

# HISTORIC RESOURCES COMMISSION BYLAWS

While most of the rules governing the conduct of meetings of the Historic Resources Commission are provided for in State and County statutes and ordinances, it is desirable for the Historic Resources Commission to adopt bylaws. These bylaws are to assist the Historic Resources Commission in conducting its business in an orderly and efficient manner, and are adopted pursuant to County Code Section 2.38.140.

## 1. COUNTY'S COMMISSIONS ORDINANCE

The Historic Resources Commission is subject to the County's Commission Ordinance Chapter 2.38, attached hereto.

## 2. PUBLIC MEETINGS

All meetings and actions of the Historic Resources Commission shall be subject to the Brown Act (Government Code No. 54950-54963).

### HEARINGS

Public hearings conducted by the Commission shall conform to all applicable provisions of law, except that notice of public hearings shall be made pursuant to County Code Section 18.10.220 et. seq., even if such notice is in excess of that required by State Law.

The Chairperson, or in his/her absence, the Vice Chairperson, may direct the Secretary to send out notices for a special meeting; or three members wishing a special meeting called may, by letter, direct the Secretary to notify the Commission. Said notices shall be mailed three days prior to the date of the meeting. The Secretary shall also notify Commissioners of such special meetings by telephone. Notice to the press and other news media of such special meetings shall be made pursuant to the provisions of State Law.

### NOTICING

At least Seventy-two (72) hours prior to each regular meeting, an agenda for the regular meeting shall be mailed to each Commission member, and to each representative of the news media and to each other person who has submitted a written request to the Commission for notification of meetings, and shall be posted at least seventy-two (72) hours prior to the regular meeting at a location that is freely accessible to the public. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting. No action or discussion shall be undertaken on any item not appearing on the posted agenda except that members of the Commission may briefly respond to statements made or questions posed by persons exercising their public testimony rights or ask a question for clarification, refer the matter to staff or to other resources for factual information, or request staff to report back at a subsequent meeting concerning any matter. Notwithstanding the foregoing, action may be taken on an item of business not appearing on the posted agenda upon a determination by two-thirds vote of

the membership of the Commission, or if less than two-thirds of the members are present, by unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the County subsequent to the agenda being posted.

At least seventy-two (72) hours prior to each special meeting, an agenda for the special meeting shall be mailed to each Commission member and to each representative of the news media and to each other person who has submitted a written request to the Commission for notification of meetings; and shall be posted at least seventy-two (72) hours prior to the special meeting at a location that is freely accessible to members of the public. No business other than that listed on the agenda shall be considered at a special meeting.

### SUBCOMMITTEES TO THE HRC

All subcommittees shall comply with the notice and agenda requirements otherwise applicable to the Commission in these by-laws, except for subcommittees composed solely of less than a quorum of the members of the Commission which are not standing subcommittees of the Commission with either a continuing subject matter jurisdiction or a meeting schedule fixed by resolution or other formal action of the Commission.

### 3. OFFICERS

The officers of the Commission shall be a Chairperson, Vice Chairperson and Secretary. The Chairperson and Vice Chairperson shall be elected by the members of the Commission. The Director of the Planning Department or other appointee shall serve as Secretary of the Commission.

The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson. The members may elect a Chairperson pro tem in the absence of both the Chairperson and the Vice Chairperson.

The terms of office for the Chairperson and Vice Chairperson shall be one year beginning April 1 of each year.

### 4. MEETINGS

The Commission shall meet once each quarter, for a total of four regular meetings per year. The meetings shall be held in the first month of each quarter, in January, April, July, and October. The meeting schedule for the year, including the time and place for each meeting, shall be approved by the Commission, for the subsequent year, at its last meeting of each year and posted on the Planning Department Website. Regular meetings may be cancelled as warranted by special circumstances, such as holidays. The Commission may schedule additional meetings as necessary to meet the needs of the Community, the Board of Supervisors or the Commission. Night and/or out-of-building meetings may also be scheduled as the Commission desires. The Commission may also hold special meetings

and adjourned regular or adjourned special meetings, as it deems necessary in accordance with state law. Compliance with section 2 of these bylaws is required.

