

MONTEREY COUNTY PLANNING COMMISSION

Meeting: June 29, 2011	Time: 9 a.m.	Agenda Item No.: 4
Project Description: Review Monterey County Planning Commission Rules for the Transaction of Business and Chapter 2.48 (Planning Commission) of the Monterey County Code, discuss potential modifications, and provide direction to staff to return modifications for consideration at a public hearing.		
Planning File Number: PD070880		Name: County of Monterey
CEQA Action: n/a		
Department: RMA - Planning Department		

RECOMMENDATION:

Staff recommends that the Planning Commission hold a workshop to:

- a. Review the Monterey County Planning Commission Rules for the Transaction of Business (Rules) and Chapter 2.48 (Planning Commission) of the Monterey County Code,
- b. Discuss potential modifications, and
- c. Provide direction to staff to return with draft modifications for consideration at a public hearing.

PROJECT SUMMARY:

The County has an established set of rules by which the Planning Commission operates (Exhibit A). The Rules for the Transaction of Business (Rules) were last modified in December 2003, adding Rule 10.2. According to Rule 13, the Commission is directed to review these rules annually. This rule discusses also reviewing any adopted policies. Staff is not aware of any policies associated with these Rules.

The Rules have served us well over the years. In reviewing the Rules, it is clear that they need to be updated to reflect the separation of the Planning and Building Departments. County Counsel and Planning Department staff reviewed the rules earlier this year and began discussing potential revisions. We will present some of these ideas orally at the June 8 meeting. In addition, the Planning Commission asked staff to bring back criteria for the calling of a Special Meeting. Rule 6 can be amended to include these criteria, if still desired by the Planning Commission. At this time, we have a few clean up items to reflect the changes noted above. Chapter 2.48 needs updating and staff will work on those changes after discussion at this meeting and return with potential modifications to the Rules and the County Code.

In addition to the Rules, we have attached the section of County Code relating to the Planning Commission (Exhibit B). This section of the County Code also needs to be updated to reflect present day practices and terminology. A discussion of these sections and direction to staff is needed to adequately update the Rules and Chapter 2.48.

Also attached are examples of Planning Commission rules for two other jurisdictions, Yolo County and Alpine County.

OTHER AGENCY INVOLVEMENT:

County Counsel and Planning staff had a meeting related to the Rules and discussed some possible changes.



Mike Novo
(831) 755-5192, novom@co.monterey.ca.us
May 30, 2011

cc: Front Counter Copy; Planning Commission Members (10); County Counsel; Public Works Department; Parks Department; Environmental Health Bureau; Water Resources Agency; Carl Holm, Assistant Director; Carol Allen; File PD070880.

Attachments: Exhibit A Monterey County Planning Commission Rules for the Transaction of Business (Draft changes)
 Exhibit B Monterey County Code Chapter 2.48
 Exhibit C Examples from other jurisdictions

EXHIBIT A

MONTEREY COUNTY PLANNING COMMISSION RULES FOR THE TRANSACTION OF BUSINESS

RULE 1

The Commission shall consist of ten appointed members and six members shall constitute a quorum.

RULE 2

Meetings shall be conducted in compliance with Robert's Rules of Order Revised except as otherwise specifically provided herein.

RULE 3

The Chair and Vice Chair shall be elected annually at the first regular meeting in February. In the absence or inability of either to act, the members present shall select a member to act as Chair pro tem for that meeting.

RULE 4

The Director of Planning and Building Inspection shall act as the Secretary without any voting rights. In the Director's absence, the Chair shall appoint an acting secretary.

RULE 5

Meetings of the Monterey County Planning Commission shall begin at 9:00 a.m. and be held in the Board of Supervisors' Chambers, Courthouse, 240 Church Street, Salinas; or at such other place as may from time to time be determined by the Commission. Regular meetings shall be held on the second and last Wednesdays of each month except for the months of November and December in which there shall be only one meeting except as otherwise may be determined by the Commission by a majority vote and noticed by the secretary.

