



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Planning and  
Development  
**Department No.:** 053  
**For Agenda Of:** Set Hearing on  
November 10, 2015  
**Placement:** Departmental  
**Estimated Time:** 30 minutes  
On November 17, 2015  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department Dr. Glenn Russell, PhD, Director, (805) 568-2085  
Director  
Contact Info: Steve Mason, Planning and Development (805) 568-2070  
**SUBJECT:** Fish and Game Commission Composition and Membership

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**County Counsel Concurrence**

As to form: Yes

Other Concurrence: N/A

As to form:

**Recommended Actions:**

That the Board of Supervisors:

On November 10, 2015, that the Board of Supervisors set a hearing for November 17, 2015 to:

- a) Adopt a Resolution as proposed in Attachment 4 which will modify the membership from 12 to 5 members, and rename the Santa Barbara County Fish and Game Commission to the Santa Barbara County Fish and Wildlife Commission; and
- b) Rescind resolutions that establish Fish and Game Commission, 83-75, 88-594, 96-10, and 03-057; and
- c) Determine pursuant to California Environmental Quality Act (CEQA) Guideline 15378(b)(5) that the above action is not a project subject to CEQA review because it is an administrative activity that will not result in direct or indirect physical changes in the environment. (Attachment 5).

**Summary Text:**

This item recommends that the County Fish and Game Commission be renamed to the Fish and Wildlife Commission and that membership be reduced from twelve to five. The renaming of the Commission

mirrors the change that the State has implemented for the State Fish and Wildlife Commission. The recommendation for the reduction in members is proposed to address quorum issues experienced over the past several years.

The Board of Supervisors established the County Fish and Game Commission in 1975 as a ten member advisory body on County fish and game matters. Subsequent Board actions (resolutions: 83-75, 88-594, 96-10 and 03-57) increased Commission membership to 12 and modified organizations that nominate and sponsor six of the Commission members. The Commission has struggled to obtain a quorum for their quarterly meetings in the past four years. Since January 2011, the Commission has achieved a quorum for 13 of 25 scheduled meetings, 52% (attachment 1). The Commission cannot conduct any official business without a quorum. This report provides background on the Commission and identifies options and a recommendation for resolving quorum issues.

**Background:**

The Fish and Game Commission is a 12-member advisory body appointed by the Board to advise on fish and game matters within the County. Specifically, the Commission shall (1) make recommendations regarding expenditures of Fish and Game fines; (2) apprise the Board of Supervisors of fish and game issues within the County; and (3) recommend projects for conservation and propagation of fish and game resources, etc. Membership of the Commission is currently comprised of five Board appointees, one Board-appointed commercial fisher, and six members appointed by the following organizations: Winchester Canyon Gun Club, Santa Barbara Sportfishing / Channel Fishing Club, Vandenberg Rod and Gun Club, Santa Ynez Valley Sportsmen’s Association, Santa Maria Sportsmen’s Association, and Santa Ynez Pistol and Bow Club. The Commission's membership and responsibilities are defined in Resolutions 88-594 and 96-10 (Attachment 2).

The Fish and Game Commission meets quarterly to discuss fish and game issues and make recommendations for the expenditure of fine revenues. Each year, the Fish and Game Commission typically solicits local groups for grant proposals and awards grants from \$500 to \$1,500. Grants have been awarded for the purchase of decoy animals used in enforcement, youth sport fishing outings (2-3 per year), hunter safety training, purchase of ammunition and gun safety instruction and projects to restore / enhance habitats or increase access. Grant awards are included in the Fish and Game Commission budget annually.

The table below summarizes revenues and expenditures for the Fish and Game Fund (0041) for the past five years. Revenue comes from fines recovered for violations of Fish and Game laws within the County. Administrative expenditures increased in FY 2013-14 as a result of a one-time project to restructure grant award program procedures.

Fiscal Year	Revenues	Grant Expenditures	Administrative Expenditures (costs over \$1,000 are paid by General Funds)	Fish and Game Fund 0041 Ending Balance
2010-2011	\$6,969.13	\$13,521.52	\$4,421.29	32,203.20
2011-2012	\$10,985.43	\$6,757.03	\$5,707.12	35,300.06
2012-2013	\$5,252.53	\$11,102.66	\$5,980.64	28,449.93
2013-2014	\$10,145.68	\$3,083.00	\$10,490.67	34,373.11
2014-2015	\$56,637.24	\$10,411.61	\$5,944.13	79,508.59

State Fish and Game Wildlife does not require local jurisdictions to have a Fish and Game Commission. Funding for the Fish and Game Commission comes from fines recovered for violations of Fish and Game laws within the County. Funds received by Santa Barbara County from Fish and Game fine revenues are restricted by State Fish and Wildlife Code section 13103. State Fish and Wildlife Code section 13103 largely limits expenditures of the fine revenues. Some examples of allowable expenditures include: public education, wildlife protection and propagation, emergency treatment of injured wildlife, habitat protection and restoration, scientific research, administrative support <\$10,000, and for District Attorney prosecution of Fish and Game violations.

As stated in the summary, the Commission often struggles to obtain a quorum for their quarterly meetings. Since January 2011, the Commission has achieved a quorum for 13 of 25 scheduled meetings, 52% (Attachment 1). The Commission cannot conduct any official business without a quorum. The Commission has previously acted to address poor member attendance by requesting that your Board remove and make new appointments. These requests were made in 1997 and 2010 for Board appointees. Generally, attendance of Board appointees is better than the attendance by members appointed by the Sportsmen's organizations. Since January 2011, Board appointees have attended 71% of meeting held, as compared to 55% of appointees from the Sportsmen's Association members. The six members appointed by Sportsmen's organizations may only be replaced if the appointing Sportsmen's organization chooses to replace or appoint a new member.

