Board of Supervisors or the geographic, racial, economic,
10 and social complexities of the Planning and Service Area,
11 D. At least one member who represents the interest of the
12 disabled,
13 E. The Director of the Office on Aging, or his/her
14 designee, who shall serve as an ex officio member.
15 F. Each member shall be a resident of Riverside County or
16 be employed within the County.
17 G. Five (5) members shall be appointed by the Board of
18 Supervisors and such membership appointments shall
19 include one (1) person from each supervisorial district.
20 H. The Council shall appoint the remaining twelve (12)
21 members.
22 I. To comply with the composition as prescribed above, the
23 Director of the Office on Aging shall be responsible for
24 making appointee recommendations to the Board of
25 Supervisors and Council.

26 **SECTION 2. Terms of Membership and Office**

27 The term of office of members shall be for a three (3) year
28 period commencing on the first day of July.

29 If appointed other than on July 1 to fill a vacancy, the term
30 shall be considered as a full three-year term if appointed prior to

1 the mid-point of the vacancy to which the member is appointed.
2 If the appointment is after the mid-point, the term shall not be
3 considered a full term and the member shall be eligible to serve
4 one full term following this appointment to fill a vacancy. The
5 Council may on the recommendation of the Membership Committee,
6 reappoint members with the exception of supervisorial appointees.

7 **SECTION 3. Membership Duties**

Members shall:

- 8 A. Attend all Council meetings
9 B. Serve and actively participate on at least one (1)
10 Standing committee.
11 C. Actively participate in advocacy, act as a local and
12 county-wide ambassador, attend and assist at Council
13 conferences and other events.
14 D. Act as a liaison.

15 **SECTION 4. Membership Vacancies**

16 Vacancies shall:

- 17 A. Exist upon the written resignation, death, or loss of
18 residency requirement of a member.
19 B. Upon the expiration of a term.
20 C. When a member fails to attend three consecutive meetings
21 per year where such absence is not excused by the Advisory
22 Council, the Secretary to the Advisory Council will report
23 such absences to the Board of Supervisors for declaration of
24 vacancy.

25 As a vacancy(ies) occur, the respective group(s) making the
26 original appointment(s) shall fill such vacancy(ies) for their
27 unexpired term.

28 A vacancy will normally be filled in accordance with the
29 provisions of Sections 54970 et seq. of the Government Code.

1 **SECTION 5. Removal of a Member**

2 Notwithstanding a
3 specified length of term for a member of the Council, any member
4 may be removed at any time at the discretion of the concerned
5 appointing authority.

6 **SECTION 6. Reimbursement of Expenses**

7 Reimbursement, at the current rate paid by the county according to
8 Ordinance 440, Section 10, shall be made for the member's actual
9 and necessary expenses, including travel, mileage, meals and lodging
10 for attendance at regular monthly meetings of the Council and
11 meetings at which the member officially represents the Council. All
12 members of the Council shall be entitled to the additional sum of
13 \$10.00 per regular meeting to cover other incidental expenses.

14 **ARTICLE V**

15 **Officers**

16 **SECTION 1. Elected and Appointed Officers**

17 The members of the Council shall elect one of its members to serve as
18 Chairperson and one as Vice Chairperson. This shall be done every two
19 years during the regular June meeting. A Parliamentarian will serve as
20 an appointed officer.

21 **SECTION 2. Term of Office**

22 The Chairperson, Vice
23 Chairperson, and Parliamentarian shall serve for a term of two years
24 commencing the first day of July immediately following the election.

25 **SECTION 3. Nominations and Elections**

- 26 A. The Nominating Committee shall consist of five (5) active
27 members. The Chairperson shall appoint two (2)
28 members and one (1) alternate member from the
29 Executive Board. Three (3) members and one (1)
30 alternate shall be selected and approved by the Council
 at the January meeting the year elections are to take

1 place. Committee members who do not attend the first
2 meeting of the Nominating Committee shall be
3 permanently replaced by the alternate(s).

4 B. Nominating Committee members shall have been Council
5 members for at least six months.

6 C. The Parliamentarian shall call the first meeting of the
7 Nominating Committee and instruct the committee in
8 their duties according to the By-Laws. The committee
9 shall elect their own Chairperson. The Parliamentarian
10 shall attend meetings of this committee to give advice on
11 procedure. The Parliamentarian is not a member of the
12 committee unless elected to the committee at the time of
13 Nominating Committee elections.

14 D. Nominees for elected and appointed offices shall have
15 been Council members in good standing for not less
16 than one (1) year.

17 E. The Nominating Committee shall present names of
18 candidates for elected offices to the Executive Board by
19 the end of April, and notify Council members prior to the
20 June election. Nominations from the floor, with
21 nominee's consent to serve, may be made at the election
22 meeting in June.

23 F. Sixty (60) percent of members in good standing must be
24 present in order to hold an election. A majority vote
25 shall elect. The Council, by unanimous consent, may
26 dispose with the ballot when there is but one (1)
27 candidate for each office.

28 **SECTION 4. Removal of Officers** The chairperson or vice
29 chairperson may be removed during his/her term of office for cause
30 by the members of the Council. In the event of such removal, the

1 members shall elect another member to serve during the unexpired
2 term of the prior office holder.

