

Policies, Procedures, and Format for Meetings of the Off-Highway Motor Vehicle Recreation Commission

Approved ~~October 14, 2011~~ Amended

This document is an update to policies, procedures and format for meetings originally approved on October 14, 2011. Changes were made to be consistent with recently enacted legislation, Senate Bill (SB) 249.

The Off-Highway Motor Vehicle Recreation (OHMVR) Commission (Commission) has the opportunity to play a positive and influential role in the implementation and improvement of the state's OHMVR Program (Program).

The Commission has well-defined responsibilities to review and comment on plans and expenditures for the Program, provide a triennial report on the status of the Program, approve general plans and amendments for State Vehicular Recreation Areas (SVRAs), and provide advisory recommendations for Program improvements and specific project needs to the OHMVR Division (Division) as it implements and administers the Program and system of off-highway vehicle (OHV) opportunities in the state. Within this framework of responsibilities, the Commission assumes an active role to promote and improve the Program to further the Program mission.

This document sets forth general policies and procedures that will guide the Commission in fulfilling its statutory duties and responsibilities. However, other than those provisions expressly provided for by law, the policies and procedures contained herein shall be liberally construed to efficiently and effectively carry out the Program mission. This document will also provide methods for the Commission to actively develop and promote recommendations for improvement of the Program in its entirety, including the provision of opportunities for OHV recreation and protection of cultural and natural resources. The Commission will work in collaboration with the Division and the Department of Parks and Recreation (Department) to develop and implement recommendations for improvement of the Program.

Public Resources Code (PRC) – Division 5, Chapter 1.25 Responsibilities of the OHMVR Commission

- Be fully informed regarding all governmental activities affecting the Program.
- Hold a public meeting at least four (4) times per year and establish an annual calendar to do so. The Commission will:
 - meet once prior to the beginning of each Grants and Cooperative Agreements Program cycle to collect public input on the Program, recommendations for Program improvements, and specific project needs for the system
 - hold a public hearing to receive public comment on any proposed substantial acquisition or development project, ~~and~~
 - meet to consider and approve General Plans for SVRAs, and

- hold two or more public meetings to discuss the contents of the triannual program report with one meeting held in northern California and one meeting in southern California.
- Review and comment annually on the proposed budget of expenditures from the OHV Trust Fund.
- Review and comment on ~~the Division's Strategic Plan~~ strategic plans periodically developed by the Division.
- Receive public comment on:
 - Program implementation,
 - proposed substantial acquisition or development projects, and
 - property owner or tenant complaints on OHV impacts to their property.
- Review plans for proposed new and expanded local and regional vehicle recreation areas that have applied for grant funds.
- Prepare and submit a program report to the Governor, ~~the Assembly Water, Parks, and Wildlife Committee, the Senate Committee on Natural Resources~~ appropriate policy and Water, and the Committee on Appropriations fiscal committees of each house of the Legislature on or before January 1, ~~2011~~ 2022, and every three ~~(3)~~ years thereafter. The report must address the status of the Program and OHV recreation, including:
 - ~~results~~ a summary of the ~~strategic planning~~ process,
 - standards, and plans developed pursuant to Section 5090.24, the condition of cultural and natural resources of areas receiving OHV funds, and resolution of conflicts in these areas,
 - the status and accomplishments of funds appropriated for restoration,
 - a summary of resource monitoring data compiled and restoration work completed,
 - actions taken by the Division and the Department since the last program report to discourage and decrease trespass of OHVs on private property, and
 - other relevant Program-related environmental issues that have arisen ~~since the last program report at SVRAs since the last program report,~~ including actions taken to ensure compliance with federal and state Endangered Species Acts, local air quality laws and regulations, federal Clean Water Act, and regional water board regulations, or permits.
- Cooperate with the Division to ensure information is available on the Division's internet website regarding OHV recreation opportunities, pertinent laws and regulations, and responsible use of the system.

Operational Policies and Procedures

The primary functions of the Commission are provided in the PRC, as discussed above, and in the Government Code and California Vehicle Code (CVC). These functions and responsibilities require the Commission to devote time and effort to the fulfillment of these statutory duties. Additionally, a guiding policy of the Commission in carrying out its duties is for the Commission to undertake an

active role and act proactively to promote and further the mission, goals, and objectives of the Program.

