



DRAFT 3-14-11

Santa Barbara County Historic Landmarks Advisory Commission

BYLAWS MARCH 2011

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 (County Code, Chapter 18A, §18A-1.)

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

- ROBERT'S RULES OF ORDER:** Robert's Rules of Order shall informally guide the conduct of meetings unless otherwise provided by these procedures.
- 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, that is a holiday, the regular meeting set for that date shall be continued to the next Monday that 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.

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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.

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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: If a member was absent during the earlier discussion of a continued item, the member must listen to a recording or watch a videotape of the entire missed hearing on the item in order to vote on such item. Except as set forth above, a member who was absent during the earlier discussion on an item may not vote on that item.

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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.

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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.

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7. CONFLICT OF INTEREST: Members must comply with all regulations prohibiting participation by officials with conflicts of interest. A commissioner

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must disclose a potential conflict of interest for an application that is before the Commission and shall not participate further as a commissioner. The member must abstain from voting on any decision item. When a member steps down, the member is not included in a quorum. A commissioner member with a conflict may be allowed to participate as a member of the public if such participation is allowed under applicable conflict of interest laws and regulations.

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8. ATTENDANCE OF COMMISSION MEMBERS: If a member cannot attend a meeting, the member should inform staff or the Chair at the earliest possible opportunity prior to the meeting date.

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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.

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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 such as: attorneys, architects, landscape architects, civil engineers, landscape historians, 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.

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3. COMMISSIONER APPOINTMENT AND TENURE: Each commission member shall serve at the pleasure of the Board of Supervisors for a 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.

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4. COMMISSIONER REMOVAL: A commissioner may be removed by at least a three-fifths (3/5) vote by the Board of Supervisors.

5. COMMISSIONER RESIGNATION: Members unable to continue active service with the Commission shall submit a written letter of resignation to the supervisor of the district for which the member was appointed and to the Commission Chair.

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6. COMMISSIONER ATTENDANCE: 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.

7. 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.

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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.*)

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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.

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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 County Code Chapter 18A. 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 the 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.

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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 within thirty (30) days after receipt and 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), (5) a discussion of the historical importance of the property and how it meets the criteria of County Code Chapter 18A and (6) other relevant information. In addition, unless infeasible, photographs shall be submitted showing 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.

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4. Nominations for designation that fail to meet the requirements of Section V as determined by the Chair and/or his/her qualified 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. However, renewed nominations of the same property that was previously deemed inadequate by the Commission must contain new information, as determined by the Chair and/or his/her qualified designee.

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5. If a party other than an owner of a property or his/her representative wishes to submit a nomination to designate such property as a Landmark or Place of Historic Merit, that party is encouraged, but is not required, to consult in good faith with the owner of the property prior to submitting the nomination. Upon receipt of such nomination, the County shall immediately send a copy of the nomination to the property owner of record.

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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 of the hearing 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 Commission's hearing at which the nomination is considered. 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.

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2. The Commission shall evaluate a nomination using the criteria contained in County Code Chapter 18A.

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.

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5. Upon designation of a Landmark by the Commission, such designation shall be forwarded to the Board of Supervisors for its consideration pursuant to Sections 18A-2 and 18A-5 of County Code Chapter 18A. Designations of Places of Historic Merit are not forwarded to the Board of Supervisors.

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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.).
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.

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

The Chair or the Commission may initiate an investigation into designation of a property as a 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.

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IX. PROJECT COMMENTS

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The Commission may submit comments and draft correspondence relating to the impacts on historic resources in proposed projects in the County.

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X. AMENDMENT OF BYLAWS

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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 United States Postal Service to every 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.

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PASSED, APPROVED AND ADOPTED by the Historic Landmarks Advisory Commission of the County of Santa Barbara, State of California, this _____ day of _____, 2011, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chair, Historic Landmarks Advisory Commission

APPROVED AS TO FORM:
DENNIS A. MARSHALL
COUNTY COUNSEL

By _____
Deputy County Counsel

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of _____, 2011, by the following vote:

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AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chair, Board of Supervisors

ATTEST:
CHANDRA WALLAR
CLERK OF THE BOARD

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By _____
Deputy

APPROVED AS TO FORM:
DENNIS A. MARSHALL
COUNTY COUNSEL

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By _____
Deputy County Counsel