3 **SECTION 5. Duties of Officers**

4 A. The chairperson shall preside at all Council
5 meetings, exercise general supervision of the affairs and
6 activities of the Council, serve as an ex officio member of all
7 Council committees, with the exception of the Nominating
8 Committee. The Chairperson shall appoint a Parliamentarian to
9 serve as an officer during his/her two year term. Unless otherwise
10 directed by the Council, the Chairperson shall establish standing and
11 ad hoc committees as may be necessary to assist the Council in
12 fulfilling its duties and functions hereunder; shall appoint from the
13 Council membership Chairpersons for all standing and ad hoc
14 committees, and shall be the representative or may delegate a
15 Council member to represent on Chairs behalf to external
16 organizations including the Triple A Council of California.

17 B. The vice chairperson shall assume the duties and
18 powers of the chairperson in the event of the chairperson's
19 absence, resignation or inability to perform his/her duties and
20 powers prescribed herein.

21 C. The Parliamentarian shall act as an advisor to the
22 Council on parliamentary procedure and shall be responsible for
23 keeping the By-Laws current. The Parliamentarian shall be
24 Chairman of the By-Laws Committee and call the first meeting of the
25 Nominating Committee. The Parliamentarian will attend meetings of
26 that committee to give advice on procedure, as required.

27 D. The Director of the Office on Aging, or his/her designee,
28 acting as Secretary of the Council, shall:

29 a. Maintain Council records and provide staff
30 assistance as may be needed.

1 b. Maintain a copy of these bylaws, and any
2 amendments thereto at the Office on Aging.

3 c. In consultation with the Chairperson, be
4 responsible for the preparation of all Council meeting agendas.

5 d. Be responsible for maintaining written
6 minutes of all meetings of the Council, including a record of the time
7 and place of each meeting, regular or special, and if special, given the
8 names of the members and any other persons attending each
9 meeting, and the proceedings thereof. The original of these minutes
10 shall be maintained at the Office on Aging.

11 e. Distribute to each member of the Council,
12 In a reasonable manner, a copy of such minutes before the next
13 scheduled meeting.

14 f. In the absence of the Chairperson and Vice
15 Chairperson, the Secretary shall supervise the election of a
16 Chairperson pro tempore.

17 E. The Council shall have an Executive Committee
18 composed of the Chairperson, Vice Chairperson, Parliamentarian,
19 and the Chairperson of Council Standing Committees. The Executive
20 Committee, as soon as possible after officers have been elected, shall
21 conduct an internal hearing with the membership to establish a
22 program for committee work to educate the public and advocate and
23 support senior issues as identified by the Council's 4-year Strategic
24 Plan and any new emerging needs.

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26 **ARTICLE VI**

27 **Meetings**

28 **SECTION 1. Quorum** A quorum shall consist of a majority of
29 the members of the Council not counting vacant positions or
30 members on an approved Leave of Absence. When a quorum is

1 present, any action of the Council shall require affirmative votes of a
2 majority of attendees. Less than a quorum may adjourn a meeting
3 sine die or to a specified time and place.

4 **SECTION 2. Meetings** The Council shall hold a minimum of
5 ten (10) monthly regular meetings each calendar year within
6 Riverside County at such place therein and at such time as shall be
7 fixed by standing order of the Council. The calling, giving notice and
8 conducting of meetings shall be in accordance with the Ralph M.
9 Brown Act (Section 54950 et seq. of the Government Code) and the
10 Robert's Rules of Order, Revised; provided, however, in the event of a
11 conflict as between the provisions of the Ralph M. Brown Act and the
12 Robert's Rules of Order, Revised, the provisions of the Ralph M.
13 Brown Act shall prevail.

14 15 **ARTICLE VII**

16 **Financial Interest**

17 **SECTION 1. Financial Interest Prohibited** No member
18 of the Council shall make, participate in making, or in any way
19 attempt to use his/her membership position to influence any action
20 or decision by the Council in which he/she knows, or has reason to
21 know, he/she has a financial interest.

22 **SECTION 2. Financial Interest – Definition** Any member
23 of the Council has a financial interest in a decision or action
24 within the meanings of Section 1 of the Article, if it is
25 reasonably foreseeable that the decision or action will have a material
26 financial effect, distinguishable from its effect on the public generally,
27 on:

28 A. Any business entity or real property in which the
29 member has a direct or indirect investment worth more than one
30 thousand dollars (\$1,000);

B. Any source of income, other than loans by a commercial lending institution in the regular course of business, aggregating two hundred fifty dollars (\$250) or more in value received by or promised to the member within twelve months prior to the time when the decision or action is made; or

C. Any business entity in which the member is a director, officer, partner, trustee, employee, or holds any position or management.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a member, by an agent on behalf of a member, by any business entity controlled by the member or by a trust in which he/she has substantial interest. A business entity is controlled by a member if the member, his/her agents, spouse and dependent children hold more than fifty percent (50%) of the ownership interest in the entity. A member has a substantial interest in a trust when the official, his/her spouse and dependent children have a trust when the official, his/her spouse and dependent children have a present or future interest worth more than one thousand dollars (\$1,000).

ARTICLE VIII

By-Law Amendments

SECTION 1. Effective Date of By-Laws

SECTION 1. Effective Date of By-Laws These By-laws shall become effective upon their adoption by the Council and approval by the Riverside County Board of Supervisors.

SECTION 2. Amendments to By-Laws

A. The By-Laws shall be reviewed each year.

B. The By-Laws may be amended or repealed and new By-Laws adopted at any regular meeting of the Council, subject to

1 the approval of the Riverside County Board of Supervisors, by a two-
2 thirds vote of those members present, written notice of same having
3 been given prior to the day of voting or having been read at the
4 previous meeting.

5 C. These Revised By-Laws were approved by the Board of
6 Supervisors on June 5, 2007.
7