

Foothill/Trabuco Specific Plan Review Board Bylaws

Bylaws of the Foothill/Trabuco Specific Plan Review Board

BYLAWS OF THE FOOTHILL/TRABUCO SPECIFIC PLAN REVIEW BOARD

ARTICLE I. Name of Organization

- A. The name of this organization shall be Foothill/Trabuco Specific Plan Review Board, hereinafter referred to as "FTSPRB"
- B. The official location and mailing address of the FTSPRB shall be:

Attn: OC Development Services/Planning
OC Public Works
601 N. Ross Street
P.O. Box 4048, Santa Ana, CA 92702-4048

ARTICLE II. Establishment of FTSPRB

The members of the FTSPRB are appointed by the Orange County ("County") Board of Supervisors ("Board") pursuant to Board Resolution No. **XXXX**

ARTICLE III. Purpose and Functions

- A. The purpose of the FTSPRB is to work with the County to:
 - 1. Advise the Orange County Zoning Administrator, Planning Commission, Board of Supervisors, and County agencies on all discretionary actions of the County of orange in implementation of the Foothill/Trabuco Specific Plan for those areas located within the boundaries of the Foothill/Trabuco Specific Plan.
- B. In accordance with Board Resolution No. **XXXX**, the functions of the FTSPRB are as follows:
 - 1. The Review Board is responsible for conducting public meetings for the purpose of considering proposed land development projects submitted by the County for its review including, but not limited to, General Plan amendments, Specific Plan amendments, area plans, subdivision maps, site plans, use permits, and variance permits. The Review Board shall report any recommendations on such projects to the Deputy Director of OC Public Works/OC Development Services. The recommendations of the Review Board shall be advisory only and not binding to any County agency.

ARTICLE IV: Appointment and Membership

- A. Membership of the FTSPRB is to be composed as follows:
 - 1. There shall be five (5) members that comprise the FTSPRB.
 - a. All five (5) members are voting members.
- B. Qualifications for FTSPRB Membership
 - 1. The following criteria will be used for all membership appointments:

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- a. Residency and Voting Requirements: Except where the Board finds it is in the best interest of the County to waive voter and residency requirements, all members of the FTSPRB shall be:
 - i. registered voters in the County; and,
 - ii. shall be either property owners or residents of the area subject to the Foothill/Trabuco Specific Plan
- b. nominated by the Supervisor from the Third District and approved by the Board of Supervisors.

C. Length of FTSPRB Membership

1. All regular FTSPRB member appointments shall be for a term concurrent with the term of office of the nominating member of the Board of Supervisors. A member of the FTSPRB whose term of office is expiring with that of the nominating Supervisor shall have the option of reapplying for membership for appointment.
2.
 - a. Appointments made to fill a vacancy left by a member before the expiration of the term of that member shall be for the remaining term of that member.
 - b. Pursuant to Government Code section 1302, a member whose term has expired shall continue serving as a member until reappointed or replaced.

ARTICLE V. FTSPRB Officers

A. FTSPRB officers shall consist of:

1. Chairperson, Vice Chairperson, and Secretary
2. Duties of each position.
 - a. The Chairperson shall preside at meetings, call special meetings, decide points of order, announce all business, entertain motions, put motions to vote, announce vote results, appoint and may remove committee Chairpersons, represent FTSPRB at public functions.
 - b. The Vice Chairperson shall perform the duties of the Chairperson in his or her absence. If the Chair becomes vacant, the Vice Chairperson shall succeed to the Chair for the balance of the term of office.
 - c. The Secretary shall prepare minutes for each meeting, provide draft minutes to the committee prior to the next scheduled meeting, and post an agenda for each meeting at three public locations to be determined by FTSPRB in accordance with the Ralph M. Brown Act.

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3. Terms for officers of the FTSPRB shall be for one year.
4. No person, except a member of the Board, may serve as Chair of a FTSPRB for more than three consecutive terms.
5. No person, except a member of the Board, may serve simultaneously as Chair for two or more Boards, Commissions, or Committees (BCCs).
6. Election of officers shall be held annually during the last FTSPRB meeting of each calendar year by majority vote, a quorum being present.

ARTICLE VI. Duties of Members

- A. Members shall attend meetings of the FTSPRB.
- B. Members shall notify the Chairperson of the FTSPRB of any expected absence for a meeting by 5:00 p.m. of the day before a regularly scheduled FTSPRB meeting, indicating good and sufficient reasons for the absence.
- C. In the performance of its responsibilities, the FTSPRB shall not engage in nor employ any unlawfully discriminatory practices in the provision of services or benefits, assignment of accommodations, treatment, employment of personnel or in any other respect on the basis of sex, race, color, ethnicity, national origin, ancestry, religion, age, marital status, medical condition, sexual orientation, physical or mental disability or any other protected group in accordance with the requirements of all applicable County, state, or federal laws.
- D. Members of the FTSPRB shall comply with the County Equal Employment Opportunity and Anti-Harassment Policy and Procedures.
- E. Members of the FTSPRB shall comply with County Code of Ethics.
- F. Members of the FTSPRB shall operate strictly within designated purposes of the FTSPRB as set forth in Article III.

