



Gaviota Coast  
Planning Advisory Committee  
November 4, 2009



# Gaviota Coast Planning Advisory Committee

## November 4, 2009 Meeting Agenda

### Call To Order

#### 1. The Pledge of Allegiance

- Roll Call

#### 2. Public Comment: Items not on tonight's agenda.

#### 3. Introductions:

- Third District Supervisor Doreen Farr
  - Administer Oath of Office
- Office of Long Range Planning Director Derek Johnson and Deputy Director Vicki Parker

#### Ice Breaker with GavPAC

#### 4. Role, Function and Structure of County GPAC's:

##### Ralph M. Brown Act Open Meeting Law Presentation

- Deputy County Counsel, Ed Yates.

#### 5. Discuss Future Meeting Schedule:

#### 6. Adjourn



# Gaviota Coast Planning Advisory Committee

## November 4, 2009 Meeting Agenda

### **Agenda Item 3:**

#### **Introduction**

- Doreen Farr, Third District Supervisor
  - Welcome GavPAC and public
  - Administer oath of office
- Derek Johnson, Director, Office of Long Range Planning
- Glenn Russell, Director, Planning and Development
- Staff Introductions



# Gaviota Coast Planning Advisory Committee

## November 4, 2009 Meeting Agenda

### **Introductions:**

GavPAC members

- What is your name?
- What inspired you to apply and serve on the GavPAC?
- What do you feel are the top three issues facing the Gaviota Coast, now and in the future?



# Gaviota Coast Planning Advisory Committee

## November 4, 2009 Meeting Agenda

### **Introductions:**

### The M&M game!

- As the candy dish goes around, take as many M&M candies as you would like...

But don't eat them just yet...



# Gaviota Coast Planning Advisory Committee

## November 4, 2009 Meeting Agenda

### The M&M game!

- **Red** = Describe one of your favorite vacations or holidays
- **Yellow** = What talent would you choose to perform at a talent contest?
- **Green** = Describe your “15 minutes of fame”.
- **Blue** = Who inspires you, and how are you like her, him, or them?
- **Orange** = If you could be an animal for a day, what would you be and why?
- **Brown** = When was the last time you did something for the first time? What was it?



# Gaviota Coast Planning Advisory Committee

## November 4, 2009 Meeting Agenda

### **Agenda Item 4:**

## **Brown Act Open Meeting Laws and Conflict of Interest Guidelines**

**Edward Yates, Deputy County Counsel**





# Open Government Laws

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- Brown – Open Meetings – Act
- Public Records Act
- California Environmental Quality Act
  - Circulation and comment during Environmental review
- Lawsuits – Everything in the Administrative Record



# **BROWN ACT BASIC RULE**

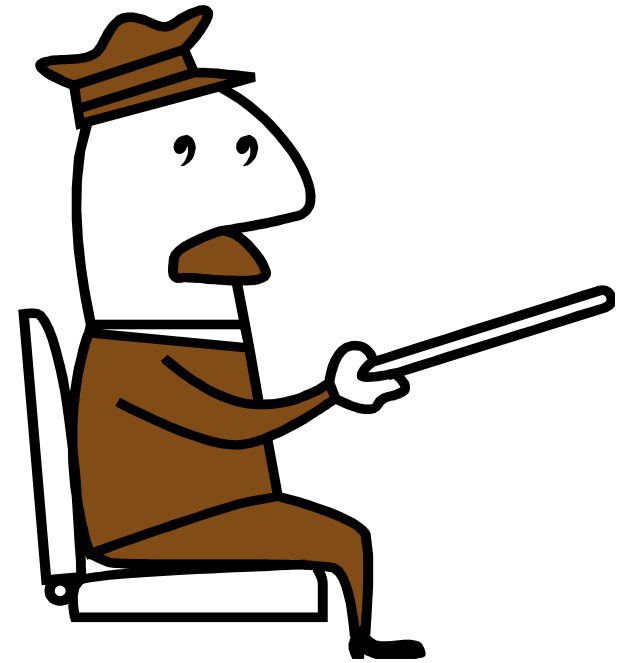
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- All meetings of a legislative body shall be open & public**
- Boards must deliberate & act on public business openly**
- Exceptions are few & narrowly construed**

# **BROWN ACT - WHAT IS A MEETING?**

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- ❑ **When a majority of the members are present at the same time and place and “hear, discuss or deliberate” business**
- ❑ **A meeting may occur even if no action is taken**





# **BROWN ACT**

## **WHAT IS NOT A MEETING?**

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- A majority of members may attend social occasions and community forums so long as they do not discuss business**
- Members may attend committee meetings or meetings of other agencies if they attend only as observers**