RULE 6

Public hearing items shall not be scheduled later than 5:30 p.m. unless the Commission consents to an extended meeting. Special meetings may be called at any time at the direction of the Chair, a majority of Commissioners, or by the Board of Supervisors upon notice given to the members of the Commission.

RULE 7

At the first regular meeting in January, the Chair shall appoint a Nominating Committee consisting of a chairperson and two members. The Chair shall be an ex-officio member.

RULE 8

All documents and materials to be filed with the Commission shall be filed in the office of the Secretary (Planning and Building Inspection Department).

RULE 9

The Secretary shall prepare and distribute to the Commission an agenda for each meeting. The agenda and all related materials shall be ready for distribution by the Wednesday prior to the meeting.

RULE 10

The following procedures are adopted as Rules of Order for public hearings:

1. Open hearing
2. Staff presentation
3. Applicant presentation
4. Proponent presentation
5. Opponent presentation
6. Applicant rebuttal
7. Close hearing to floor
8. Commission discussion
9. Render decision

RULE 10.1

When the Commission alters or modifies an application, the appropriate findings, evidence and conditions or modification to findings, evidence and conditions shall be clearly noted.

If a motion to approve does not pass, then the Chair shall:

1. Permit the applicant to request a continuance, if that is appropriate; or
2. Entertain a motion to deny if sufficient findings are fully articulated to support denial; or
3. Entertain a motion of intent to deny if findings for denial are not yet fully articulated.

If there is an unbreakable tie vote, the Chair shall solicit findings for both sides for the record.

RULE 10.2

The Planning Commission shall allow, as a matter of right, one continuance of any public hearing item without a public hearing on the merits of the item, provided that the continuance would not violate the Monterey County Code or state law. A request for a continuance must be received by the Secretary to the Planning Commission or his/her designee by 5:00 pm. the Wednesday preceding the hearing date. The Secretary to the Planning Commission or designee shall note the continuance on the Commission's agenda as "To Be Continued to [date]" and notify the newspaper of local circulation for high profile or controversial projects. At the Commission meeting, the Commission shall continue the item to a date certain.

The Planning Commission will consider a request for a second continuance of any public hearing item. A request for a continuance must be received by the Secretary to the Planning Commission or his/her designee by 5:00 pm. the Wednesday preceding the hearing date. The Secretary to the Planning Commission or his/her designee shall note the continuance on the Commission's agenda as "Request for Continuance to [date] Received" and notify the newspaper of local circulation for high profile or controversial projects. At the Commission meeting, the Commission will consider and may grant or deny the request for a continuance.

After two continuances the Planning Commission will conduct a full public hearing on the item and take one of the following actions:

1. Approve the item.
2. Deny the item.
3. Continue the item to a subsequent date with specific direction to the staff as to the information needed for the subsequent public hearing.
4. Table the item with specific direction to the staff as to the information needed for a subsequent, newly noticed public hearing.

RULE 11

The following are procedures for Rules of Conduct:

1. Be recognized by the Chair before speaking
2. Acknowledge to the Chair when you are finished
3. Address staff by name or by department

RULE 12

All policies approved by the Commission shall be attached to the rules as adopted policies.

RULE 13

The Commission shall annually review these rules and any adopted policies.

These rules are adopted in accordance with Ordinance 1020, codified in the Monterey County Code as Chapter 2.48, Section 2.48.040.

EXHIBIT B

Monterey County Code Chapter 2.48 Planning Commission

2.48.010 – Created – Members.

There is created a Planning Commission for the County of Monterey, consisting of ten (10) lay members, not officers of the County, appointed by the Chairperson of the Board of Supervisors with the approval of the Board. There shall also be three advisory members of said Commission, of whom one shall be the County Counsel, one the Road Commissioner and one the County Assessor. The advisory members may each designate one of his or her deputies to sit in on the Commission in his or her absence.

2.48.020 – Term of office.

