

CITY OF STOCKTON
CULTURAL HERITAGE BOARD

Standards and Policies No. 1

Date Adopted: August 1969

Dates Amended: (per available records)

- January 6, 1971
- September 2, 1981
- July 7, 1982
- January 12, 1984
- October 4, 1989
- December 4, 1996
- September 3, 1997
- November 4, 2020

Title: **Procedural Rules for Conducting Cultural Heritage Board Meetings (Bylaws)**

In supplement to Chapter 4.01.040 of the City Council Policy Manual (CPM), Land Use, Hearing, Planning Commission - (adopted by Council Resolution No. 88-0740 on November 28, 1988), the City of Stockton Cultural Heritage Board hereby adopts the following procedural rules for conducting Cultural Heritage Board meetings:

PURPOSE

To work in an advisory capacity to the Planning Commission in matters of aesthetic, cultural, architectural, and historical significance for the City of Stockton.

Section 1. OFFICERS

The Board shall have the following officers: a Chairperson, Vice- Chairperson, and secretary. The Chairperson and Vice-Chairperson shall be elected from the membership of the Board on an annual basis at the first meeting of each year. The City's Community Development Director or Designee shall serve as the secretary to the Board. The Chairperson, or in his/her absence, the Vice-Chairperson shall be the presiding officer at the meetings.

The term of office of the chairperson and vice chairperson shall be for 12 months, or its balance should they be elected to fill a vacancy. No person shall serve as Chairperson for two consecutive terms.

Section 2. REGULAR MEETINGS

Regular meetings of the Board shall be held on the first Wednesday of each month unless the Board, by majority vote, decides otherwise. If a regular Board meeting falls on a legal holiday, that meeting shall be held on the following Wednesday in the Council Chambers on the second floor of City Hall, Stockton, California, and shall begin at 5:30 p.m.

Section 3. SPECIAL MEETINGS

Special meetings of the Board may be called by the Chairperson or a majority of the members of the Board, notice of which shall be given as prescribed by the Ralph M. Brown Act. Only such matters as are stated in the call for a special meeting may be passed upon at such special meeting.

Section 4. QUORUM AND VOTING

A quorum for the transaction of the business of the Board shall consist of a majority of the members of the Board in accordance with SMC Section 16.220.040.B.2 and CPM Chapter 4.01. A majority for purposes of the Cultural Heritage Board means a vote by five (5) members.

Approval of any motion before the Board shall require a minimum of five (5) concurring votes by the Board in accordance with SMC Section 16.220.040.B.3, unless a greater number is specified herein or by policy, ordinance or resolution adopted by the City Council. An appeal, petition, request, or other matter shall be deemed disapproved absent the required number of votes.

No member may abstain from voting on a matter before the Board unless he/she has a stated conflict of interest in accordance with CPM Chapter 2.02.

On occasion, a mistake in voting will occur due to electronic malfunction and/or operator error. If such a mistake is made, the Board Member who made the mistake shall immediately bring the mistake to the attention of the Chairperson and a new vote shall be cast.

Section 5. COMMITTEES

The Commission may appoint several of its members, but less than a quorum, to serve on an ad hoc or standing Committee or as a Liaison for the purpose of representing and / or advising the Board as a whole.

- Committee members will be selected at a Board meeting based upon a willingness and qualifications to serve
- Once appointed to a committee, Board members are expected to serve on said committee to their fullest ability.

- The Board shall designate one member of that committee to preside over its activities and to report to the full Board on its proceedings and recommendations.
- Committees represent the entire Board and should conduct themselves accordingly.
- A Committee may not represent the Board before the Council or other bodies unless it has first received the authorization of the Board to do so.

The Brown Act applies to standing committees given that they have “continuing subject matter jurisdiction”. Standing committees may, but are not required to, have regular meeting schedules. Even if such a committee does not have a regular meeting schedule, its agendas should be posted at least 72 hours in advance of the meeting (Government Code Section 54954.2). If this is done, the meeting is considered to be a regular meeting for all purposes. If not, the meeting must be treated as a special meeting, and all of the limitations and requirements for special meetings apply.

It shall be the responsibility of presiding committee member to reserve a meeting space, post agendas and provide meeting minutes in conformance with the Brown Act. Community Development Department staff will not be provided for Committee support.

Section 6. MOTIONS TO RECONSIDER

After discussion, debate, and a vote, a matter before the Board is deemed closed. However, there may be occasions where a Board member changes his/her mind and wishes to re-open a closed matter. A Motion to Reconsider is different from a mistake in voting because there is no error in casting the vote, rather the Board member simply changes his/her mind.

