City of Beverly Hills
Planning Division
455 N. Rexford Drive Beverly Hills, CA 90210
TEL. (310) 285-1141 FAX. (310) 858-5966

Architectural Commission Report

Meeting Date: June 15, 2016

Subject: **Architectural Commission Rules of Procedure**
Resolution of the Architectural Commission adopting updated Rules of Procedure

Recommendation: Adopt updated Rules of Procedure that reflect recent Commission Standardization Processes.

REPORT SUMMARY

All eleven City Commissions underwent a standardization process within the past year. This resolution reflects the changes as a result of the standardization process, and includes minor language changes for clarification purposes.

The Rules of Procedure can be amended over time. Where Rules are silent on a matter, the Commission would be guided by Roberts Rules of Order which provides common rules and procedures for deliberation and debate.

Report Reviewed by:

Mark Odell, Urban Designer

Attachment(s):
1. Proposed Resolution
2. Redlined Proposed Resolution

Report Author and Contact Information:
Mark Odell, Urban Designer
(310) 285-1116
modell@beverlyhills.org

Attachment 1

Proposed Resolution

RESOLUTION NO.

RESOLUTION OF THE ARCHITECTURAL COMMISSION OF THE CITY OF BEVERLY HILLS ESTABLISHING RULES OF PROCEDURE FOR THE ARCHITECTURAL COMMISSION

The Architectural Commission does hereby resolve, find, determine and declare as follows:

Section 1. GENERAL. The following rules of procedure shall govern all meetings of the Architectural Commission. These rules serve as the Rules of Conduct and Procedure referenced in the Beverly Hills Municipal Code (BHMC 2-2-107A.), as well as the Rules and Regulations referenced in BHMC 10-3-3004.

Section 2. MEETINGS. The Commission shall hold regular meetings at City Hall, 455 North Rexford Drive, Beverly Hills, California, on the third Wednesday of each month at 1:30 p.m., and on such other days, and at such other times and places, as may be designated in an order for a special or adjourned formal meeting. A special meeting may be ordered by the Chairperson or by a majority of members of the Architectural Commission.

Section 3. AGENDA. All reports, resolutions, or other matters to be submitted to the Commission at a scheduled meeting shall be delivered to the Secretary of the Architectural Commission in the manner determined by the Secretary. The Secretary, in consultation with the Chairperson of the Commission, shall prepare the agenda of all such matters and deliver or mail to each Commissioner a complete copy of such agenda not later than 5:00 p.m. on the Friday preceding the meeting. The agenda and all staff reports shall be available

to the public in the office of the Secretary and/or in the Beverly Hills Public Library beginning 72 hours prior to the time of the meeting; however, this requirement shall not preclude distribution of additional information in advance of the meeting. Items may be placed on the agenda by the Secretary, the Chairperson, or an affirmative vote of the Commission.

Section 4. RECORD OF HEARING. Any person may request a record of the hearing on any contested matter by notifying the Secretary forty-eight (48) hours in advance of the meeting. The person requesting such record shall pay the cost thereof, and shall be entitled to a copy thereof. At the time of the written request for a record, a deposit of Three Hundred Dollars ($300) shall be made with the Secretary, and this amount shall be applied toward the cost of obtaining the record. When the total cost of preparation of the record has been ascertained, the person requesting the record shall pay the amount of the cost thereof within forty-eight hours after notification by the Secretary; provided further, that if the cost of the record is less than Three Hundred Dollars ($300), any amount in excess of the actual cost shall be refunded to the person making such request. The records provided for in this section shall be furnished by a certified court reporter designated by the Secretary. Although the recordings of Commission meetings are generally available on the City's website, any person may request an audio recording of the meeting. The person requesting such recording shall pay the cost thereof and shall be entitled to a copy thereof.

