

# **CITY OF OJAI**



## **BOARDS, COMMITTEES AND COMMISSIONS HANDBOOK**

Adopted March 11, 2025

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# 1. Introduction

The City of Ojai's (City) boards, committees, and commissions (Committees) serve vital roles in support of a well-functioning city government alongside City Council, Management and Staff. The better committees function, the better city government can serve the needs of its residents and businesses. It is towards this end that this handbook was prepared.

The scope of Committee responsibilities, procedures, and applicable laws is wide. It would be impractical to include all relevant material in one document. Therefore, this document is intended to provide: (1) a brief overview of key subject areas and (2) reference more in-depth materials on specific subjects.

## 2. Committees

Committees established by the Ojai Municipal Code (OMC) are:

- Planning Commission
- Parks and Recreation Commission
- Historic Preservation Commission
- Arts Commission
- Building Appeals Board

An ordinance approved by a majority of the City Council is required to change the OMC.

The City Council may appoint members of the public to other committees in the County that are subject to rules and regulations of the governing body or law that created them. To simplify this handbook, rules and processes specific to those Committees are not included herein.

## 3. Committee Membership

### **Committee Member Selection Process**

Committee members are appointed by a three-member nominating committee composed of the Mayor, a rotating City Council Member (as determined by the City Clerk), and the Chair (or Vice-Chair if a Chair vacancy is under consideration). The nominating committee must reach a unanimous decision for each nominee to be confirmed by the City Council.

If a majority of the full City Council declines to accept nominees proposed by a unanimous vote of the nominating committee, the nominating committee begins the process again to interview candidates from the existing applicant pool and select a new nominee until the City Council confirms the nominating committee's choice.

Vacancies created mid-term are filled in the same manner.

## **Committee Member Qualifications**

Member qualifications, including residency requirements, for appointed committee members are described in their respective ordinances.

- Planning Commission – OMC Title 10 Ch. 1
  - Preferred members reside in the City.
  - At least two members shall be chosen from persons having distinctly separate training and experience from the fields of architecture, art, building construction, civil engineering, land use planning, land use law, urban planning, or landscape design.
  - A maximum of two members may reside outside the City, if determined necessary by the City Council to appoint Commissioners with specialized expertise in one or more of the fields identified above.
  - All members must live within the Ojai Area of Interest, as defined by the Ventura County Local Agency Formation Commission.
- Arts Commission - OMC Ch. 4-16 Art. 1
  - Members not required to reside in the City.
  - Must be selected from the community who have a special knowledge of and a demonstrated interest in the arts and who are interested in promoting the arts.
- Parks and Recreation Commission - OMC Ch. 2-4 Art. 1
  - Preferred members reside in the City.
  - A maximum of three members may reside outside the City.
  - All members must live within the Ojai Area of Interest, as defined by the Ventura County Local Agency Formation Commission.
  - One “Youth Commissioner” - This is a non-voting and high school-aged seat appointed by the Mayor.
- Historic Preservation Commission - OMC § 4-8.03
  - Preferred members reside in the City.
  - A maximum of three members may reside outside the City.
  - All members must live within the Ojai Area of Interest, as defined by the Ventura County Local Agency Formation Commission.
- Building Appeals Board – OMC § 9-1.214
  - Must be a resident of the City.

## **How to Apply**

Application forms for Committee appointments are available from the City Clerk and can be obtained from the City website. Applicants contact information is not made public, but all other information including qualifications is disclosable.

## **Upon Joining the Committee**

New Committee members, before assuming their responsibilities, must take an oath of office as described in the California State Constitution Article XX, Sec. 3. (See also Govt. Code § 1360). Oaths are administered by the City Clerk, or designee.

Select Committee members, designated in the City's Conflict of Interest Code, are required to submit a Statement of Economic Interests (FPPC Form 700) to the City Clerk within 30 days after assuming office, annually and upon leaving office. The City's Conflict of Interest Code is adopted by Resolution of the City Council. A copy of the current Conflict of Interest Code may be requested from the City Clerk.

New Committee members must participate in Government Code § 53235 (AB 1234) ethics training, within 12 months of appointment and every two years thereafter. New members must complete sexual harassment prevention training (AB 1825) within six months of appointment, and every two years thereafter. This training is available from many sources, and compliance sessions are also provided by the City Attorney.

### **Term of Office**

Per each Committee's establishing ordinance, Committee members serve for 4-year terms and there are no term limits. The only exception is the "Youth Commissioner" of the Parks and Recreation Commission who is limited to one 2-year term. (see OMC § 2-4.103). All Committee members also serve until their successor is appointed and qualified.

### **Removal from Office**

Committee members serve "at will" and may be removed for any reason. Committee appointments are non-political appointments. The process for the removal of a Committee member is as follows:

- Two City Councilmembers must advise the City Manager of their intent to place an item on an upcoming City Council agenda to consider the removal of a Committee member.
- The City Manager must then contact the Committee member to advise them of the request, and to provide the Committee member with at least seven days advance notice of any agendaized City Council discussion regarding the possible member removal.
- The Committee member may choose to resign or object to the proposed action.
- The Committee member shall be given an opportunity to speak to the full City Council at the agendaized public meeting if they wish to do so, before consideration of their removal.
- After completing this process, any Committee member may be removed by majority City Council vote at a regular City Council meeting.

Examples of reasons Committee members may be removed include, but are not limited to: excessive absences, verbally or physically abusive behavior, violations of ethics, violations of City policies, conflicts of interest.

## Leaving Office

Committee members may resign at any time. Sixty (60) days notice is suggested to enable a replacement to be identified and appointed without causing a gap in Committee membership. Each Committee member must file an FPPC Form 700 Leaving Office Statement within 30 days of leaving office.

## 4. Role of Committees

All Committees have an advisory role to City Council. This advisory role is constrained to the Committee's area of responsibility, as set forth in the OMC.

A few Committees have areas in which they hold delegated decision-making responsibility by the Municipal Code or by Council. Thus, the Planning Commission grants use permits and variances; similarly, a member of the Building Appeals Board hears appeals of certain code enforcement actions.

The primary function of City Committees, however, is to advise the City Council. Both informal and formal means of communication may be used to fulfill this advisory role. Committee recommendations related to City actions may be presented at City Council meetings as individual agenda items or action minutes.

Recommendations to City Council should always be a formal action of the Committee, i.e. by a motion and vote. While recommendations may not always be acted upon, Committees have the duty to advise on policies or issues as the law directs.

Committee responsibilities (i.e. powers and duties) are more specifically set forth in the OMC and included in Appendix E.

Most Committees function in policy advisory mode, which is a quasi-legislative responsibility. This includes, for example, recommending changes to the OMC, if within the Committee's jurisdiction.

Committees may also function in a hearing mode, from time to time, which is a quasi-judicial responsibility. This includes granting permits and hearing appeals, pursuant to the OMC. The latter responsibility requires decisions supported by evidence presented at the hearing, which has been entered into the formal record. Those Committees are:

- Planning Commission
- Building Appeals Board
- Historic Preservation Commission

Committees may also perform additional duties as assigned by Council.

## 5. Individual Roles

### Members

The primary role of all Committee members is to attend meetings and be prepared to discuss and vote on agenda items. If unable to attend a committee meeting, a member should notify the Committee Chair as soon as practical.

### Officer Elections

Committees must elect a Chairperson, or Chair, Vice Chair, and Secretary to serve a one-year term. Staff liaison assumes responsibility for minutes if the Secretary is unable to do so, or if no Secretary is appointed.

Committee members may nominate themselves or any other member; no second is required. Once nominations are complete, a vote on the nominees in the order of nomination is taken.

Each voting member of the Committee shall have one vote. The nominee receiving votes from a majority of the members in attendance shall be declared the winner. If no member receives a majority, the process shall be repeated, except in the event of a tie between the top two vote-getters, in which case a run-off shall be held.

