

Bylaws of the County of Monterey

Native American and Archaeological Resources

Technical Advisory Panel

(Adopted pursuant to Chapter 2.95 of the Monterey County Code)

SECTION 1: NAME

1.01 Name. The name of this organization is the Native American and Archaeological Resources Technical Advisory Panel (NAARTAP) of the County of Monterey (County), which may be referred to as the NAARTAP.

SECTION 2: PURPOSE

2.01 Purpose. The purpose of the NAARTAP is to provide technical assistance to staff in determining how best to address monitoring and site treatment consistent with the policies of the General Plan, and to provide expertise for efforts by historical, educational, or other organizations to improve the public's recognition of the County's cultural heritage within the non-coastal or inland areas of the County.

SECTION 3: MEMBERSHIP AND MEMBER DUTIES

3.01 Number and Appointment. The NAARTAP shall comprise up to fifteen (15) members with a demonstrated interest in tribal cultural resources preservation. Members shall be appointed by the County of Monterey Planning Commission based on the criteria set forth in this section:

- a) NAARTAP members meet at least one of the following minimum qualifications:
 - An individual appointed by a California Native American Tribe;
 - A Most Likely Descendant for the County of Monterey on the list maintained by the California Native American Heritage Commission; or
 - A professional archaeologist familiar with Central Coast archaeology.

3.02 Member Duties.

- a) Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to archaeological and tribal cultural resource preservation, if authorized by the Chief of Planning.
- b) Assist the Chief of Planning in reviewing, updating, and maintaining archaeological sensitivity maps within the unincorporated area outside the Coastal Zone of the County.
- c) Make recommendations to the Chief of Planning regarding policies and procedures relating to the protection of CEQA defined archaeological and tribal defined cultural resources.
- d) Perform such other duties as may otherwise be requested by the Chief of Planning, the Planning Commission, or the Board of Supervisors.

SECTION 4: TERMS OF MEMBERSHIP

4.01 Term. Each NAARTAP member shall hold office for a term of two (2) years. Each member may serve more than one term. Each NAARTAP member shall serve a complete two-year term and continue until a successor has been duly appointed and seated.

4.02 Vacancies. A vacancy shall be reported to the Secretary of the Planning Commission, when:

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- a) A member fails to attend two consecutive meetings of the NAARTAP without good cause;
- b) A formal letter of resignation is submitted to the Secretary of the Planning Commission and/or the Chair; or
- c) A NAARTAP member no longer resides in the County, or otherwise does not meet the qualifications for the appointment.

4.03 Appointments. Each NAARTAP member shall be appointed by the Planning Commission. Interested individuals shall submit a written statement of interest to the Secretary of the Planning Commission. The written statement of interest shall include the person's qualifications to serve on the NAARTAP and commitment to serve and attend meetings during the term of office.

4.04 Compensation. Members shall receive no monetary compensation from the County for serving on the NAARTAP.

4.05 Conflict of Interest. A NAARTAP member with any financial interest in a matter before the NAARTAP must disqualify themselves from participation in any discussion or vote on such a matter.

SECTION 5: MEETING, MEETING RULES, AND RECORDS

5.01 Regular Meetings. The NAARTAP shall hold regular meetings within the County of Monterey at a place, time and date selected by a majority of the NAARTAP.

5.02 Conduct of Meetings. NAARTAP meetings shall be open and public and shall comply with all applicable requirements of the Ralph M. Brown Act (Government Code section 54950 *et seq.*) ("Brown Act") and shall be conducted in accordance with the agenda and order of business prepared for the meeting.

5.03 Regular Meeting, Time and Place. The NAARTAP shall annually adopt a regular meeting schedule. Regular meetings of the Native American and Archaeological Resources Technical Advisory Panel will be held on Thursday of the third week of each third month, unless otherwise adopted.

5.04 Special Meetings. Special meetings of the NAARTAP may be called by the Chair if written notice is mailed to all members at least seven (7) days prior to the meeting and all Brown Act requirements for special meetings are met.

5.05 Quorum. No action shall be taken by the NAARTAP unless a quorum is present.

5.06 Majority. A majority (more than 50%) of the appointed NAARTAP members shall comprise a quorum.

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5.07 Minutes. Staff will prepare and distribute action minutes of each meeting of the NAARTAP.

5.08 Voting. At the time of voting on any issue before the NAARTAP, each voting member may cast one vote. Voting on all motions of the NAARTAP shall be by voice vote, calling for ayes and noes, except that if any member of the NAARTAP or the Secretary request a roll call vote, either before or after the voice vote is taken, then the vote shall be by roll call. If a majority of NAARTAP members voting approves a motion, the motion shall pass.

5.09 Agendas of Regular Meetings. Staff will prepare and distribute a notice and/or agenda setting forth all items of business to be transacted or discussed by the NAARTAP as well as staff reports for each meeting of the NAARTAP at least 72 hours prior to the meeting.