Section 5. CONSIDERATION AND DISPOSITION OF BUSINESS. All meetings of the Commission shall be open to the public; provided, however, in conformity with the provisions of the California State law, the public may be excluded from closed sessions. The

business of the Commission shall be taken up for consideration and disposition at such public meetings and shall include but not be limited to the following:

1. Roll Call
2. Approval of the Agenda
3. Oral communications from the audience
4. Consent Calendar
5. Consideration of the minutes
6. Architectural Commission items:
    - A. Staff reports
    - B. Public hearings
    - C. Consideration of resolutions
    - D. Discussion items
    - E. Project previews
    - F. Unfinished business
7. Communication from Commissioners (Reports and General Information)
8. Communications from staff (Updates and General Information)
9. Adjournment

Section 6. DUTIES OF THE PRESIDING OFFICER. Except as otherwise provided by City Council direction, the Chairperson and Vice Chairperson shall serve for one year. A rotation progression of the Chair and Vice Chair positions shall be established based upon seniority of appointment to the Commission, with rotations effective at the first meeting of each fiscal year. The Chairperson, or in the Chairperson's absence, the Vice Chairperson, shall be the presiding officer. The Chairperson shall preserve strict order and decorum at all meetings of the Commission, state questions coming before the Commission, announce its decision on all

subjects, and decide all questions of order, subject, however, to an appeal to the Commission as a whole, in which event a majority vote shall govern and conclusively determine such question of order. The Chairperson shall vote on all questions, and on roll call the Chairperson's name shall be called last.

The Chairperson shall sign all resolutions that are adopted by the Commission at meetings at which the Chairperson is in attendance. The Vice Chairperson shall sign resolutions in the Chairperson's absence. In the absence of the Chairperson and the Vice Chairperson, the temporary Chairperson shall sign such resolutions as have been adopted during the formal meeting at which the temporary Chairperson presided.

Section 7. CALL TO ORDER -- PRESIDING OFFICER. The Chairperson, or in the Chairperson's absence, the Vice Chairperson, shall take the Chair at the hour appointed for the meeting, and shall call the Commission to order. In the absence of the Chairperson and the Vice Chairperson, the Secretary or his/her assistant shall call the Commission to order, whereupon a temporary Chairperson shall be elected by the Commissioners present. Upon the arrival of the Chairperson or the Vice Chairperson, the temporary Chairperson shall relinquish the chair at the conclusion of the business item then before the Commission.

Section 8. ROLL CALL. Before proceeding with the business of the Commission, the Secretary, or designee, shall call the roll of the Commissioners and the names of those present shall be entered in the minutes.

Section 9. QUORUM. A majority of the Commission shall constitute a quorum. A majority of such quorum is required to take action. Less than a quorum may adjourn

from time to time. When there is no quorum for a meeting, the Chairperson, Vice Chairperson, or any Commissioner shall adjourn such meeting, or if no Commissioner is present the Secretary or his/her assistant shall adjourn the meeting.

Section 10. PREPARATION OF MINUTES. The minutes of the Commission shall be kept by the Secretary and shall be recorded in a book kept for that purpose, with a record of each particular type of business transacted set off in paragraphs, with proper subheads; provided that the Secretary shall be required to make a record only of such business as was actually passed upon by a vote of the Commission, and shall not be required to record any remarks of Commissioners, or of any other person except at the special request of a commissioner.

Section 11. READING OF MINUTES. Unless the reading of the minutes of a meeting is requested by a Commissioner, such minutes may be approved without reading if the Secretary has previously furnished each Commissioner with a copy thereof.

Section 12. RULES OF DEBATE.

(a) Presiding Officer May Debate and Vote. The Chairperson may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all Commissioners, and shall not be deprived of any of the rights and privileges of a Commissioner by reason of acting as presiding officer.

(b) Getting the Floor--Improper References to be Avoided. Every Commissioner desiring to speak shall request permission from the Chair, and upon recognition

by the Chair, shall confine the remarks to the question under debate. Each Commissioner shall treat each speaker and Commissioner with respect, avoiding all disparaging or derogatory personal remarks, indecorous language, and comments likely to bring disrespect to the Commission.

(c) Interruptions. A Commissioner once recognized shall not be interrupted when speaking unless he or she is called to order, or as herein otherwise provided. If a Commissioner, while speaking, is called to order, the Commissioner shall cease speaking until the question of order is determined, and if in order, the Commissioner shall be permitted to proceed.

