

**SANTA BARBARA COUNTY  
BOARD AGENDA LETTER**



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

**Agenda Number:**  
**Prepared on:** 11/17/04  
**Department Name:** HLAC  
**Department No.:**  
**Agenda Date:** 12/14/04  
**Placement:** Administrative  
**Estimate Time:**  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Santa Barbara County Historic Landmarks Advisory Commission (HLAC)

**STAFF CONTACT:** Jennifer C. Klein, Deputy County Counsel, x 2950  
Marylouise Morganward, Secretary to HLAC, x 2084

**SUBJECT:** Amendments to Historic Landmarks Advisory Commission's Bylaws

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**Recommendation:**

That the Board of Supervisors:

Consider and approve the amendments to the Santa Barbara County Historic Landmarks Advisory Commission's Bylaws as reflected in Exhibit A.

**Alignment with Board Strategic Plan:**

The recommendation is primarily aligned with Goal No. 6.  
A County Government that is Accessible, Open, and Citizen-Friendly.

**Executive Summary and Discussion:**

At its October 2004 meeting, the Historic Landmarks Advisory Commission unanimously approved amendments to its Bylaws. In early 2004 the Commission directed Commissioner James Lowsely and Deputy County Counsel Jennifer Klein to work together on an update of the Commission's existing Bylaws. The Commission considered several draft versions of the revised Bylaws. These final revisions and updates are reflected in redlined text in Exhibit A. Exhibit B is the final version of the Bylaws with all of the changes incorporated. The Commission's Bylaws were last amended in September 2001. The goal of the present revision is to clarify existing sections, and to expand or add sections to guide Commission business consistent with County Code Chapter 18A, Historical Landmarks.

The major proposed amendments and revisions to HLAC's Bylaws are described below:

- (1) Expansion and clarification of procedures for general vs. special meetings pursuant to the Brown Act;
- (2) Clarification of commissioner tenures and procedures for commissioner appointments;
- (3) Clarification of the treatment of vacancies on the Commission;
- (4) Clarification of procedures related to standing and ad hoc committees of the Commission;
- (5) Update of the requirements that guide nominations of landmarks and places of historic merit;
- (6) Update of the requirements that guide the Commission's consideration of nominations of landmarks and places of historic merit;
- (7) Addition of a section addressing the Commission's review of projects that affect landmarks; and
- (8) Addition of a section addressing the Commission's initiation of investigation and designation of landmarks or places of historic merit.

In all instances, the proposed amendments to the Bylaws are consistent with County Code Chapter 18A ("Historical Landmarks") and the Brown Act, California Government Code §54950 et seq.



**Santa Barbara County**  
Historic Landmarks Advisory Commission

Preserving our Past and Guiding Its Future

**BYLAWS**  
**SEPTEMBER 2004**

OBJECTIVE

The County of Santa Barbara created the Historic Landmarks Advisory Commission (Commission) in 1965 to promote the preservation of historic sites, buildings, and structures. The purpose of the Commission is to promote the economic welfare and prosperity of the county by preserving and protecting those places, sites, buildings, structures, works of art and other objects having a special historic or aesthetic character or interest, for the use, education, and view of the general public to remind the citizens of this county and visitors from elsewhere of the historic background of the county (Ord. No. 1716 §2, codified at County Code, Chapter 18A, §18A-2.)

Each Commissioner serves in the spirit of public service, to assist the County of Santa Barbara in the preservation of historic properties.

HISTORIC LANDMARKS ADVISORY COMMISSION JURISDICTION

The Commission is authorized and directed to receive and act upon or initiate applications to investigate and designate places, sites, buildings, structures, works of art and other objects within the unincorporated territory of the county as Places of Historic Merit or Landmarks.

I. MEETING CONDUCT

1. ROBERT'S RULES OF ORDER: The Commission has adopted Robert's Rules of Order for the formal conduct of meetings. Robert's Rules of Order shall govern the conduct of meetings unless otherwise provided by these procedures.
2. REGULAR MEETINGS: The Commission shall hold regular meetings on the morning of the second Monday of each month at the County Administration/Engineering Building Complex. If the meeting date falls on a Monday, which is a holiday, the regular meeting set for that date shall be continued to the next Monday which is not a holiday, unless canceled by action of the Commission. The Secretary of the Commission shall keep a public record of the Commission's resolutions, findings, and determinations as stipulated by the Brown Act.