#### 5. ATTENDANCE BY COMMISSIONERS

Every Commissioner shall notify the Planning Department Office 48 hours in advance of any Historic Resources Commission meeting he/she is not able to attend. If any regular Commissioner is absent from three consecutive Commission meetings during any calendar year without legitimate reason entered into the minutes, the Commission shall inform the Board of Supervisors that a vacancy exists, as provided in the County Code.

#### 6. MISSED MEETINGS

In the event a Commissioner is absent from all or a portion of a public hearing, the Commissioner may not vote or participate in the discussion on that item unless the Commissioner has reviewed the prior evidence and listened to the tape recording(s) of the prior testimony, and so state for the record.

#### 7. QUORUM

A majority of the members of the Commission shall constitute a quorum for the conduct of all business.

#### 8. CONTINUANCE OF PUBLIC HEARINGS

It is the policy of the Commission to attempt to accommodate persons on the scheduling of items. The Commission recognizes the interest of both applicants and other interested persons appearing before the Commission. The Commission, therefore, will consider the continuation of certain public hearings to the Commission's next available meeting if the following conditions are met:

- a. A petition must be submitted to the Commission no later than 5:00 p.m. on Friday before the next scheduled Wednesday Commission meeting (for all other scheduled hearings occurring on any day other than Wednesday, the petition must be submitted at least 72 hours prior to the scheduled meeting).
- b. The petition must be signed by at least five interested persons and must state that said persons desire to participate in the particular hearing requested to be continued but are unable to attend the scheduled night meeting or day meeting, whichever the case may be.
- c. The requested continuance does not conflict with any other provision of either State or County law or regulation which may require that the hearing be held at either the scheduled time or within a certain specified period of time.

When such a petition has been presented according to this rule, the Commission may:

- a. Continue the public hearing to the date requested, or
- b. May hear the staff presentation, open the public hearing and hear the testimony of those who are present and wish to speak, and then continue the hearing for the hearing of additional testimony, or
- c. Determine to proceed with the public hearing and take action, despite the request for a continuance, if the Commission determines that there are overriding reasons to proceed with the hearings as scheduled.

Nothing contained in this rule is intended to preclude the Commission from continuing any matter from time to time if appropriate, or to imply the type of petition described above may be used to force a continuance of a particular hearing more than once.

## 9. THE CONDUCT OF MEETINGS

### CALL TO ORDER / ROLL CALL

### AGENDA APPROVAL OR MODIFICATION

At the beginning of the meeting, staff shall inform the Commission of any additions or corrections to the agenda and inform the Commission of any request for continuances of scheduled items. The Commission may elect to continue items at this time or to consider the requests at the scheduled time for the item. Whenever there are only three members of the Commission present, the Commission will generally grant requests for continuances by applicants or appellants so that a full Commission may hear the item. The affirmative vote of three Commissioners is required to approve any item. If the Commission is unable to reach any decision on an application or appeal the item will be continued to the next meeting of the Commission or to a later meeting when a full Commission is present. If no action is taken at such a continued hearing, the application or appeal shall be deemed denied. In cases other than appeals, the application shall be forwarded to the Board of Supervisors without payment of a fee.

### RECEIPT OF INFORMATION BY COMMISSIONERS OUTSIDE OF PUBLIC HEARINGS

A Commissioner who has received oral or written information regarding a project outside of a public hearing or has viewed the subject property, or is familiar with the subject property, shall fully disclose at the beginning of the meeting such information and his or her observations and familiarity with the property so that the applicant, opponents, interested persons, planning staff and other members of the Commission may be aware of the facts or information upon which he or she is relying and have an opportunity to support or controvert the facts or information. All written information received outside of the public hearing shall be filed with the Commission Secretary. This requirement shall not apply to broad policy issues applicable County-wide as distinguished from projects affecting

individual parcels of property, or to factual inquiries made to and received from County staff.

### PUBLIC COMMUNICATIONS

This item is on the agenda before scheduled hearings for members of the public who wish to speak to the Commission on items not on the agenda and which are within the subject matter jurisdiction of the Commission. Speakers are limited to five minutes. The Commission allows up to 30 minutes at the beginning of each regular meeting agenda for oral communications. If further time is needed, it will be provided at the end of the meeting.

The Commission may not discuss or take any action on items brought up during Public Communications. The public may speak on any item listed on the agenda, subject to control by the Chairperson in the interest of time.

