

**BYLAWS AND RULES OF PROCEDURE OF THE  
CITY OF OAKLAND LANDMARKS PRESERVATION ADVISORY BOARD  
(Draft for Landmarks Preservation Advisory Board Consideration)**

This document shall serve as the bylaws and rules of procedure (“Bylaws”) for the City of Oakland Landmarks Preservation Advisory Board.

Definition of Terms

The following terms, whenever used or referred to herein, shall have the following meanings, unless a different meaning is clearly made apparent by the context:

***Agenda*** shall mean the agenda for the Landmarks Preservation Advisory Board meeting.

***Meeting*** shall mean any gathering of a quorum of members of the Landmarks Preservation Advisory Board to hear or discuss any items of business or potential business of the Landmarks Preservation Advisory Board.

***Regular Meeting*** shall mean a meeting of the Landmarks Preservation Advisory Board occurring on a recurring basis and at regular, established time pursuant to the Landmarks Preservation Advisory Board’s published calendar for which all required public notice requirements for a regular meeting have been met.

***Special Meeting*** shall mean a meeting of the Landmarks Preservation Advisory Board occurring on a date and time other than the regular, established time for that meeting as provided by the Landmarks Preservation Advisory Board’s published calendar.

***Chair*** shall mean the chairperson of the Landmarks Preservation Advisory Board.

***Vice Chair*** shall mean the vice chairperson of the Landmarks Preservation Advisory Board.

***Charter*** shall mean the Charter of the City of Oakland.

***Board Member*** shall mean a voting member of the Landmarks Preservation Advisory Board, as appointed by the Mayor, confirmed by the City Council, and duly sworn in by the City Clerk.

***Secretary*** shall mean that member of Planning Bureau staff designated by the Director of Planning to serve as the secretary of the Landmarks Preservation Advisory Board. As the term is used herein, the Secretary may be assisted in performing the duties and roles of the Secretary through the assistance of additional support staff as delegated by the Secretary.

***Planning Code*** shall mean Title 17 of the Oakland Municipal Code.

***Quorum*** shall mean the precise number the Board Members required to be present to undertake business as the Landmarks Preservation Advisory Board.

***Sunshine Ordinance*** shall mean Oakland Municipal Code Chapter 2.20.

***Brown Act*** shall mean the State of California’s open meeting laws (Government Code section 54950 et seq.)

***Informational Report*** shall mean an agenda item that does not require or permit Landmarks Preservation Advisory Board action or recommendation and is provided for informational purposes only.

## ARTICLE 1. ESTABLISHMENT AND GOVERNING LAW

On October 4, 1973, the Oakland City Council adopted Ordinance No. 8883 C.M.S. to create the Landmarks Preservation Advisory Board, providing for the appointment and removal of its members and prescribing the powers and duties thereof.

Chapter 17.05 of the Planning Code further articulates requirements for the membership, terms, and organization of the Landmarks Preservation Advisory Board, while Chapter 17.03 and the Planning Code as a whole includes various provisions articulating the requirements for Landmarks Preservation Advisory Board consideration of certain applications.

## ARTICLE 2. DUTIES OF THE BOARD

The Board shall advise and assist the City Planning Commission and the Director of City Planning, as well as other public agencies, civic groups, and the general public with the duties and responsibilities as provided under Chapter 17.03.020 of the Planning Code.

The Board shall assist with review of development proposals as provided under Chapter 17 of the Planning Code.

The Board may initiate action to rezone any property to or from the S-7 or S-20 Preservation Combining Zone or to establish, amend, or delete any designated landmark or landmark site as provided under Chapter 17.144.030 of the Planning Code.

The Board shall review and provide recommendations on other applications or proposals that are not initiated by the Board to rezone property to or from the S-7 or S-20 Preservation Combining Zone or to establish, amend, or delete a designated landmark or landmark site as provided under Chapter 17.144.050 of the Planning Code.

The Board shall also provide recommendations on S-7 or S-20 Preservation Combining Zone properties, designated landmarks, landmark sites, and other development proposals reviewed under Chapter 17 of the Planning Code, which shall be included in staff reports by the City Administrator and City Council.

