

Adopted June 27, 1995
Proposed Amendments October 10, 2023

VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT
ADVISORY COMMITTEE

BYLAWS

INTRODUCTION

The bylaws of the Air Pollution Control District (APCD) Advisory Committee contain information on purpose and objectives, committee functions, time and location of meetings, officers' duties, elections, meeting contents, agendas, minutes, subcommittees, and the bylaws.

PURPOSE AND OBJECTIVES

The APCD Advisory Committee (Committee) was created by, and its members are individually appointed by, the Ventura County Air Pollution Control Board (Board). The Committee provides the Board with recommendations on APCD rule actions, general APCD issues, and general air pollution issues.

The Board created the Committee, in part, to ensure that all parties, including private citizens, health and environmental organizations, government agencies and industry, have a forum for the discussion of APCD rule development activities and other air pollution concerns. An appearance before the Committee is recommended for parties planning a presentation before the Board. Therefore, on matters either under consideration or air pollution related, the Committee will hear and consider input from any source.

The Committee endeavors to conduct its business openly, fairly, quickly, and effectively. The guidelines for this objective are the bylaws.

Article 1

COMMITTEE FUNCTIONS

Section 1. COMMITTEE RECOMMENDATIONS TO THE BOARD

- A. Requests for recommendations arrive before the Committee as follows:
 - 1. From the Air Pollution Control Officer and APCD Staff (Staff), working primarily from a Rule Development Calendar approved annually by the Board. Staff may request recommendations on other issues as needed.
 - 2. From the Board, by direction.

- B. In its recommendations, the Committee should, to the extent feasible, consider factors related to the general welfare of Ventura County. These factors include, but are not limited to, the health, social, economic, political, legislative, legal and employment effects of an issue on

both the public and industry. Recommendations should advance efforts to meet health based state and federal clean air standards.

1. Recommendations should be made within a reasonable amount of time, after a reasonable amount of effort, and within the ability of the Committee.
- C. Recommendations shall be transmitted to the Board by the Staff; recommendations are discussed in the text of a Board transmittal letter with the Committee voting record attached. Transmittal may be supplemented in any or all of the following ways: attachment of the minutes of Committee meeting, a letter from the Committee Chair, or a presentation from the Committee (per Article 1, Section 2.G).
1. Committee work is conducted in cooperation and partnership with Staff, who work with the Committee to create and find agreement on the best possible recommendation. Therefore, Staff and Committee recommendations may often closely coincide. However, it is correct and proper for Staff recommendations and Committee recommendations to differ.
 2. The form and content of supplemental transmittal information shall be determined by the Committee.
- D. Committee members may express an opinion on a recommendation, either supporting or dissenting, in the following ways:
1. Express a personal opinion directly to the Board, per Article 1, Section 2.G.
 2. Have an opinion placed on the record in the meeting minutes and transmitted to the Board. The committee member is responsible for providing the statement to the Secretary and is solely responsible for its content.

Section 2. MEMBERSHIP

- A. The Committee is composed of twenty members. The Ventura County Board of Supervisors nominate two Committee members each, for a total of ten. The ten Ventura County cities (Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley and Thousand Oaks) nominate one Committee member each, for a total of ten. All appointments are made by the Board.
1. A quorum shall be a majority of the appointed members.
- B. Committee members serve as follows:
1. Committee members nominated by the Board of Supervisors serve a four (4) year term coinciding with the term of the nominating supervisor.
 2. Committee members nominated by the cities serve four (4) year terms.
 3. Committee members serve until replacement or removal by the Board, or resignation. Members may serve past the term of office of the nominating entity until either replaced or reappointed.
- C. The Secretary shall notify the Committee of new and renewed appointments by the Board.

