

# Mono County Community Development

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## BYLAWS

### ARTICLE I – Name, Purpose

- Section 1:** The name of the organization shall be the Wheeler Crest Design Review Committee (WCDRC).
- Section 2:** The Wheeler Crest Design Review Committee (WCDRC) was established by the Board of Supervisors by Ordinance 91-07 on August 20, 1991, and is charged with reviewing single-family residential development within the District, including additions over 200 sf, new garages and accessory structures, for conformity with the Architectural Guidelines of the Wheeler Crest Area Plan. The Committee shall not review plans for interior remodels.

### ARTICLE II – Membership

- Section 1:** Membership is open to individuals who either reside or own property within the District.
- Section 2:** The WCDRC shall be composed of ~~five~~<sup>up</sup> to seven members per Ordinance 15-04.
- Section 3:** Members of the WCDRC shall be appointed by the Mono County Board of Supervisors.
- Section 4:** Application for appointment to the WCDRC shall be made on a form provided by the Community Development Department and may be submitted to the Planning Department at any time.
- Section 5:** Up to four members shall serve a term of three (3) years; and up to three members shall be appointed for a term of two (2) years, subsequent terms after establishment of the committee, shall be for 4 years.-
- Section 6:** Resignation, Termination, and Death. Resignation from the WCDRC must be in writing and received by the WCDRC Secretary, Board Supervisor or Mono County Community Development Department. Upon resignation or termination of membership, the Supervisor will select a new member based on previously received or newly submitted applications.
- Section 7:** Members of the Committee may be removed by a majority of the Board of Supervisors for the following reasons:
1. Failure to meet the following attendance requirements: A Committee Member shall not have three consecutive unexcused absences from regular meetings, nor may a Member miss five or more regular meetings in any 12-month period;
  2. Acting inappropriately, in the sole discretion of the Board, in matters regarding conflict of interest or personal bias;
  3. Failure to carry out Member duties over a period of time due to a frequent inability to vote caused by repeated conflict-of-interest issues;
  4. Failure to carry out the duties by repeatedly abstaining on matters when there are no apparent conflict-of-interest or bias issues; and
  5. Any other cause not enumerated herein which, in the opinion of a majority of the Board, reflects the Member's failure to carry out the duties of the Committee, or which brings discredit to the County of Mono.

### ARTICLE III - Officers

- Section 1:** The Officers of the Committee shall include a Chair, Vice-Chair and Secretary. Officers shall be elected annually at the March meeting.

- Section 2:** The Chair shall convene and conduct all meetings in an orderly manner.
- Section 3:** The Vice-Chair, in the absence of the Chair, shall be responsible for conducting meetings. The Secretary shall run the meeting in the absence of the Chair and the Vice Chair.
- Section 4:** The Secretary shall be responsible for taking minutes which shall include actions of the Committee and record of public comment. Minutes shall be provided to the Community Development Department staff for recording.
- Section 5:** Vacancies. When an Officer vacancy exists, nominations for new officers may be received from present members by the Secretary up to two weeks in advance of a meeting and voted upon at the next meeting. All vacancies will be filled only to the end of the particular Officer's term.

## ARTICLE IV - Meetings Of Members

- Section 1:** Regular Meetings. Regular meetings shall be set to be held on the fourth Thursday of each month at ~~10:00 AM~~4:00 P.M.. Meetings shall be held at the Crowley Lake Community Center or another ADA accessible location designated by the members. The Committee may, with the approval of the Chair upon consultation with the Community Development Department or as consensus direction to staff, cancel any regular meeting.
- Section 2:** Special Meetings. Special meetings may be called by the Chair or by a simple majority of the membership.
- Section 3:** Notice. Notice of each meeting shall be given to each member, by email or any other commonly utilized communication method, not less than 72-hours before regular meetings and 24-hours before special meetings. A notification of the meeting shall be publicly posted in compliance with the Brown Act.
- Section 4:** All meetings shall be conducted in an open fashion and in compliance with the Brown Act. All in attendance should be given an opportunity to be heard, no single member may dominate a discussion, and all participants shall treat each other following principles of fairness and respect.
- Section 5:** Quorum. A quorum consists of at least fifty plus one percent of the WCDRC members. A Quorum must be present before business can be transacted or motions made or passed. If a quorum is not met, the committee shall defer action on any items until a future meeting.
- Section 6:** Agendas. Each agenda shall meet the requirements of the Brown Act. Members and interested parties who seek to place an item on the agenda shall make such a request to the Community Development Department for approval by the Chair at least three weeks prior to the meeting.
- Section 7:** Participation. Each appointed member shall possess one vote on the WCDRC for purposes of passing resolutions, authorizing actions, and conducting other business. However, local citizens and other interested parties shall be encouraged to participate in discussions and debates with a standing equal to that of members. Meetings shall be conducted according to parliamentary procedures and shall incorporate the principles of justice and courtesy to all, rights of the minority protected, rule of the majority reflected, partiality to none, and consideration of one subject at a time.
- Section 8:** Actions. The WCDRC shall approve such recommendations, resolutions, and correspondence as authorized by a quorum of the members, and actions shall be proposed and voted upon following Robert's Rules of Order.
- Section 9:** Resolutions and motions. Any actions or decisions of the Committee at any meeting shall be expressed by motion, duly seconded, and voted upon by members of the Committee and in compliance with the Brown Act and Roberts Rules of Order..
- Every Member must vote except when disqualified by reason of a conflict of interest or as otherwise required by law.
- Section 10:** Conduct Of Public Hearings. The purpose of a Public Hearing is to provide the public with an opportunity to address the Committee on matters pending before the Committee. The Committee

shall consider public comments along with the applicant's and staff's comments prior to taking action. The Chair shall facilitate Public Hearings to elicit all relevant information for decision-making purposes in an orderly and expeditious way.