The member nominated as Chair assumes the office of Chair immediately.

Using the same procedure, the Chair conducts nominations and voting for a Vice Chair. If the Committee decides to appoint a Secretary, then the Chair shall conduct nominations and voting for a Secretary.

### Chairperson

The Chair has responsibility for:

- Presiding over meetings, i.e. meeting protocol and recognizing when others may speak
  - Setting the agenda
  - Calling special meetings (if staff resources are available)
  - Alerting Vice Chair, council liaison, and staff liaison of their upcoming absence
  - Signing Committee documents
  - All Committee recommendations to City Council
  - Appearing before City Council on behalf of the Committee
- The Chair may only speak on behalf of the committee on a topic where an action was approved by a vote of the Committee.

## **Vice-Chair**

The Vice-Chair assumes the Chair's duties in their absence. The Vice-Chair shall succeed the Chair if the Chair vacates office before the term is completed and shall serve the unexpired term. A new Vice-Chair shall be elected at the next regular meeting or as soon thereafter as practical.

## **Secretary**

If the Secretary is appointed by the Committee, the Secretary is responsible for meeting minutes to be included in the agenda packet at the next meeting.

Staff liaison assumes responsibility for minutes if the Secretary is unable to do so, or if no Secretary is appointed.

Action minutes, which do not include commentary, are recommended.

## **Ad Hoc Committees**

Ad hoc committees may be formed by Committee vote to accomplish a specific goal within a given timeframe. Ad hoc committee membership must be less than the quorum of the Committee. When appropriate, staff and public may assist ad hoc committees but are not members of the ad hoc committee. Ad hoc committees should give regular reports on the progress of their specific goal.

## **Staff Liaisons**

Staff is assigned to Committees by a Department Head or City Manager to facilitate the Committee in accomplishing its objectives. Such support does not always translate into attendance at the meetings; written reports or interaction with the Chair prior to the meeting may suffice.

Staff is responsible for:

- Agenda packet preparation and meeting noticing, i.e. posting agendas. Staff may assist the Chair with meeting protocol as needed. If no secretary is appointed, staff may prepare committee minutes.
- Posting meeting videos and maintaining the Committee's webpage and ensuring it is up to date
- Providing access to the Council Chambers and the capability to conduct meetings with online (remote) public participation.
- Notifying Council liaison and City Manager of meeting cancellation.

Staff may inform the Committee of relevant City activities, identify issues within the Committee's purview, provide advice and assist in communications with a Department Head, the City Manager, or City Council.

Staff may consult with City management regarding work suggested by the Committee. Staff liaisons report to the City Manager/their Department Head and receive direction from those individuals. Committees do not have authority to direct staff to complete tasks or give staff assigned projects. Committee members are expected to communicate with respect and in a professional manner to staff.



## **City Attorney**

The City Attorney's Office is available to provide legal counsel to Committees when present at Committee meetings. Legal questions for the City Attorney's Office must be sent to the Committee's staff liaison. Where appropriate, staff will escalate legal issues on behalf of a Committee to the City Attorney's Office.

The City Attorney's Office will direct any responses to the Committee's staff liaison. The City Attorney's Office will not communicate with Committee members directly except in very limited instances.

## **Council Liaisons**

A Council liaison for each Committee is assigned by the City Clerk on a quarterly basis based on a rotation schedule.

The Council liaison may facilitate the Committee in accomplishing its objectives through the following:

- Provide announcements of City actions and activities
- Answer questions
- Assist the Chair with understanding City processes and city regulations.
- Assist Chair to communicate committee actions and recommendations to City Council.
- Provide Chair with counsel as needed.

The Council liaison must not:

- Participate in Committee discussions
- Influence Committee decisions
- Except in unusual circumstances, interrupt the meeting

Note that Council liaisons, as Councilmembers, may later be required to review and act on Committee decisions or recommendations.

## 6. Committee Meetings

### Meeting Types

All Committee meetings are governed by the Ralph M. Brown Act (Brown Act), California Government Code §54950 *et seq.*

#### Regular Meetings

Regular meetings shall be held at a regular date, time and place, which may be specified in the OMC. Regular meetings may be rescheduled with posting of a cancellation notice and notification of a Special Meeting.

Meetings may be cancelled by either the Chair or Staff liaison. Reason(s) for cancellation shall be promptly sent by staff to Council liaison, Mayor, and City Manager.

Lack of a quorum at a meeting (majority of appointed members) requires meeting cancellation.

#### Special Meetings

Special meetings are those meetings held outside the regular meeting date and time. Special meetings may be held at any time upon the call of the Chair, a majority of Committee members, or City Council, followed by noticing as required by law. Special meetings may be called to meet deadlines, conduct study sessions or workshops, or when quorum was not met for a regular meeting.

#### Serial Meetings – Prohibited

Serial meetings occur when Committee members meet or discuss matters sequentially in pairs or small groups. The combined effect of sequential, or serial, meetings may inappropriately be a meeting of a quorum of Committee members. For example, if a member of a 7-member Committee speaks to more than two other members, it may constitute a serial meeting.

Inadvertent use of email, careless use of the “reply all” function, indiscriminate forwarding of messages, forwarding messages without deleting early text histories, continuing discussion from a prior meeting via email, etc. are all poor practices that can result in serial meetings. In addition, engaging in a discussion of City business on social media can lead to a serial meeting.

Serial meetings are a violation of the Brown Act. Further, Committee members are subject to FPPC investigation in the event complaints are filed.

#### One-On-One Meetings; Ex Parte Communications

Committee members may meet with constituents individually, in small groups or other informal settings. When the Committee acts on an issue in a quasi-judicial capacity, the member shall report on any such ex parte communications at the beginning of deliberations related to the subject of the decision. Information learned in these separate meetings must be divulged into the hearing record or must be excluded from the basis for considering any quasi-judicial decision.

## **Noticing and Venue**

### Noticing

All Committee meetings must comply with the Brown Act.

Agenda packets for regular and special meetings shall be provided:

- At City Hall.
- On the City's website.
- By subscription to the City's City Council Agenda mass email distribution list.

In addition, if the meeting is held somewhere other than at City Hall, the agenda shall be posted at that facility, in a location accessible by the public.

The agenda packet shall be posted a minimum of 72 hours prior to regularly scheduled meetings. Special meeting agendas shall be posted a minimum of 24 hours prior to the meeting. Meeting cancellations or meeting continuances shall be posted. Agenda materials shall be available to the public in attendance at meetings.

### **Venue**

Committees meet in either at City Hall Chambers and occasionally at Kent Hall Chambers. These meeting venues are open to the public and meet the Americans with Disabilities Act standards, which is required under the Brown Act.

### **Attendance**

Members of a Committee shall attend in person unless arrangements are made in advance for attendance by teleconference. The rules for meeting attendance by teleconference are set forth in Appendix A and Government Code Section 54953 which is in effect until January 1, 2026 at which time the Committees will be notified of any changes in procedures for attendance by teleconference.

If a Committee member wishes to attend a meeting by teleconference, the member should promptly contact the City Clerk who will coordinate with the City Attorney to determine if teleconference attendance is permissible and, if so, the procedure to arrange for teleconference attendance.

### **Quorum**

There is no meeting of the Committee unless a quorum of the Committee is present. If less than a quorum attends, any discussion by that group is characterized as "A Committee of the Whole", but no record is made of this occurrence, and no decisions can be made.

A quorum consists of a majority of the Committee's members. For example, on a 6 or 7-member Committee, the quorum is 4. A vacancy reduces the number of voting member positions. For example, if a 7-member Committee has 2 vacancies, it has 5 voting member positions, and the quorum is 3 or more present.

## Agenda

Committee meeting agenda format is the same as for Council agendas. Agenda report examples may be found in City Council Meeting agenda packets.

Establishing the agenda is the Chair's responsibility with input from staff and other Committee members. When an agenda issue arises the Council liaison, Staff liaison, and Chair should meet to resolve it.