Of the members of the Commission, not officers of the County, three shall be appointed for a term of one year, two for a term of two years, two for a term of three years and two for the term of four years. Their successors shall be appointed for terms of four years. Additional members appointed pursuant to Section 2.48.010 shall serve for a term of four years. The terms for advisory members shall correspond to their respective official tenures.

2.48.030 – Compensation and expenses.

Each lay member of the Commission shall be paid:

- A. Compensation in the sum of four hundred dollars (\$400.00) per month, effective April 1, 1991;
- B. His or her reasonable expenses for travel to and from the place of meeting of the Commission and for field trips to inspect lands for the purpose of informing himself or herself on matters affecting the functions and duties of the Commission; and
- C. His or her necessary expenses incurred in attending meetings, conferences, or hearings of official planning groups or executives.

2.48.040 – Officers – Meetings – Rules and Records.

- A. The Commission shall elect a Chairperson from among the appointed members for a term of one year and, subject to other provisions of law, may elect such other officers as it may determine.
- B. The commission shall hold at least one regular meeting each month.
- C. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

2.48.050 – Appointment of personnel – Expenditures.

- A. The Commission may appoint such officers and employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the provisions of law as governed by other corresponding civil employees. The Commission

may also employ or contract with planning consultants or other specialists for such services as it may require.

- B. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the respective purposes.

2.48.060 – Powers and duties.

It shall be the function and duty of the Planning Commission to prepare and adopt a comprehensive, long-term, general plan for the physical development of the County. The Planning Commission shall have such other powers and duties as may be prescribed by law.

EXHIBIT C

PLANNING COMMISSION RULES EXAMPLES FROM
YOLO COUNTY AND ALPINE COUNTY

**THE RULES OF CONDUCT FOR BUSINESS BEFORE THE
COUNTY OF YOLO PLANNING COMMISSION**

- RULE 1. MEETINGS.** Regular meetings of the Commission shall be held the second Thursday of each month throughout the year commencing at the hour of 8:30 a.m., except that if the regular meeting day is a holiday, no meeting shall be held. Regular meetings may also be held on other days and times, as the business of the Commission requires, upon approval of a majority of the Commission. Unless otherwise provided, meetings shall be held in the Yolo County Board of Supervisors' Chambers at the County Administration Building, 625 Court Street, Room 204, in Woodland, California 95695.
- RULE 2. ELECTION OF OFFICERS.** The Commission shall elect a Chair and a Vice-Chair at the first regular meeting in February of each calendar year to serve until the first regular meeting in February of the next succeeding calendar year. If the positions of Chair and Vice-Chair are both vacated at any time, the elections for the remainder of the year shall be held at the next regularly scheduled meeting.
- RULE 3. DUTIES OF THE CHAIR AND VICE-CHAIR.** The Chair shall preside at all regular and special meetings. The Chair shall preserve order and decorum and shall decide all questions of order and procedure not otherwise provided for in these Rules subject to the will of the majority of the Commission in attendance. The Chair shall be entitled to make or second any motion, discuss and present any matter as a member of the Commission without having to step down from the Chair. The Chair may appoint committees from time to time for any purpose he or she deems proper for the conduct of Commission business. The Vice-Chair shall assume all duties of the Chair in the latter's absence from any meeting.
- RULE 4. RESOLUTIONS.** Resolutions of the Commission may be adopted conditionally and referred to the Planning and Public Works Department for drafting in the proper form. Resolutions shall be numbered consecutively and annually and copies thereof shall be maintained by the Secretary to the Planning Commission and made available to the public. A copy of each Resolution shall be delivered to each Commissioner.
- RULE 5. COUNTY COUNSEL.** The County Counsel shall be legal counsel for the Commission. All questions of law shall be referred to the County Counsel for an opinion.
- RULE 6. AGENDA.** The agenda for each meeting of the Commission shall be prepared under the direction of the Chair and with the assistance of the Director of the Planning and Public Works_("Director").
- RULE 7. STAFF REPORTS.** The Director shall prepare a written staff report for each item on the agenda which by law is subject to a public hearing. The report shall be made public prior to or at the beginning of the hearing and shall be maintained by the Director as a matter of public record.
- RULE 8. RECORD OF PROCEEDINGS.** The Director, or his or her designee, shall take and maintain a recording of the proceedings of the Commission to ensure that a record of the hearing and any continuance thereof shall be made and duly preserved. The recording shall be the official record of the Commission. Any person wishing to listen to or make a copy of the recording of hearing may do so