3. SPECIAL MEETINGS: A special meeting may be called at any time by the Chair of the Commission or by a majority of the Commissioners in accordance with the Brown Act provision governing special meetings, California Government Code § 54956, as may be amended from time to time by the State Legislature.

Written notice of the special meeting shall be given to each member of the Commission, unless waived pursuant to Government Code § 54956. Written notice shall be given to newspapers of general circulation, radio stations, and television stations provided that each has requested in writing that it receive such notice.

Written notice shall be delivered personally or by any other means and shall be received at least twenty-four (24) hours before the time of the meeting specified in the notice.

Written notice of a special meeting shall specify the date, time, location, and business to be transacted or discussed.

Requests or calls for a special meeting may be submitted in writing to the Chair or to the Commission and shall be included with the notice of the special meeting. The agenda for the special meeting shall be included with the notice of the special meeting. The call, notice, and agenda shall be posted at least twenty-four (24) hours prior to the special meeting in a location that is freely accessible to members of the public.

When a special meeting is called to prevent imminent harm to a property, affected property owners shall receive written notice as soon as practical and no less than twenty-four (24) hours prior to the meeting by personal service or by receipt of certified mail.

4. PARTICIPATION IN AGENDA ITEM DISCUSSION: A member must be present for the duration of an agenda item discussion to vote on such item. If a Commissioner joins a meeting late, or must excuse himself/herself and leave the meeting, that Commissioner must abstain from voting on the item being discussed.
5. DISCUSSION OUTSIDE OF REGULARLY NOTICED MEETINGS: The Commission is subject to all provisions of the Ralph M. Brown Act. All Commissioners are required to be familiar with, and comply with the Brown Act (Government Code § 54950 *et seq.*) provisions.
6. QUORUM: Five members constitute a quorum. No Preliminary or Final action shall be taken concerning a project or item requiring a vote unless at least five members vote on the motion.
7. CONFLICT OF INTEREST: Members must comply with all regulations prohibiting participation by officials with conflicts of interest. A Commissioner must disclose a potential conflict of interest for an application that is before the

Commission. The member may answer factual questions regarding the application. The member must abstain from voting on any decision item. When a member steps down, the member is not included in a quorum.

8. ATTENDANCE OF COMMISSION MEMBERS: If a member cannot attend a meeting, the member must contact staff or the Chair at the earliest possible opportunity prior to the meeting date.
9. LEAVE OF ABSENCE: A Leave of Absence, not to exceed more than three (3) months, may be granted by a majority vote of the Commission upon written application for same by a Commissioner. Commissioner(s) on Leave of Absence shall not be counted for purposes of a quorum.

## II. MEMBERSHIP APPOINTMENT AND TERMS

1. COMMISSION MEMBERS: The Historic Landmarks Advisory Commission of Santa Barbara County shall consist of not more than eleven (11) residents of the county and no more than two members per district and one member at large appointed by the Board of Supervisors. Incorporated cities within the County are encouraged to submit recommendations for membership to the Board of Supervisors.
2. COMMISSIONER RECRUITMENT: In order to provide a broad representation of community expertise on the Commission, the Board of Supervisors is encouraged to appoint members who possess a demonstrated involvement with, but are not limited to, the following areas of community interest, professional background, and technical expertise: legal experts, architects, realtors, land use planners, local historians with a demonstrated record of local research and writing, Advanced Degree (Masters or Ph.D.) in one of the following disciplines: archaeology, architectural history, historic preservation, and art history.
3. COMMISSIONER APPOINTMENT & TENURE: Each commission member shall serve at the pleasure of the Board of Supervisors. Each commission member shall serve a four-year term, which coincides with the term of the office of the supervisor of the district for which the commission member is appointed. The at-large commissioner serves a four-year term from the date appointed by the Board of Supervisors. Appointments are made by at least a three-fifths (3/5) vote of the Board of Supervisors. A commission member may be reappointed for subsequent four-year terms upon at least a three-fifths (3/5) vote of the Board of Supervisors. Subsequent terms shall coincide with the term of office of the supervisor of the district for which the commission member is reappointed. A commissioner whose term expires may continue to serve as a “hold-over” commissioner until he or she is reappointed, or until the Board of Supervisors appoints a successor commissioner to the position.
4. REMOVAL: A commissioner may be removed by at least a three-fifths (3/5) vote by the Board of Supervisors.

