

**HISTORIC PRESERVATION REVIEW COMMISSION  
RULES AND PROCEDURES  
ADOPTED: SEPTEMBER 22, 2005  
AMENDED: APRIL 23, 2009**

A. GENERAL PROVISIONS

1. These rules and procedures shall be known as "Rules and Procedures of the Historic Preservation Review Commission, City of Benicia." A copy of these rules and amendments thereto shall be filed in the Community Development Department for examination by the public. This document shall be posted on the City's website ([www.ci.benicia.ca.us](http://www.ci.benicia.ca.us)) on the Historic Preservation Review Commission page.
2. These rules, and any amendments thereto, shall be effective on the date of the adoption hereof and shall govern the conduct of the Historic Preservation Review Commission.
3. These rules and procedures may be amended hereafter by action of the Historic Preservation Review Commission.

B. MEMBERSHIP

1. Membership, Term of Office, and Maintenance of Membership is regulated by Benicia Municipal Code, Chapter 2.84, *Historic Preservation Review Commission*. The Secretary of the Commission may be the Chair of the Commission, a Commissioner, or the Community Development Director, as designated by the Commission.

2. The officers of the Commission/Board shall be:

Chair: who shall preside at all meetings of the Historic Preservation Review Commission, call special meetings, and perform other proper duties of a presiding officer. Except as otherwise authorized by the Historic Preservation Review Commission, the Chair shall sign all correspondence, reports and other instruments approved by the Historic Preservation Review Commission.

Vice Chair: who shall perform the duties of the Chair in the absence or incapacity of the Chair; and in case of the resignation or other permanent absence of the Chair, the Vice Chair shall perform such duties as are imposed on the Chair until such time as the Historic Preservation Review Commission shall select a new chair.

Secretary: who shall keep a written record of all business transacted by the Historic Preservation Review Commission, notify members of meetings, maintain the official records of the Historic Preservation Review Commission,

and perform such other duties as the Historic Preservation Review Commission may direct.

3. The Chair and Vice Chair shall be elected by the Historic Preservation Review Commission from its membership each year when the Historic Preservation Review Commission is fully constituted. Nominations shall be accepted, discussion will be held, and voting will be done by ballot. Consideration shall be given to tenure of Commissioners.
4. Staff Person. The Staff Person of the Historic Preservation Review Commission shall: (a) supply the Historic Preservation Review Commission members with such information and make such recommendation as deemed necessary to carry out the purposes of the Historic Preservation Review Commission and to properly administer its affairs; and (b) be the single point of contact for the Historic Preservation Review Commission.
5. Additional Duties The officers of the Historic Preservation Review Commission shall perform such other duties and functions as may from time to time be required by the Historic Preservation Review Commission.
6. Subcommittees. The Commission may establish subcommittees from time to time to carry out the business of the Commission. Committees are to be used for short-term, specific projects. Committee members shall be elected by a majority of the Commission. Subcommittees shall comply with the Open Government Ordinance and the Brown Act. An Ad Hoc Committee composed solely of less than 4 Commission members and no other people is not required to comply so long as the committee's purpose is limited in scope and in duration.

#### C. MEETINGS

1. Regular Meeting: The regular meeting of the Historic Preservation Review Commission shall be on the fourth Thursday of each month at 6:30 pm. In compliance with the Brown Act and the Open Government Ordinance, all regular meetings shall be open and public. An agenda for regular meetings will be prepared and posted six (6) days prior to a meeting.
2. Special Meetings: Special meetings may be called by the Chair or by a majority of the Historic Preservation Review Commission members if determined to be necessary for discharge of the Historic Preservation Review Commission's responsibilities. The Secretary shall poll Historic Preservation Review Commission members and attempt to arrange a date and time convenient to all Historic Preservation Review Commission members. Notice of special meetings shall be given consistent with Brown Act and Open Government Ordinance requirements. Special meetings are not advised, and shall only be held when deemed critical to conducting business.

3. Meeting Location. Regular meetings shall be held in the Commission Room. When the Commission Room is unavailable and in exceptional circumstances, the Historic Preservation Review Commission may change this meeting location by notice on its agenda
4. Adjournment. The Historic Preservation Review Commission shall not begin new public hearing items after 11:00 p.m. Public hearing items which remain on the agenda may be continued to the next regular meeting of the Commission, or to a special meeting. At the conclusion of the last public hearing item that ends after 11:00 p.m., the Commission may determine by a simple majority vote that all remaining administrative items on the agenda be heard by the Commission or continued to a future meeting and the Historic Preservation Review Commission may extend the meeting to an additional specified amount of time.