## ARTICLE 3. MEETINGS OF THE BOARD

The regular meetings of the Board will be set by calendar, generally to be held in City Hall on the first Monday of each month, and will begin at 6:00 p.m. If the first Monday of the month falls on a City holiday, the meeting shall be held on the second Monday. If the second Monday of the month also falls on a City holiday, the meeting shall be held on the third Monday. Unless otherwise agendized, the City Hall of the City of Oakland will be the regular meeting place of the Landmarks Preservation Advisory Board. The agenda notice for each regular meeting, which will include the specific hour and room location of the meeting, must be published by the Secretary no less than 17 calendar days prior to the meeting.

All meetings of the Landmarks Preservation Advisory Board shall be open to the public and will be accessible to all persons in accordance with local, state and federal law. Landmarks Preservation Advisory Board meetings may be held in a hybrid format (i.e., the meeting provides a teleconference option for public participation) in a manner that remains in compliance with the Brown Act, as amended

from time to time including by AB 2449 (2022), which provides under limited circumstances for Board Members to participate in meetings via teleconference.

With the exception of Open Forum, a new item will not be called two hours and fifteen minutes after the start of the meeting, and the meeting will adjourn no later than two hours and thirty minutes after the start of the meeting, unless the meeting is extended upon a motion to extend approved by the majority of Board Members in attendance.

Any regular meeting may be recessed to a designated hour and place and when so recessed shall be considered as a continuation of the regular meeting. If the recess is to exceed one hour, the Landmarks Preservation Advisory Board Secretary shall place notice of the recess at the main entry to the hearing room scheduled to hold the meeting.

Special meetings of the Board may be called by the Director of Planning and Building or their designee, with the consent of the Chair. Members shall be given at least two (2) business days advance notice (excluding Saturdays, Sundays, and holidays) of such meetings if the meeting is proposed to be located within the same building (City Hall) as a regular meeting. Publication of a copy of the agenda shall also occur at least two (2) business days in advance of such meeting. Special meetings proposed for any other location must be noticed 17 calendar days in advance.

#### ARTICLE 4. OFFICERS OF THE BOARD

Election of officers of the Board shall be held at the regular meeting in June of each year, and terms of office shall begin on July 1, or as close to these dates as is practical. The officers of the Board shall serve in that officer position for one-year terms and their duties shall be as follows:

##### Chair:

1. The Chair shall preside over all meetings of the Board and shall have the right to vote on all motions. The Chair shall see that the laws of the City pertaining to the activities of the Board and the rulings of the Board are faithfully executed.
2. The Chair shall have the sole authority to call for a recess not to exceed thirty minutes. Recesses exceeding thirty minutes shall be upon motion, with a second, and majority vote.
3. The Chair shall sign all documents on behalf of the Board after the same have been approved by the Board and shall perform such other duties as may be directed by the Board.

##### Vice-Chair:

In the absence of the Chair, the Vice-Chair shall perform all the duties of the Chair with the same force and effect as if performed by the Chair.

##### Chair Pro-Tem:

If both the Chair and the Vice-Chair are absent, the Board shall select a Chair Pro-Tem, who shall perform all the duties of the Chair for the meeting at hand. No business shall occur until a Chair Pro-Tem is selected through motion, second, and vote of the Board Members. If a motion to select a Chair Pro-Tem fails twice, or if no further motions are made, the meeting shall immediately be adjourned.

### Removal of a Chair

Removal of a Chair shall be made by a motion, with a second, and an affirmative majority vote of the members.

### Officer Vacancies

If the office of the Chair becomes vacant for any reason, the Vice-Chair shall become Chair. If the office of the Vice-Chair becomes vacant for any reason, the Landmarks Preservation Advisory Board shall vote at the next regular meeting to elect a successor from among the Board Members, and such office shall be for the unexpired term of said office.