- D. Committee members represent their communities, professions, and industries, and are appointed with the specific purpose of providing input from these sectors, in both discussion and voting. This is not a conflict of interest.
 - 1. Despite issues that are often of a technical nature, committee members require no special technical background. Since technical knowledge from some members is essential during Committee deliberations, and non-technical members can become expert with increasing experience, a certain level of continuity in membership is encouraged. Although not required, a good mix of new and seasoned members provides for optimum Committee operation.
- E. If a committee member's actions are deemed by vote of the Committee to be improper or unacceptable, the committee chair shall notify the Board. No further action may be taken by the Committee.
- F. Committee members shall provide a completed and signed conflict of interest statement to the Secretary annually by April 1. An additional statement is required at both the start and termination of appointment to the Committee. The Secretary shall arrange for Ventura County Counsel to answer questions on conflict-of-interest issues and statements.
- G. Committee members may appear and testify before the Board or elsewhere on Committee or air pollution issues. However, members must, during every appearance, state for the record that they are expressing either an approved Committee position or their own position. Presentation of majority and/or minority opinions and reports require the same clarification.

Section 3. BROWN ACT REQUIREMENTS

- A. The Committee is a permanent, advisory committee created by the Board. As such, Brown Act requirements apply to the Committee.
- B. General Requirements
 - 1. All regular and special meetings of the Committee shall be open and public and all persons must be permitted to attend the meetings. Any person attending shall have the right to record the meeting.
 - 2. The Committee must designate by formal action the time and place for the holding of regular meetings. See Article 2, Section 1.A.
 - 3. At least 72 hours before a regular meeting, an agenda must be posted in a freely accessible area. The agenda must contain a brief description of each item of business to be transacted or discussed at the meeting.
- C. Special Meetings
 - 1. A meeting notice shall be delivered to the Committee members and to each local newspaper of general circulation, radio or television station requesting notice in writing. The notice must be received at least 24 hours before the time of the meeting and must specify the time and place of the meeting and the business to be transacted. The notice must be posted at the location freely accessible to the public at least 24 hours before the meeting.

D. Subcommittee Requirements

1. Subcommittee meetings must meet the same Brown Act requirements as Committee meetings.

Article 2

TIME AND LOCATION OF MEETINGS

Section 1. REGULAR MEETINGS

- A. The Committee normally meets regularly on the third Tuesday of each month at 6:30 P.M., unless a different date and time is agreed to by a majority of the committee on a case-by-case basis. Meetings are held at the offices of the Air Pollution Control District, except under special circumstances or as determined by the Committee.
1. Regular meetings need not be scheduled every month; meetings shall be scheduled only when recommendations are requested.
- B. A quorum must be present by 7:00 P.M. If a quorum is not present at that time, the meeting shall be either adjourned or continued, by order of the Chair. Subcommittees may meet if provided for in the agenda.

Section 2. SPECIAL MEETINGS

- A. Special meetings may be held at any time or location in Ventura County. Special meetings are scheduled as follows:
1. The Committee may call for the meeting during a regular meeting, or
 2. The Chair may call for the meeting in consultation with staff. Scheduling is contingent upon the indication, by phone survey conducted by the Secretary, that a quorum will be present.
- B. The agenda for special meetings shall be limited to special issues unless a regular meeting agenda is planned by Committee vote. Normal informational, administrative and scheduling activities may be conducted as well.

Section 3. VOTING

- A. A motion by any Committee member is required to request a vote on an issue. The motion shall describe the action to be taken.
- B. A second is required to place the motion before the Committee for a vote. After a motion and a second, all Committee members present shall be polled for a voice vote by the Secretary. The results of the vote are reported in the minutes and provided to the Board.
1. Each Committee member present has one vote.
 2. Voting by proxy is not allowed.

- 3. Secret ballots are not allowed.
- 4. The Chair may vote on any issue.

C. Abstentions

- 1. Committee members may abstain from voting on an issue for any reason. Members shall announce any economic conflict of interest which requires disqualification. Beyond that, members may note the reason for an abstention in the minutes if desired.
- 2. Abstentions shall be recorded and reported by the Secretary during the vote.

Section 4. ADJOURNMENT AND CONTINUANCES

A. Meetings at which business is incomplete or a quorum is not present may be adjourned to a time and place designated by the Committee or, in the absence of a quorum, the Chair.

- 1. An adjourned regular meeting is the continuation of an original meeting and operates in the same manner as a regular meeting.
- 2. A copy of the order of adjournment must be posted on or near the door of the meeting place within 24 hours of the adjournment to a stated time and place.