The City Council may add items to a future Committee meeting agenda for consideration.

The recommended order on the agenda should follow this order, making exceptions where appropriate for Committees, which is:

- Roll Call
- Absences
- Pledge of Allegiance
- Moment of Silence (when appropriate due to circumstances)
- Approval of the Agenda
- Presentations
- Public Hearings
- Discussion Items
- Reports from Committee Members
- Reports from Staff
- Reports from the Council Liaison
- Proposal for Future Agenda Items
- Adjournment

The agenda must include information adequate to advise the public of the business to be considered. Agenda reports should include:

1. Subject;
2. Author;
3. CEQA analysis;
4. Recommended action;
5. Written discussion of the topic including background information, justification of the recommended action and financial impact.

Although the Brown Act permits agendas without a written discussion, i.e. stating 'oral report', this is a poor practice and is strongly discouraged.

Unspecified topics such as "miscellaneous" or "new business" are not permissible. New topics raised during public comment, or by any Committee member announcement shall not be discussed at that meeting but may be placed on a future agenda.

## Minutes

Minutes use the same format as the meeting agenda and use the "action minutes" format, recording only the motions and actions of the Committee. This is consistent with Council minutes format. Minutes are not to be narrative or verbatim in format or style, and do not attempt to interpret intent of individual discussion. The video archives of all recorded meetings are provided for that purpose and record.

Such “action minutes” typically include findings or a reference to the findings for quasi-judicial actions, and any appropriate attachments, and shall include a record of the vote for all actions. The draft minutes of all meetings shall be included in the next agenda packet for acceptance by the Committee. Authorized minutes are signed by the Chair and shall be filed with the City Clerk for inclusion in the packet for the next City Council meeting.

## **Parliamentary Rules**

Committees shall be guided by Rosenberg’s Rules of Order.

- *Getting the floor.* Every member desiring to speak shall address the Chair and, only upon recognition by the Chair, confine contributions to the matter at hand, avoiding all indecorous language and personal attacks.

In general, a member may not interrupt the speaker except for the following reasons:

- *Privilege.* The proper interruption would be: “Point of privilege.” The Chair would then ask the interrupter to, “State your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort or amplification of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.
- *Order.* The proper interruption would be: “Point of order.” Again, the Chair would ask the interrupter to, “State your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting; for example, if the Chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.
- *Appeal.* If the Chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the Chair, “I appeal the ruling of the Chair.” If the motion is seconded and, after debate, if it passes by a simple majority vote, then the ruling of the Chair is deemed reversed.
- *Withdraw a motion.* During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn; and any other member may make the motion, once recognized.

## **Rules of Testimony**

No person or member shall address the Committee without permission from the Chair. All comments shall be addressed to the Committee as a whole and shall not be addressed to individual members of the Committee, members of the public or staff.

It is helpful (though not required) for speakers to state their name in order that the secretary may identify them in the minutes of the meeting. The Chair may limit public speakers to three minutes or less depending on the number of speakers and length of agenda.

## Consideration and Action on an Agenda Item

The agenda constitutes the road map for the meeting. Most agenda items can be handled with the following 4-step process.

1. Presenting Item
  - a. Opening Item – The Chair should announce the agenda item number and subject. The Chair should then announce any special procedures to be followed (e.g., if the item is a quasi-public hearing). This is also when members would announce their conflict of interest, if any exists, recuse themselves, and leave the room.
  - b. Hearing the Report – The Chair should invite the appropriate people, typically City staff, to report on the item. The Chair may provide an opportunity for committee members to ask any clarifying questions of the person providing the report. This is not preferred as questioning tends to segue into position statements before public input is taken, which is inconsistent with open meeting principles.
2. Asking for Public Input – The Chair opens the meeting to public input. The Chair may limit speakers time, as described above. A response to public comment, if appropriate, should not be provided until after public comments are finished.
3. Considering the Item—The Chair requests Committee deliberation. Member deliberation would include questions of the person(s) making the report or others with relevant knowledge, alternatives to the recommendation, additional considerations not previously stated, additional relevant facts and opinions. Time committed to deliberation should be adequate to allow the sense of the Committee to emerge.
4. Deciding – The Committee decides by a motion and voting. (See Appendices B Motions and C Voting.) For all action items, the Chair should invite a motion from the members. No motion is made if the agenda item is “receive the report” unless the committee wishes to address recommended actions contained within the report.

Once a vote is taken discussion of the item ends.

## Meetings versus Hearings

A public meeting is generally defined as a meeting in which business is conducted by a public body. A public hearing is a special type of public meeting for the purpose of the governing body accepting public comment and testimony on local legislation or a quasi-judicial matter.

For public hearings, there are additional guidelines. After receiving the staff report, the Chair opens the public hearing and accepts testimony in the following order:

1. The applicant or proponent speaks.
2. Opponent speaks.
3. Rebuttal and surrebuttal may be allowed, at the sole discretion of the Committee.
4. Public comment is heard.

The Chair shall then close the public hearing.

The public comment portion of the public hearing may be reopened before voting on the item if a new issue is raised. It is not necessary to re-open a public hearing to ask questions of the project applicant. If the public hearing is reopened, all interested parties may be heard, but the Chair can limit the input to the new issues and can further limit the time per comment.

### **Courtesy and Decorum**

Meetings should take place in an environment where members and the public can freely express their views, i.e. with politeness and respect. The Chair should encourage discussion that focuses on the item in question, not on the personalities of members, the public, or off topic. The Chair must protect the rights of the public to speak at the appropriate time.

Pursuant to Government Code § 54954.3 and the First Amendment of the United States Constitution, the Chair shall not prohibit public criticism of the policies, procedures, programs, or services of the city, or of the acts or omissions of the committee.

A member's use of electronic communication devices during a meeting may lead to the public's perception that the member is not paying attention to or receiving private information. For these reasons a member's use of electronic communication devices (i.e., cell phones, tablets, laptop computers), other than for the purpose of (1) accessing agenda materials, (2) facilitating ADA access, (3) using teleconferencing software or (4) an emergency is prohibited.

### **Disruption of Meetings**

#### **1. Disruption by a Group of Persons**

Pursuant to Government Code § 54957.9, in the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Chair may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this Section. After the meeting room has been cleared, the Chair may readmit an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

#### **2. Disruption by an Individual Person**

Pursuant to Government Code § 54957.95, the Chair may cause the removal of any individual for disrupting the meeting subject to the following rules:

- (1) Prior to removing an individual, the Chair shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal.
- (2) The Chair may then cause the removal of the individual if they do not promptly cease their disruptive behavior.

(3) “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following: (A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to § 54954.3 or any other law. (B) Engaging in behavior that constitutes use of force or a true threat of force.

(4) “True threat of force” means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

(5) If there has been a use of force or a true threat of force, there is no obligation for the Chair to provide a warning to the individual before causing the individual to be removed from the meeting.

### **Public Records**

Materials provided to Committee members at a public meeting must be made available for inspection and reproduction by the public. Exemptions from disclosure apply, but are narrowly applied (e.g., attorney/client, drafts, pending litigation, personnel files).

Communications by Committee members through social media posts, emails and text messages may be subject to the City’s Retention Schedule and are disclosable under the Public Records Act.

Committee meetings shall be recorded. Current practice is video recordings. The recording and minutes are retained in accord with the City Records Retention Schedule, and are available online.

### **Adjournment**

The Chair adjourns the meeting after all agenda items are completed. No vote is taken. In the event there is insufficient time to hear all items the Committee may adjourn its meeting to a certain hour on another day. A specific date, time and place shall be set by the Committee, as part of the motion to adjourn.

## **7. Actions taken by Committees**

Committees may perform action in different ways. Most commonly, formal action is taken by establishing a quorum, consideration of a motion and voting. Most actions require a vote by a majority of the appointed members unless a super-majority vote is required.