(d) Motion to Reconsider. A motion to reconsider any action taken by the Commission at a meeting may be made only at the meeting such action was taken. It may be made either immediately or at a recessed or adjourned meeting. Such motion must be made by one of the prevailing side, but may be seconded by any Commissioner and may be made at any time and have precedence over all other motions, or while a Commissioner has the floor. Such a motion shall be debatable.

(e) Rules of Order. Except as otherwise provided in this Chapter, "Robert's Rules of Order, Newly Revised" shall govern the conduct of the meetings of the Commission.

Section 13. ADDRESSING THE COMMISSION.

(a) Any person desiring to address the Commission during a meeting shall first secure the permission of the Chair to do so; provided, however, that any qualified and interested person shall have the right to address the Commission upon obtaining recognition by the Chair concerning any matter on the agenda.

Section 14. MANNER OF ADDRESSING COMMISSION--TIME LIMIT.

(a) The Commission or Secretary shall request that each person addressing the Commission provide the Secretary with his/her name legibly written or printed. All remarks shall be addressed to the Commission as a body and not to any member thereof. Each person addressing the Commission shall first be recognized by the Chair, shall speak into the microphone in front of the rail, shall provide his/her name and affiliation if appearing in a representative capacity, shall speak and address in an audible tone of voice for the record, and shall restrict comment to the time limits imposed by the Chair. No person other than a Commissioner and the person having the floor shall be permitted to enter into any discussion without the permission of the Chairperson.

(b) Whenever a group of persons wishes to address the Commission on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Commission, and in case additional matters are to be presented at the time by any other member of said group, to limit the number of persons so addressing the Commission, so as to avoid unnecessary repetition before the Commission.

(c) The presiding officer may establish a maximum time limit to limit the time within which each person may address the Commission.

Section 15. SILENCE CONSTITUTES VOTE WITH THE MAJORITY. Unless a Commissioner states that he or she is not voting, his or her silence shall be recorded as a vote with the majority.

Section 16. TIE VOTE. When the recorded vote of the Commission reflects a tie vote and the tie vote is the result of the absence of one or more Commissioners, the decision shall be continued to the next meeting.

Section 17. CHANGING VOTE. The vote of a Commissioner may be changed only if she or he makes a timely request to do so immediately following the announcement of the vote by the Secretary, or designee, and prior to the time that the next item in the order of business is taken up.

Section 18. DECORUM.

(a) By Commissioners. While the Commission is meeting, the Commissioners must preserve order and decorum, and no Commissioner shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Commission or disturb any Commissioner while speaking or refuse to obey the orders of the Commission or the Chairperson, except as otherwise herein provided.

(b) By Other Persons. Persons addressing the Commission should limit their comments to items that are within the jurisdiction of the Commission. Persons who interrupt the Commission's proceedings may, after warning from the Chairperson or Commission, be barred from further addressing the Commission at said meeting and shall be compelled to leave the meeting room, unless permission to continue or remain is granted by a majority vote of the Commission.

Section 19. ENFORCEMENT OF DECORUM. The Chief of Police shall be ex-officio Sergeant at Arms of the Commission. The Chief of Police, or designee, shall carry out

all orders and instructions given to the Chief by the Chairperson for the purpose of maintaining order and decorum at a meeting.

Section 20. PERSONS AUTHORIZED TO BE WITHIN RAIL. No person, except City officials, their representatives, and representatives of news-gathering agencies shall be permitted within the rail in front of the meeting chamber without the consent of the Chairperson.

Section 21. MEMBERS MAY REQUEST ENTRY OF PROTEST AGAINST COMMISSION ACTION IN MINUTES. Any Commissioner, at his or her request, shall have the right to have the reasons for his or her dissent from or protest against any action of the Commission entered in the minutes.

Section 22. VOTING. A roll call vote shall be taken upon any item before the Commission involving the adoption of a resolution and shall be entered in the minutes of the Commission showing those Commissioners voting aye, those voting no and those not voting or absent. All other matters may be voted upon by voice vote or by general consent, except that upon request of any Commissioner, a roll call vote shall be taken and recorded on any vote.

Whenever a roll call vote of the Commission is in order, the Secretary shall call the names of the Commissioners in order of reverse seniority, except that the name of the Chairperson shall be called last.