by contacting the Planning and Public Works Department. Nothing herein shall preclude the Commission or any person interested in the hearing from using the services of a court reporter in any public hearing. The party desiring the services of a court reporter shall be responsible for making arrangements and for payment for such services.

RULE 9. QUORUM. No action of the Commission shall be taken unless a quorum thereof is present. A majority of the entire membership of the Commission shall constitute a quorum.

RULE 10. ORDER OF BUSINESS. The regular order of the Commission shall be:

1. Call to order.
2. Adoption of Minutes of previous meetings.
3. Opportunity for public to address Commission.
4. Correspondence.
5. Hearings and other scheduled matters.
6. Director's report.
7. Commission reports.
8. Future agenda items.
9. Adjournment.

RULE 11. PUBLIC HEARINGS.

1. **Policy.** It is the policy of the Commission to arrange the public hearings on its agenda in the following order:
 - a) Consent agenda.
 - b) Regular agenda.
2. **Consent agenda.** Any application which has staff approval, applicant's approval of the staff recommendation and proposed conditions, and no known opposition may be entered upon the agenda as a consent matter. Any commissioner may require the consent matters be moved to the regular agenda upon request.
3. **Rescheduling.** The Chair at his or her sole discretion may rearrange the order of public hearings subject to the will of a majority of the Commissioners in attendance.
4. **Continuances.** The Chair shall, at the beginning of the Commission meeting, entertain written or oral requests for continuances. If a continuance is requested by a proponent, it shall be honored only if the proponent consents in writing to an equal extension of time to process any required environmental documentation, tentative map, or other documents with fixed processing periods. It is the Commission's policy to continue for a period thirty (30) days any matter which the Director or his or her staff have not had an adequate time to review or any matter which is amended, supplemented, revised or modified within three (3) business days of the meeting at which the matter is scheduled to be heard.
5. **Calling agenda items.** The Chair shall call each item on the agenda by agenda item number and the name of the applicant. The balance, if any, of the agenda description shall not be read.

RULE 12. CONDUCT OF THE HEARING. It is the desire of the Commission to have a fair and impartial hearing on all matters. To do so requires the imposition of and compliance with the following rules of conduct:

1. **Consent agenda.** If the matter is on the consent agenda, the sequence of the hearing shall be:
 - a) Consideration of the written staff report.
 - b) Motions and vote of commission.

2. **Regular agenda.** If the matter is on the regular agenda, the sequence of the hearing shall be:
 - a) Consideration of the written and oral staff reports.
 - b) Open public hearing.
 - c) Testimony of proponents.
 - d) Testimony of opponents.
 - e) Rebuttal of principal proponents.
 - f) Surrebuttal by opponents.
 - g) Close of public hearing.
 - h) Commission discussion.
 - i) Motions and vote of Commission.

Subject to the will of a majority of the Commissioners in attendance, the Chair may preclude all rebuttal and/or surrebuttal testimony if, in the Chair's opinion, the testimony is redundant or of little evidentiary value.

3. **Testimony.** The Chair may limit testimony as follows to facilitate the business of the Commission:
 - a) Principal Proponent (usually the applicant or his or her agent) – five (5) minute statement;
 - b) Other proponents – three (3) minute statement;
 - c) Principal Proponent – three (3) minute rebuttal.

A spokesperson for any group may be permitted five (5) minutes. Subject to the will of a majority of the Commissioners in attendance, the Chair may impose limitations on the number of witnesses heard, and the nature and length of testimony and may direct that a group of persons having the same or similar views on a matter appoint a spokesperson to address the Commission. The above time limits may be waived or modified by the Chair or by a majority of the Commissioners in attendance.