### **Informal actions**

Informal actions (i.e. no vote required) generally take the form of the Chair giving direction after input from other Committee members. Informal actions would include suggesting to or requesting information from staff. Another example is suggesting that a Committee member report on a future agenda topic.



## **Formal actions**

All formal actions must be listed in the agenda and require a motion and a vote in the affirmative. Formal actions include:

### **Agenda approval**

- Recommendations to City Council
- Creation of an Ad hoc committee
- Continuing an agenda item to a future date
- Permit approval
- Appeals

## **Motions**

Motions are the vehicles for decision making, i.e. taking formal actions. As indicated above, a motion should be introduced on a matter after general information is shared, options have been identified, and members share their opinions and seek to persuade. The Chair shall ensure that all motions are clearly stated and commonly understood before allowing further deliberations and voting.

**Motions** - See Appendix B

**Voting** - See Appendix C

## **Deciding to Move on**

Items may be continued by Committee vote to a subsequent time for the following types of reasons:

- The Committee requires additional information during the meeting.
- New information or issues come to light during the meeting that need further study.
- Other reasons deemed appropriate and substantial by the Committee.

In addition, a Committee hearing (e.g., Planning Commission and the Building Appeals Board) may continue an item when:

- The applicant cannot appear at the meeting and has requested that the item be continued.
- The application is revised by the applicant during the meeting.
- The Committee requests that the application be revised.

## When Action Is Necessary

In certain circumstances—a permit application, for example— the lack of any action is not acceptable (e.g., an application must ultimately be approved or denied) due to deadlines imposed by the Permit Streamlining Act, the Federal Communications Commission, or other laws. There are three primary options here:

1. *Continuing the item.* This is often undertaken if one or more members of the body are absent or if new information can be developed. Continuance can also provide the applicant with time to consider options, develop a project more likely to receive approval, etc. Continuance ordinarily is undertaken with concurrence of the applicant, but concurrence is not required.
2. *Technically denying the application.* This option is based on the philosophy that, for a project that has been proposed, approval requires a majority of members to vote in favor. Anything less than the required majority is thus considered a denial. One option under “technical denial” is to allow any applicant or other party to appeal the matter (assuming an appeal would otherwise have been available) on the grounds that the matter was “deemed denied.” This option avoids the need for the body to take further action (e.g., if the body is unable to achieve a majority vote to forward the matter to the next higher body)
3. *Denying the application without prejudice.* This option may, in some situations, require at least one member of the body to switch their vote, in order to vote to deny for procedural reasons only. Such reasons should be stated in the motion, so the record is clear. It allows the applicant to either: a) appeal to the next higher body; or b) resubmit the same project or a modified project reflecting Committee or City input, without paying fees, waiting a minimum number of months, etc. (such a delay could be for any number of possible reasons, including awaiting turnover on the Committee).

## Appeals

The decisions of the Planning Commission may be appealed to the City Council. The process for appeal of a Planning Commission decision are outlined in OMC Div. 10-1 Art. 9.

A decision of the Building Appeals Board must be commenced in an appropriate court of law not later than the ninetieth (90th) day after the date that the decision becomes final. (see OMC § 9-1.215).

## 8. Compliance with Federal, State and Municipal Laws

Committee members are representatives of the City and have a duty to represent the City to the best of their ability, and to take those actions that the member believes are for the benefit of the City as a whole.

Members are expected to comply with all applicable federal, state and municipal laws as applied to their Committee responsibilities.

Committee members have the following ethical duties:

- **Duty of Loyalty**  
Committee members have an absolute obligation to put the public's interest before their own direct or indirect personal interests. Members breach this obligation when they benefit at the public expense. Prohibited benefits can be financial (such as participating in decisions that favorably impact a member's business, property, or investments), career-related (such as using public office and/or public resources to obtain future employment or political position), or personal such as benefits to family members or close associates. Conflict of interest requires recusal.
- **Duty of Due Diligence**  
The duty of care requires that the Committee member competently and faithfully execute the duties of the office. Examples of breach of this duty include failure to attend meetings, failure to investigate, failure to engage in the deliberative process, and failure to vote.
- **Duty to Avoid Bias**  
Committee members have a duty to represent all of their constituents fairly. This means that they must overcome any inherent bias that they possess.

Each member shall file on a timely basis all appropriate Fair Political Practices Commission (FPPC Form 700) reports which can be obtained online or through the City Clerk. The City's Conflict of Interest Code be requested from the City Clerk.

Under the Levine Act, no member with the power to make decisions or recommendations may accept, solicit, or direct a contribution over \$500 while a proceeding involving a license, permit, or other use entitlement is pending and for 12 months after a final decision is rendered, from either: (1) a party to the proceeding or their agent, or (2) a participant to the proceeding or their agent if the member has reason to know that the participant has a financial interest. The Levine Act only applies to Committee members running for elected office. This information is included for your awareness.

If a member has received such a contribution within the preceding 12 months, that fact must be disclosed on the record of such proceedings before rendering any decision. If a member willfully or knowingly received such contribution within the preceding 12 months, the member may not participate in the decision-making of that proceeding or use their position to influence such decision. Note that these requirements apply to members that participate in proceedings as well as those running for office. For more information, please review the California Fair Political Practices Commission website at <https://www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html>.

Each member shall complete required AB 1234 ethics training in a reasonable time upon appointment and repeat this training at least biannually. The City Clerk should be notified upon completion. See Appendix D – Training for more information.

Each member shall also complete sexual harassment prevention training in a reasonable time upon appointment. The state mandate for local agency official sexual harassment prevention training is commonly referred to as “AB 1661” training. A “local agency official” must receive at least two hours of sexual harassment prevention training within the first six months of taking office, and every two years thereafter, if the City provides any type of compensation, salary, or stipend to a local agency official of the City. (Gov. Code § 53237.1.) “Local agency official” means any member of a local agency (which includes a City) legislative body and any elected local agency official. (Gov. Code § 53237).

## 9. Copyrighted Works at Public Meetings

### **Purpose**

The purpose of this policy is to protect the City of Ojai from the legal and operational challenges associated with the use of copyrighted materials during public meetings. Due to the increasing frequency of video content being taken down from platforms like YouTube due to copyright violations, and the significant staff time required to resolve these issues, this policy prohibits the use of copyrighted materials in public meetings to ensure compliance with copyright law and minimize disruption to City operations.

### **Scope**

This policy applies to all public meetings held by the City, including but not limited to City Council meetings, advisory board meetings, planning commission meetings, and any other official public meetings that are recorded or streamed by the City.

### **Rationale for the Policy**

Public meetings, including commission meetings, are typically recorded and streamed live online by video with audio on a video hosting service. Currently the City uses YouTube to stream and host videos of public meetings. The meeting video remains online for public viewing, allowing broader public access.

Presentations made at public meetings, including any materials, become part of the meeting’s video record and the public records for the meeting.

Even where materials appear to be eligible for “fair use”, it is ultimately up to the video hosting service and the copyright holder as to whether the copyrighted materials may be included in videos of the City’s meetings and the video may remain accessible to the public.

When copyrighted audio is included in materials presented at public meetings, the videos are flagged and removed from public view by the video hosting service. While the City can appeal copyright claims, the City can be blacklisted for too many claims. If the City was blacklisted, it would be prevented from using YouTube, which is a free video hosting service. The City would then be required to find an alternate video hosting service, which may cause the City to incur costs to provide public access to meetings.

Defending a claim to the video service provider and copyright holder that audio is fair use requires significant staff time per claim and can result in increased legal costs, where the City Attorney's Office is involved. Furthermore, the City maintains discretion in what is added to its City Council and commission agendas. Where copyrighted material is played during public comment, City staff will mitigate the issue by redacting audio where feasible to allow for the City's public meetings to remain accessible to the public.

