

Orange Park Acres Advisory Committee

Bylaws of the Orange Park Acres Advisory Committee

BYLAWS OF THE ORANGE PARK ACRES ADVISORY COMMITTEE

ARTICLE I. Name of Organization

- A. The name of this organization shall be Orange Park Acres Advisory Committee, hereinafter referred to as "OPAAC"
- B. The official location and mailing address of the OPAAC 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 OPAAC

OPAAC was established by the Orange County ("County") Board of Supervisors ("Board") pursuant to Minute Order dated January 7, 2007.

ARTICLE III. Purpose and Functions

- A. The purpose of the OPAAC is to work with the County to: Advise the Orange County Zoning Administrator, Planning Commission, Board of Supervisors, and County agencies on all planning, zoning, and other discretionary land use actions of the County of Orange in the unincorporated areas of Orange Park Acres (OPA) as shown in Attachment A.
- B. The functions of the OPAAC are as follows:
 - 1. To review applications referred by the Orange County Public Works/OC Development Services/Planning for development projects within the unincorporated areas of OPA including General Plan amendments, zone changes, zone code amendments, area plans, subdivision maps, site plans, use permits, variances, and other discretionary permits or actions affecting OPA as determined by the Deputy Director OC Public Works/OC Development Services.
- C.

ARTICLE IV: Appointment and Membership

- A. Membership of the OPAAC is to be composed as follows:
 - 1. There shall be nine (9) members that comprise the OPAAC.
 - a. All nine (9) members are voting members.
- B. Qualifications for OPAAC 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 OPAAC shall be:
- I. registered voters in the County; and,
 - II. elected members of the Orange Park Association Board of Directors; and,
 - III. nominated and approved by majority vote of the Board of Supervisors. Whenever a vacancy occurs due to any reason, the Supervisor for the Third District may nominate a replacement member and place the nomination on the consent calendar of the Board of Supervisors for approval.

C. Length of OPAAC Membership

- 1. The term of office for OPAAC members shall be three (3) years concurrent with the Orange Park Association Board of Directors membership. The initial terms of office for those appointments made with the creation of OPAAC shall be as set forth in the Board of Supervisors minute order making the appointments.
- 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. OPAAC Officers

A. OPAAC officers shall consist of:

- 1. Chairperson, Vice Chairperson, and Executive 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 OPAAC 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 Executive 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 OPAAC in accordance with the Ralph M. Brown Act.
 - i. Minutes of the meeting shall be taken by the Executive Secretary, or if absent, another member appointed by the Chair. The Minutes shall record (1)

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attendance of each member present, (2) all motes made and seconded, and (3) how each member voted. For proposed development projects, the motion shall state whether OPAAC recommends approval or denial and any comments or recommendations for project modifications or conditions. No other information is required to be in the Minutes.

- ii. The Executive Secretary or another member appointed by the Chair shall post an agenda for that meeting at three (3) public locations to be determined by the OPAAC. OPAAC may also mail an agenda to landowners living in the vicinity of a project on the OPAAC meeting agenda and the project applicant with pre-addressed and stamped envelopes provided by the project applicant.

- 3. Terms for officers of the OPAAC shall be for one year.
- 4. No person, except a member of the Board, may serve as Chair of a OPAAC 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 OPAAC meeting of each calendar year by majority vote, a quorum being present.

ARTICLE VI. Duties of Members

- A. Members shall attend meetings of the OPAAC.
- B. Members shall notify the Chairperson of the OPAAC of any expected absence for a meeting by 5:00 p.m. of the day before a regularly scheduled OPAAC meeting, indicating good and sufficient reasons for the absence.
- C. In the performance of its responsibilities, the OPAAC 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 OPAAC shall comply with the County Equal Employment Opportunity and Anti-Harassment Policy and Procedures.
- E. Members of the OPAAC shall comply with County Code of Ethics.
- F. Members of the OPAAC shall operate strictly within designated purposes of the OPAAC as set forth in Article III.

ARTICLE VII. Meetings and Actions

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- A. The OPAAC 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 OPAAC 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 OPAAC may be called either by the Chairperson or at the request of a majority of OPAAC members. Notice of special meetings shall:
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 OPAAC, 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 Executive Secretary of the OPAAC shall prepare and publish the minutes for each meeting of the OPAAC
- G. Referral Procedures and Deadlines:
- a. Deputy Director OC Public Works/OC Development Services or his or her designee shall mail, fax or email all relevant project applications and supporting material to the address provided by the OPAAC members at least 45 calendar days prior to action.
 - b. The OPAAC Chair shall place the referral on the agenda for action by the OPAAC at its next regularly scheduled meeting.

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- c. Failure of the OPAAC to act on any matter does not limit the Deputy Director of OC Public Works, Zoning Administrator, Planning Commission, or the Board of Supervisors to act on that matter.
- d. OPAAC members shall allocate sufficient time each month to thoroughly review each project application referral and shall be prepared to provide comments and take action at the next meeting.

ARTICLE VIII. Compensation and Reimbursement

- A. Members of OPAAC 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 OPAAC member from office prior to the expiration of his/her term of office by majority vote of the Board.
- B. **Resignation:** Resignation of OPAAC members shall be effected by a written letter of resignation submitted to the Chairperson of the OPAAC and to the Board.
- C. Any member who is not re-elected to the OPA Board is automatically vacated without action by the Board of Supervisors.
- D. Any member who is no longer registered to vote at a residence located in OPA is automatically vacated without action of the board of Supervisors.
- E. 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.

ARTICLE X. Authority

- A. **Parliamentary Authority:** The Chairperson shall preside and manage OPAAC meetings using parliamentary procedure consistent with these bylaws, any special rules of order the OPAAC may adopt, and any applicable County, state, and federal law.
- B. **Jurisdictional Authority:** The authority of OPAAC shall be limited to the unincorporated area within Orange Park Acres as shown in Attachment A.

ARTICLE XI. Conflict of Interest

- 1. Members of the OPAAC 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 OPAAC shall not vote nor attempt to influence any other OPAAC member on a matter under consideration by the OPAAC:

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- 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 OPAAC shall disclose on forms provided by the County Information regarding their private economic interests that may be implicated by their service on the OPAAC.
 5. [Where applicable] OPAAC members shall complete ethics training as required by County policy and Assembly Bill 1234 (Government Code sections 53234 through 53235.2).
 6. Neither OPAAC 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 OPAAC.
 7. No assets or assistance provided by County to OPAAC shall be used for sectarian worship, instruction, or proselytization, except as otherwise permitted by law.

ARTICLE XII. Adoption and Amendment of Bylaws

- 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 OPAAC or the Executive Committee may propose amendments to these Bylaws.
 2. Proposed amendments shall be submitted in writing and made available to each member of the OPAAC 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

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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

The County of Orange does not provide staffing or other services to the OPAAC, except for specific matters as may be directed by the Board of Supervisors.

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Attachment A:
Orange Park Acres Advisory Committee Jurisdiction/Area of Authority