The following policies and procedures are to provide the general framework within which the Commission will ensure compliance with its statutory duties and enhance its proactive role in promoting and improving the Program.

1. Meetings: The Commission ~~will~~shall hold at least four (4)-meetings annually to conduct business and obtain public input on the Program.-
 - a. Public Attendance
 - i. To ensureengage broad public participation and input in the management of the Program, notice of the Commission's meetings shall be widely published. The following methods of notice will be implemented with the Division's assistance:
 1. Notice on Division's web site:
 - a. Annual calendar posted by January 31st.
 - b. Each meeting will be featured on the Division's website.
 - ~~2.—E-mail release to interested parties three (3) weeksno less than 10 days prior to each meeting.-~~
 - ~~3.2. News release to media and stakeholder publications three (3) weeks prior to each meeting and after the confirmation of the annual calendar when published in January~~
 - ii. Increased public participation will also be encouraged by conducting Commission meetings in various locations throughout the state. The venues should be at or near OHV opportunities such as SVRAs ~~and~~, Bureau of Land Management (BLM), U.S. Forest Service (USFS), and local agency locations.
 - iii. When meetings are held outside of Sacramento, the Commission Chair, with assistance from Division staff, will send invitations to local officials.
 - b. Commission Meeting Agenda: The Commission Chair shall set the meeting agenda with the consultation of the Division Deputy Director and after considering input from the other Commissioners.
 - i. The Commissioners shall make best efforts to provide suggested agenda items ~~to~~ at the Deputy Director no later than three (3) weeks prior to the scheduledprevious quarterly meeting.
 - ii. The Deputy Director shall prepare a draft agenda for discussion with, and consideration by, the Chair no later than ~~two (2)~~four (4) weeks prior to the scheduled Commission ~~meeting. At the discretion of the Chair, the draft agenda will be distributed to all Commissioners for review prior to the~~ meeting.
 - iii. ~~And~~ if the Chair has refused to bring an item forward after a Commissioner has made a request in writing, the Commissioner may request that an item be placed on the agenda by a motion from a Commissioner if that Commissioner has the support of the majority of. If the Commission approves the motion, the item shall be placed on the agenda of the next meeting.

- iv. The Commission meeting notice and agenda shall be finalized and posted on the Division website no later than ~~ten (10)~~ the statutorily required 10 days prior to the meeting.
- v. ~~A hard~~ An electronic copy of the meeting notice and agenda shall be ~~mailed~~ sent by email to interested parties no later than ~~the statutorily required date, which is ten (10)~~ days prior to the scheduled meeting.
- vi. The agenda shall include the following for every meeting:
 1. Division Deputy Director and staff reports on the Program including:
 - a. SVRAs,
 - b. Grants and Cooperative Agreements Program,
 - c. Law Enforcement / Safety report,
 - ~~e.d.~~ update on pending legislation impacting OHV recreation,
 - ~~d.e.~~ potential closures of OHV use areas funded by the Program,
 - ~~e.f.~~ any change in status of the Program's OHV Trust Fund, and
 - ~~f.g.~~ BLM and USFS Reports.
 - c. Commission Meeting Protocol
 - i. The Commission shall abide by *Robert's Rules of Order, Newly Revised*.
 - ~~ii. A quorum of no less than five (5) commissioners is required to convene a meeting.~~
 - ~~iii.ii.~~ Only items that are listed on the meeting agenda can be voted upon except as indicated in the Bagley-Keene Open Meeting Act.-
 - ~~iv.iii.~~ All votes shall be conducted by a roll call vote and be decided by a simple majority of present ~~commissioners~~ Commissioners voting.
2. Program Budget Review: Annually, the Commission will review and comment on the Division's budget.
 - a. At the first Commission meeting following the January 10 Governor's Budget submittal to the Legislature each year, the Commission will review the proposed budget of expenditures from the OHV Trust Fund.
3. Acquisitions and Development Plan Review: Pursuant to PRC Sections 5090.24-~~(c)~~ and (f), the Commission will receive public comment on proposed substantial acquisition or development projects, or plans for new and expanded local and regional vehicle recreation areas that have applied for grant funds.-
 - a. The Commission may form a ~~subcommittee~~ standing or ad hoc committee to review a proposed substantial acquisition or development project and report its findings and any recommendations to the full Commission.
 - b. For any proposed substantial acquisition or development project, a meeting shall be held in close geographic proximity to the project to obtain public input, unless a hearing has already been held pursuant to federal law or regulation.
 - c. For ~~plans for~~ new or expanded local and regional vehicle recreation areas that have applied for grant funds, a meeting will be scheduled to ~~consider subcommittee findings and~~