Section 23. DISQUALIFICATION FOR CONFLICT OF INTEREST. Any Commissioner who is disqualified from voting on a particular matter by reason of a conflict of

interest shall publicly state or have the Presiding Officer state the nature of such disqualification in an open meeting. A Commissioner who is disqualified by reason of a conflict of interest in any matter that is not on the consent calendar shall not remain in his or her seat during the debate and vote on such matter and shall step down from the dais and leave the meeting room. A Commissioner stating such disqualification shall not be counted as part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

Section 24. EX PARTE COMMUNICATIONS

(a) During the pendency of any quasi-judicial proceeding, no member of the Commission may engage in ex parte communications with applicants, appellants, or members of the public with respect to the matter which is the subject of the proceeding unless that member of the Commission places on the record the subject and substance of any written or oral ex-parte communication concerning the matter and the identity of the person, group, or entity with whom the communication took place.

(b) A member of the Commission may conduct site visits pertaining to a matter that is the subject of the proceeding. Any communications during the site visit with applicants, appellants, or members of the public with respect to the matter shall be disclosed in accordance with Section (a) of this Rule.

(c) Disclosures required by Section (a) and (b) of this Rule shall be made before public testimony on the matter has commenced so that persons will be given a reasonable opportunity to respond to the ex parte communication or site visit.

(d) All written communications on a matter before the Commission, including e-mails, should be sent to the Secretary of the Commission. Prior to the date of the hearing, the Secretary shall forward to all Commissioners all written communications that the Secretary

received no later than 12:00 noon on the Monday preceding the Commission meeting. Late written communications will be placed on the dais prior to the commencement of the item. However, the submittal of late written communications is highly discouraged. All written communications will be made part of the public record and will be available for public review prior to commencement of the hearing, unless received during the course of the hearing.

Section 25. REPRESENTING THE COMMISSION. If a member of the commission who corresponds with the news media makes a presentation at a business or community meeting, or testifies before a reviewing authority within the City or at an outside governmental agency, and identifies himself or herself as a member of the Commission, the commissioner must also state that he or she is not speaking on behalf of the commission in any official capacity and is not representing the views or opinions of the City or the Commission, unless that member is providing such testimony as an official representative of the City as authorized by the Commission or City Council.

Section 26. INTERPRETATION AND MODIFICATION OF THESE RULES. These rules shall be interpreted liberally in order to provide for the optimum in the free interchange of information and public debate without an unnecessary waste of time or duplication of effort. These rules may be amended by resolution of the Commission.

Section 27. The Secretary of the Architectural Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and the certification thereto to be entered in the Book of Resolutions of the Architectural Commission of this City, and shall publish this resolution pursuant to Government Code Section 65804.

Section 28. This resolution shall become effective and in full force and effect at 12:01 a.m. on the day next following its passage.

Adopted: June 15, 2015

Andrea Gardner Apatow
Chair of the Architectural Commission
of the City of Beverly Hills

Attest:

Mark Odell
Secretary of the Architectural Commission

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Mark Odell, Urban Designer
Community Development Department

Attachment 2

Redlined Proposed Resolution

RESOLUTION NO.

RESOLUTION OF THE ARCHITECTURAL COMMISSION OF THE CITY OF BEVERLY HILLS ESTABLISHING RULES OF PROCEDURE FOR THE ARCHITECTURAL COMMISSION

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Section 3. AGENDA. All reports, resolutions, or other matters to be submitted to the Commission at a scheduled meeting shall be delivered to the Secretary of the Architectural Commission in the manner determined by the Secretary. The Secretary, in consultation with the Chairperson of the Commission, shall prepare the agenda of all such matters and deliver or mail to each Commissioner a complete copy of such agenda not later than 5:00 p.m. on the Friday preceding the meeting. The agenda and all staff reports shall be available

to the public in the office of the Secretary and/or in the Beverly Hills Public Library beginning 72 hours prior to the time of the meeting; however, this requirement shall not preclude distribution of additional information in advance of the meeting. Items may be placed on the agenda by the Secretary, the Chairperson, or an affirmative vote of the Commission.