# **BROWN ACT**

## **ILLEGAL MEETINGS**

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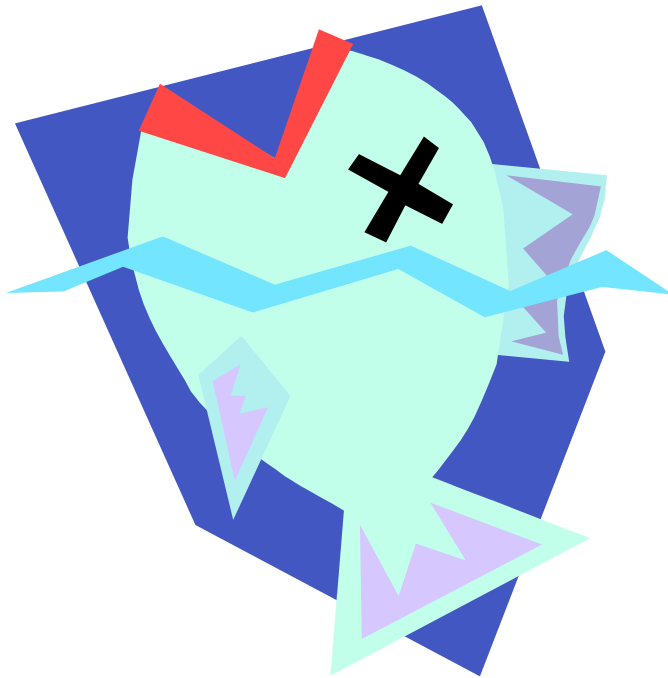
- ❑ **A majority of members may not “develop a concurrence as to action” on business through serial meetings, intermediaries, communication, or other means of subterfuge**
- ❑ **“Walking the board” or counting votes can lead to a violation if a majority of members discuss business after such individual” meetings**



# The appearance of impropriety

*(aroma de pescado)*

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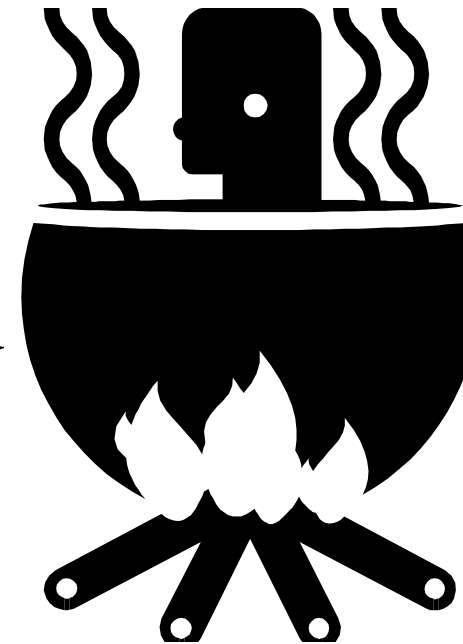


REMEMBER: If a majority has individual meetings with members about business -- even if you can explain that you acted legally, it may look like the board held a serial meeting, reached a collective decision and violated the Brown Act.

# Example: IV Barbeque

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- ❑ There was a barbeque in Isla Vista.
- ❑ A majority of Park District Board members attended. The court ruled that the board members had violated the Brown Act.
- ❑ Result – Bad publicity and attorneys’ fees.



# COMMITTEES

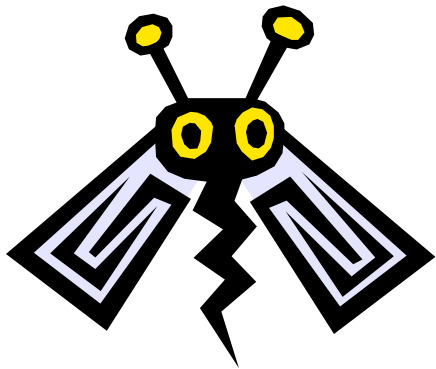
- **Standing committees** –  
must comply with Act  
Standing committee is  
one created by formal  
action and of permanent  
duration
- **Ad hoc committees** –
  - Exempt if only  
members on committee
  - Staff does not count  
unless staff votes.