B. Action on specific issues may be continued to a subsequent meeting by direction of the Committee or, in the absence of a quorum, the Chair.

- 1. If the continuance is for less than 24 hours, a copy of the order must be posted on or near the door of the meeting place immediately following the meeting at which the continuance occurred.

Article 3

OFFICERS - DUTIES AND ELECTIONS

Section 1. OFFICERS

The Officers of the Advisory Committee shall include a Chair, a Vice-Chair, and a Secretary. Officers are elected from the Committee membership except the Secretary, who is the Air Pollution Control Officer.

Section 2. TERM OF OFFICE - ELECTIONS

A. Officers serve for one year, from January to January, unless changed by Committee vote. There is no limit on the number of terms.

- 1. When an officer relinquishes Committee membership for any reason, the Committee shall hold an election for that office as soon as possible.

B. Officer elections are held during the regular January Committee meeting, or as soon thereafter as the Committee's schedule provides. If elections are delayed, existing officers serve through the election.

1. Election votes follow the same rules as regular votes.

Section 3. DUTIES OF THE CHAIR

A. Primary duties of the Chair:

1. Conduct Committee meetings by presiding over discussions, deliberations, and voting. In addition, the Chair shall moderate public discussion and presentations. The Chair shall attempt to provide equal time to all sides and factors.

a. The chair shall verify that all members understand the issue under discussion, the motion, and the vote results.

2. Verify that a quorum is present prior to the start of official meetings.

3. Verify that both role and minutes are taken by the Secretary.

4. Poll the public audience for issues of discussion not on the agenda during the public comment portion of the meeting.

5. Insure that meeting minutes, as prepared by the Secretary, are reviewed, corrected if necessary, and approved.

6. Decide questions of order or procedure. Decisions may be appealed to the Committee, which may vote on the issue.

B. Secondary issues:

1. Although not forbidden, the Chair should refrain from making either a motion or a second.

2. If a sufficient number of meetings lack a quorum, the Chair shall inform the Board. The chair shall request replacements for departing members.

3. The Chair shall represent the Committee on other committees and organizations unless an alternate is designated by the Chair or the Committee.

4. The Chair shall write letters and make personal appearances and presentations to the Board and other persons, agencies, and entitles on behalf of the Committee, unless an alternate is designated by the Chair or the Committee.

5. The APCO and the Board may call upon the Chair to go to outside meetings (i.e. with ARB, PUC, legislatures, EPA, sister counties and districts) as their representative from the Committee, as an expert, or representing the Committee prestige and expertise.

Section 4. DUTIES OF THE VICE-CHAIR

A. Primary duties of the Vice-Chair:

1. Perform all of the primary duties of the Chair when the Chair is absent.
2. Aid the Chair in the efficient conduct of the meeting and, at the Chair's request, coordinate side issues while the chair is running the meeting. These side issues may include interactions with the audience, public, staff, or Committee members, answering questions, or making other arrangements to keep the meeting moving efficiently and undisturbed.
3. Monitor the proceedings and plans of the Committee, notifying the Chair of potential problems.
4. Assume Chair duties when the position becomes vacant. Chair duties shall cease when the Committee elects a new Chair.
5. Represent the Committee when needed if the Chair is unable to fulfill this obligation.

Section 5. DUTIES OF THE SECRETARY

A. Primary duties of the Secretary:

1. Prepare and distribute the agenda and meeting packet, arrange for meeting rooms and facilities, make Brown Act notifications, and prepare documentation to support this effort.
2. Take meeting minutes, prepare a draft of those minutes, and send the draft to Committee members with the next regular meeting packet.
3. Prepare and send meeting notices and make phone inquiries as needed for all meetings. This includes distribution of material to the public, transmission of recommendations and other material to the Board on behalf of the Committee, and any other aspect of Committee work.
4. Advise the Committee of upcoming events, schedules, and situations.
5. Know, appreciate, and convey the desires, actions, and problems of the Board.
6. Bring to the Committee a perspective on the activities of state agencies, federal agencies and adjacent APCDs, including legal proceedings and court decisions, regarding air pollution issues.
7. Take part in discussions during meetings and deliberations, assisting Committee members in understanding and appreciating all pertinent facts and factors from both the District and the Board.