5.10 NAARTAP Rules and Responsibility. The NAARTAP is an advisory body and shall have no authority to grant permits and no permit enforcement authority. The NAARTAP shall be governed by these bylaws of the NAARTAP, and directed by Robert's Rules of Order, except as otherwise determined by the chair.

SECTION 6: OFFICERS AND DUTIES OF OFFICERS

6.01 List of Officers. The officers of the NAARTAP shall be the Chair and Vice-Chair.

6.02 Qualifications, Selection, and Term. Each Chair and Vice-Chair shall be members of the NAARTAP. The Chair and Vice-Chair shall be elected by, and serve at the pleasure of, the NAARTAP for a period of one (1) year and the election of officers shall occur at the first meeting of each calendar year or, when necessary, at the first meeting following a NAARTAP position becoming vacant.

6.03 Duties of Chair. The Chair shall:

- a) Preside at meetings of the NAARTAP.
- b) Take rollcall to establish a quorum and call the meeting to order (opens the meeting) or allow the Secretary to do the same.
- c) Review the agenda, note any changes thereto, announce the sequence of business per the agenda (or as modified), and explain why the meeting/hearing is being held.
- d) Review the procedures, rules and time limits to be in effect.
- e) Limit the time of the public comment upon a particular issue or item
- f) Moderate discussions.
- g) Ask that speakers identify themselves and ask speakers to limit themselves to new testimony.
- h) Open public meetings.
- i) Close the meeting to public comment prior to deliberations.

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- j) Lead deliberations, help to summarize the issues, and ask for input or clarification from the NAARTAP members and Staff.
- k) When a motion is proposed, make sure that it is stated understandably and in full before a vote is taken and make sure that findings are adopted when required.
- l) Call for a vote on a recommendation by the NAARTAP. At the discretion of the Chair, the vote may be taken by voice or rollcall.
- m) Perform other duties customarily performed by a Chair.

6.04 Duties of the Vice-Chair. The Vice-Chair shall service as Chair at all meetings and hearings where the Chair is absent or is required to recuse himself or herself.

6.05 Chair Pro Tem. At any public hearing where both the Chair and Vice-Chair are absent, or where both are required to recuse themselves, the remainder of the NAARTAP shall by majority vote among its members, elect a member to be Chair Pro Tem for the duration of that public hearing, or portion thereof. The Chair Pro Tem shall serve in the same capacity as the Chair.

SECTION 7: STAFF AND DUTIES OF STAFF

7.01 Secretary. The Chief of Planning or designee shall serve as the Secretary for the NAARTAP, but shall not vote at the NAARTAP meetings.

7.02 Staff. Any staff person, intern, or volunteer in the employ of the County, including the Chief of Planning.

7.03 Duties of the Secretary. The Secretary shall:

- a) Maintain the records for the NAARTAP.
- b) Generally, supervise the technical and clerical work of the NAARTAP.
- c) Prepare the action meeting minutes.
- d) Carry out other duties as requested by the NAARTAP.

The Secretary may delegate to staff the actual performance of the task necessary to fulfill these duties.

7.04 Duties of Staff. Staff shall:

- a) Receive, review, and report on applications and referrals to the NAARTAP.
- b) Make written responses to local agency referrals.
- c) Prepare plans and reports as required by the NAARTAP and keep the NAARTAP informed of new matters involving the NAARTAP.
- d) Prepare letters regarding official action taken by the NAARTAP.
- e) Carry on correspondence at the direction of the NAARTAP.

SECTION 8: AGENDA

8.01 The agenda shall specify the time, location, and order of business of any meeting, and shall include at a minimum for the meeting:

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- a) Call to Order and Traditional Native American Opening.
- b) Roll Call.
- c) Public Comment on non-agenda items.
- d) Agenda, Additions, Deletions and Corrections.
- e) NAARTAP Comments, Requests and Referrals.
- f) Approval of Minutes
- g) Scheduled Matters.
 - 1. Chair announces the public hearing by opening with a brief explanation of the item.
 - 2. Presentation is made by staff or the designee summarizing the item.
 - 3. Chair opens the meeting to the NAARTAP. Allow staff to respond, if applicable.
 - 4. Chair allows for Guest to present, if applicable.
 - 5. Chair announces the opening of the public portion of the meeting. Public comment is accepted regarding the item, in no particular order.
 - 6. Chair announces the closing of the public portion of the hearing.
 - 7. Discussion/Deliberation of the item by the NAARTAP.
 - 8. Chair calls for a motion on a recommendation regarding the item.
 - 9. Motion made, seconded and a roll call vote taken.

8.02 Other Matters.

8.03 Adjournment and Traditional Native American Closing.

SECTION 9: SUBCOMMITTEES

Subcommittees, as the NAARTAP shall deem necessary, may be established by the NAARTAP from time to time, and the members thereof shall be appointed by the Chair. The Subcommittee shall not consist of a majority of the members, so as not to create a quorum.