~~recommendations to~~ coincide with the Division's grant application review schedule. Public comment on the project will be taken and provided to the Division~~..~~.

~~d. If the Commission so determines, a recommendation will then be made to the Division.~~

4. Strategic PlanPlans: The Commission will review and comment on ~~the Division's Strategic Plan~~strategic plans periodically developed by the Division.
5. Public Comment:
 - a. Speakers will be allotted three (3) minutes per individual, no matter if speaking as an individual or on behalf of an organization, or whether someone has yielded time unless ~~revised by~~ the Chair decides otherwise. For items that, based on the number of persons indicating an intent to speak, may require curtailing or extending the public comment period, the Chair will revise the time limit accordingly.
 - b. Upon the request of any owner or tenant, with property in the vicinity of any land in the system, alleging adverse impacts on that property from OHV operation, PRC Section ~~5090.24~~ (d) requires the Commission to recommend to the Division suitable measures preventing adverse impacts and measures for restoration.
 - i. Upon hearing public testimony concerning such, the Commission will make a determination of the validity of the owner or tenant request and if warranted make recommendations to Division as per PRC Section 5090.24 (d).
 - ii. The Commission shall also request the Division provide information on the status of the complaint at the next hearing as part of the Deputy Director's report.
 - c. If the Commission receives public testimony regarding the Program that it deems important or noteworthy, it can make a recommendation to the Division.
6. Expert Testimony: The Commission, in its effort to be "fully informed regarding all governmental activities affecting the Program," can solicit the testimony of various experts regarding the Program.
 - a. If the Commission receives expert testimony regarding the Program that it deems important or noteworthy, it may make a recommendation to the Division.
7. Commission SubcommitteesAd Hoc and Standing Committees: The Commission Chair ~~will~~may from time to time appoint ~~commissionersCommissioners~~ Commissioners to ~~subcommitteesad hoc committees~~ of no more than two ~~(2) Commissioners. However, the Chair may appoint one (1) alternate to a subcommittee at his/her discretion. Subcommittee meetings held with more than two (2) commissioner's present, or standing committees which have three (3) Commissioners and thus shall be publicallypublicly~~ noticed ~~in accordance with Bagley-Keene Act requirements.~~ The purpose of these ~~subcommitteescommittees~~ committees will be to further the objectives of the Commission.
8. The Off-Highway Vehicle Safety Education Committee: In accordance with CVC Section ~~38500~~, members of the Commission shall appoint one (1) member of the Commission to serve on the Off-Highway Vehicle Safety Education Committee. The Committee consists of an OHMVR Commissioner, the Commissioner of the California Highway Patrol, the Director of the Department of Motor Vehicles, the Deputy Director of the OHMVR Division, or their designees.

9. Proposed Segments for Combined Use: The Commission may propose highway segments for consideration by a local authority, an agency of the federal government, or the Director of California State Parks, to be considered for combined use. (CVC Section 38026).
10. Official Positions of the Commission: ~~The Commission may state an opinion or position on any topic related to or affecting the Program.~~ An official position may only be issued after the topic has been discussed and received a majority vote at a duly noticed Commission meeting. Any official position shall be issued on Commission letterhead and signed by the Chair on behalf of the Commission. A Commissioner may state an opinion or position on any topic related to or affecting the Program, but shall make clear that it is not a formal position of the Commission and shall not use their position inappropriately to influence others.