### **Policy Statement**

To avoid the risk of video content being removed, blocked, or muted on platforms such as YouTube and to mitigate the burden on staff required to address these issues, the City generally prohibits the use of copyrighted audio, video, or music during public meetings. This means:

- Materials containing copyrighted audio will not be presented at the meeting, even if the person that submitted the materials has obtained a copyright license.
- Materials containing audio in the public domain only may be presented.
- Materials containing audio must be submitted to the Commission's Staff Liaison 10 days before the meeting date to review copyright status.

These rules apply, for example, to commission meetings reviewing application materials formatted as video with synchronized audio, or slide presentations with audio tracks.

The City will permit copyrighted material submitted with an application for grant funding, a competitive solicitation, or any entitlement (e.g., permit or license) to be presented at a public meeting if artistic merit or expression depends on copyrighted audio or a claimed fair use of copyrighted audio. In these limited circumstances, materials should be submitted in advance of the 10 day period before the meeting whenever possible for staff to attempt to resolve potential copyright infringement issues.

## **10. Reference Materials**

Committees perform best when members are knowledgeable in their area of responsibility. Thus, members are encouraged to become familiar with pertinent materials, which may be found on the Committees' webpage and departmental webpages.

Examples below.

- Planning Commission – General Plan, Housing Element, OMC Title 10
- Building Appeals Board – The California Building Code; OMC Title 9
- Historic Preservation Committee – General Plan, OMC Ch 4-8, Secretary of the Interior's Standards for the Treatment of Historic Properties
- Parks and Recreation Board – OMC, General Plan, Recreation Department policies, Master Fees and Charges
- Arts Commission – OMC Ch. 4-16 Art. 2

## Appendix A – Meeting Attendance by Teleconference

If and when a Committee member wishes to attend a meeting by teleconference (i.e., remote attendance), then the Committee member should contact, as soon as possible, the City Clerk or Staff Liaison who can consult with City Attorney if necessary. The rules for teleconference attendance at a Committee meeting by a member of the Committee are set forth in Government Code Section 54953, which specifies four types of teleconference attendance: traditional, just cause, emergency circumstances, and during a proclaimed emergency.

In the event of a proclaimed emergency by the California Governor that allows for remote participation (e.g., COVID pandemic), the City will distribute teleconference rules and procedures to all legislative bodies. Those rules and procedures do not apply to a local emergency declared by the City or County.

Charts are provided on the next pages with the rules and procedures for traditional, just cause, and emergency circumstances teleconference attendance, which apply from January 1 – December 31, 2025.

	<b><u>Traditional Teleconferencing</u></b>	<b><u>Just Cause Teleconferencing</u></b>	<b><u>Emergency Circumstances Teleconferencing</u></b>
<b><i>Qualifying Circumstances</i></b>	A member may choose to teleconference for any purpose during any meeting.	<p>A member may teleconference if they have any of the following circumstances that requires them to participate remotely:</p> <ul style="list-style-type: none"> <li>• childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner;</li> <li>• a contagious illness;</li> <li>• a need related to a physical or mental disability that isn't otherwise accommodated;</li> <li>• travel while on official business of the City or of another state or local agency; or</li> <li>• an immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.</li> </ul>	<p>A member may teleconference if they have one of the following circumstances:</p> <ul style="list-style-type: none"> <li>• a physical or family medical emergency that prevents them from attending the meeting in person.</li> </ul>
<b><i>Limit on Number of Times a Member May Teleconference</i></b>	None.	<p>Members may participate remotely for just cause a maximum of two meetings per calendar year.</p> <p>Members are also limited to participating remotely in a combined total of five (5) meetings per year for either just cause or emergency circumstances.</p> <p>Example: A member has participated remotely in two meetings for just cause. They may not participate in further meetings that year for just cause, but may participate in three more meetings remotely for emergency circumstances.</p>	<p>No limit on participating remotely for emergency circumstances alone. But, members are limited to participating remotely in a combined total of five (5) meetings per year for either just cause or emergency circumstances.</p> <p>Example: A member has participated remotely in two meetings for just cause. They may not participate in further meetings that year for just cause, but may participate in three more meetings remotely for emergency circumstances.</p>

	<u><b>Traditional Teleconferencing</b></u>	<u><b>Just Cause Teleconferencing</b></u>	<u><b>Emergency Circumstances Teleconferencing</b></u>
<b><i>Procedures to Authorize Remote Participation</i></b>	<p>No requirements that the legislative body authorize any member's remote participation.</p> <p><i><u>NOTE:</u> A member should notify the Clerk as soon as possible if they intend to participate via teleconferencing for noticing and technology purposes.</i></p>	<p>For teleconferencing to be authorized:</p> <ul style="list-style-type: none"> <li>• Member must inform the body ASAP (could be at the start of the meeting)</li> <li>• Member must provide a general description of the circumstances justifying remote participation</li> <li>• At start of meeting, member must state whether anyone 18 years of age or older is in the room with them and general nature of their relationship</li> <li>• The body doesn't need to take formal action to authorize remote participation (i.e., no voting is required)</li> </ul> <p><i><u>NOTE:</u> A member should notify the Clerk as soon as possible if they intend to participate virtually for noticing and technology purposes.</i></p>	<p>For teleconferencing to be authorized:</p> <ul style="list-style-type: none"> <li>• Member must ask the body to participate remotely as soon as possible (separate request for each meeting), and the body must take action to approve the request (i.e., the body must vote)</li> <li>• Member must provide a general description of the circumstances (generally not to exceed 20 words, and it is not required to include medical diagnosis or disability or private medical information exempt under law)</li> <li>• At start of meeting, member must state whether anyone 18 years of age or older is in the room with them and general nature of their relationship</li> <li>• The body can take action at the earliest opportunity. If there isn't enough time to include an item on the agenda, the body may approve it by a majority vote at beginning of the meeting after publicly identifying the request</li> </ul> <p><i><u>NOTE:</u> A member should notify the Clerk as soon as possible if they intend to participate virtually for noticing and technology purposes.</i></p>



	<u><b>Traditional Teleconferencing</b></u>	<u><b>Just Cause Teleconferencing</b></u>	<u><b>Emergency Circumstances Teleconferencing</b></u>
<b><i>Notice and Agenda</i></b>	<p>Each teleconference and in-person location must be identified in the meeting's notice and agenda.</p> <p>Agendas must be posted at each teleconference and in-person location within the legally required timeframes.</p> <p>The agenda must provide the opportunity for members of the public to access each in-person and teleconference location and to provide public comment directly at each in-person and teleconference location.</p> <p><b><i>NOTE:</i></b> <i>The Clerk's Office must receive confirmation that the correct agenda has been posted at each teleconference location within the posting requirement deadline. Photo proof would be best.</i></p>	<p>The meeting agenda must notify the public of the time and single physical location at which the in-person meeting is being held.</p> <p>The agenda must identify and include an opportunity for the public to attend and address the body directly via a call-in option, an internet-based option, and in-person at the meeting.</p>	<p>The meeting agenda must notify the public of the time and single physical location at which the in-person meeting is being held.</p> <p>The agenda must identify and include an opportunity for the public to attend and address the body directly via a call-in option, an internet-based option, and in-person at the meeting.</p>
<b><i>Quorum Participation</i></b>	<p>No limit on how many members may participate via teleconferencing, so long as at least a quorum of the members participate from locations within the body's jurisdiction.</p>	<p>At least a quorum of the members must participate in-person from a single physical location identified in the agenda which is open to the public and within the jurisdictional boundaries of the body.</p>	<p>At least a quorum of the members must participate in-person from a single physical location identified in the agenda which is open to the public and within the jurisdictional boundaries of the body.</p>