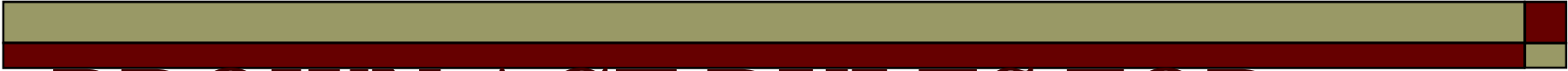
# BROWN ACT

## RIGHTS OF THE PUBLIC

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- **Right to address the Board on each item of business on the agenda**
- **Comment on matters not on the agenda within the Board's jurisdiction**
- **Comment must be permitted before or during the body's consideration of an item**
- **Board may adopt reasonable rules, including limiting the amount of time for comment on issues and for each speaker**



# **BROWN ACT RULES FOR OPEN & PUBLIC MEETINGS**

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- ❑ Must be noticed and accessible to public
- ❑ Agendas must be posted - 72 hours
- ❑ With limited exceptions, only business that is on the agenda may be transacted.



# **Brown Act and Americans with Disabilities Act**

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- ❑ Basic rule: Meetings must be accessible per ADA
- ❑ Agendas must be made available in alternative format on request
- ❑ Agendas must state how to request modification to allow participation

# BROWN ACT AGENDAS

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- ❑ **Must contain a brief description of every item to be discussed**
- ❑ **Closed session items must be listed**
- ❑ **Must include time for public comment**



# BOARD MATERIALS

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- ❑ Materials distributed to the board are public records, except privileged records.
- ❑ Materials given to the board must be made available to the public without delay.



# BROWN ACT

## RULES OF ORDER

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- Chair has power to maintain order at meetings and to manage the Board's business under established rules of procedure (by-laws), subject to majority Board consensus
- Robert's Rules of Order may but need not be adopted





# **BROWN ACT**

## **TELECONFERENCE**

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- ❑ Boards may meet by teleconference in multiple locations for all purposes.**
- ❑ Must vote by roll call.**
- ❑ Must post notice at each location.**
- ❑ Teleconference by video or phone.**



# **BROWN ACT**

## **CIVIL & CRIMINAL REMEDIES**

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- Violations may be enjoined by civil action**
- Some actions, if not cured by ratification, may be declared void**
- Misdemeanor to attend meeting and take action in violation of Act and intend to deprive public of information**



# Conflict of Interest

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- GPAC Members shall remove themselves from all discussions in which
  - they have a personal financial interest
  - Professional or personal bias cannot be set aside
- 2/3 vote of GPAC can prevent member from participation in an item
- See GPAC Guidelines (4-9-91, § VII)

# Gaviota Coast Planning Advisory Committee

## November 4, 2009 Meeting Agenda

### **GavPAC Meetings**

#### **What to expect....**

- **Vice-Chair elected at the second GavPac meeting**
- **Meeting Procession**
  - **Call to Order and Agendas**
  - **Opportunities for Public Comment**
  - **Staff Report/Presentation**
  - **Questions**
  - **Discussion**
- **Minutes, Motions, Absences, Quorums, Etc.**
- **Term of Appointment**



# Gaviota Coast Planning Advisory Committee

## November 4, 2009 Meeting Agenda

### **GavPAC Meetings – Ground Rules**

#### **Rosenberg's Rules...**

- **The agenda leads the way.**
  - **It is important for the Chair to adhere closely to the agenda items**
- **Motions are subject to discussion and debate prior to action**
- **Three types of Motions:**
  - **“Basic” Motion – puts forward a decision for consideration and action**
  - **Motion to Amend – changes basic motion during consideration**
  - **Substitute Motion – replaces a basic motion with a new motion for consideration**
- **Second Motion and Action: Simple Majority Vote**



# Gaviota Coast Planning Advisory Committee

## November 4, 2009 Meeting Agenda

### **GavPAC Meetings – Ground Rules**

#### **Rosenberg's Rules...**

- **Keep the Public Informed**
  - **Rule #1: Tell the public what the GavPAC will be doing**
  - **Rule #2: Keep the public informed of GavPAC considerations**
  - **Rule #3: When the action is taken, tell the public plainly what the GavPAC did.**



# Gaviota Coast Planning Advisory Committee

## November 4, 2009 Meeting Agenda

### **GavPAC Meetings – Ground Rules**

#### **Riggin's Rules...**

- **Courtesy and Decorum**
- **Receiving technical Presentations and Public Testimony**
- **Communications with Public and GavPAC**
- **Importance of reading materials and technical information**
- **Importance of asking questions**
- **Importance of following the lead of the Chair**
- **Importance of using staff as a resource**