### TIME LIMITS

The chairperson of the Commission may establish reasonable limits on the amount of time allotted to each speaker on a particular item and the Commission may establish reasonable limits on the total amount of time allotted for public testimony on a particular item or the total amount of time allotted for community oral communications. When further discussion is required, the Commission may vote to allot time in the agenda of the following meeting.

### PUBLIC HEARINGS

Public participation in Commission meetings shall be allowed as follows:

1. An opportunity for members of the public to directly address the Commission on any item on the agenda of interest to the public shall be provided before or during the Commission's consideration of the item.
2. In addition, the agenda will provide for community oral communications on items not on the agenda which are within the subject matter jurisdiction of the Commission at the beginning of each regular meeting agenda.
3. The chairperson of the Commission may establish reasonable limits on the amount of time allotted to each speaker on a particular item, and the Commission may establish reasonable limits on the total amount of time allotted for public testimony on a particular item or the total amount of time allotted for community oral communications. When further discussion is required, the Commission may vote to allot time in the agenda of the following meeting.

Questions by members of the Commission to the public, applicant or staff shall be directed to the Chairperson; also, questions from the public to the Commission shall be directed to the Chairperson.

#### 10. AGENDA DEADLINES

Written materials to be included in agenda packets shall be submitted to the Planning Department by Monday noon of the week preceding each meeting. The timelines for submittal of staff reports for public hearing items is subject to change. Contact the Secretary of the Commission for exact timelines.

#### 11. CONDUCT OF BUSINESS

Sturgis Rules of Parliamentary Procedure shall govern the conduct of meetings of the Commission except as otherwise provided herein, or by State or local law.

#### 12. AMENDMENT

These rules may be amended by the Commission at any time by three votes and subject to approval by the Board of Supervisors.

#### 13. COMMUNICATIONS

All correspondence addressed to the Commission, the Planning Department, or to the Director of the Planning Department shall be answered by the Chairperson of the HRC. The Director shall insure that the Commission is made aware of all correspondence addressed to the Commission, and of all correspondence addressed to either the Director or the Planning Department which relates to any item heard or to be heard before the Commission. Any correspondence addressed to the Commission or to the Director of the Planning Department which in the opinion of the Director of the Planning Department clearly requires Commission review prior to response shall be presented to the Commission at a regularly scheduled meeting. Upon review of such correspondence, if the Commission feels that the matter requires a response, it shall direct the Chairperson of the HRC or their designee in the manner by which the correspondence is to be answered. The Chairperson of the HRC, their designee or the Director of the Planning Department shall then answer the correspondence as directed by the Commission, acting in his/her capacity as the Chairperson of the HRC or their designee or as the Secretary to the HRC.

#### 14. CONFLICT OF INTEREST

Each Commissioner shall comply with the Conflict of Interest requirements of State law. Each Commissioner shall file a Conflict of Interest Disclosure Statement.

#### ACTIONS:

THESE BYLAWS ADOPTED BY THE HRC 1/5/94.

THESE BYLAWS APPROVED BY THE BOARD OF SUPERVISORS 2/8/94.

THESE BYLAWS REFLECT THE REVISIONS APPROVED BY THE BOARD OF SUPERVISORS 3/15/94. THESE WERE ADOPTED BY THE HRC ON 4/6/94.

THESE BYLAWS AMENDED BY THE HRC REGARDING MEETING DAYS ON 6/1/94.

THESE BYLAWS AMENDED BY THE HRC REGARDING MEETING DAYS AND TIME ON 5/10/95.

THESE BYLAWS AMENDED BY THE HRC REGARDING MEETING DAYS AND TIME  
ON 1/4/96.

THESE BYLAWS AMENDED BY THE HRC REGARDING MEETING DAYS AND TIME  
ON 4/25/96.

THESE BYLAWS AMENDED BY THE HRC REGARDING MEETING DAYS AND TIME  
ON 4/14/99.

AMENDED REGARDING MEETINGS DAYS AND TIME 2000.

AMENDED REGARDING MEETINGS DAYS AND TIME 3/2005.

AMENDED REGARDING MEETINGS DAYS AND TIME 9/13/07.

SECTION 4, MEETINGS, AMENDED ON 6/11/19.

SECTION 9, THE CONDUCT OF MEETINGS, AMENDED ON 6/11/19.