Research of neighboring counties shows several models for administering the County's Fish and Game programs. Fish and Game Commissions are supported by various county departments: Farm Advisor in San Luis Obispo County, Harbor Department in Ventura County, and Parks and Recreation in Kern County. Fish and Game Commissions surveyed typically meet quarterly, similar to Santa Barbara County. Each of these Commissions makes recommendations for expenditure of fish and game fine revenue to their Board of Supervisors.

Below are several options available to address quorum issues. With the exception of status quo, all options identified below will require rescinding existing resolutions. Attachment 3 provides a table of the options below and identified pros and cons.

1. Status Quo
  - Request appointing organizations and Board members to fill vacant Commission appointments.
2. Reduce the number of meetings
  - The Commission can meet annually or semi-annually. Less frequent meetings may increase attendance.
3. Reduce the number of Commission members to five and amend membership appointment rules
  - Reduce the membership from twelve to five members. Fewer members may result in more meetings where a quorum is achieved. All members would be appointed by the Board, one for each Board member. Terms would run concurrent with the appointing Board member.

4. Modify the responsibilities or practices of the Commission requiring a quorum
  - Delay grant awards until a certain level of funding is achieved.
  - Allocate fine revenues to the District Attorney for prosecution of fish and game violations.
  - Eliminate the Fish and Game Commission’s recommendation for the expenditure of fine revenues. Fine revenues could be expended through a process similar to the award of Coastal Resource Enhancement funds, or at the recommendation of the CEO.
  
5. Dissolve the Fish and Game Commission
  - State law does not require the County to create a Fish and Game Commission. Oversight and management of the Fish and Game Fund would be at the direction of the County Executive Officer under the direction of the Board of Supervisors.

Fish and Game Commission Input:

The Commission discussed quorum issues at their July 30, 2015 meeting. The Commission’s proposed solution for the quorum issue is to modify quorum requirements to exclude vacant commission appointments when calculating a quorum. Currently, the Commission’s quorum requirement is seven members from the total of 12. This proposal cannot be implemented due to common law requirements that a quorum not be less than a simple majority of a committee’s membership.

The Commission also recommended dropping the Vandenberg Rod and Gun Club as an appointing organization. This club is no longer active and has not participated in the Commission for over a year.

Staff recommends that the composition of the Commission be modified to a total of five members, to be appointed by each Board member. This will increase the accountability of Commission members to the Board for attendance and participation. Outside organizations that currently appoint members may continue to participate at meetings and provide input to the Commission on items and areas of interest. Public input for Commission can be encouraged through broader distribution of agendas and meeting schedules.

Additional Proposed Amendments to Fish and Game Commission Resolution:

A replacement resolution for the Fish and Game Commission (Attachment 4) is attached for your Board's consideration. The proposed resolution reflects Commission membership changes as discussed in Option 3 above and proposes other minor changes as shown in the table below.

Section	Existing	Proposed
Commission name	• Fish and Game	• Fish and Wildlife
Membership	• Twelve	• Five
Membership composition	• Five Board Appointed • One Commercial Fisher • Six Sportsmen’s Association Appointees	• Five Board Appointed.
Member Qualifications	• None	• Provides list of suggested qualifications for members
Removal of Members	• Board action for Board appointees	• Board action

	<ul style="list-style-type: none"> <li>and Commercial Fisher member.</li> <li>• Commission request to Sportsmen’s Organizations.</li> </ul>	
Meeting Frequency	<ul style="list-style-type: none"> <li>• Required quarterly meetings, fourth Thursday of January, April, July and October</li> </ul>	<ul style="list-style-type: none"> <li>• Minimum of semi-annual.</li> <li>• Calendar to be set by Commission at first annual meeting.</li> </ul>
Minutes and Agendas	<ul style="list-style-type: none"> <li>• Requires transmittal of meetings and agendas to Board</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> <li>• Minutes and Agendas available on P&amp;D website</li> </ul>
Review of Monthly Controller Report	<ul style="list-style-type: none"> <li>• Required review of Controller report</li> </ul>	<ul style="list-style-type: none"> <li>• P&amp;D manages the Fish and Game fund and budget</li> </ul>

**Fiscal and Facilities Impacts:**

Budgeted: yes

Preparation of this report is budgeted in the Administration and Support program on page D-287 of the Adopted 2015-17 adopted budget. Costs for Fish and Game Commission are offset by fine revenues. Costs for administrative support that P&D provides are reimbursed by the Fish and Game Fund up to \$1,000 per year. Support costs beyond \$1,000 are absorbed in the P&D budget.

There are no facilities impacts.

**Key Contract Risks:**

N/a

**Staffing Impacts:**

**Special Instructions:**

N/a

**Attachments:**

- Attachment 1: Fish and Game Commission Meeting Attendance
- Attachment 2: Fish and Game Commission Resolutions
- Attachment 3: Table of Options for Fish and Game Quorum
- Attachment 4: Proposed Fish and Game Commission Resolution
- Attachment 5: CEQA Exemption

**Authored by:**

Steve Mason, Planning and Development

**cc:**