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BEFORE THE BOARD OF SUPERVISORS
FRESNO COUNTY, CALIFORNIA

In the Matter of)
ESTABLISHING THE FRESNO)
COUNTY ZOO AUTHORITY)

Resolution No. 08-024

WHEREAS, Revenue and Taxation Code section 7286.43 provides that the Fresno County Board of Supervisors may establish a special purpose authority for the support of zoos, zoological facilities, and related zoological purposes in the County; and

WHEREAS, the Fresno County Board of Supervisors desires to establish the Fresno County Zoo Authority.

NOW, THEREFORE, the Board of Supervisors of the County of Fresno hereby resolves as follows:

Section 1: The Fresno County Zoo Authority, Created - Terms of Office

There shall be a Fresno County Zoo Authority (hereinafter referred to as the "Authority" or the "Zoo Authority"), created by this Resolution. The Board of Supervisors shall govern the Authority until the voters approve the ordinance imposing a special transactions and use tax (sales tax) for the Authority. Thereafter, the Board of Supervisors shall appoint a successor Authority Board, no later than March 31, 2005, consisting of the Mayor of the City of Fresno, a qualified elector with expertise in local zoo matters as defined herein, and five appointed qualified electors.

The Board of Supervisors shall appoint the six qualified electors ("appointed Board members"), who shall hold no other public office for profit. Each supervisor shall nominate one appointed Board member. The sixth member under Section 2 below shall be nominated by the Chair of the Board of Supervisors. The sixth member shall possess the qualifications stated in Section 2 below. The Board of Supervisors may reject any nominee, whereupon the supervisor making the nomination may nominate

1 another person until a nominee acceptable to the Board of Supervisors is appointed.
2 The terms of office of the five members nominated by individual members of the Board
3 of Supervisors shall coincide with the terms of the respective members of the Board of
4 Supervisors nominating them. The sixth member appointed under Section 2 below shall
5 serve for a one-year term, coinciding with the term of the nominating supervisor as
6 Chairman. Any appointment to fill a vacancy shall be for the remainder of the unexpired
7 term. Each appointed Board member shall serve until his or her successor is appointed
8 and qualifies.
9

10 If the transactions and use tax proposed by the Authority is not approved by the
11 voters, the Authority shall cease to exist.

12 **Section 2: Special Board Member Qualifications**

13 The sixth member of the Authority Board nominated by the Chair of the Board of
14 Supervisors shall be selected for the member's expertise in zoo matters.

15 **Section 3. Board Members - Removal**

16 The Board of Supervisors, by a four-fifths vote of all the members, may remove
17 an appointed Board member at any time.
18

19 **Section 4. Board Members – Attendance Requirements**

20 All Authority Board members, including the Mayor of the City of Fresno, shall be
21 bound by Chapter 2.68 et seq of the Fresno County Ordinance Code. The Mayor of the
22 City of Fresno shall be deemed to have resigned his or her membership for absences in
23 excess of two consecutive regular meetings or three regular meetings in a calendar
24 year. In the event of such a resignation by the Mayor of the City of Fresno, the Fresno
25 City Council president shall replace the Mayor as Authority Board member.
26 Alternatively, the Mayor may elect to appoint a member of the City Council as his
27 alternate without resigning his position. The City Council President or member shall also
28 be subject to Chapter 2.68 et seq of the Fresno County Ordinance Code. In the event

1 of the resignation of the City Council member from the Authority Board, the Fresno City
2 Council shall nominate and appoint a different City Councilperson within 30 days.

3 **Section 5. Authority - Chair Election, Meetings, Records**

4 After installation of the appointed Board members, the Authority Board shall elect
5 one of its members as chair. It shall thereafter elect a chair at the first meeting of each
6 calendar year. The Authority Board shall meet at least four times a year. The Ralph M.
7 Brown Act (Gov. Code, § 54950 et seq.) shall govern meetings of the Authority Board.
8 Four Board members shall constitute a quorum, provided that no action shall be taken
9 without the affirmative vote of at least three Board members. The Authority Board shall
10 keep minutes of its proceedings and records of its activities and actions and shall make
11 an annual report to the Board of Supervisors.

12
13 **Section 6. Duties**

14 In order to effectuate the purposes of this Authority, the Board shall have the
15 authority to do the following:

- 16 a. Adopt ordinances, resolutions, policies and procedures to implement this
17 Resolution;
18 b. Enter into contracts to accomplish the purposes of the Authority;
19 c. Perform duties prescribed hereunder; and
20 d. Take all steps necessary to implement this Resolution, including hiring or
21 contracting with appropriate staff, if necessary.
22

23 **Section 7. Conflict of Interest Code - Adoption**

24 The Authority Board shall adopt a Conflict of Interest Code. Nothing contained in
25 the adopted conflict of interest code may modify or abridge the provisions of the Political
26 Reform Act of 1974 as amended (Gov. Code, § 81000 et seq.). The provisions of any
27 adopted code shall be in addition to Government Code section 87100 and other laws
28 pertaining to conflicts of interest.

1 **Section 8. Conflict of Interest - Disqualification**

2 Board members must disqualify themselves from making or participating in
3 making any decision in which they have a financial interest, when it is reasonably
4 foreseeable that such interest may be materially affected by the decision in a manner
5 distinguishable from the effect on the public generally.

6 **Section 9. Procedures - Rules of Order**

7 Robert's Rules of Order shall govern the proceedings of the Authority in the
8 transaction of business unless otherwise provided herein or by the general laws of the
9 state or the county. Unless otherwise specified by the Authority Board, Robert's Rules
10 of Order Newly Revised, Tenth Edition, shall be used by the Authority Board.

11 **Section 10. Duties**

12 The Authority shall oversee the general administration of the funds and of
13 the implementation of this initiative, including but not limited to:
14

- 15 1. Requiring the Chaffee Zoo to enter into appropriate contracts to
16 expend the tax proceeds as provided in the ordinance.
- 17 2. Employing the services of an auditor to oversee the State Board of
18 Equalization's records if desired, and, if deemed necessary, employing the
19 services of an auditor or other professionals to audit and/or report on the
20 activities of the Chaffee Zoo regarding the expenditure of Authority funds and the
21 progress of approved projects.
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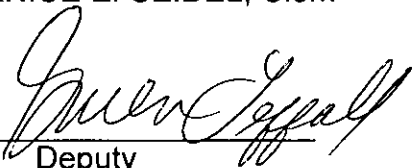
THE FOREGOING was passed and adopted by the Board of Supervisors of the County of Fresno this 15th day of January, 2008, by the following vote, to-wit:

AYES: Supervisors Anderson, Waterston, Larson
NOES: Supervisors Case, Perea
ABSENT: None



CHAIRMAN, Board of Supervisors

ATTEST:
BERNICE E. SEIDEL, Clerk

By 
Deputy

Agenda #9
Resolution #08-024