Section 4. RECORD OF HEARING. Any person may request a record of the hearing on any contested matter by notifying the Secretary forty-eight (48) hours in advance of the meeting. The person requesting such record shall pay the cost thereof, and shall be entitled to a copy thereof. At the time of the written request for a record, a deposit of Three Hundred Dollars ($300) shall be made with the Secretary, and this amount shall be applied toward the cost of obtaining the record. When the total cost of preparation of the record has been ascertained, the person requesting the record shall pay the amount of the cost thereof within forty-eight hours after notification by the Secretary; provided further, that if the cost of the record is less than Three Hundred Dollars ($300), any amount in excess of the actual cost shall be refunded to the person making such request. The records provided for in this section shall be furnished by a certified court reporter designated by the Secretary. Although the recordings of Commission meetings are generally available on the City's website, any person may request an audio recording of the meeting. The person requesting such recording shall pay the cost thereof and shall be entitled to a copy thereof.

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business of the Commission shall be taken up for consideration and disposition at such public meetings and shall include but not be limited to the following:

1. Roll Call
2. Approval of the Agenda
3. Oral communications from the audience
4. ~~Consideration of the minutes~~ Consent Calendar
5. ~~Consent Calendar (which may include any of the following items)~~ Consideration of the minutes
6. Architectural Commission items:
   - A. Staff reports
   - B. Public hearings
   - C. Consideration of resolutions
   - D. Discussion items
   - E. Project previews
   - F. Unfinished business
7. Communication from Commissioners (Reports and General Information)
8. Communications from staff (Updates and General Information)
9. Adjournment

Section 6. DUTIES OF THE PRESIDING OFFICER. Except as otherwise provided by City Council direction, the Chairperson and Vice Chairperson shall serve for one year. A rotation progression of the Chair and Vice Chair positions shall be established based upon seniority of appointment to the Commission, with rotations effective at the first meeting of each fiscal year.~~be elected at the end of the last meeting in June each year, and shall serve for a period of one (1) year or until a successor is elected.~~ The Chairperson, or in the Chairperson's

absence, the Vice Chairperson, shall be the presiding officer~~ and shall assume the Chairperson's place and duties as such immediately following his/her election~~. The Chairperson shall preserve strict order and decorum at all meetings of the Commission, state questions coming before the Commission, announce its decision on all subjects, and decide all questions of order, subject, however, to an appeal to the Commission as a whole, in which event a majority vote shall govern and conclusively determine such question of order. The Chairperson shall vote on all questions, and on roll call the Chairperson's name shall be called last.

The Chairperson shall sign all resolutions that are adopted by the Commission at meetings at which the Chairperson is in attendance. The Vice Chairperson shall sign resolutions in the Chairperson's absence. In the absence of the Chairperson and the Vice Chairperson, the temporary Chairperson shall sign such resolutions as have been adopted during the formal meeting at which the temporary Chairperson presided.

Section 7. CALL TO ORDER -- PRESIDING OFFICER. The Chairperson, or in the Chairperson's absence, the Vice Chairperson, shall take the Chair at the hour appointed for the meeting, and shall call the Commission to order. In the absence of the Chairperson and the Vice Chairperson, the Secretary or his/her assistant shall call the Commission to order, whereupon a temporary Chairperson shall be elected by the Commissioners present. Upon the arrival of the Chairperson or the Vice Chairperson, the temporary Chairperson shall relinquish the chair at the conclusion of the business item then before the Commission.

Section 8. ROLL CALL. Before proceeding with the business of the Commission, the Secretary, or designee, shall call the roll of the Commissioners and the names of those present shall be entered in the minutes.

Section 9. QUORUM. A majority of the Commission shall constitute a quorum. A majority of such quorum is required to take action. Less than a quorum may adjourn from time to time. When there is no quorum for a meeting, the Chairperson, Vice Chairperson, or any Commissioner shall adjourn such meeting, or if no Commissioner is present the Secretary or his/her assistant shall adjourn the meeting.