	<b><u>Traditional Teleconferencing</u></b>	<b><u>Just Cause Teleconferencing</u></b>	<b><u>Emergency Circumstances Teleconferencing</u></b>
<b><i>Public Access and Public Comment</i></b>	<p>Each teleconference location must be accessible to the public.</p> <p>Members of the public must be able to access the meeting and address the legislative body at each teleconference and in-person location identified on the agenda.</p> <p><b><i>NOTE:</i></b> <i>Even if the teleconferencing member drops off the meeting, the teleconference location must remain accessible to the public for the duration of the meeting, as noticed.</i></p>	<p>The legislative body must provide to the public a way to remotely hear, visually observe, and remotely address the body in real time. This can be via a two-way audiovisual platform and/or a two-way telephonic service and a live webcasting of the meeting.</p> <p>The public must have an opportunity to attend and address the body directly via a call-in option, an internet-based option, and in-person at the meeting.</p> <p>The body may not require the public to submit comments prior to the meeting; the public must have an opportunity to address the body and offer comment in real time.</p>	<p>The legislative body must provide to the public a way to remotely hear, visually observe, and remotely address the body in real time. This can be via a two-way audiovisual platform and/or a two-way telephonic service and a live webcasting of the meeting.</p> <p>The public must have an opportunity to attend and address the body directly via a call-in option, an internet-based option, and in-person at the meeting.</p> <p>The body may not require the public to submit comments prior to the meeting; the public must have an opportunity to address the body and offer comment in real time.</p>
<b><i>Teleconference and/or in-person meeting locations</i></b>	<p>At least a quorum of members must participate from locations (which must be publicly noticed) within the body's jurisdictional boundaries.</p>	<p>The teleconference location of the member participating under a just cause or emergency circumstance does not need to be disclosed or fall within a specific jurisdictional area.</p> <p>The in-person meeting location must be within the jurisdictional boundaries of the legislative body as noticed.</p>	<p>The teleconference location of the member participating under a just cause or emergency circumstance does not need to be disclosed or fall within a specific jurisdictional area.</p> <p>The in-person meeting location must be within the jurisdictional boundaries of the legislative body as noticed.</p>

	<u><b>Traditional Teleconferencing</b></u>	<u><b>Just Cause Teleconferencing</b></u>	<u><b>Emergency Circumstances Teleconferencing</b></u>
<b><i>Technology Requirements</i></b>	The member participating remotely may appear via audio or video technology, or both.	<p>The member participating remotely must appear via both audio and visual technology (i.e., they must be on videoconference).</p> <p>The legislative body must provide to the public a way to remotely hear, visually observe, and remotely address the body in real time. This can be via a two-way audiovisual platform and/or a two-way telephonic service and a live webcasting of the meeting.</p> <p>In the event of any technology disruption, the body shall take no further action on items on the agenda until public access to the meeting is restored.</p>	<p>The member participating remotely must appear via both audio and visual technology (i.e., they must be on videoconference).</p> <p>The legislative body must provide to the public a way to remotely hear, visually observe, and remotely address the body in real time. This can be via a two-way audiovisual platform and/or a two-way telephonic service and a live webcasting of the meeting.</p> <p>In the event of any technology disruption, the body shall take no further action on items on the agenda until public access to the meeting is restored.</p>
<b><i>Voting</i></b>	All votes must be taken by rollcall during the entirety of the meeting.	<p>This law is silent regarding the method of voting.</p> <p><i><u>NOTE:</u> the City may conduct votes via roll call for consistency during all teleconferenced meetings.</i></p>	<p>This law is silent regarding the method of voting.</p> <p><i><u>NOTE:</u> the City may conduct votes via roll call for consistency during all teleconferenced meetings.</i></p>

## Appendix B – Motions

The Chair usually initiates a motion by:

1. Inviting a member to make a motion: “A motion at this time would be in order;”
2. Suggesting a motion: “A motion would be in order that we approve and forward to the Council the annual report, as drafted;” or
3. Making the motion.

Once recognized, a member makes a motion by preceding the member’s desired approach with the words: “I move ...”. A typical motion might be: “I move that we accept the staff recommendation that...”

Often, a member will prefer a variant of the motion on the floor. They can ask the maker and seconder if they are willing to reword their motion. If they agree, the motion is amended.

If one or both is not amenable to the suggested rewording, a member may propose an amendment or wait until after the vote on the original motion and propose a different motion. Up to three principal motions—the basic motion and two amendments— may be considered at one time – in reverse order:

1. **The basic motion.** The basic motion proposes a decision for consideration. A basic motion might be: “I move that we create a two-member Committee to study this matter in depth.”
2. **The motion to amend.** A motion to amend proposes to change the basic motion under discussion. A motion to amend might be: “I move that the Committee focus on just two primary options.”
3. **The motion to amend an amendment.** A motion to amend an amendment proposes a further change to the motions under discussion. A motion to amend the amendment might be: “I move that one of the options for the Committee to analyze be to prohibit murals on wood-sided buildings.”

No further motion to address the substance of the matter is in order. (Incidental or privileges motions, which deal with procedural issues, may still be raised.) Each motion is subject to deliberation.

A motion to amend or to amend an amendment is at times labeled a “substitute motion.” Whether considered as an amendment or a substitute, such motions are handled the same.

### When Multiple Motions Are before the Committee

When two or three substantive motions are on the floor (with each having been seconded) at the same time, the *first* vote resolves the *last* motion made. If the amendments deal with alternative approaches to the same question, and a majority votes to approve the third motion, the remaining motions are then moot, and action on the agenda item would be complete. If the third motion *fails*, the Chair then proceeds to consider the second motion.

If an amendment deals with a different aspect of the same matter, then the motions would be considered in turn, in reverse order (second amendment, first amendment, and original motion).

In action minutes, only the final motion or action is recorded.

### Limits to Deliberation

While the basic rule of motions is that they are subject to discussion and debate, some exceptions limit debate on a motion. Examples of motions that are *not* debatable include:

- **A motion to adjourn.** This motion, if passed by simple majority, requires the body to immediately adjourn to its next regularly scheduled meeting.
- **A motion to recess.** This motion, if passed by simple majority, requires the body to immediately take a recess for the time set by the Chair.
- **A motion to fix the time to adjourn.** This motion, if passed by simple majority, requires the body to adjourn the meeting at the specific time set in the motion.
- **A motion to table.** This motion, if passed by simple majority, places the matter on “hold” and ends discussion of the item. The motion may state a specific time when the item shall return on the agenda, but it need not.

When these, or other incidental or privileged motions are made and seconded, the Chair must immediately call for a vote of the body without debate on the motion.

Most motions require a simple majority; but a few exceptions apply when the body limits a minority from acting on or discussing an item. These motions require a two thirds majority to pass:

- **End debate.** Members can end debate by “moving the previous question.”
- **Motion to close nominations.** A motion to close nominations limits the right of a minority to nominate officers.
- **Motion to suspend rules.** This motion is debatable but requires a two-thirds vote to pass.

### Division of a Motion

If a motion contains two or more divisible propositions, each of which is capable of standing as a complete proposition, the Chair may, and upon request of a member shall, divide the same. The Chair’s determination shall be appealable by any member. For example, a motion to approve a project and waive applicant fees is divisible into two separate motions.

### Withdrawal of a Motion

A motion may be withdrawn by the maker at any time prior to the vote, without the consent of the member seconding it. Any other member may choose to make the same motion.

### Motion to Continue

The Committee may vote to continue items to a subsequent meeting for the following reasons:

- The Committee requires additional information during the meeting;
- New information or issues come to light during the meeting that need further study; or
- Other reasons the Committee deems “appropriate and substantial.”

A motion to continue requires a majority vote for approval. This is also known as a motion to postpone and is amendable.

The Committee may continue a submitted application when:

- The applicant cannot appear at the meeting and has requested that the item be continued;
- The application is revised by the applicant during the meeting; or
- The Commission requests that the application be revised.

- Continuances ordinarily are undertaken with concurrence of the applicant, but concurrence is not required.

