



NOTICE TO BUTTE COUNTY RESIDENTS:
OPPORTUNITY TO SERVE ON THE
BUTTE COUNTY AIRPORT LAND USE COMMISSION

The Butte County Department of Development Services is seeking applications from volunteers to serve on the Butte County Airport Land Use Commission. Applicants must be residents of Butte County and qualified voters (18 years or older).

Please review attached Butte County Airport Land Use Commission By-Laws for details on Statement of Purpose and Responsibility, Power and Duties, Composition & Organization and Conduct of Business.

PURPOSE

The two primary purposes of the Butte Airport Land Use Commission (ALUC) are to provide for the orderly development of each public use airport in Butte County and the area surrounding these airports.

RESPONSIBILITY

ALUC's primary responsibility is to assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses.

Review local agency Land Use Actions and Airport Plans. The Commission is to review the plans, regulations, and other actions of local agencies and airport operators.

TERM OF OFFICE

The term of office of each Regular Member shall be four years and continue until the appointment and qualification of a successor. The expiration date of the term of office of each Member shall be the first Monday in May, or the next regularly scheduled meeting, in the year in which his or her term is to expire.

REGULAR MEETINGS

Regular meetings of the Commission shall be held on the third Wednesday of each month at 9:00 a.m. in the Board of Supervisors' Chambers, County Administration Center, 25 County Center Drive, Oroville, California 95965, or such other location as specified from time to time by the Airport Land Use Commission.

BYLAWS

AIRPORT LAND USE COMMISSION

COUNTY OF BUTTE

Section 1.1 STATEMENT OF PURPOSE AND RESPONSIBILITY

1.1.1 PURPOSE

The two primary purposes of the Butte ALUC are to provide for the orderly development of each public use airport in Butte County and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to §21669 of Division 9, Part 1 of the California Public Utilities Code and to prevent the creation of new noise and safety problems.

1.1.2 RESPONSIBILITY

ALUC's primary responsibility is to assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses [§21674(a)]¹.

Prepare Compatibility Plans. Each Commission is required to prepare and adopt an airport land use plan for each of the airports within its jurisdiction [§21674(c)] and [§21675(a)].

Review Local Agency Land Use Actions and Airport Plans. The Commission is to review the plans, regulations, and other actions of local agencies and airport operators... [§21674(d)]. The nature of the review varies depending upon whether the Commission has adopted a compatibility plan, as well as upon whether the general plan of the local agency is consistent with the Commission's plan.

Where a local agency overrides the Commission findings on non-compliance on the adoption of a General Plan or General Plan Amendment, the Commission shall only have authority to review proposals that require legislative action.

Section 1.2 POWERS AND DUTIES

1.2.1 GENERAL

The authority for the conduct of the Butte Airport Land Use Commission is governed by State Law. The following sections of State Law are included in these By-Laws and all other policy and procedure documents as though fully set forth within the documents themselves:

Public Utilities Code

Sections 21670-21679.5

Section 21655

-Airport Land Use Commission

-Regulation of Obstructions

¹All Section No. references are to the Public Utilities Code unless otherwise noted.

Sections 21661.5 & 21664.5 -Regulation of Airports

Government Code

Section 65302.3

-Authority & Scope of General Plans

Education

Sections 39005-39007

-School Facilities, General Provisions

Section 81033

-Community Colleges, School Sites

The Commission shall, in the public interest, provide for the orderly development of each public use airport in Butte County and the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards adopted pursuant to ●21669 and prevent the creation of new noise and safety problems.

It is the purpose of the Commission to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

1.2.2 SPECIFIC PURPOSES

The specific purposes of the Butte ALUC are as follows:

To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses. [●21674(a)]

To coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare. [●21674(b)]

To prepare and adopt an airport land use plans pursuant to Section 21675. [●21674(c)]

To review plans, regulations, and other actions of local agencies and airport operators. [●21674(d)]

The powers of the Commission shall in no way be construed to give the Commission jurisdiction over the operation of any airport. [●21674(e)]

In order to carry out its responsibilities, the Commission may adopt rules and regulations consistent with Airport Laws related to Airport Land Use Planning. [●21674(f)]

1.2.3 ANNUAL WORK PROGRAM

Annual Work Program and Cost Estimates. Each October, with the assistance of Development Services Department staff, the Commission shall identify and prioritize those studies, plans, and other related activities the Commission desires to be performed in the following fiscal year. In February of each year, the Commission shall submit its recommended annual work program and cost estimates to the Director of Development Services, who shall include these in the Department's annual budget proposal to the County Administrator.