Section 10. PREPARATION OF MINUTES. The minutes of the Commission shall be kept by the Secretary and shall be recorded in a book kept for that purpose, with a record of each particular type of business transacted set off in paragraphs, with proper subheads; provided that the Secretary shall be required to make a record only of such business as was actually passed upon by a vote of the Commission, and shall not be required to record any remarks of Commissioners, or of any other person except at the special request of a commissioner~~; provided further that a record shall be made of the names and addresses, if stated, of persons addressing the Commission, the title of the subject matter to which their remarks related, and whether they spoke in support of or in opposition to such matter~~.

~~As soon as possible after each meeting the Secretary shall cause a copy of the minutes thereof to be forwarded to each Commissioner.~~

Section 11. READING OF MINUTES. Unless the reading of the minutes of a meeting is requested by a Commissioner, such minutes may be approved without reading if the Secretary has previously furnished each Commissioner with a copy thereof.

Section 12. RULES OF DEBATE.

(a) Presiding Officer May Debate and Vote. The Chairperson may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all Commissioners, and shall not be deprived of any of the rights and privileges of a Commissioner by reason of acting as presiding officer.

(b) Getting the Floor--Improper References to be Avoided. Every Commissioner desiring to speak shall request permission from the Chair, and upon recognition by the Chair, shall confine the remarks to the question under debate. Each Commissioner shall treat each speaker and Commissioner with respect, avoiding all disparaging or derogatory personal remarks, indecorous language, and comments likely to bring disrespect to the Commission.

(c) Interruptions. A Commissioner once recognized shall not be interrupted when speaking unless he or she is called to order, or as herein otherwise provided. If a Commissioner, while speaking, is called to order, the Commissioner shall cease speaking until the question of order is determined, and if in order, the Commissioner shall be permitted to proceed.

(d) Motion to Reconsider. A motion to reconsider any action taken by the Commission at a meeting may be made only at the meeting such action was taken. It may be made either immediately or at a recessed or adjourned meeting. Such motion must be made by one of the prevailing side, but may be seconded by any Commissioner and may be made at any time and have precedence over all other motions, or while a Commissioner has the floor. Such a motion shall be debatable.

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(a) The Commission or Secretary shall request that each person addressing the Commission provide the Secretary with his/her name legibly written or printed. All remarks shall be addressed to the Commission as a body and not to any member thereof. Each person addressing the Commission shall first be recognized by the Chair, shall speak into the microphone in front of the rail, shall provide his/her name and affiliation if appearing in a representative capacity, shall speak and address in an audible tone of voice for the record, and shall restrict comment to the time limits imposed by the Chair. No person other than a Commissioner and the person having the floor shall be permitted to enter into any discussion without the permission of the Chairperson.

(b) Whenever a group of persons wishes to address the Commission on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Commission, and in case additional matters are to be presented at the time by any other member of said group, to limit the number of persons so addressing the Commission, so as to avoid unnecessary repetition before the Commission.

(c) The presiding officer may establish a maximum time limit to limit the time within which each person may address the Commission.

Section 15. SILENCE CONSTITUTES VOTE WITH THE MAJORITY. Unless a Commissioner states that he or she is not voting, his or her silence shall be recorded as a vote with the majority.

Section 16. TIE VOTE. When the recorded vote of the Commission reflects a tie vote and the tie vote is the result of the absence of one or more Commissioners, the decision shall be continued to the next meeting.

Section 17. CHANGING VOTE. The vote of a Commissioner may be changed only if she or he makes a timely request to do so immediately following the announcement of the vote by the Secretary, or designee, and prior to the time that the next item in the order of business is taken up.

Section 18. DECORUM.

(a) By Commissioners. While the Commission is meeting, the Commissioners must preserve order and decorum, and no Commissioner shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Commission or disturb any Commissioner while speaking or refuse to obey the orders of the Commission or the Chairperson, except as otherwise herein provided.

(b) By Other Persons. Persons addressing the Commission should limit their comments to items that are within the jurisdiction of the Commission. Persons who interrupt the Commission's proceedings may, after warning from the Chairperson or Commission, be barred from further addressing the Commission at said meeting and shall be compelled to leave the

meeting room, unless permission to continue or remain is granted by a majority vote of the Commission.