5. COMMISSIONER ATTENDANCE: Members unable to continue active service with the Commission shall submit written letters of resignation to the Chair. A semi-annual report on each commissioner's attendance will be compiled by staff and transmitted to the Chair for review. To prevent the lack of a quorum, and to allow interested members of the public to serve on the Commission, the Chair will review the report and may request the Commission to make recommendations to the Board of Supervisors for removal of a member due to continued absences.
6. VACANCIES: Vacancies that result from expired terms shall be filled in the same manner as original appointments. In instances where a vacancy occurs prior to expiration of the term of office, the succeeding appointee shall complete the unexpired term of his or her predecessor. Upon the completion of the remainder of the predecessor's term, the succeeding appointee may be appointed to a subsequent four-year term by at least a three-fifths (3/5) vote of the Board of Supervisors.

### III. OFFICERS AND COMMITTEES

1. The Commission shall elect a Chair and Vice-Chair in the month of July, who are appointed for two-year terms. The Chair and Vice-Chair shall not hold office for more than two (2) consecutive two-year terms. Elections may be called in case of a resignation. A simple majority of the votes will determine the election outcome.
2. Duties and responsibilities of the Chair and Vice-Chair are as follows:
  - a) The Chair shall preside over meetings of the Commission and follow all applicable Robert's Rules of Order. The Chair has the authority to set agenda items, and to set time limits for presentations.
  - b) The Chair shall have the authority to appoint Commissioners to standing and ad hoc subcommittees. He or she may also serve as an ex-officio member of any committee. Whenever practical, the Chair shall strive to achieve a geographical balance in the composition of subcommittees. Meetings of committees or subcommittees composed of five (5) or more commissioners, and meetings of standing committees composed of any number of commissioners are subject to the provisions of the Brown Act (Government Code § 54950 et seq.)
  - c) The Vice-Chair shall perform all duties and responsibilities of the Chair in his or her absence. Should the Chair resign, the Vice-Chair shall assume the duties of Acting Chair and shall call a special election within thirty (30) days to select a replacement. Likewise, should the Vice-Chair resign, a special election shall be conducted within thirty (30) days to select a replacement. A simple majority of the votes will determine the election outcome.
  - d) If neither the Chair nor Vice-Chair is available to preside over a meeting of the Commission, the Chair may designate a Commissioner to preside.

e) The Chair and Vice-Chair shall perform any other duties that may be required of them by the Commission.

#### IV. ELIGIBILITY

In considering a proposal to designate any place, site, building, structure, or object as a landmark, the County Historic Landmarks Advisory Commission shall use the criteria contained in the County Historic Landmarks Advisory Commission Information Sheet and the latest version of the Cultural Resources Guidelines Section of the County of Santa Barbara's Environmental Thresholds and Guidelines Manual. In considering a proposal to designate any place, site, building, structure, or object as a place of historic merit, the Historic Landmarks Advisory Commission shall use same criteria referenced above. Additionally, the Commission may designate a property as a place of historic merit if, in the opinion of the commission, it has special historic, aesthetic or cultural value by reason of a unique feature, consistent with the requirements of County Code Chapter 18A.

#### V. NOMINATION REQUIREMENTS

1. All nominations for designation as a landmark or as a place of historic merit shall be in the form specified by the Commission and shall be peer-reviewed by the Chair or his/her designee thirty (30) days prior to submission to the Commission for its consideration. The Chair may shorten or waive the thirty (30) day peer review period upon his/her issuance of written findings that (1) the property that is the subject of the nomination is threatened with imminent harm, and (2) that the thirty (30) day review period is infeasible. Such findings shall be included with the nomination submitted to the Commission.
2. Each nomination shall at a minimum include (1) the legal boundaries of the historic property and neighboring properties on all four compass points, (2) a discussion of associated historic cultural features, including but not limited to vegetation, walls, roads and trails, (3) a description of the percentage of historic and modern features and their current historical and architectural integrity levels, (4) assessor parcel number(s), and (5) other relevant information. In addition, Black and White photographs shall be submitted showing  $\frac{3}{4}$  perspective views of the features that make the property worthy, along with views of neighboring lands.
3. The Chair or his/her designee will work with the applicant to achieve the nomination requirements of Section V of these Bylaws.
4. Nominations for designation that fail to meet the requirements of Section V as determined by the Chair or his/her designee shall be deemed inadequate and may not be considered by the Commission. This action shall not be construed to preclude future nomination for designation that meets the requirements of Section V of these Bylaws.