Program Funding. Funding for the operational needs of the Butte ALUC shall be through a combination of application fees and charges [●21671(f)] and such additional funding as may be approved by the Board of Supervisors as a part of the Department of Development Services budget. In addition, grant applications and other potential sources of funding may be pursued to support completion or updates of airport land use plans and related studies. [●21671.5(b)], [●21671.5(d)] and [●21671.5(c)]

Section 1.3 COMPOSITION & ORGANIZATION

1.3.1 MEMBERSHIP (PUC ●21670 et.seq.)

Butte ALUC shall consist of 7 Commissioners and a minimum of 4 Alternate Members as follows:

County. 2 Commissioners representing the County appointed by the County Board of Supervisors. [●21670(b)(1)]

Cities. 2 Commissioners representing the cities in the County appointed by the City Selection Committee, which is comprised of the Mayors of all the Cities within the County. [●21670(b)(2)]

Aviation Experts. *2 Commissioners appointed by a selection committee comprised of the managers of all the public airports within the County. [●21670(b)(3)]

Public. 1 Public Commissioner appointed by the other six members of the Commission. [●21670(b)(4)]

Alternate Members. Each Regular Member shall appoint a single alternate to represent the Regular Member in Commission affairs and to vote on all matters when the Regular Member is not in attendance. [●21670(d)]

**A person having expertise in aviation is a person who, by way of education, training, business, experience, vocation, or avocation has acquired and possesses particular knowledge of, and familiarity with, the function, operation, and role of airports, or is an elected official of a local agency which owns or operates an airport. [●21670(e)].*

1.3.2 ALTERNATE MEMBERS

Each Regular Member shall appoint a single alternate to represent the member in Commission affairs and to vote on all matters when the Regular Member is not in attendance or chooses not to participate in Commission proceedings. The following rules apply to alternate membership:[●21670(d)]

An alternate may serve two Regular Members, only acting as a Regular Member for one at a time.

Each alternate shall be designated in a signed written instrument which shall be kept on file at the Department of Development Services, Planning Division. [●21670(d)]

Alternate Members may participate in regularly scheduled and special meetings in the manner of a Regular Member with the exception of voting privileges. [Revised

August 19, 1998]

An Alternate shall serve at the pleasure of the appointing Regular Member(s). [●21670(d)]

Any vacancy shall be filled by appointment of the Regular Member. [●21670(d)]

1.3.3 TERM OF OFFICE

Regular Term. The term of office of each Regular Member shall be four years and continue until the appointment and qualification of a successor. The expiration date of the term of office of each Member shall be the first Monday in May, or the next regularly scheduled meeting, in the year in which his or her term is to expire. [●21671.5(a)]

Removal From Office. Any Regular Member may be removed at any time and without cause by the body appointing that Member. [●21671.5(a)] The Commission may recommend to the appointing authority that a Member be removed for the following reasons:

Unexcused Absence. The unexcused absence by a Regular Member three (3) consecutive meetings or more than half of the meetings in any one 12 month period.

Malfeasance or Dereliction. Malfeasance of office or dereliction of duty by a Regular or Alternate member.

Filling vacancies. Any vacancy in the Regular Membership of the Commission shall be filled for the unexpired term by appointment by the body which originally appointed the Member whose office has become vacant. [●21671.5(a)]

1.3.4 COMMISSION OFFICERS

Chair and Vice-Chair. The Officers of this Commission shall be a Chair and a Vice-Chair chosen by the Commission from the current Regular Commissioners, who have served a minimum of one year as a Regular Member. [●21671.5(a)]

Election. The Chair and the Vice Chair shall be elected at the first regular meeting of the Commission in May and will take office immediately. They will serve for twelve months or until a successor is elected and qualified.

Duties of the Chair and Vice Chair. The Chair shall preside at all meetings of the Commission and shall conduct the business of the Commission pursuant to and in compliance with the procedure prescribed by these rules. The Chair shall preserve order and decorum at all meetings and shall decide all questions of order and procedure. In the absence of or inability to act as the Chair, the Vice Chair shall have all the powers and duties of the Chair for this purpose. The Chair, or in his or her absence, the Vice-Chair has the authority to act outside of a meeting, in consultation with the Director of Development Services or designee, on procedural and administrative issues that cannot reasonably be deferred to the next Commission meeting.