Section 19. ENFORCEMENT OF DECORUM. The Chief of Police shall be ex-officio Sergeant at Arms of the Commission. The Chief of Police, or designee, shall carry out all orders and instructions given to the Chief by the Chairperson for the purpose of maintaining order and decorum at a meeting.

Section 20. PERSONS AUTHORIZED TO BE WITHIN RAIL. No person, except City officials, their representatives, and representatives of news-gathering agencies shall be permitted within the rail in front of the meeting chamber without the consent of the Chairperson.

Section 21. MEMBERS MAY REQUEST ENTRY OF PROTEST AGAINST COMMISSION ACTION IN MINUTES. Any Commissioner, at his or her request, shall have the right to have the reasons for his or her dissent from or protest against any action of the Commission entered in the minutes.

Section 22. VOTING. A roll call vote shall be taken upon any item before the Commission involving the adoption of a resolution and shall be entered in the minutes of the Commission showing those Commissioners voting aye, those voting no and those not voting or absent. All other matters may be voted upon by voice vote or by general consent, except that upon request of any Commissioner, a roll call vote shall be taken and recorded on any vote.

Whenever a roll call vote of the Commission is in order, the Secretary shall call the names of the Commissioners in order of reverse seniority, except that the name of the Chairperson shall be called last.

Section 23. DISQUALIFICATION FOR CONFLICT OF INTEREST. Any Commissioner who is disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the Presiding Officer state the nature of such disqualification in an open meeting. A Commissioner who is disqualified by reason of a conflict of interest in any matter that is not on the consent calendar shall not remain in his or her seat during the debate and vote on such matter and shall step down from the dais and leave the meeting room. A Commissioner stating such disqualification shall not be counted as part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

Section 24. EX PARTE COMMUNICATIONS

(a) During the pendency of any quasi-judicial proceeding, no member of the Commission may engage in ex parte communications with applicants, appellants, or members of the public with respect to the matter which is the subject of the proceeding unless that member of the Commission places on the record the subject and substance of any written or oral ex-parte communication concerning the matter and the identity of the person, group, or entity with whom the communication took place.

(b) A member of the Commission may conduct site visits pertaining to a matter that is the subject of the proceeding. Any communications during the site visit with applicants, appellants, or members of the public with respect to the matter shall be disclosed in accordance with Section (a) of this Rule.

(c) Disclosures required by Section (a) and (b) of this Rule shall be made before public testimony on the matter has commenced so that persons will be given a reasonable opportunity to respond to the ex parte communication or site visit.

(d) All written communications on a matter before the Commission, including e-mails, should be sent to the Secretary of the Commission. Prior to the date of the hearing, the Secretary shall forward to all Commissioners all written communications that the Secretary received no later than 12:00 noon on the Monday preceding the Commission meeting. Late written communications will be placed on the dais prior to the commencement of the item. However, the submittal of late written communications is highly discouraged. All written communications will be made part of the public record and will be available for public review prior to commencement of the hearing, unless received during the course of the hearing.

Section 25. REPRESENTING THE COMMISSION. If a member of the commission who corresponds with the news media makes a presentation at a business or community meeting, or testifies before a reviewing authority within the City or at an outside governmental agency, and identifies himself or herself as a member of the Commission, the commissioner must also state that he or she is not speaking on behalf of the commission in any official capacity and is not representing the views or opinions of the City or the Commission, unless that member is providing such testimony as an official representative of the City as authorized by the Commission or City Council.

Section 26. INTERPRETATION AND MODIFICATION OF THESE RULES. These rules shall be interpreted liberally in order to provide for the optimum in the free

interchange of information and public debate without an unnecessary waste of time or duplication of effort. These rules may be amended by resolution of the Commission.

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Section 28. This resolution shall become effective and in full force and effect at 12:01 a.m. on the day next following its passage.

Adopted: June 15, 2015

Andrea Gardner Apatow
Chair of the Architectural Commission
of the City of Beverly Hills

Attest:

Mark Odell
Secretary of the Architectural Commission

Approved as to form:

David M. Snow
Assistant City Attorney

Approved as to content:

Mark Odell, Urban Designer
Community Development Department