## ARTICLE 5. DUTIES OF STAFF MEMBERS

1. Director of Planning and Building: The Director or their designee, at the direction of the Landmarks Preservation Advisory Board and in conformity with its policies, shall conduct studies of and make recommendations with respect to any matter that is before the Board affecting the orderly growth and development of the City and shall prepare plans, specifications, and estimates for carrying out Bureau of Planning initiatives. The Director shall keep the Landmarks Preservation Advisory Board fully informed as to matters of budget, personnel, and administration of the Planning and Building Department if and when such matters may affect Landmarks Preservation Advisory Board business or policy.
2. Landmarks Preservation Advisory Board Secretary: The Landmarks Preservation Advisory Board Secretary shall attend regular and special meetings of the Board. The Secretary, in coordination with Planning Bureau staff, shall be responsible for the preparation and publication of the agenda, the preparation and distribution of the agenda packet, attending the meetings, preparing the Board calendar, keeping the records and papers of the Board and providing guidance to the Board Members through the Chair and assisting the Chair in the smooth running of the meeting. The Secretary may be assisted in their duties by a Planning and Building Department Public Service Representative. The Secretary shall have custody of all reports, books, papers, and records of the Board.
3. Secretary Pro-Tem: In the absence of the Secretary, the Director of City Planning or their designee may appoint a Secretary Pro-Tem.
4. Other Employees: All other employees assigned to the Board shall be responsible solely to the Director of Planning and Building or designee and shall take instructions only from said Director or designee.

## ARTICLE 6. LANDMARKS PRESERVATION ADVISORY BOARD AGENDA

The following is established as the order of business for Landmarks Preservation Advisory Board meetings:

1. Meeting Call to Order
2. Welcome by the Chair
3. Roll Call
4. Board Business
  - a. Agenda Discussion
  - b. Informational Reports

- c. Board Matters
- 5. Open Forum
- 6. Consent Calendar
- 7. Public Hearings
- 8. Board Business
  - a. Approval of Minutes
- 9. Adjournment

For each consent calendar and public hearings item, the agenda shall list the following:

- 1. A summary description of the item pursuant to the Brown Act and the Sunshine Ordinance.
- 2. A proposed environmental determination.
- 3. A staff recommendation on action to be taken by the Landmarks Preservation Advisory Board.

#### ARTICLE 7. MEETING CONDUCT

- 1. Rosenberg's Rules of Order: The business of the Landmarks Preservation Advisory Board shall be conducted, so far as it is practical, in accordance with parliamentary rules as contained in Rosenberg's Rules of Order, except as modified by these Bylaws and in accordance with the Brown Act and Sunshine Ordinance.
- 2. Seating and Voting Order: Board Members shall occupy seats assigned by the Secretary but with the Chair or other presiding officer located centrally. Board Members shall vote in alphabetical order, with the exception of the Chair or other presiding officer who shall vote last.
- 3. Quorum: A quorum of the Landmarks Preservation Advisory Board is four (4) or more members, regardless of seated positions. A quorum shall be noted prior to the conduct of any official business at the meeting. In the event that quorum is not established within twenty minutes of the noticed start time of the meeting, the Secretary in their discretion shall cancel the meeting without any official action being taken at the meeting without a quorum.
- 4. Cancellation by the Secretary: Upon determination by the Secretary based on communication ahead of the meeting with Board Members that quorum will not be available, the Secretary is authorized to notify Board Members that the meeting will be cancelled. Notice of cancellation shall be posted on the Landmarks Preservation Advisory Board website and, if canceled within 24 hours or one (1) business day ahead of the scheduled meeting, a poster shall also be placed by staff on the door of the physical location of the meeting.
- 5. Actions By Board Members Less Than Quorum: In the absence of a quorum, no information may be presented, and no discussion of Agenda items or any official action may be taken by the Board.
- 6. Motions: If any Board Member makes a motion, such motion shall not be debated, or voted upon, until all friendly amendments have been considered and accepted by the original Board Member making a motion or until after a second to such motion is made by a Board Member.
- 7. Board Member Comments: The Chair shall recognize a Board Member before the Board Member addresses the body. No Board Member shall speak for more than ten (10) minutes on any matter without the consent of the Chair or a majority of the Board Members in attendance.