A. The order of procedure for Public Hearings shall be as follows:

1. The Chair calls for a staff report followed by questions from the Committee, and then opens the Public Hearing. The order of testimony is as follows:
  - a. Applicant's statement;
  - b. Public's statements; and
  - c. Rebuttal statements from applicant and staff if necessary.
2. When all relevant testimony is deemed to have been heard, the Chair shall close the Public Hearing. When a hearing is closed, it shall remain closed except when the matter is continued to another date for further hearing, or when the Chair, or Committee consensus, determines that additional testimony is necessary or desirable, in which case the Chair shall reopen the hearing.
3. Following the close of the public hearing, the Committee shall discuss and deliberate the matter and then either determine the matter or continue it to a date and time certain. The Committee may ask questions of the public, applicant, or appellant as part of its deliberations.
4. If the Design Review Committee raises a new issue through deliberation and seeks to take additional public testimony from the public, applicant, or appellant on the new issue, the public hearing must be reopened and persons given a chance to speak on the new issue. At the conclusion of the public testimony, the public hearing is again closed.
5. The Design Review Committee deliberates and takes action.

B. Rules of Testimony:

1. Persons addressing the Committee shall first secure permission from the Chair. Comments made must be relevant to the matter before the Committee.
2. The Chair may set rules regarding time and relevance of public testimony. The Chair may end testimony when a presentation exceeds the time limit; and may rule "out of order" or otherwise limit repetitive testimony and testimony deemed non-germane. Additionally, irrelevancies (including comments on race, religion, creed, political matters, etc.) shall be ruled out of order by the Chair.
3. All comments shall be addressed to the Committee.
4. If a Member is in possession of extra-record evidence that is relevant to his or her decision making but which does not require recusal, then, the Member shall state such evidence for the record.
5. The Chair shall discourage complaints regarding the staff or individual members of the Committee during a Public Hearing. Complaints should be presented as a separate item on the agenda, or submitted to the Committee in writing for later consideration.

## **Section 11:** Evaluation of Projects.

1. The WCDRC shall review the plans for compatibility with the Architectural Guidelines adopted for the District.
2. In its review, the WCDRC shall identify unacceptable visual qualities of the proposal and request appropriate changes.
3. Proposals may be recommended for approval by the Committee with or without conditions.
4. WCDRC recommendations shall be considered by the Planning Department in the case of building permits or by the reviewing body prior to approval.

**Section 12:** Decision-Making

1. Voting - Approval of any motion brought before the Committee shall require the affirmative vote of a quorum of the members, unless otherwise specified by law.
2. Tie Votes - Any tie vote shall constitute a denial of the motion and may be reconsidered by a motion offered by any member who voted on the matter. If there is no action by an affirmative vote, the result is no action.
3. Abstentions - Abstentions shall not count as votes for the purpose of determining whether there has been an affirmative vote of a quorum of the members, but shall be counted for the purpose of determining whether a quorum is present, unless the member is abstaining because of a potential conflict of interest in the matter at hand.
4. Roll Call - Voting upon a motion may, at the discretion of the Chairperson, and shall, upon the request of any member, be by roll call. When voting is not by roll call, the Chairperson may, in the absence of objection by any member of the Design Review Committee declare an item to be unanimously approved.

**Section 13:** Adjournment. The Committee may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members of the Committee are absent from any meeting, staff shall declare the meeting adjourned to a stated time and place. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified in these rules for regular meetings.

## ARTICLE V – Ethics

**Section 1:** Conflict Of Interest. No Member shall participate in the making of a decision or vote on any item in which he or she has a financial interest as defined in Government Code Sections 87100 et seq. (the Political Reform Act) and its implementing regulations, or a financial interest pursuant to Government Code Section 1090. Further, no Member shall participate in the making of a decision or vote on any item with respect to which he or she is biased or otherwise conflicted due to personal interests, consistent with applicable law. Possible biases, financial interests, and other conflicts of interest shall be discussed with County Counsel.

**Section 2:** Special Requests To Members. Members shall place in the record of Committee meetings a report of requests for special consideration received from any source either verbally or in writing. The purpose of this section is to keep the public and the Committee informed regarding any showing of unusual or special interest by any person or group in any matter before the Committee.

## ARTICLE VI - Amendment To Rules For The Transaction Of Business

**Section 1:** Amendment To Rules For The Transaction Of Business. These rules may be amended by a vote of the Committee at any regular meeting or special meeting.

## ARTICLE VIII – Adoption

The foregoing rules for the transaction of the business of the Wheeler Crest Design Review Committee of the County of Mono were adopted at the regular meeting held on the [redacted] day of the month of [redacted], and signed by Committee Chair [redacted].

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Chair, Wheeler Crest Design Review Committee

DATED: \_\_\_\_\_

ATTEST:

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Secretary, Wheeler Crest Design Review Committee

DATED: \_\_\_\_\_