D. AGENDA

1. Opening of Meeting/Pledge of Allegiance/Roll Call
2. Reference to Fundamental Rights of Public
3. Agenda Changes and Discussion
4. Public Comment
5. Consent Calendar/Approval of the Agenda/Approval of Minutes
6. Agenda Items
7. Communications from Staff/Communications from Commissioners
  - a. A request to add an item to the list of priority items, or agendize items for future meetings, must get a majority vote of the Commission.
8. Adjournment
9. Agendas shall be set by the Chair and Commission Staff
10. The Historic Preservation Review Commission shall maintain a list of priority items (Exhibit A). This list shall provided the basis of both strategic plan priorities to City Council, as well as ongoing topics for discussion and action by the Commission. This list shall be reviewed and prioritized on a semi-annual basis. Items may be added to the list by a majority consensus of the Commission.

E. MINUTES

1. General Policy Statement on Minutes of Meeting. It is the general policy of the Historic Preservation Review Commission to prepare draft minutes of the deliberations of the Historic Preservation Review Commission. These minutes will include:
  - a. the time the meeting was called to order
  - b. the names of the members attending the meeting
  - c. a brief summary of, and the roll call vote on, each matter considered at the meeting

- d. the time the body began and ended any closed session
- e. any letters submitted on agenda items,
- f. those members of the public who spoke on each matter if the speakers identified themselves
- g. and the time the meeting was adjourned

The draft minutes of each meeting shall be available for inspection and copying upon request within the shortest possible time after the meeting. Minutes must be finalized and adopted by the majority of Historic Preservation Review Commission members in order to be regarded as an official record of the Historic Preservation Review Commission. No later than five business days after the meeting at which the minutes are adopted, the officially adopted minutes shall be available for inspection and copying upon request and shall be posted on the city's web site.

- 2. Public Comment. Any member of the public during Public Comment may request that corrections or deletions be made to the minutes. These requests may be acted upon by the Historic Preservation Review Commission with appropriate review and deliberation.
- 3. Method of Documentation. It is the policy of the Historic Preservation Review Commission to retain tape recordings documenting Historic Preservation Review Commission deliberations following the finalization and adoption of written minutes. Written minutes that have been adopted by the Historic Preservation Review Commission shall constitute the official record of the Commission and shall be maintained indefinitely.

F. RULES OF ORDER

The following definitions and rules shall govern the proceedings and order of business of the Historic Preservation Review Commission:

- 1. Presentation:
  - a. Prior to public discussion or Historic Preservation Review Commission deliberation, the presiding officer or other person designated thereby shall describe the item or business before the Historic Preservation Review Commission.
  - b. Staff may make a presentation to the Commission. Once staff has finished the presentation, the Chair will poll the Commissioners for questions of staff.
  - c. Once the Commissioners have finished with their questions the Chair will call for the applicant's presentation, if any, or call for public

discussion on the matter before the Commission. Public discussion shall follow the applicant's presentation, but precede Historic Preservation Review Commission deliberation.

2. Public Discussion.

The presiding officer shall recognize speakers on an agendized matter when that item is before the Historic Preservation Review Commission for consideration. (This includes any comments pertaining to the Announcements/Appointments/Presentations/ Proclamations section of the agenda.) The presiding officer shall recognize speakers on Public Hearing items at the Public Hearing. The presiding officer shall recognize speakers on matters not on the agenda under the Opportunity for Public Comment portion of the agenda.

Persons addressing the Historic Preservation Review Commission should begin, but are not required to do so, by stating their name and address for the record. All remarks shall be addressed to the Historic Preservation Review Commission as a body and not to any member thereof, or to staff, or to the public. No person other than a member of the Historic Preservation Review Commission and the person having the floor shall be permitted to enter into any discussion without the permission of the presiding officer. Speakers may not make personal attacks on Historic Preservation Review Commissioners, staff or members of the public, or make comments which are slanderous or which may invade an individual's personal privacy.

a. Recognition. Any person addressing the Historic Preservation Review Commission shall first secure the permission of the presiding officer.

b. Not a Debate. Public discussion should not be used to elicit a debate between Historic Preservation Review Commission members and the public. Speakers should not be interrupted unless they are out of order.

c. Time Limits. Each speaker shall speak only once on an agenda item and limit his/her remarks to five (5) minutes when speaking at the time of the agendized item or when speaking on non-agendized items under Opportunity for Public Comment, except as otherwise specifically provided for in these Rules or in the Open Government Ordinance, or except as time is extended by the presiding officer with the consent of the majority of the Historic Preservation Review Commission. Each speaker shall avoid repetition of the remarks of prior speakers and speak only to the specific agenda item under consideration.

