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

Approved May 9, 2009

In light of the passage of SB 742 in 2008 and the recent appointment of five new Commissioners, the Off-Highway Motor Vehicle Recreation (OHMVR) Commission (Commission) has the responsibility and opportunity to create a framework within which it will play a positive and influential role in the implementation, improvement, and management 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 report on the status of the program, approve general plans and amendments for State Vehicular Recreation Areas, 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 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 duties and responsibilities identified in the statute. However, other than those provisions expressly provided for by law, the policies and procedures contained herein shall be liberally construed in order 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 the cultural and natural resources. The Commission will work closely in collaboration with the Division to develop and implement recommendations for improvement of the Program.

Public Resources Code (PRC) – Division 5, Chapter 1.25 Responsibilities

- Be fully informed regarding all governmental activities affecting the Program.
- Hold a public meeting at least four times a 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.
- Review and comment annually on the proposed budget of expenditures from the OHV Trust Fund.
- Review and comment on the Division's Strategic Plan.

- Receive public comment on:
    - Program implementation,
    - Proposed substantial acquisition or development project, 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 and Water, and the Committee on Appropriations of each house on or before January 1, 2011, and every three years thereafter. The report must address the status of the Program and OHV recreation, including:
    - Results of the strategic planning process,
    - 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 complied 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.
- Cooperate with the Division to ensure that information is available on the Division's Internet web site 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 Public Resources Code, as discussed above, and in the Government Code and California Vehicle Code. 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 hold at least four meetings annually to conduct business and obtain public input on the Program.
    a. Public Attendance:
        i. To ensure a broad public participation to provide 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 Division's assistance:

1. Notice on Division's web site:
    a. Annual calendar posted by January 15th
    b. Each meeting will be featured on the Division's web site
2. E-mail release to interested parties five and three weeks prior to each meeting
3. News release to media and stakeholder publications:
    a. The annual calendar when published in January
    b. Five weeks prior to each meeting

ii. Increased public participation will also be encouraged by conducting Commission meetings in locations throughout the State. The venues should be at or near OHV opportunities such as State Vehicular Recreation Areas (SVRAs), 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 should send invitations to local officials.

b. Agenda: The Commission Chair shall set the agenda with the consultation of the Division Deputy Director and after considering input from the other Commissioners.

i. The Commissioners shall provide any suggested agenda items to the Deputy Director no later than five weeks prior to the scheduled meeting.

ii. The Deputy Director shall prepare a draft agenda for discussion with and consideration by the Chair no later than four weeks prior to the scheduled meeting.

iii. The meeting notice and agenda shall be finalized and posted on the Division website no later than three weeks prior to the meeting.

iv. Hard copy of the meeting notice and agenda shall be mailed to interested parties no later than the statutorily required date that is ten-days prior to the scheduled meeting.

v. 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. Update on pending legislation impacting OHV,
    d. Potential closures of OHV use areas funded by the Program, and
    e. Any change in status of the Program's Trust Fund.
2. BLM and USFS Reports
3. Public comment period

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. Only items that are listed on the meeting agenda can be voted upon.
    iv. All votes shall be decided by a simple majority of present 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 fund.

3. Acquisitions and Development Plan Review: Pursuant to 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 shall form a sub-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 given to the Division.
    d. If the Commission so determines, a recommendation will then be made to the Division.

4. Strategic Plan: The Commission will review and comment on the Division's Strategic Plan.

5. Public Comment:
    a. 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, Sec. 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 Sec. 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 Division's Report.

b. If the Commission receives public testimony regarding the Program that it deems important or noteworthy, it can make a recommendation to 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 can make a recommendation to the Division.

7. Commission Subcommittees: The Commission Chair will from time to time appoint Commissioners to subcommittees of no more than two Commissioners. The purpose of these subcommittees will be to further the objectives of the Commission.

8. The Off-Highway Vehicle Safety Education Committee: In accordance with CVC 38500, members of the OHMVR Commission shall appoint one member of the Commission to serve on the Off-Highway Vehicle Safety Education Committee. The Committee consists of 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, and a member of the OHMVR Commission.

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 California State Parks, to be considered for combined use. (CVC 38026).

10. Official Positions: 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.