4. **Close of Public Testimony.** The Chair shall close the hearing to public testimony before the Commission members discuss the matter. The matter shall not be reopened without the approval of a majority of the quorum of the Commission. Commissioners may seek clarification of testimony from staff or speakers without reopening the public hearing.

RULE 13. DOCUMENTARY EVIDENCE. Any documents, writings, pictures, exhibits or other forms of tangible expression once submitted to the Commission shall become the property of the Commission and part of the public record.

Persons desiring to submit documentary evidence are requested to contact the Planning and Public Works Department prior to the meeting to facilitate the introduction of such evidence. Failure to do so may cause the matter to be continued to the end of the agenda or to a later date.

Any documentary evidence offered by the project applicant or any other person at the hearing of the matter, and which requires review and evaluation by County staff, may cause the matter to be continued to a later date.

RULE 14. DISORDERLY CONDUCT. Consistent with the authority set forth in California Government Code Section 54957.9, if any meeting is willfully interrupted by any person(s) so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by removal of such person(s), the Chair may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media shall be allowed to attend such session, except for those representatives participating in the disturbance. Subject to the will of the majority of the Commissioners in attendance, the Chair may readmit any person(s) not responsible for the disturbance.

RULE 15. FINDINGS. The following actions require findings to be made by the Commission:

- a) Approval of variances;
- b) Approval of conditional use permits;
- c) Approval or denial of tentative maps;
- d) Environmental documents as required; or
- e) Other matters as required by law.

All findings shall be based strictly upon evidence presented during the public hearing. The Commission shall not rely upon any communication, reports, staff memoranda, or other materials which are not presented during the public hearing. The Chair may seek the assistance of the County Counsel or the Director in preparing or approving the findings.

RULE 16. MINUTES. All official actions or decisions of the Commission shall be entered into the minutes of the Commission by the Director.

RULE 17. ADOPTION, AMENDMENT, AND REPEAL OF RULES. A new rule may be adopted or an existing rule may be amended or repealed by the affirmative vote of a majority of the members then present, excluding those who abstain due to a conflict of interest, but including those who abstain for any other reason.

RULE 18. ADJOURNMENT. The Commission may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. A copy of the order or notice of adjournment shall be posted on or near the outside entrance door of the Planning and Public Works Department located at 292 West Beamer Street in Woodland within twenty-four (24) hours after the decision to adjourn. All absent Commissioners and any person who has requested such notice shall be given written notice of the time and place of the adjourned meeting.

RULE 19. SPECIAL MEETINGS. Emergency or special meetings shall be called as provided for in Section 54956 of the Government Code of the State of California.

RULE 20. APPLICATION OF RULES. These rules shall be applicable to the transaction of all business before the Commission.

RULE 21. VOTING.

1. **Voice Vote.** Subject to the will of a majority of the Commissioners in attendance, the Chair may call for voting on a motion by voice vote without calling the roll.
2. **Calling the Roll.** Subject to a will of a majority of the Commissioners in attendance, the Chair may require that the roll be called in voting on a motion.
3. **Minimum Vote.** Except as may otherwise be required by State law and except as otherwise indicated in these Rules, action by the Planning Commission shall be taken only on the affirmative vote of a majority of the members then present, excluding those who abstain due to a conflict of interest, but including those who abstain for any other reason.
4. **Abstaining Vote.** A vote to abstain is not to be construed as a vote for or against a motion.
5. **Tie Vote.** In the event that there is a tie vote on any motion pending before the Planning Commission, the Chair shall call for any further motions of any member on the subject. In the event no further motions are made, or that such further motions also result in a tie vote, the Chair shall call for a motion to declare the Commission deadlocked. If the declaration of a deadlock is passed by a majority of a quorum, or if the vote on the motion of a deadlock is also a tie vote, the Chair shall declare a deadlock. The declaration of a deadlock shall be considered a denial of the matter and shall be appealable to the Board of Supervisors to the same extent and in the same manner as if the Commission had denied the request.