Article 4

MEETINGS AND AGENDAS

Section 1. PREPARATION OF THE AGENDA.

- A. The Agenda for regular meetings is prepared by the Secretary early in the month. Meeting notices and Committee member packets are assembled and emailed to committee members two weeks before the meeting date. This means that reports, communications, resolutions, documents, and other material for distribution to the Committee must be submitted to the Secretary by the first Wednesday of the month of a meeting.
1. Agenda items that come up after the first Wednesday of the month, or arise unexpectedly at the meeting, may be heard by the Committee if Brown Act requirements for "Off Agenda Items" are met.

Section 2. ATTENDANCE AT MEETINGS

- A. Committee members unable to attend a meeting shall notify the Secretary no later than the day before the meeting. An excused absence shall be noted for members who notify the Secretary in advance.
- B. When member notifications or a phone poll reveals enough absences to prevent a quorum, the meeting shall be cancelled. The Secretary shall inform the Committee by phone as soon as possible; the public shall be informed as well if possible. The Secretary shall re-schedule the meeting.
- C. Unexcused absences shall be recorded by the Secretary and reported to the Board for every meeting on the Attendance and Voting Record.

Section 3. ORDER OF BUSINESS

- A. Regular meetings are conducted as follows:
1. Director's report
 2. Call to order
 3. Roll call
 4. Minutes: minutes from previous meeting are discussed, modified and approved.
 5. Chair report and/or Committee member comments regarding items not on the agenda
 6. Public comment; discussion of items not on the agenda.
 7. Old business: items continued from previous meetings.
 8. New business
 9. Subcommittee report
 10. Committee business
 11. Adjournment
- B. The order of presentation for action items is as follows:
1. District Staff overview
 2. Subcommittee report
 3. Staff recommendation

4. Committee questions
5. Public comments and presentations
6. Committee discussion and deliberation
7. Action on the issue

Section 4. RECORDING MEETINGS

The Secretary shall make an audio recording of each meeting to ensure the accuracy of the minutes. Recordings shall be maintained on file for two years. Recordings shall be available for review by the public and copies shall be available for the cost of reproduction.

Article 5

SUBCOMMITTEES

Section 1. APPOINTING SUBCOMMITTEES

Subcommittees are created by the Committee as needed to provide additional information on an issue.

- A. Subcommittee members shall be appointed by the Chair, along with a temporary subcommittee Chair. The Chair is an ex-officio member of each subcommittee.
 1. At the first subcommittee meeting, members may affirm or change the subcommittee Chair.
 - a. The subcommittee Chair shall schedule Subcommittee meetings, take minutes, provide a subcommittee report to the Committee, and work with the Secretary to make the necessary notifications.
 2. Subcommittee attendance must not exceed a Committee quorum unless approved in advance by the Chair.
- B. Subcommittees may obtain outside expert advice and take additional information as needed to develop a report on their subject. However, subcommittees shall not incur expenses to be paid without prior approval from the Secretary.
- C. Dissenting or multiple subcommittee reports or recommendations are permissible if differing or competing solutions exist.
- D. When presenting subcommittee reports, the Subcommittee Chair or a delegate shall inform the Chair of the report at the start of the committee meeting, along with the subject of the report and the associated agenda item.
- E. Written subcommittee reports may be either distributed to members as part of a meeting packet or mailed, faxed or electronic mailed directly to members before the meeting.

Article 6

BYLAWS

Section 1. AMENDING THE BYLAWS

- A. Temporary amendment: The bylaws may be changed or amended at any regular meeting by two-thirds vote; the change is active for that meeting only.
- B. Permanent amendment: The bylaws may be permanently changed or amended upon the approval of the Board. The Committee may vote to recommend proposed changes or amendments to bylaws at any regular meeting of the Committee by a two-thirds vote. The proposed changes must be submitted in writing to each Committee member before the meeting, either in the meeting packet or in a presentation to the Committee at a previous meeting.

Section 2. AVAILABILITY OF THE BYLAWS

The Bylaws shall be maintained by the Secretary. Copies shall be available upon request.