

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



912

FROM: TLMA – Planning Department

SUBMITTAL DATE:
February 28, 2006

SUBJECT: Formation of a Riverside County Off-Highway Vehicle Commission

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the formation of a Riverside County Off-Highway Vehicle Commission;
2. Adopt Resolution No. 2006-101, Establishing a Riverside County Off-Highway Vehicle Commission;
3. Adopt the proposed Bylaws for the Riverside County Off-Highway Vehicle Commission;
4. Direct the Riverside County Off-Highway Vehicle Commission, working with the Planning Department and other stakeholders (e.g., the Bureau of Land Management), to: identify sites for off-highway recreation, offer advice on public outreach and report back to the Board of Supervisors.

BACKGROUND: On November 22, 2006 (agenda item 3.23), the Board of Supervisors directed the Planning Department and County Counsel to return with a resolution establishing a Riverside County Off-Highway Vehicle (OHV) Commission, consistent with Resolution No. 2005-148.

Proposed Resolution No. 2006-101, Establishing the Riverside County Off-Highway Commission, is attached and recommended for adoption. The Resolution outlines: the purposes of the OHV Commission,

(Continued next page)

Robert C. Johnson, Planning Department Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	\$15,000 - 2006/07

SOURCE OF FUNDS: Deposit Based Fees	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: APPROVE

H. Siggard

County Executive Office Signature

Dept't
Recomm.:
Per Exec.
Ofc.:

Consent Policy

Consent Policy

3.24

BACKGROUND: (continued)

Commission membership, term of membership, election of officers, designation of a Commission Secretary, frequency and location of meetings, quorum requirements, Brown Act governance, rules of order and procedure (specified in the attached Bylaws) and the duration of the Commission.

It is proposed that a five (5) member Commission be formed. The purposes of the Commission include: the identification of candidate sites for off-highway vehicle parks, providing input on related site acquisition issues, assessing the extent and range of use for candidate sites and providing guidance to county staff and decision-makers regarding public outreach for educational and informational purposes. It is recommended that the Commission work with the Planning Department and other stakeholders (e.g., the Bureau of Land Management) in the performance of their duties. In accordance with Resolution No. 2005-148, the Commission should report back to the Board of Supervisors on their progress and recommendations.

2 RESOLUTION No. 2006- 101

3 Establishing the Riverside County
4 Off-Highway Vehicle Commission

5 BE IT RESOLVED by the Board of Supervisor of the County of Riverside,
6 State of California, in regular session assembled on March 21, 2006, that there is
7 hereby established the Riverside County Off-Highway Vehicle Commission as follows:
8

9 1. PURPOSE: It shall be the purpose of the Riverside County Off-
10 Highway Vehicle Commission ("Commission") to advise and make recommendations to
11 the Board of Supervisors concerning (1) the identification of several candidate sites for
12 off-highway vehicle parks, (2) input on related site acquisition issues, (3) the extent and
13 range of use for candidate sites, and (4) the provision of advice to county staff and
14 decision-makers regarding public outreach for educational and informational purposes.
15

16 2. MEMBERS: The Commission shall consist of 5 members
17 appointed by each Board member. Commission members shall be residents of
18 Riverside County and shall serve without compensation, except for mileage at approved
19 County reimbursement rates to attend scheduled meetings.
20

21 3. TERMS: The terms of the Commission members shall be for two
22 years unless extended and will run concurrently with the duration of the Commission as
23 specified in Section 10.
24

25 4. OFFICERS: At the first regular meeting of each year, the
26 Commission shall elect a Chair and Vice Chair as specified in Resolution No. 2005-148,
27 who shall perform the duties specified therein.
28

1 5. SECRETARY: The Riverside County Planning Director, or his/her
2 designee, shall serve as Secretary of the Commission and shall be responsible for
3 performing the duties specified in Resolution No. 2005-148.
4

5 6. MEETINGS: The Commission shall meet bi-monthly, with the
6 primary meeting place to be the Riverside County Administrative Center, with alternate
7 meeting locations at publicly accessible facilities in each supervisorial district as
8 determined by the Commission.
9

10 7. QUORUM: A quorum shall consist of a majority of the number of
11 Commission positions filled at any time. Any action of the Commission shall require a
12 majority vote. The limited actions the Commission may take in the absence of a quorum
13 are specified by Resolution No. 2005-148.
14

15 8. GOVERNANCE: The Commission shall be bound and governed by
16 the provisions of the Ralph M. Brown Act, Resolution No. 2005-148, and all other
17 applicable Resolutions, laws, ordinances, rules, and County policies.
18