VI. CONSIDERATION OF PLACE OF HISTORICAL MERIT AND LANDMARK NOMINATIONS

1. The Commission may consider a completed nomination after it has been reviewed and found adequate by the Chair or his/her designee pursuant to Section V. The Commission shall provide written notice to the owner of the nominated property. Notice shall be by personal service or certified mail. Notice shall be given to the owner at the address that appears on the latest available county assessor's records for the nominated property. . . Notice shall be received twenty (20) days prior to the discussion of the application at the Commission's meeting. The Commission may vote to either accept or reject the property as a Place of Historic Merit or as a Landmark. If the property is accepted as a Place of Historic Merit, the Commission may later consider it for Landmark status.
2. The Commission shall evaluate a nomination using the criteria contained in: (1) County Code Chapter 18A, (2) the County of Santa Barbara County Landmark Information Sheet, and (3) the Cultural Resources Guidelines Section of the County of Santa Barbara's Environmental Thresholds and Guidelines Manual.<sup>1</sup>
3. The Commission may impose conditions on a property at the time it designates the property a Landmark, consistent with County Code Chapter 18A.
4. Landmarks and Places of Historic Merit shall be designated by Resolution of the Commission. Conditions imposed for a Landmark shall be included in the Resolution.
5. Upon designation by the Commission, the Commission may request that the Board of Supervisors consider the designation and imposed conditions.

VII. COMMISSION REVIEW OF PROJECTS AFFECTING LANDMARKS

1. If a condition of a resolution of the Board of Supervisors or of the Commission requires Commission review and approval prior to the commencement of a project that may affect a designated County Landmark, then the owner of the Landmark, or his/her designated representative, shall apply to the Commission for its consideration of the proposed project.
2. The Commission may deny, approve, or approve with modifications a proposed project, consistent with the terms of the designating resolution and County Code, Chapter 18A. In considering whether to deny, approve, or approve with modifications a proposed project, the Commission may consider the U.S. Department of the Interior's Standards for Rehabilitation and the latest version of the California Historical Building Code (Title 24 California Code of Regulations Part 8.).

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<sup>1</sup> The Environmental Thresholds and Guidelines Manual is available from the Planning and Development Department.



3. The Commission may request assistance from the County Planning and Development Department and/or may hire its own consultant(s) to assist with the analysis of a proposed project, including any necessary review under the California Environmental Quality Act.
4. Applications for Commission review of a proposed project shall be in a form established by the Commission and shall include all information relevant to the Commission's review of the proposed project.
5. All levels of Commission review require the presentation of the project by the applicant or the applicant's representative. Items on the agenda not so represented may be postponed or continued indefinitely. The applicant or representative will be responsible for rescheduling the project with the Commission secretary. All project as-built plans must be placed in the Commission files for future referral.

VIII. COMMISSION INITIATION OF INVESTIGATION AND DESIGNATION OF LANDMARKS OR PLACE OF HISTORIC MERIT

The Chair or the Commission may initiate an investigation and designation of a property as Place of Historic Merit or as a Landmark. Investigations and designations initiated by the Chair or the Commission shall comply with requirements and procedures stated in Chapter 18A and Sections IV, V, and VI of these Bylaws.

IX. BYLAWS

These bylaws may be amended by a two-thirds (2/3) majority vote at a regular Commission meeting providing that a quorum has been established. Proposed bylaws amendments must be provided in writing, through U. S. Post Office mail to every current member at least seven (7) days in advance of the meeting. Amendments shall not become final until submitted to and approved by the Board of Supervisors.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2004, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Chair, Board of Supervisors

ATTEST:  
MICHAEL F. BROWN  
CLERK OF THE BOARD

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
STEPHEN SHANE STARK,  
COUNTY COUNSEL

By \_\_\_\_\_  
Deputy County Counsel