EXHIBIT A
A Resolution of the Alpine County Planning Commission
Adopting Certain Rules of Procedure
for the
Alpine County Planning Commission

(Section 10B corrected by the Commission on 3-20-03)

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Section 1. Scope.

This resolution shall establish the procedures for the conduct of all meetings of the Planning Commission of the County of Alpine. The purpose of this resolution is to provide that the County's procedures will be consistent with the Brown Act (Government Code Sections 54950 et seq.) and also to establish procedures that will be convenient for the public and contribute to the orderly conduct of business. The procedures herein, are in addition to, and not in place of, applicable ordinances and statutes, and in the event of conflict between the resolution and applicable ordinances or statutes, the latter shall govern. This resolution shall supercede and completely replace Board of Supervisor Resolution Nos. 94-06 and 98-49.

Section 2. Meetings.

(a) Regular Meetings.

The Planning Commission shall conduct a regular monthly meeting. The regular meeting shall be held in Markleeville, California at either Turtle Rock Park or the Board of Supervisors Chambers in the County Administration Building. Regular meetings shall normally be held on the last Thursday of each month, beginning at 6:00 p.m., or at such other date, time and place established by motion. Meeting locations other than Turtle Rock Park or the Board of Supervisors Chambers are acceptable when, based on a majority vote of the quorum, an alternative location is desirable to provide easier access to the meeting for the public.

(b) Special Meetings.

A special meeting may be called at any time by the Chair or by determination of the majority of the Commission. Written notice of any such meeting must be given to all members of the commission and to all newspapers, radio stations, television stations, or other media who have previously requested same in accordance with applicable provisions of the Government code. Such notice may be given either personally or by mail, but must be given at least 24 hours before the time set for the special meeting.

(c) Site Visits

The Commission may schedule site visits as part of a regular meeting or special meeting. Site visits involving public hearing items shall be noticed as such, as required by all applicable laws. Site visits shall be listed on the Commission's meeting agenda for either a regular or special meeting, and the agenda shall be posted as provided in this resolution. A written summary of the site visit including locations visited and information received shall be included in the minutes of the meeting of which the site visit is a part.

Site visits are conducted for the purpose of gathering information about a specific project location or a general area of interest with regard to development of regulations, policy or a special study being conducted by the Commission. The public may attend the site visit and may provide information about the location and general characteristics of a specific proposal. Public testimony regarding the merits of a specific proposal or application shall not be allowed. No action shall be taken at a site visit

and Commission members shall refrain from discussing the merits or giving specific directions concerning subjects of the site visit. Site visits may be conducted by less than a quorum of the Commission.

A summary report of the site visit shall be presented during the Commission's regular or special meeting at which the subject of the site visit is on the agenda for discussion or action. If the site visit is conducted in relation to a public hearing for a specific application or proposal, the summary of information gained at the site visit shall be included as part of the record. If the Commission relies on specific information acquired during the site visit in taking action on a specific application or proposal, the Commission shall reference such information in its deliberations on the application or proposal.

Section 3. Adjourned Meetings.

The Commission may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn.

Section 4. Closed Sessions.

The Commission may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by State law to hear or consider in closed session. If a closed session is included on the agenda, the description of the item need only identify the statutory basis for the closed session, and need not include the specific topic which is the subject of the closed session. During closed session, the Commission may exclude any person or persons which it is authorized by State law to exclude from a closed session. No minutes of the proceedings of the closed session are required.

Section 5. Agenda – Posting, Contents and Limitations on Actions.

(a) Posting of Agenda.

For every regular and special meeting, the planning staff shall post an agenda specifying the time and place at which the meeting will be held and a brief description of all the items of business to be discussed at the meeting.

(b) Location of Posting.