ARTICLE VII. Meetings and Actions

- A. The FTSPRB shall, at its first meeting of each year, adopt a schedule of regular meetings and transmit that schedule in writing to members, the Board, and the public at large.
- B. All FTSPRB meetings shall be open, public and noticed in conformance with the provisions of the Ralph M. Brown Act, California Government Code section 54950 et seq., as amended and held at a location within Orange County, California that satisfies the access requirements of the Americans with Disabilities Act.
- C. Special meetings of the FTSPRB may be called either by the Chairperson or at the request of a majority of FTSPRB members. Notice of special meetings shall:

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1. delivered to members personally, by mail or electronically, and must be received no later than 24 hours in advance of the meeting.
2. state the business to be considered and whether alternative technological means may be used such as telephone or video conferencing, as technological resource availability permits and as permissible by the Ralph M. Brown Act.

D. Quorum Requirements

1. Quorum requirements are as follows:
 - a. General Meetings: Quorum shall be no less than 50%+1 of the membership.

E. Voting Majority: Decisions and acts made by majority vote of the members at any duly constituted meeting shall be regarded as acts of the FTSPRB, except as otherwise provided by these (Bylaws, Rules of Procedure, Policies and Procedures, as applicable).

1. Members choosing to abstain from voting on specific actions will not affect majority requirements. Abstentions are considered a “non-vote” – neither a vote in the affirmative nor in the negative. However, in order for an action to be passed, a majority of the quorum casting votes must vote in the affirmative.

For example: If, at a standing committee meeting, six (6) voting members of the committee are present to vote, and on a particular motion, three (3) vote in the affirmative, two (2) vote in the negative, and one (1) member abstains, the motion passes.

F. Minutes: The Secretary of the FTSPRB shall prepare and publish the minutes for each meeting of the FTSPRB

ARTICLE VIII. Compensation and Reimbursement

- A. Members of FTSPRB do not receive compensation and do not receive reimbursement.

ARTICLE IX. Removal and Resignation of Members

- A. Removal: The Board may, at any time and without cause, remove any FTSPRB member from office prior to the expiration of his/her term of office by majority vote of the Board.
- B. Resignation: Resignation of FTSPRB members shall be effected by a written letter of resignation submitted to the Chairperson of the FTSPRB and to the Board.
- C. Any member who fails to attend three (3) consecutive regular meetings shall automatically vacate their position.
- D. The Chairperson shall notify the Clerk of the Board in writing of any vacancies within 10 days of learning the existence of any such vacancy.

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ARTICLE X. Authority

- A. Parliamentary Authority: The Chairperson shall preside and manage FTSPRB meetings using parliamentary procedure consistent with these bylaws, any special rules of order the FTSPRB may adopt, and any applicable County, state, and federal law.
- B. Jurisdictional Authority: The authority of FTSPRB shall be limited to the areas located within the boundaries of the Foothill/Trabuco Specific Plan.

ARTICLE XI. Conflict of Interest

1. Members of the FTSPRB and any of its committees or subcommittees shall abstain from voting on any issue in which they may be personally interested to avoid a conflict of interest in accordance with County, state, and federal laws and shall refrain from engaging in any behavior that conflicts with the best interest of the County.
2. Members of the FTSPRB shall not vote nor attempt to influence any other FTSPRB member on a matter under consideration by the FTSPRB:
 - a. Regarding the provision of services by such member (or by an entity that such member represents; or
 - b. That would provide direct financial benefit to such member or the immediate family of such member; or
 - c. Engage in any other activity constituting a conflict of interest under County, state, or federal law.
3. If a question arises as to whether a conflict exists that may prevent a member from voting, the Chairperson or designee may consult with designated County staff to assist them in making that determination.
4. In order to avoid a conflict of interest or the appearance of such conflict, all nominees to become members of the FTSPRB shall disclose on forms provided by the County information regarding their private economic interests that may be implicated by their service on the FTSPRB.
5. [Where applicable] FTSPRB members shall complete ethics training as required by County policy and Assembly Bill 1234 (Government Code sections 53234 through 53235.2).
6. Neither FTSPRB nor any of its members shall promote, directly or indirectly, a political party, political candidate, or political activity using the name, emblem, or any other identifier of FTSPRB.
7. No assets or assistance provided by County to FTSPRB shall be used for sectarian worship, instruction, or proselytization, except as otherwise permitted by law.

ARTICLE XII. Adoption and Amendment of Bylaws

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- A. Adoption: An affirmative vote of at least 50%+1 of those voting, a quorum being present, shall be required to recommend these Bylaws for Board approval. These Bylaws become effective upon approval by the Board.
- B. Amendments:
 - 1. Any member of the FTSPRB may propose amendments to these Bylaws.
 - 2. Proposed amendments shall be submitted in writing and made available to each member of the FTSPRB no less than five days prior to consideration before a vote can be taken.
 - 3. An affirmative vote of at least 50%+1 of those voting, a quorum being present, shall be required to recommend Bylaws amendments for Board approval. Any amendments to the Bylaws become effective upon approval by the Board.

ARTICLE XIII. Severability

Should any part term, portion or provision of these Bylaws be determined to be in conflict with any law or otherwise unenforceable or ineffectual, the remaining parts, terms, portions or provisions shall be deemed severable and their validity shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the provisions that the members intended to enact in the first instance.

ARTICLE XIV. Staffing Support

Staff support from Orange County Public Works/OC Development Services shall be provided to support the FTSPRB in conjunction with the work of the FTSPRB.