1.3.5 COMMISSIONER CONFLICT OF INTEREST

All Members shall be subject to the Conflict of Interest provisions of the Political Reform Act of 1974 and the Ralph M. Brown Act (as amended). [●21672]

1.3.6 FINANCIAL DISCLOSURE

Annual Statement (FPPC Form 700). The Statement of Economic Interest (Fair Political Practices Commission Form #700) must be filed by all Members of ALUC. This form shall be filed annually with the County Elections Office by the date required by the County Clerk.

Disqualification for Failure to File. Any Member of the Commission not in compliance with this section will not be permitted to take part in ALUC business until she/he has complied. Disclosure requirements may be found in the ALUC Conflict of Interest Code included in the Appendix of this document.

Section 1.4 STAFFING [●21671.5(c)(d)]

Pursuant to the Memorandum of Understanding between the County of Butte and the Butte County Airport Land Use Commission executed on November 25, 1997, the Butte County Department of Development Services, Planning Division shall provide professional staff support to meet the annual adopted work program.

Section 1.5 CONDUCT OF BUSINESS

1.5.1 REGULAR MEETINGS [●21671.5(e)]

Regular meetings of the Commission shall be held on the third Wednesday of each month at 9:00 a.m. in the Board of Supervisors' Chambers, County Administration Center, 25 County Center Drive, Oroville, California 95965, or such other location as specified from time to time by the Airport Land Use Commission. In the event that the Board of Supervisors' Chambers is not available on a given third Wednesday, the Commission may choose to schedule their monthly meeting on another Wednesday of that month. The Commission shall initiate the revised meeting date by minute motion made at a regular or special meeting held at least two weeks prior to the proposed meeting date.

If any regular meeting day falls upon a holiday, the regular meeting of the Commission shall be held at the same place on the first succeeding Wednesday which is not a holiday commencing at the same hour, unless otherwise designated by the Commission and noticed.

If no projects or business has been received, staff shall consult with the Chairman of the Commission regarding canceling the meeting. Upon agreement of the Chairman, staff shall provide notice to all Regular and Alternate Members as well as local jurisdictions and the press.

1.5.2 SPECIAL MEETINGS [●21671.5(e)]

The Chair or Director of Development Services may call a special meeting of the Commission. If approved by a majority of Commissioners at a regularly scheduled meeting, the Commission may schedule a special meeting. The order calling the special meeting shall specify the time and place of the meeting and the business to be conducted, and no other

business shall be conducted at that meeting.

1.5.3 NOTICE OF MEETING

General Notice. A notice of all regular and special meetings shall be provided in accordance with the Open Meeting Law, Section 54954.1 of the Government Code, and applicable provisions of the ALUC Law. Written notice of regular and special meetings of the Commission will be sent in the form of a meeting agenda packet to the following:

1. Each ALUC Regular and Alternate Member
2. Project applicant
3. Public Airport Manager
4. All appropriate Local News Media
5. To any person or entity requesting a copy of the agenda or packet in writing.

1.5.4 QUORUM & ACTION OF COMMISSION

Quorum. Four (4) Commissioners present in person shall constitute a quorum. At any time should the number of Commissioners fall below that of a quorum, the remaining Commissioners shall immediately adjourn the meeting and take no further action. [●21671.5(e)]

Action. An affirmative vote of a majority of the full Commission is required to constitute an action of the Commission. [●21671.5(e)] For purposes of these bylaws, **Action** is defined as the passage of a motion duly made and seconded at a meeting of the Commission held in compliance with the Brown Act (Chapter 9 of Part 1 of Division 2 of Title 5 of the Government Code, commencing with ●54950). [Amended October 21, 2001]

1.5.5 CONDUCT OF MEETINGS

Order of Business. The Commission agendas shall be taken in the following order of business:

- Roll Call
- Approval of minutes
- Acceptance of the Agenda
- Business Items
 - Consent Agenda Items
 - Items with Public Hearings
 - Items without Public Hearings
- Monthly Status Report
- Correspondence
- Public Comment on items not on the agenda
- Closed Session
- Adjournment

Note -- the Chair may take any item out of order if deemed necessary to the orderly and efficient operation of the Commission.

General Rules. Except as otherwise provided herein, the rules of order governing the conduct of business at all meetings of the Commission shall be the latest edition of Robert's Rules of Order.

1.5.6 PUBLIC HEARING PROCEDURE

The Commission shall conduct matters noticed for public hearing as follows:

Staff Report. The staff report and presentation should describe the nature of the application and all factors required in Governing Authorities of the Commission.

Commission Questions. Questions of staff and staff report by Members.

Open the Public Hearing.

The applicant or his representative may present or add any pertinent data or testimony to the staff report.

The public may give testimony.

The applicant or his representative may rebut any testimony.