In accordance with the Open Government Ordinance, the presiding officer may request spokespersons be designated to represent similar views. Spokespersons shall each have fifteen (15) minutes to present their case. Any

spokesperson wishing to make a rebuttal shall have 5 (five) minutes to present.

d. Pending Motion. When a motion is pending before the Historic Preservation Review Commission, no person other than a Historic Preservation Review Commission member shall address the Historic Preservation Review Commission without first securing the permission of the Chair to do so.

e. Public Discussion. Public Discussion shall precede Historic Preservation Review Commission deliberation. Once all members of the public wishing to speak have been heard on the matter, the presiding officer shall close the public discussion session and bring the matter back to the Commission for consideration. No additional public comment may be made after this time. The Commission, through the Chair, may engage in additional discussion with the applicant after the public hearing is closed.

f. No discussion shall be permitted, without approval of the Historic Preservation Review Commission, after a motion has been adopted which would terminate further deliberation.

### 3. Appeals

a. The procedure for the conduct of all appeals to the Historic Preservation Review Commission shall be as set forth in the governing ordinance or resolution.

b. If no procedure is set forth, the staff person shall first present his or her case. The appellant shall then present his or her case. The staff person may then offer a rebuttal. The staff person and appellant may then present closing arguments.

### 4. Historic Preservation Review Commission Deliberation

a. Presiding Officer May Deliberate. The presiding officer may deliberate from the chair, subject only to such limitations of deliberation as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Historic Preservation Review Commission by reason of his or her acting as the presiding officer.

b. Conflict of Interest. In situations where there is a conflict of interest under the Political Reform Act, the Open Government Ordinance or other conflict laws, members of the Historic Preservation Review Commission are required to abstain from voting on the item and from participating in the decision-making process. The following procedures should be followed:

i. Declare the conflict of interest.

- ii. State the basis of the conflict of interest.
- iii. Do not discuss or vote on the matter.
- iv. Step down from the podium and leave the room until the item is completed or unless the Political Reform Act allows the member to remain in the room.
- v. If the item is on the Consent Calendar, and is not pulled except for declaring the conflict, the commissioner does not have to leave the room.

c. Getting the Floor - Improper References to be Avoided. Every member desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine himself or herself to the questions under deliberation, avoiding all personalities and indecorous language.

d. Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call said member to order, or as herein otherwise provided. If a member, while speaking, be called to order, said member shall cease speaking until the question of order be determined, and if in order, said member shall be permitted to proceed.

e. Remarks of Commission/Board Member - When Entered in Minutes. Any Historic Preservation Review Commission member may request, through the presiding officer, the privilege of having a written abstract of said member's statement on any subject under consideration by the Historic Preservation Review Commission entered in the minutes. If the Historic Preservation Review Commission consents thereto, such statement shall be entered in the minutes.

f. Motion to Reconsider. A motion to reconsider any action taken by the Historic Preservation Review Commission may be made only on the date such action was taken. It may be made either immediately during the same session; or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable.

g. Motion to Table. A motion to lay on the table shall preclude all amendments or deliberation of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority.

h. Motion to Call for Question or Continue to a Date Specific. A motion to call for the question or continue the matter to a specific date shall preclude all amendments to or deliberation of the subject under consideration and is not debatable.

i. Statement of Position. When a motion to call for question or table is adopted, each member of the Historic Preservation Review Commission may briefly state his/her position on the matter before roll call or call for the next item of business.

j. Privilege of Closing Deliberation. The member moving the adoption of a motion or resolution shall have the privilege of closing the deliberations or making the final statement.

k. Division of Question. If the question contains two (2) or more divisible propositions, the presiding officer may, and upon request of a member shall, divide the same.

l. Second Required. All motions, except for nominations and a point of order, shall require a second.

m. Voting. Four (4) members of the Historic Preservation Review Commission shall constitute a quorum. A vote of three (3) members at a properly called meeting shall be necessary for any action of the Historic Preservation Review Commission. If a motion fails to receive the required number of votes to pass or fail, the request of any Historic Preservation Review Commission member would cause the item to be carried over to the next meeting.

n. Forms of Action. The Historic Preservation Review Commission may act by motion or resolution. All motions shall be recorded in the minutes verbatim. All resolutions shall be in writing and the title shall be recorded verbatim in the minutes as well as the vote thereon.

o. Miscellaneous. All other matters not covered by these rules shall be decided by a majority of the Historic Preservation Review Commission. Roberts Rules of Order may be used as a guide.

#### G. ATTENDANCE

It shall be the responsibility of each Historic Preservation Review Commission member to notify the Secretary, who shall thereupon notify the Chair, of an inability to attend a scheduled Historic Preservation Review Commission meeting. Other applicable attendance rules for Commissioners are governed by the Benicia Municipal Code.

#### H. PREEMPTION

The applicable City of Benicia's policies, resolutions and ordinances and state and federal laws shall prevail where a conflict exists between any of them and these Rules and Procedures.