8. Approval of Minutes: During Approval of Minutes, the Landmarks Preservation Advisory Board shall approve the minutes of preceding Board meetings, after corrections to any errors that may have occurred. All Board Members in attendance may vote to approve the minutes, regardless of their attendance at the meeting to which the minutes correspond, so long as they have reviewed the minutes under consideration.
9. Suspension of Bylaws: After conferring by the Chair with the Secretary these Bylaws may be suspended temporarily at any time by the unanimous vote of all members present.

## ARTICLE 8. BOARD ACTIONS

All business of the Board shall be transacted by motion, with actions on applications being to advise approval of the application, approval subject to conditions, or denial.

Motions and actions shall require the affirmative vote of a majority of those Board Members present and voting so long as there is a quorum present. Procedures for resolving tie votes shall be as directed by Planning Code Section 17.130.040 (Administrative Procedures Generally). Recommendations to the Planning Commission based on tie votes shall be so qualified.

All voting by Board Members shall be by roll call vote and the vote or abstention on that action of each Board Member present for the action shall be entered by the Secretary in the public record of the Board proceedings.

## ARTICLE 9. PROCEDURES FOR CONDUCT OF THE MEETING

### AGENDA DISCUSSION

During the Agenda Discussion item, any change to the order of the agenda shall be considered by the Landmarks Preservation Advisory Board at the request of any Board Member. Such requests are subject to the discretion of and require the consent of the Chair. Also during the Agenda Discussion item, any Board Member is entitled to pull a consent item from the Consent Calendar and place the item at the beginning of the Public Hearings item if another Board Member seconds the motion; it is not necessary that the Board vote on or pass the motion, and it is not necessary that the Chair consent.

During the Agenda Discussion item, the Chair shall also establish the time limits for public speakers, as further discussed below in Article 10.

Each Agenda Item will be called at the discretion of the Chair and not necessarily in the order listed on the agenda. Should the Chair wish to move an item or items to another portion of the agenda, this should be raised during "Agenda Discussion."

### OPEN FORUM

During Open Forum, members of the public may speak on any item of interest that is not on the agenda and is within the Board's jurisdiction. See Article 10 below for rules regarding speaking on items.

## CONSENT CALENDAR

The Board will take a single roll call vote on all of the items listed on the Consent Calendar. Unless otherwise specified, the motion for consideration will by default be approval of the staff report and recommendation in each case. Before voting on the Consent Calendar, the Board will allow members of the public to speak on any item on the Consent Calendar. See Article 10 below for rules regarding speaking on items.

## PUBLIC HEARINGS

Each public hearing item will begin with a vote to open the public hearing, followed by staff presentation and an opportunity for questions to staff by the Board. Following that, the Chair will ask for the applicant to give a presentation followed by any public speakers who have filled out speaker cards for that particular item. The applicant will generally be allowed a maximum of fifteen (15) minutes to make their presentation, at the discretion of the Chair.

After all speakers are called, the Chair will close the public testimony portion of the hearing, no new evidence may be submitted and no speakers may return to the microphone unless recognized by the Chair after being specifically requested to respond to a question by a member of the Board. The Board will deliberate on the item, ask questions and then the Chair shall call for a motion on the item. A motion is considered valid only if there is a seconding. If after a reasonable time without any discussion on the motion and no second having been made, the motion shall be declared dead for lack of a second and the Chair shall state this. Motion makers can be asked by the rest of the Board to entertain friendly amendments and can choose to accept or not accept such amendments as they wish. Any amendments made to an existing motion must be restated by the Chair and seconded by another Board Member before being voted on.