The public may respond to any new information presented in the applicants rebuttal.

Each Member may question any participant in the proceedings.

The public hearing will be closed.

Motion. Any Commissioner may offer a motion on the matter under discussion. Upon receiving a second to the motion by another Commissioner, the Members may discuss the matter under consideration among themselves. Further testimony from the applicant or the public may not be accepted without reopening the public hearing.

Voting. A vote of the Commission shall be taken on the motion. If the motion receives an affirmative vote of the majority of the full Commission, the motion passes [•21671.5(e)]. If the motion receives less than a majority, the motion is defeated and the Chair may allow a subsequent motion(s) on the matter. If there are no subsequent successful motions, the Chair shall declare that no action has been taken on the matter. [Amended October 21, 2001]

Tie Votes. If there is a tie vote on a motion, the motion fails. [Amended October 21, 2001]

Abstentions. The abstention shall not be counted as an affirmative or a negative vote. [Amended October 21, 2001]

1.5.7 TESTIMONY AND ARGUMENT

Giving Testimony. The applicant and any member of the public desiring to address the Commission shall, when recognized by the Chair, step forward and give his/her name and address to the Commission Clerk.

Time Limits. The Chair may, within reason, allocate and limit the time and scope of testimony from any interested person as necessary for the expeditious conduct of the Commission's business.

Public Debate Prohibited. Debate between members of the public shall not be permitted.

Groups and Spokespersons. When any group wishes to address the Commission, the Chair may request a spokesperson be chosen by the group to address the Commission. The Chair may allow additional time over and above the time allocated for individual testimony for a person testifying for a group.

1.5.8 RECORD OF PROCEEDINGS

Minutes. Action minutes shall be maintained by the staff. The conformed action minutes shall be maintained in a permanent file.

Electronic Recordings. All proceedings of regular and special meetings shall be electronically ("tape") recorded. Transcripts will be prepared upon request and the cost will be charged to the person or entity making the request.

Destruction of Records. Written documents shall be kept for an indefinite period and may be reduced to a filmed copy at the end of 2 years. Tape recordings may be destroyed after 2 years.

1.5.9 CONFLICT OF INTEREST [●21672]

Voting Prohibited. No Commissioner shall cast a vote on any matter that directly affects any of her/his personal interests. No Commissioner shall vote on any matter where it is reasonably foreseeable that the action of the agency could materially affect a financial interest of the Commissioner.

Public Disclosure. Commissioners having a conflict of interest on any matter before the Commission shall publicly disclose such conflict and thereafter shall not participate in any discussions, debates, questioning or votes on the matter in their official capacity. This restriction shall not prevent a disqualified Commissioner from testifying as a member of the public.

Agency Influence. Commissioners shall not be instructed by their appointing body as to how to cast a vote on any particular matter. If a Regular Commissioner feels that he or she cannot be impartial on an issue, the Commissioner shall ask his/her Alternate to take their place on that matter.

1.5.10 LEGAL ADDRESS

The legal address of the Butte County Airport Land Use Commission is:

Butte County Airport Land Use Commission
7 County Center Drive
Oroville CA 95965-3397

(530) 538-7601 (voice)
(530) 538-7785 (fax)

Section 1.6 COMMITTEES

The Commission may establish committees deemed necessary for the conduct of its proceedings.

Composition. Comprised of the Chairman, and 2 additional Members selected by a majority of the Commission. An alternate may serve in place of their appointing member for the purposes of this committee. The Director of designee may be requested to provide staff services for the committee. [Revised August 19, 1998]

Responsibilities. The responsibility of any committee shall be established by the Commission and approved by a majority vote.

1.6.1 COMMITTEE OPEN MEETING LAW REQUIREMENTS

Any permanent standing committees established by the Commission shall be subject to the California Open Meeting Law. Temporary Ad Hoc committees, composed of less than a quorum of the Commission are not subject to the Open Meeting Law.

Section 1.7 AMENDMENTS

These By-Laws may be amended, revised or repealed at any regular meeting of the Butte County ALUC by a vote of 4 of the members of said Commission.

Section 1.8 FILING OF BY-LAWS

Upon approval of these By-Laws, and any amendments thereto, an original certified and signed copy shall be filed with the Clerk of the Board of Supervisors of Butte County.

PASSED AND ADOPTED BY THE BUTTE AIRPORT LAND USE COMMISSION this 21st day of October, 2001.

ROBERT HARP, Chairman,
Butte County Airport Land Use Commission

ATTEST:

STEPHEN A. STREETER
Butte County Department of Development Services, Planning Division