**Motion to Reconsider**

A motion to reconsider a vote is a motion limited in both the time it can be made and the person who can make it. A motion to reconsider an action taken by the Committee may be made on the same day as the meeting in which the motion to be reconsidered was decided, or the next business day if the session is more than one day. The motion must be made by a member who voted on the prevailing side but may be seconded by any member. For example, a person voting in the majority of a 4-3 vote for a motion to approve or deny an item (prevailing side) may make a motion to reconsider. If there is tie vote (3-3 and 1 absence), or if the motion fails (3 in favor, 2 against, 2 absent), then a motion to reconsider is not available as it only applies to actions taken by the Committee.

A motion to reconsider requires a second, is debatable, and is not amendable. If the motion to reconsider fails, it may not itself be reconsidered. Reconsideration may not be moved more than once on the same motion. If the motion to reconsider passes, the original matter is back before the Committee. The matter may be discussed, debated, and amended as if it were on the floor for the first time.

No member is prevented from making a motion to rescind such *action* at a subsequent meeting of the Committee, provided the agenda for that meeting includes the proposed action to rescind. Often such motions are used to make policy changes. The motion must be seconded, is debatable, and requires a majority vote.

## Appendix C– Voting

### **Majority Voting Requirement**

A affirmative vote of a majority of the total members of the Committee (excluding any non-voting members), on any item, for any action by the Committee, unless otherwise provided. For example, the majority of a fully constituted Committee is 4. In a 7-member body, a vote of 4-3 passes the motion. If there are 2 vacancies, and the total members are 5, then a majority is 3 members. Therefore, unless a super-majority is required, a simple majority vote determines whether each motion passes or is defeated. Proxy votes for absent members are not allowed.

### **Tie Votes**

A tie vote means the motion fails. If one member is absent and the vote is 3-3, the motion fails. Tie votes may be reconsidered on motion by any member of the Committee voting aye or nay during the original vote. Before a motion is made on the next item on the agenda, any member of the Committee may make a motion to continue the matter to another date. Any continuance for this purpose suspends the running of any time in which action of the Committee is required by law.

### **Disqualification from Voting; Recusal**

Committee members shall disqualify themselves from deliberation and voting on any matter before the Committee, prior to the Committee's consideration of the matter, when there is a conflict of interest. A member may also choose not to participate due to personal bias or the appearance of impropriety.

Upon the Chair's announcement of an item, members must state that they are disqualifying themselves due to a conflict of interest, state the nature of the conflict (e.g., financial), and leave the room until the completion of that item.

If the number of members recusing themselves due to a conflict of interest disrupts the quorum, the "rule of necessity" allows the random selection of the fewest number of conflicted members to vote as is needed to enable a quorum to participate and reach a decision. For example, if 4 out of 7 Committee members are conflicted, the Committee may select one of the conflicted members to vote so as to have a quorum.

### **Abstentions**

Abstentions are discouraged. Members should abstain from voting only due to lack of participation in an evidentiary proceeding before the Committee and their inability to review the record. In that instance, members will be recorded as absent for that item.

A member present for consideration of a motion who opposes the motion must vote against it. In the event of an abstention the abstainer in effect "consents" that a majority of the quorum of the members present may act for them. Thus, a member who abstains (for any reason other than lack of opportunity to review the record) is deemed to acquiesce in the action taken by the majority of members who voted. For example, on a 7-member Committee, if the vote is 3 in favor, 2 against, with 1 absence and 1 abstention, the motion is approved, since a quorum was present, and a majority of the total

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<sup>1</sup> In certain circumstances, supermajority votes (majority + 1) are required: certain actions of Council, e.g., an urgency ordinance; zoning amendments by the Planning Commission.

membership is judged to have voted in favor. A 3-3 vote with one abstention means the motion fails as there is no majority.

Members who are silent during a voice vote shall have their vote recorded as an affirmative vote, except when individual members have stated in advance that they will not be voting.

**Voting Methods.** Most votes shall be by voice vote. The Chair asks those in favor to say, “Aye,” and those opposed to say “No.” The Chair then announces the result, naming any member(s) in dissent.

A roll call vote is required in the event of any member is attending virtually, with each member answering “aye” or “no” as their name is called by the staff liaison. The order of voting for roll call votes shall be random.

**Recording of Votes.** The results of the vote shall be announced immediately following the action as shown in the following example: “The motion passed 5-2, Brown and Smith voting no.” The minutes of the Committee’s proceedings shall show the vote of each member, including whether they were absent or failed to vote on a matter considered. For example,

Ayes:

Noes:

Absent:

Abstain:

Members may change their votes up to the time the vote is finally announced. After that, members may only change with permission of the Committee, which may be given by general consent; that is, by no member’s objecting when the Chair inquires if anyone objects. If an objection is made, a motion may be made to grant the permission, which is debatable.



## Appendix D – Training

### Reimbursement

Committee Members may be reimbursed expenses for subject matter training if approved by the City Council. The City Council must approve reimbursement prior to a member incurring an expense.

### Mandatory Ethics Training AB 1234

AB 1234, passed in 2014, codified at Government Code § 53235, requires many California state and local officials and employees to complete mandatory ethics training. It states:

(a) (1) If a local agency provides any type of compensation, salary, or stipend to a member of a legislative body, or provides reimbursement for actual and necessary expenses incurred by a member of a legislative body in the performance of official duties, then all local agency officials shall receive training in ethics pursuant to this article.

(2) All local agency officials who are members of the governing board of a school district, a county board of education, or the governing body of a charter school shall receive training in ethics pursuant to this article, whether or not any member receives any type of compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties.

(b) Each local agency official shall receive at least two hours of training in general ethics principles and ethics laws relevant to the official's public service every two years.

(c) If an entity develops curricula to satisfy the requirements of this §, then the Fair Political Practices Commission and the Attorney General shall be consulted regarding the sufficiency and accuracy of the proposed course content. When reviewing any proposed course content, the Fair Political Practices Commission and the Attorney General shall not preclude an entity from also including local ethics policies in the curricula.

(d) A local agency or an association of local agencies may offer one or more training courses, or sets of self-study materials with tests, to meet the requirements of this §. These courses may be taken at home, in-person, or online.

(e) A provider of training courses to meet the requirements of this article shall provide participants with proof of participation to meet the requirements of § 53235.2.

(f) A local agency shall provide information on training available to meet the requirements of this article to its local officials at least once annually.

AB 1234 applies to "members of a legislative body," which is defined as in the Brown Act, Government Code § 54952. It thus applies to members appointed to city boards and commissions.

AB 1234 does not specify a time period within which an official must take and complete the training. Where, as here, a statute does not impose a specific time requirement, the statute is deemed to require compliance within a "reasonable" time after assuming office and on before the expiration of the prior training every two years.

## Appendix E – Powers and Duties

### Planning Commission - OMC § 10-1.01 - § 10-1.05 (abbreviated)

The Planning Commission shall have the following powers and duties:

- (a) To act in an advisory capacity in all matters pertaining to the development and modification of streets, parks, and public or private structures and buildings, housing, schools, grounds, vacant lots, and all other matters pertaining to the General Plan of the City, and to recommend to the Council plans for future growth, development, and beautification of the City;
- (b) To advise and recommend to the Council plans for securing to the City and its inhabitants proper service of all public utilities, proper sanitation, and transportation facilities;
- (c) To recommend to the Council approval, conditional approval, or disapproval of tentative maps of proposed subdivisions of land. The Council designates the Planning Commission as its advisory agency with respect to the design and improvement of proposed subdivisions. Every such map or plat shall, prior to its final approval or disapproval by the Council, be submitted to the Commission for action thereon;
- (d) [https://ecode360.com/print/44871967 - 44871967](https://ecode360.com/print/44871967-44871967) To do all things necessary, by majority vote, to carry out the provisions of Title 10 (including Conditional Use Permit requests, Variances, Concept Reviews, Design Review Permit requests, and Tree Permits), other applicable provisions of this Code, and the provisions of the CA Conservation and Planning Act (California Government Code Section 65006 et seq.), as amended from time to time;
- (e) To perform such other duties and functions as may be delegated by the Council.