When this situation occurs, the Board member who changes his/her mind and wishes to reopen the matter may do so subject to the following:

1. **Timing:** The Motion to Reconsider must be made at the meeting where the item was first voted upon. A Motion to Reconsider may also be heard at the next regular meeting if a two-thirds majority of the Board votes to suspend the rules and hear the motion in accordance with Rosenberg's Rules of Order.
2. **Making the Motion:** A Motion to Reconsider may only be made by a member of the Board who voted in the majority when the original motion was heard and voted on. It may be seconded by any member regardless of how he/she voted when the matter was originally heard in accordance with Rosenberg's Rules of Order.
3. **Number of Votes:** Approval of a Motion to Reconsider requires a vote in

accordance with Rosenberg's Rules of Order.

Section 7. ORDER OF BUSINESS

All meetings of the Board shall be open to the public. The business of the Board shall be taken up for consideration and disposition in the following order:

1. Call to Order/Roll Call
2. Pledge to Flag
3. Consent Agenda
4. Public Comment
5. Public Hearings
6. New Business
7. Unfinished Business
8. Reports/Communications/Informational Items
9. Board Comments
10. Adjournment

Note: Applications with related requests shall be listed concurrently on the agenda.

The Board Secretary may make changes to the order of business to be taken up for consideration and disposition as he/she deems necessary in advance of the meeting. Thereafter, changes may be made to the agenda by the Chairperson or at the request of any member of the Board provided that the Chairperson announces the intended change and no other Board member has an objection to the change.

Section 8. AGENDA

The Secretary of the Cultural Heritage Board shall be responsible for publishing an agenda and establishing the order of business in accordance with Section 6. All public hearings scheduled for a particular date shall be heard in the order listed on the agenda unless that order is changed pursuant to Section 6 and with the consent of the applicant and other interested parties.

The Chairperson may also consider all requests for withdrawals or continuances as first order of business rather than in the order presented on the agenda.

Section 9. RULES OF CONDUCT

The Cultural Heritage Board Secretary shall print the following rules of conduct for Cultural Heritage Board meetings on the Cultural Heritage Board agenda:

1. The meeting will be conducted in accordance with Rosenberg's Rules of Order as well as any other applicable procedural rules adopted by Council.

2. Each person wishing to address the Cultural Heritage Board is encouraged to fill out a speaker card located at the podium. Each speaker will then be called forward to the podium to speak in the order in which their speaker card was received. Speakers are encouraged but not required to provide their name and address when speaking before the Board.
3. All questions from members of the audience to the Cultural Heritage Board and/or city staff members shall be directed to the Chairperson of the Cultural Heritage Board.
 - A. All questions from Cultural Heritage Board members to staff shall be addressed directly to staff from the member asking the question.
 - B. No personal comments and/or exchanges will be permitted between members of the audience and individual staff or Board members. Rather, direction shall be given to staff to follow-up on any issues brought before the Board. This rule applies to communications outside of the public hearing process.
4. Information presented to the Board shall only pertain directly to the item under consideration. Character assassinations, personal feuds, irrelevant data, or repetitions of matters already presented shall not be permitted.
5. All rules of Decorum pursuant to CPM Chapter 4.03, Decorum, Council, Enforcement, apply equally to this Board.

Section 10. PUBLIC HEARINGS

The following procedures shall apply to each item scheduled for public hearing:

1. The agenda item shall be introduced by the Chairperson.
2. The Chairperson shall announce the opening of the public hearing.
3. Any member of the hearing body who has received evidence outside of the public hearing or has viewed the subject property or is familiar with the subject property shall disclose at the hearing such evidence, observations and familiarity with the property so that all interested persons may be aware of the information upon which the member is relying and have an opportunity to respond to such information in accordance with CPM 4.01.040, City Council Hearings - Land Use.
4. The Chairperson shall call for the staff report, after which members of the Board may ask questions with respect to the report.

5. Any communications pertaining to the item in question shall be recorded into the historical record, including comments from other public agencies.
6. The applicant will be permitted to make a statement with respect to his/her request. The Board and/or city staff may then question the applicant regarding the application.
7. The Chairperson shall invite those in support of the application to make comments to the Board. The Board and/or city staff may then ask clarifying questions to those in support of the application.
8. The Chairperson shall then invite those in opposition of the application to make comments to the Board. The Board and/or city staff may then ask clarifying questions to those in opposition of the application.
9. The Chairperson shall then call for any other public comments.
10. The Chairperson shall then allow one person to make rebuttal comments; however, the Chairperson may place a time limit on the rebuttal to limit debate as well as any other actions the Chairperson deems necessary to maintain order.
11. The Chairperson shall then determine if all evidence has been presented and if it has, declare the public hearing closed.
12. The Board may, upon the request of the applicant or other interested party, and for good cause shown, grant a continuance to a date certain for any matter before the Board subject to the following rules:
 - A. All continuances must be approved by a majority vote of the Cultural Heritage Board members present.
 - B. Continued public hearings must be set at a date and time certain.
 - C. Re-notification of a continued public hearing is not required.
 - D. The conduct of a continued public hearing shall be the same as that of the initial hearing.