# Gaviota Coast Planning Advisory Committee

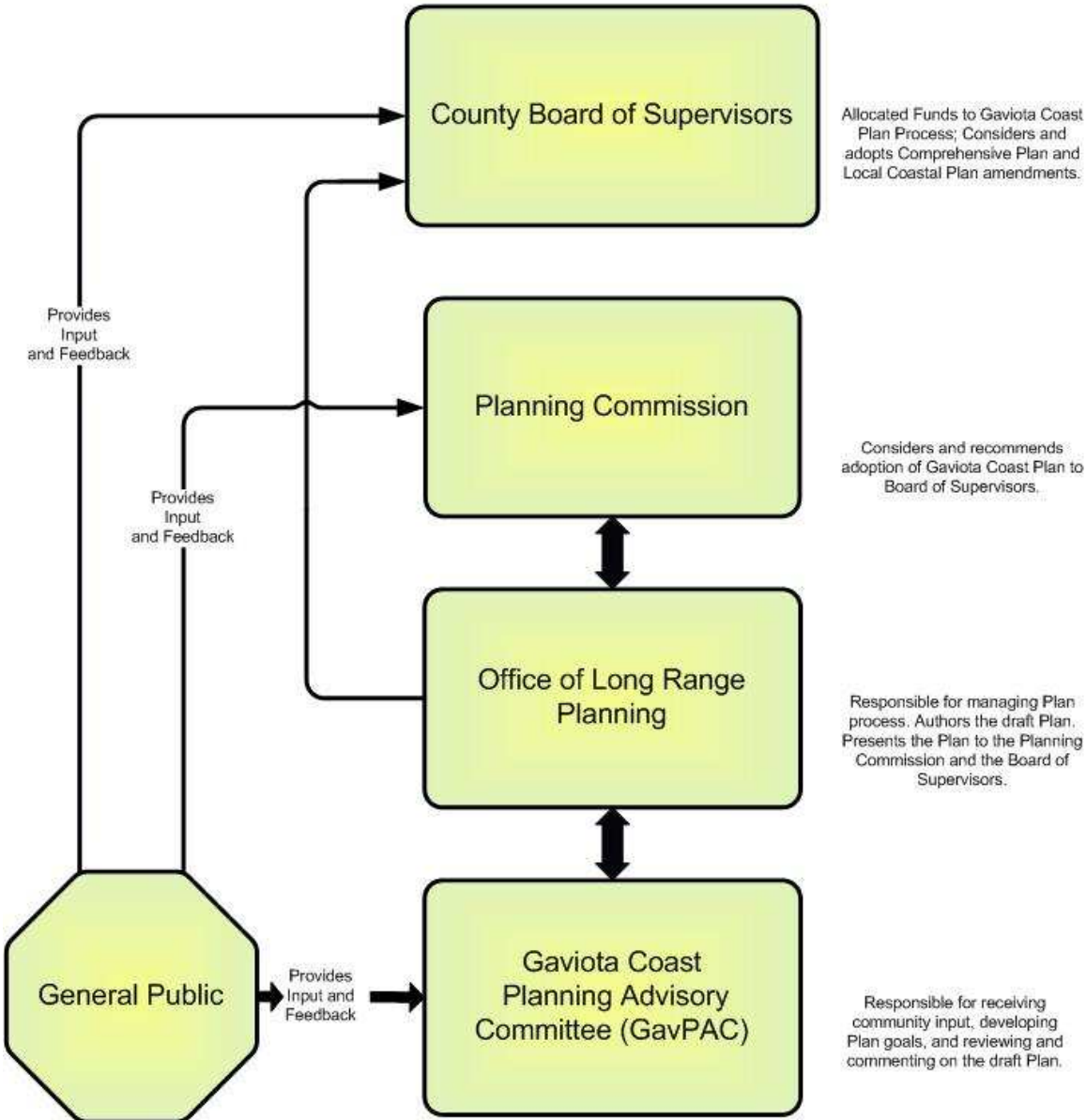
## November 4, 2009 Meeting Agenda

### Roles and Responsibilities

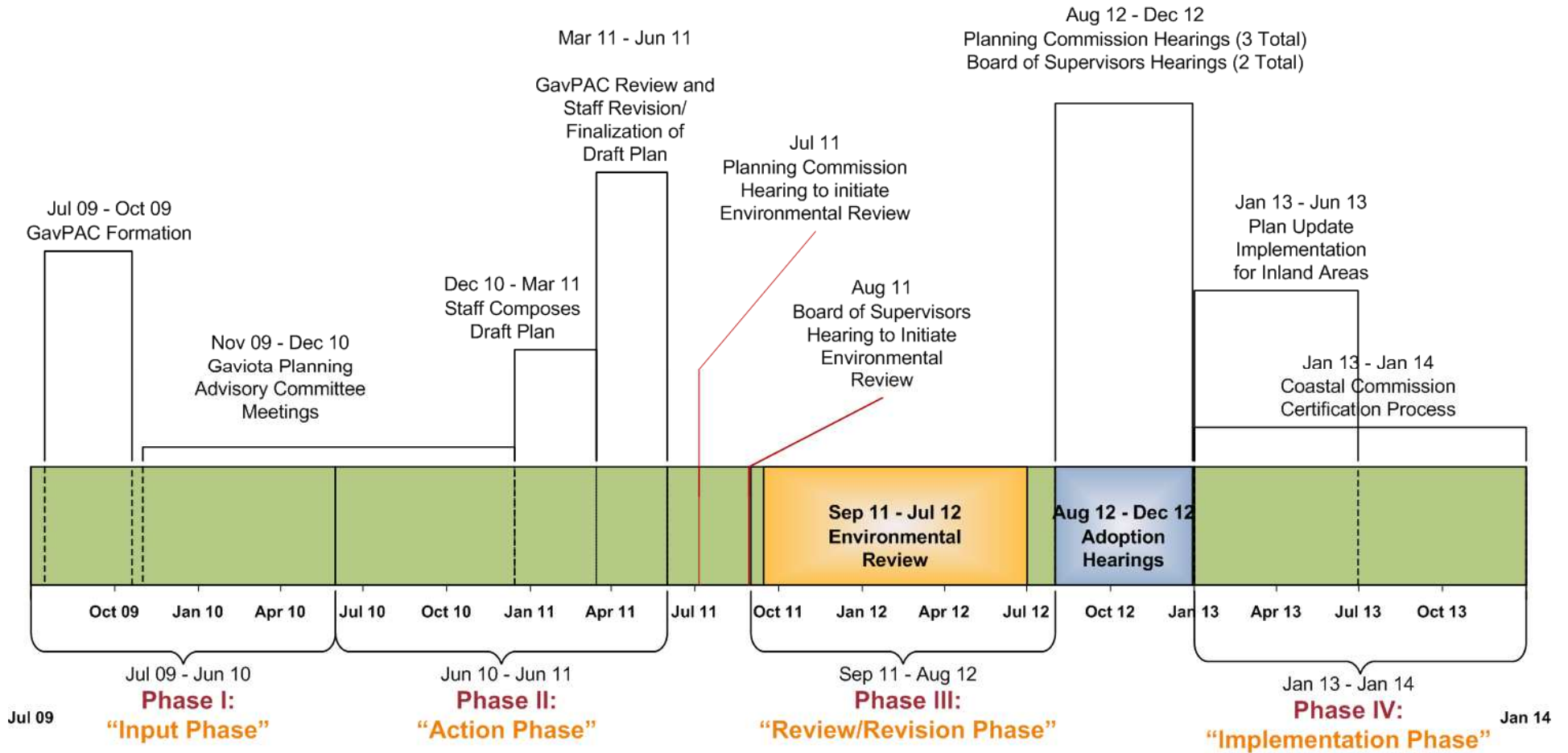
GavPAC	County Staff
Receive Input from Staff presentations and technical studies	Facilitate GavPAC Meetings
Receive input from public	Provide technical data and presentations
Ask questions	Research and analyze data
Develop Plan Goals	Write draft policies, standards, implementation tools
Review Draft policies, standards, and implementation tools	Present Plan to decision makers
	Implement Plan



# Gaviota Coast Plan Organizational Framework



# Gaviota Coast Plan Project Timeline



# Gaviota Coast Planning Advisory Committee

## November 4, 2009 Meeting Agenda

### **GavPAC Meeting Schedule**

- **To stay on schedule, the GavPAC has approximately 13 months to define goals for the Gaviota Plan**
- **Bi-weekly meetings on Wednesdays**
- **Suggested Next Meetings:**



# Gaviota Coast Planning Advisory Committee

## November 4, 2009 Meeting Agenda

### Vista de Las Cruces School Availability

	Monday	Wednesday
November	16 <del>23</del>	18
December	7 <del>14</del>	2 9 <del>16</del>
January	4 <del>18</del> 25	6 20



# Gaviota Coast Planning Advisory Committee

## November 4, 2009 Meeting Agenda

### **Requested GavPAC Actions**

- **Sign and Date GavPAC Responsibilities Agreement**
- **Agree on approximate meeting schedule**

### **First GavPAC actions:**

- **Adopt GPAC Guidelines and GavPAC Ground Rules**
- **Adjourn until next meeting**



# Gaviota Coast Planning Advisory Committee

## November 4, 2009 Meeting Agenda

### **Next GavPAC Meeting**

- **Election of Vice – Chair and Recording Secretary**
- **General Planning: a GavPAC primer**
- **The Role and Function of the Comprehensive Plan**
- **Local Coastal Plan Primer**
- **Other Gaviota Planning Documents**





Thank You