## ARTICLE 10. SPEAKING ON ITEMS

1. Speaking Time Limits: Speaking time shall be consistently and uniformly applied consistent with the requirements of the Brown Act. Each of the public speakers will be limited to one card per item granting them two (2) minutes, unless an alternative length of time is determined by the Chair during the Agenda Discussion portion of the agenda, but no more than three (3) minutes per card or less than one (1) minute per card.
2. Speaker Cards and Queues: Persons wishing to address the Board on any item on the agenda, including Open Forum, must fill out a speaker card for each item they wish to speak on and give it to the Secretary. The Secretary must have all cards for those who wish to speak on an item prior to the item being called. Cards received after testimony has begun will be deemed late and not called unless the Chair, at their discretion, allows for late cards to be accepted. Physical speaker cards shall not be required for members of the public participating remotely at a hybrid teleconference meeting. Instead, the Secretary may utilize a method of assembling a list of speakers that is aligned with staffing and technological capabilities while also ensuring that members of the public participating remotely have equal rights to speaking as those participating in person. Such methods may include the following: when an item is called, the Secretary announces that those members of the public participating remotely who wish to speak shall raise their virtual hands. The Secretary assembles a list of raised hands and thereupon provides a warning announcement that no additional speakers will be recognized unless they have timely raised their hand. No less than fifteen seconds after the warning, the Secretary notes that opportunity to raise hands has been closed and states the number of online speakers who will be recognized.

3. Speaker Order: City staff will call all speakers who have filled out a speaker card or in the case of members of the public participating remotely have followed the instruction to speak virtually in accordance with the paragraph above. The City will not be responsible for calling groups of speakers together, for calling speakers in a particular sequence or for ensuring that a speaker's desired position (first speaker or last speaker) is accommodated. The Secretary shall alternate between calling in-person speakers and remotely participating speakers, up to five at a time, until one group of speakers has been exhausted, at which point the remaining speakers will be called. As in-person speakers are called, they should line up in any order behind the podium and address the Board one at a time.
4. Ceding Time: Ceding time is at the discretion of the Chair, to be determined no later than during the Agenda Discussion portion of the meeting. If allowed by the Chair, speakers can cede their time by designating the person they wish to yield their time to. Those ceding their time must identify a specific individual they are granting time to on the speaker card in the designated space, not an organization or group. The decision to cede time must be made prior to the item being called. Speakers with time ceded will gain an additional minute of time and, unless modified by the Chair prior to the item being called, is allowed a maximum of three cedes. The person ceding time cannot speak but must remain present until at least after the person to which they ceded time has finished speaking. If the speaker ceding their time leaves prior to the person receiving their time is able to speak, the person receiving time shall lose the time ceded. Remotely participating speakers ceding time shall be subject to these requirements to the extent feasible and applicable.
5. Addressing the Board: Speakers shall not use profanity or hate speech of any kind. Board Members and members of the public should address their questions or remarks to the Chair. Other members and City staff will respond to questions only when requested to do so by the Chair.
6. Removal of a Disruptive Person: The Chair may call for the removal of any person who commits the following acts after being warned of the following unacceptable actions:
  - a. Disorderly conduct that disrupts the due and orderly course of the meeting such as making noise, speaking out of turn, or otherwise refusing to comply with these Bylaws;
  - b. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of the meeting; or
  - c. Disobedience of any lawful order of the Chair, which shall include, but not be limited to, an order to be seated.
7. Translation: Speakers who need translation at the podium will have their time doubled, including any time ceded to that speaker.
8. Speaker Written Materials: Commenters who wish to submit written material at the hearing should bring a minimum of fifteen (15) copies to the hearing and provide them to the Secretary for distribution.

#### ARTICLE 11. AMENDMENT OF BYLAWS

These Bylaws may be altered or amended at any regular meeting of the Board by a two-thirds vote of the members present at which a quorum exists; provided such proposed amendments are circulated in writing to all Landmarks Preservation Board Advisory Board Members at least seventeen (17) calendar days prior to such meeting. These Bylaws shall not be amended by the Board more frequently than twice per calendar year; however, Planning staff may introduce revisions to these Bylaws, with accompanying staff



report, on an as needed basis. Any modifications to these Bylaws must be consistent with Planning Code provisions, Planning Bureau operational capabilities, and all applicable laws; if any conflict arises between the above and these Bylaws, the above shall control.