Good cause includes but is not limited to:

- A. The collection of additional data;
 - B. Obtaining an interpreter;
 - C. The illness of an interested party or witness; and
 - D. Any unforeseen event which might result in the denial of a fair hearing to an interested party.
13. After the public hearing is closed, discussion shall take place between the Board and City staff. Neither the applicant nor any other interested party

shall be permitted to make any additional statement after the public hearing is closed. However, the public hearing may be re-opened at the request of a member of the Board.

14. Board discussion during the meeting should be relevant to the item under consideration and nonrepetitive in respect to time limitations.
15. After the Public hearing is closed and all discussions have ended, the Board shall take such action(s) as it deems appropriate.
 - A. The request may be approved or denied or recommended for approval or denial as the code requires. For any request which is denied, the Chairperson shall immediately inform the applicant of his/her rights of appeal in accordance with the procedures laid out in SMC Chapter 16.100 [Appeals].
 - B. The secretary of the Cultural Heritage Board shall file a written Staff Report with the City Council regarding any recommendation or action of the Cultural Heritage Board, which is subject to Council review.
16. No member of the Board shall act as an interpreter for any interested party appearing before the Board upon any matter or topic going to the merits of the item before such body for consideration. This rule shall in no way be interpreted to require the Board or the City of Stockton to furnish an interpreter for any interested party who is not fluent in the English language.

Section 11. NON-PUBLIC HEARINGS

The following procedures shall apply to all other agenda items which do not require a public hearing, except for those approved as Consent items.

1. The agenda item shall be introduced by the Chairperson who shall state the nature of the request, the property affected, and the name of the applicant making the request.
2. The Chairperson shall call for the staff report; after which members of the Board may ask questions with respect to the report.
3. Any communications pertaining to the item in question shall be read including comments from other public agencies.
4. The Board and staff may question the applicant or other interested persons for purposes of clarification.
5. The Board shall either approve or deny the item under consideration or approve a continuance where applicable in accordance with the procedure

for the continuance of public hearing items.

Section 12. PRIORITY OF CONFLICTING RULES

In the event of a conflict between the procedural rules contained herein and any other applicable rule of law, the following priority of authority shall be given:

1. City of Stockton Charter;
2. City of Stockton Municipal Code;
3. City of Stockton Council Policies or Resolutions;
4. Rosenberg's Rules of Order;
5. City of Stockton Cultural Heritage Board Procedural Rules of Conducting Cultural Heritage Board Meetings; and
6. Applicable State Law.

Section 13. CONFLICTS OF INTEREST

If a Board Member suspects that he/she has or might have a conflict with regard to a hearing that will come before the Board, he/she should consult with the City Attorney's Office in advance to determine if an actual conflict exists.

If there is an actual conflict, once the Chairperson has announced the hearing item, the member must:

1. Identify the basis of the conflict for the record; and
2. Remove himself/herself from Council Chambers for the duration of the hearing for the item for which the conflict exists.

It is recognized that non-financial conflicts of interest which present threats to impartiality may stem from associational ties, familiar relationships, friendships, or previous business dealings. It is further recognized that a member may be disqualified by the appearance of impropriety, not just actual conflict. There is an appearance of impropriety when such a relationship would appear to a disinterested observer to have compromised the member's impartiality, whether or not in fact his vote is influenced by the relationship.

Section 14. TIME LIMIT

No new business (except Board Comments and Adjournment) shall be considered after 11 p.m. consistent with CPM 4.01.010.

Section 15. ABSENCES

Members of the Cultural Heritage Board are excused from meetings only for illness, other medical reasons, vacation, work related conflicts, or scheduled vacations when notice is provided at least 30 days in advance.

The Chairperson shall determine if the absence is excused; provided a Board Member, prior to the meeting, provides reasonable notice, including 30 days' notice of scheduled vacation, of the absence to the Chairperson or to the Board Secretary. In the case of a Chairperson's absence, the Vice-Chair shall make the determination.

Members of the Cultural Heritage Board shall not be absent in excess of the Council Policy Manual's attendance policy.

Section 16. AMENDMENTS AND SUSPENSIONS

Any of the above-listed procedural rules may be amended or suspended at any time with six affirmative votes of the Board, provided no such amendments or suspensions place the rules in conflict with applicable local and state laws.

Section 17. REPEALING PRIOR PROCEDURAL RULES

All prior procedural rules that may have been previously adopted by the Cultural Heritage Board for conducting Cultural Heritage Board meetings are hereby repealed.