19 9. BY-LAWS: The Commission may adopt, and the Board of
20 Supervisors may approve, bylaws specifying all rules of order and procedure particular
21 to the Commission. Such bylaws shall not conflict with Resolution No. 2005-148, nor
22 with this Resolution.
23

24 10. DURATION: Existence of the Commission shall terminate on June
25 30, 2008, unless extended by the Board of Supervisors.
26

27 Legal Authority: Board of Supervisors

28 Date Established: 3/21/2006 , Resolution No. 2006-101

FORM APPROVED
COUNTY COUNSEL

MAR 15 2006

BY Gordon V. Woo

Riverside County
Off-Highway Vehicle Commission

Bylaws

Approved by the Riverside County
Board of Supervisors
March 21, 2006
Resolution No. 2006-101

In order to provide for an efficient and expeditious handling of public meetings, and of the business of the Riverside County Off-Highway Vehicle Recreation Commission ("Commission"), an advisory body duly established by the Riverside County Board of Supervisors ("Board"), the following bylaws are promulgated. Whenever possible, these rules and procedures shall be constructed generally, and failure to observe them shall neither affect the jurisdiction of the Commission, nor invalidate any action taken at a meeting otherwise held in conformity with the law.

I. DUTIES OF THE COMMISSION:

The duties of the Commission shall be advisory to the Board, and shall be of the scope and activities as established by Resolution of the Board, as may be amended from time to time.

II. MEMBERSHIP AND OFFICERS OF THE COMMISSION:

A. Members of the Commission

The Commission shall consist of five (5) members as established pursuant to Resolution of the Board, as may be amended from time to time. The appointment, term vacancies, and removal of members shall be as set forth herein.

B. Length of Terms

Terms of appointment for members of the Commission shall be as prescribed by Resolution of the Board.

C. Residency of Commission Members

Residency requirements and provisions for members of the Commission shall be as prescribed by Resolution of the Board.

D. Election of Chair and Vice-Chair of the Commission

A Chair and Vice Chair shall be elected annually by the Commission at its first meeting after July 1 of each year, as specified by Resolution of the Board, as amended from time to time.

Whenever possible and appropriate, the Vice Chair from the previous year shall be automatically nominated as Chair the subsequent year. (Following the Chair's second year term if applicable.)

Neither the Chair nor Vice Chair shall occupy the same office for more than two consecutive one year terms, and a person who serves as Chair shall not serve as Vice Chair the following year.

In the event the Chair vacates the office for any reason, the Vice Chair automatically assumes the office of Chair, and shall call for an election at the next meeting.

In the absence of inability of the Chair to act, the Vice Chair shall act as Chair. The Vice Chair shall preside over any meetings of the Commission in the

absence or incapacity of the Chair. Either the Chair or the Vice Chair shall attend each meeting of the Commission.

- E. Commissioner Attendance
All members are expected to regularly attend meetings of the Commission. Pursuant to Resolution of the Board, three (3) consecutive *unexcused* absences from meetings of the Commission by any member shall cause a letter to be issued by the Secretary of the Commission, with approval of the Chair, to the Board of Directors advising them of the absences and the Board declares a vacancy.

III. MEETINGS OF THE COMMISSION:

- A. All meetings of the Commission shall be open to the public and are subject to the Brown Act (Government Code Section 54940 et seq.), as may be amended from time to time.
- B. All meetings of the Commission shall be tape recorded by the Secretary for the purpose of producing the official, written minutes of the Commission.
- C. Meeting notices shall be posted by the Secretary or his/her designee in the manner required under the Brown Act.
- D. Any item of business on an agenda of the Commission that is not considered at the meeting shall be either:
 - 1. Continued to the next scheduled meeting of the Commission;
 - 2. Adjourned to a date and time as designated by the Commission; or
 - 3. Removed from the agenda by the member submitting the item, or by approval of the Commission.
- E. Pursuant to Resolution of the Board, the presence of a quorum of the Commission is necessary for action to be taken at any regular or special meeting of the Commission. A quorum shall consist of a majority of the number of Commission positions filled at any time. Any action of the Commission shall require a majority vote. The limited actions other Commissioners may take in the absence of a quorum are specified by Resolution of the Board, as may be amended from time to time. Those actions include:
 - 1. Take measures necessary to obtain a quorum;
 - 2. Fix the date and time to which to adjourn;
 - 3. Adjourn or take a recess; and/or
 - 4. Continue the entire agenda to the next meeting.
- F. The business of the Commission shall be taken up for consideration and disposition in the following order, except that items may be taken out of order by affirmative vote of a quorum:

1. Call to Order – Chair or Vice Chair in the absence of the Chair
 2. Approve the Minutes (Prior Meeting)
 3. Public Comments
 4. Reports, Discussions and Action Items
 5. Adjournment
- G. The Secretary, or his/her designee, shall attend all meetings of the Commission.
- H. As provided under the Brown Act, meetings of the Commission may be adjourned either by less than a quorum of members, or by the Secretary when all members are absent.
- I. Regular meetings of the Commission shall be held at least six times each year.
- J. Regular meetings of the Commission shall begin at 1:30 p.m., unless changed by unanimous consent of a quorum of the members.
- K. Regular meetings of the Commission may be held at the Riverside County Administration Center or on the grounds of publicly maintained facilities in Riverside County, or alternate sites suitable for meetings accessible to the public. Such alternate meeting locations shall comply with the provisions of applicable Board Resolutions and shall be decided by the Commission at the prior meeting.

IV. MEETING AGENDAS:

- A. Agendas for meetings of the Commission shall be prepared by the Secretary, subject to discussion with the Chair. Any Commission Member and/or County staff may submit an item for the agenda in accordance with the provisions of the Brown Act.
- B. Agenda items shall be submitted to the Secretary by no later than the Monday of two (2) weeks preceding the meeting, unless a County holiday necessitates moving the agenda deadline to an earlier time and date fixed by the Secretary.
- C. The Commission shall take no action nor discuss any item not appearing on the posted agenda. Members may briefly respond to statements made or questions posed by persons exercising their right to public comment. Members may, on their own initiative or in response to questions posed by the public, ask questions for clarification, refer a matter to staff or to other resources for factual information, request that staff make a presentation to the Commission at a subsequent meeting or request the Secretary place a matter of Commission business on a future agenda.
- D. Notwithstanding Section IVC, above, any item not on the agenda may be considered by the Commission only in accordance with applicable provisions of the Brown Act.

- E. No closed sessions shall be held by the Commission unless authorized by the Board and approved in advance by the Office of County Counsel.

V. MEETING MINUTES:

- A. Minutes shall be produced of all meetings of the Commission. Such minutes shall include, without limitations, the date, hours, and location of the meetings, notice of the meeting, names of the Commission members and staff present and absent, record of all official actions taken by the Commission, as defined herein, and the times of commencement and adjournment of the meetings.
- B. If any Commission Member arrives after the meeting has commenced or departs before the adjournment, the minutes shall indicate such time of arrival and departure.
- C. Reference to written reports or other written forms of communication submitted at a Commission meeting shall be included in the minutes with a record of action, if any, taken by the Commission on the report or other written communication.
- D. A brief summation of the oral reports and other forms of oral communication may be included in the minutes.
- E. The titles and numbers of resolutions adopted and other actions taken by the Commission shall be entered in to the minutes.
- F. Any member shall have the right to have his or her dissent from, or protest of, any action taken by the Commission entered into the minutes by requesting that his or her remarks be made "of record" at the time they make such dissent or protest. Upon such request, the Secretary shall enter a notation of the dissent and/or protest of the member in the minutes, along with a summation of the nature of the dissent and/or protest.
- G. Unless the reading of the minutes of the Commission meeting is requested by a Member, such minutes may be approved without reading, if a copy thereof has been previously provided to each member.
- H. Pursuant to Resolution of the Board, a copy of the minutes shall be forwarded to the Clerk of the Board promptly after the minutes are prepared and signed by the Secretary. Minutes approved by the Commission shall be distributed to all Commission members, to the members of the Board, to the Clerk of the Board, and to members of the public requesting such minutes, with the mailing of the next meeting agenda.

VI. OFFICIAL ACTION OF THE COMMISSION:

All official actions of the Commission shall be made by motion, second, and affirmative vote of a quorum of the Commission, pursuant to Resolution of the Board.

VII. PUBLIC COMMENT:

- A. Any person may comment and otherwise address the Commission regarding any matter relating to the scope and purpose of the Commission, in accordance with the provisions as set forth herein. Such comment(s) shall be made during the time set aside for public comments on the agenda, except when otherwise allowed by the Chair of the Commission, or in the absence of the Chair, the Vice-Chair. Preference shall be given to those persons who first submit a request in writing to the Secretary regarding their desire to make a comment or otherwise address the Commission.

- B. Each person addressing the Commission shall:
 - 1. State his or her name and address;
 - 2. Limit comments to three (3) minutes, unless additional time is allowed by the Chair, or in the absence of the Chair, the Vice-Chair; and
 - 3. Address comments to the members of the Commission.