## Historic Preservation Commission – OMC Ch. 4-8 (abbreviated)

The functions and powers of the Historic Preservation Commission shall be:

- (f) *Evaluation.* The Historic Preservation Commission or Community Development Director may investigate any structure in the City which the Council or Planning Commission or Historic Preservation Commission has reason to believe should be declared an historical landmark, historic district, structure of merit, or point of historical interest;
- (g) *Inventory.* To maintain a current list of all historical, cultural, and natural landmarks, historic districts, structures of merit, and points of historical interest which have been declared as such by the Council. This information shall be made available to the public;
- (h) *Public hearings.* To hold public hearings for the purpose of identifying historical landmarks, historic districts, or points of historical interest, with such hearings held 10 days or more after the property owner has been notified by registered mail;
- (i) *Recommendations.* If the conclusion of the Historic Preservation Commission is that an historical landmark, historic district, structure of merit, or point of historical interest does exist which meets the criteria established in this chapter and should be declared as such, the Historic Preservation Commission shall make its recommendation to the Council for timely deliberation within 90 days and send a copy of such recommendation to the property owner;
- (j) *State registration.* The Historic Preservation Commission may recommend to the Council that the City apply to the California Office of Historic Preservation for State registration of landmarks, historic districts, or sites which have historical significance, which meet State registration criteria, and where the registration would assist in preservation. The Historic Preservation Commission may find that a landmark site of historic significance is significant for declaration as a State "point of historical interest" but does not warrant registration as a State "historical landmark." The Historic Preservation Commission shall investigate and recommend to Council the appropriate State registration;
- (k) *Advise and assist property owners.* To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
- (l) *Amendments.* To identify issues with this chapter and recommend to the Council consideration of amendments to this chapter when circumstances indicate; and
- (m) *Develop guidelines.* To develop and recommend for Council adoption of specific design guidelines for the alteration, construction, or removal of landmarks or property and structures within historic districts;
- (n) *Inform citizens.* To inform and educate the citizens of Ojai concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures, pamphlets, websites, and social media information, and by holding programs and seminars according to a workplan and budget authority approved by Council;

- (o) *Markers.* To determine which designated landmarks, historic districts and points of historical interest shall be marked with uniform and distinctive markers;
- (p) *Nominate landmarks.* To nominate landmarks and historic districts to the National Register of Historic Places as approved by Council, and to review and comment on any National Register nominations submitted to the Historic Preservation Commission upon request of the Mayor or Council;
- (q) *Preservation of landmarks and points of historical interest.* To take the steps necessary to preserve such landmarks and points of historical interest not in conflict with the public health and safety consistent with City policies and protocols. Such steps may include the creation of civic and citizens' committees; the establishment of a private fund for the acquisition or restoration of declared landmarks and points of historical interest; and the recommendation that such declared landmarks and points of historical interest be acquired by a governmental agency where private acquisition is not feasible;
- (r) *Review Mills Act agreements.* To review proposed initial and renewed Mills Act agreements and provide a recommendation to the Council regarding acceptance of Mills Act agreements, under Title 4, Chapter 9 of the Ojai Municipal Code;
- (s) *Review Conservation Element of the General Plan.* To periodically review the Conservation Element of the General Plan and to recommend to the Planning Commission and the Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts;
- (t) *Review proposed amendments, etc.* At the request of the Council or Planning Commission, review proposed zoning amendments, applications for permits, or applications for zoning variances that affect proposed or designated landmarks and historic districts. Review and comment within 30 days of submission for the public record of any and all historic resources reports prepared for any other development project requiring a design review permit, conditional use permit, development agreement, or other zoning code permit;
- (u) *Rules and regulations.* To adopt such rules and regulations as are necessary to carry out the purpose and intent of this chapter;
- (v) *Surveys.* To conduct surveys of potentially significant properties, structures, or sites in accordance with the workplan and budget approved by Council.

**Building Appeals Board – OMC Section 9-1.214; 9-1.215 (abbreviated)**

- (a) There is hereby established in the City a Building Appeals Board consisting of five members to be appointed by the Mayor with the approval of the Council. The Building Appeals Board shall be the "local appeals board," the "housing appeals board," and the "board of appeals" as those phrases are defined and used in the California Building Standards Code or any other code under this title as the same may apply to the City of Ojai either by express adoption or by operation of law.
- (b) Each member shall become knowledgeable in the California Building Standards Code and applicable ordinances of the City of Ojai. Members need to be residents of the City.
- (c) The members of the Building Appeals Board shall be appointed for terms of four years and shall hold office until their successors have been appointed and qualified. A person who has been appointed to fill a vacancy shall hold office for the remainder of the unexpired term. Any member of the Board may be removed by the Mayor, subject to the approval of the Council. Members may be reappointed.
- (d) The Board shall elect its chair and vice-chair from among its members and shall appoint a secretary who need not be a member of the Commission. Such officers shall be chosen for a period of one year. In the absence or disability of either the chair, vice-chair, or secretary, the Commission may designate a chair or secretary pro tempore.
- (e) The Board shall meet when:
  - (1) An appeal is filed pursuant to this chapter; or
  - (2) The Building Official requests advisory comments regarding issues related to this chapter, such as the potential adoption of new codes, proposed code changes, or alternate methods and materials.
- (f) Unless otherwise designated by the City Manager, the Building Official shall be the principal City staff liaison to the Board.

**Arts Commission – OMC Ch. 4-16 (abbreviated)**

The Commission shall exercise the powers reasonably necessary to perform and carry out its delegated responsibilities. The duties of the Commission include the following:

- (a) Advise the Council on all matters pertaining to the arts in the community;
- (b) Make recommendations to the Council concerning the resources and needs of the community on the subject of the arts, opportunities for participation of artists and performers in City-sponsored activities, and ways to encourage community involvement;
- (c) Work cooperatively with City boards and commissions and other public and private organizations in promoting art and cultural activities within the City;
- (d) Encourage public and private partnerships to assure the survival of the arts and artists in the City;
- (e) Encourage the flow of art into the City and stimulate art and cultural activities among residents of the City;
- (f) Review and evaluate submitted City art grant proposals and submit funding recommendations to the Council;
- (g) Carry out the duties necessary to oversee the Ojai Public Arts Program as specified in Article 2 of this chapter; and
- (h) Prepare and submit to the Council at least every two years a five year arts project plan. Prior to submission, the Arts Commission shall review all ongoing and future capital improvement and development projects for public art opportunities.

**Parks and Recreation Commission – OMC Ch. 2-4 Art. 1 (abbreviated)**

The Parks and Recreation Commission shall have the following powers and duties:

- (a) To act in an advisory capacity to the Council on all matters pertaining to recreation programs and facilities. (Recreation facilities include, but are not limited to, parks, buildings, trails, bike paths and open space.)
- (b) To become knowledgeable about the general field of recreation, the programs and facilities provided by other agencies and organizations within the area, and the needs of City recreation program participants and recreation facility users.
- (c) To receive input from current and potential recreation program participants and recreation facility users regarding the recreation program and facility needs of the Community.
- (d) To periodically review the Recreation Element of the General Plan and such master plans and facility plans as are deemed advisable, and make recommendations to the City Council.
- (e) To periodically review recreation policies of the City, and make recommendations to the City Council.
- (f) To participate in the annual review of the proposed budget as it relates to recreation programs and facilities, and make recommendations to the City Council.
- (g) To participate in the annual review of the Five-Year Capital Improvement Plan as it relates to recreation facilities, and make recommendations to the City Council.
- (h) To participate in the annual review of City fees as it relates to recreation programs and facilities, and make recommendations to the City Council.
- (i) To make recommendations to promote participation in recreation programs and use of recreation facilities.
- (j) To report fully to the public through the Council on all of the activities of the Commission at least once each year, and at such other times as may be required by the Council or requested by the Commission.