Attachment # d
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From: Daniel Rigo
To: Joseph Sharp
Date: 8/30/2005 1:43:27 PM
Subject: make up of PHIAB membership

Joe - - in discussing the PHIAB stuff with Herb and Patrick, it came to our attention that the membership of PHIAB, originally established by the 2001 ordinance to be seven members, was apparently changed to its current 15-person current membership by a 2002 Resolution. The ordinance has never been amended, although a public hearing in March 2005 recommended amending the ordinance to a 17-person membership, but the BCC rejected that recommendation. An ordinance cannot be amended other than by proper legal notice and public hearing. A simple Resolution does not validly amend an ordiance.

In order to clarify the legal validity of the PHIAB's 15-person membership, our office advises that an amendment to the ordiance be presented to the BCC as soon as possible. Let us know if you have any questions. Thanks.

CC: Herb Thiele; Marcia Labat; Patrick Kinni; Vince Long