- C. If an identifiable group of persons desires to address the Commission on the same subject matter or agenda item, the Chair, or in the absence of the Chair, the Vice-Chair, may request that a spokesperson be selected by the group to address the Commission. If different issues are to be presented on the subject matter or agenda item by any other member of the group, the Chair, or in the absence of the Chair, the Vice-Chair, may limit the number of persons and time for speaking, as he or she deems appropriate in order to avoid unnecessary repetition of issues.

- D. Any person making personal, impertinent, slanderous or profane remarks, or who becomes unruly while addressing the Commission, may be barred from further speaking and may be ejected if his or her conduct disrupts the meeting, pursuant to Resolution of the Board.

- E. In the event any meeting is willfully interrupted by a person or persons so as to render the orderly conduct of such meeting infeasible, and order cannot be restored by the removal of the individual(s) who are willfully interrupting the meeting, the Chair, or in the absence of the Chair, the Vice Chair, may order the meeting room cleared and continue in session.

VIII. PROCEDURE:

- A. In the event a dispute arises concerning conduct and/or procedural matters not specifically addressed herein, then the Chair, or the Vice Chair, in the absence of the Chair, may resolve and otherwise rule on the matter(s), unless the Commission by appropriate motion duly made and carried in accordance with provisions herein, deems otherwise.

- B. Procedure with respect to motions shall be as follows:
1. When a motion is under consideration by the Commission, no other motion shall be received unless one of the following actions is taken on the motion under consideration:
 - a. To adopt and approve the motion; or
 - b. To continue the motion to a certain date; or
 - c. To direct staff on the matter, and continue the motion to a later date for consideration; or
 - d. To amend the motion; or
 - e. To postpone indefinitely, or "table", the motion.
 2. When a motion is seconded, the second shall be stated by the Chair before consideration of any other matter may begin.
- C. A member called to order by the Chair shall relinquish the floor unless allowed to explain, and the Commission, if appealed to, resolves the matter. If there is no appeal, the ruling of the Chair shall be final.
- D. Procedure with respect to voting shall be as follows:
1. Pursuant to Resolution of the Board, affirmative vote of not less than a quorum shall be necessary for the transaction of business. An affirmative vote of less than a quorum may adjourn a meeting to a specified time and place.
 2. An abstention by any member will not change whether an affirmative action may be taken by the Commission due to a quorum.

IX. REPORTS BY THE COMMISSION TO THE BOARD OF SUPERVISORS:

As required by Resolution of the Board, the Commission shall submit a report to the Board by June 30 of each year. Such report shall contain a report of the Commission's activities during the year. The Chair of the Commission, or in the absence of the Chair, the Vice-Chair, shall submit reports to the Board, as requested and authorized by the Commission. The Secretary shall prepare or assist with the preparation of all reports as necessary and appropriate.

X. COMPENSATION OF COMMISSION MEMBERS:

Members of the Commission shall serve without compensation. However, members may receive mileage reimbursement at the current rate approved by the Board for use of private vehicles for travel to and from scheduled meetings of the Commission. Reimbursement for use of private vehicles for travel to other meetings related to the business of the Commission will be made only if approved by the Planning Director.

XI. AMENDMENTS TO THE BYLAWS:

These bylaws may be amended from time to time upon affirmative vote by the Commission as specified herein and with approval of the Board.

XII. DISSOLUTION OF THE COMMISSION:

The Commission may only be dissolved by action of the Board of Supervisors.

XIII. SEVERABILITY AND INVALIDITY:

If any provision of these bylaws or any amendment hereto is found to be in violation of or in conflict with any County ordinance, resolution, or policy, or to be invalid, void or unenforceable by any court of competent jurisdiction, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way, and shall be in effect only to the extent that it is in contravention of applicable ordinance, resolution, policies or laws without invalidating the remaining provisions.

XIV. CONFLICT OF INTEREST DISCLOSURE:

Each member of the Commission shall disclose in advance any financial interest the member has or may acquire in any item pending before the Commission for discussion and/or action pursuant to Resolution of the Board, as may be amended from time to time.

Each year all members of the Commission shall complete the Conflict of Interest Form 700 of the Fair Political Practices Commission (FPPC) entitled "Statement of Economic Interests for Designated Officials and Employees" in accordance with the requirements of the FPPC and in accordance with the requirements of the Conflicts of Interest Code as adopted by the County.

Legal Authority: Riverside County Board of Supervisors
Date Established: , Resolution