The agenda shall be posted in a place to which the public has unrestricted access during at least normal business hours and where the agenda is not likely to be removed or obscured by other posted material. Specifically, the agenda shall be posted at the places indicated below, and/or at such other location (s) as the County Clerk may designate:

County Administration Building
County Courthouse
County Planning Department Office
County Library (Markleeville and Bear Valley)

Markleeville Post Office
Bear Valley Post Office
Bear Valley Sheriff's Office Substation
Kirkwood Post Office

(c) Posting for Regular Meetings.

For any regular meeting of the Commission, the agenda shall be posted no later than seventy-two (72) hours prior to the time set for the meeting.

(d) Posting for Special Meetings.

For any special meeting of the Commission, the agenda shall be posted no later than twenty-four (24) hours prior to the time set for the meeting.

(e) Description of Matters.

All items of business to be discussed at a meeting of the commission shall be briefly described on the agenda. The description need not set out the specific action or alternatives which will be considered by the commission, but should contain sufficient detail so that a person otherwise unaware could determine the general nature or subject matter of the item by reading the agenda.

(f) Limitations of Actions.

No action shall be taken by the Commission on any item not appearing on a posted agenda, subject on to the exceptions listed in subsection (g) below. "Actions taken" as used herein shall mean a collective decision made by a majority of the members of the Commission to make a positive or a negative decision, or an actual vote by a majority of the members of the Commission upon a motion, proposal, resolution, order, or ordinance. With regards to matters not on the agenda, the members of the Commission may ask questions of persons who raise such matters during the public comment period or otherwise, and the Chair should handle such matters as provided in Section 7 (c) but such questions should be limited to informational purposes, and the Commission should avoid discussions of the merits or giving directions regarding such subjects. With regards to matter raised by members of the Commission under items from members, such matters should normally be placed on the agenda and the Chair should handle such matters as provided in Section 7 without discussion by the Commission.

(g) Exceptions to Agenda Requirement for Action Taken.

The Commission may take action at a meeting on an item not appearing on the agenda for that meeting only under one of the following circumstances:

- (1) Upon a majority determination that an "emergency situation", as that term is defined by State law, exists.
- (2) Upon a determination by a unanimous vote of those members present that the need to take action arose subsequent to the agenda posting. For the purposes of this subsection, the term "need to take action" shall mean those circumstances whose occurrence creates

a situation which is materially different from that which existed at the time the agenda was posted, and which requires the immediate attention of the Commission. The mere failure of any person to notify the commission or staff of a pre-existing situation requiring Commission attention until after the time for the positing of the agenda shall not be deemed to constitute a "need to take action" hereunder. If the commission makes a determination pursuant to this subsection, the minutes of the meeting at which the determination is made shall reflect what circumstance gave rise to the "need to take action" and why the item could not be placed on the agenda.

- (3) Where the item upon which action is to be taken was included on a properly posted agenda for a prior meeting of the commission occurring not more than five (5) calendar days prior to the date of the meeting at which action is to be taken, and at the prior meeting the item was continued to the meeting at which action is being taken.

(h) Public Comment Period.

Every agenda posted for any regular or special meeting shall contain an item consisting of an opportunity for the public to address the commission on items of interest to the public within the Commission's subject matter jurisdiction. This public comment period shall be conducted in accordance with the procedures set forth in Section 7.

Section 6. Order of Business.

The order of business at meetings of the Commission shall be as follows, in accordance with the procedures specified below. The Commission may, by approval of majority of the quorum present, change the order of business for one or more agenda items. However, such change shall not cause a public hearing item to be heard prior to the time specified in the notice for the hearing.

- (a) Call to Order, Roll Call, Establish Quorum and Confirmation of Agenda
- (b) Approval of Minutes
- (c) Oral or Written Communication from the Floor (Public Comment Period)
- (d) Consent Calendar (optional)
- (e) Unfinished Business
- (f) New Business
- (g) Public Hearings
- (h) Staff Reports (other than for items under d-g)
- (i) Commission Member Items (to be placed on a future meeting agenda)
- (j) Discussion Items
- (k) Miscellaneous Items
- (l) Adjournment

The commission in a single motion may approve items of a routine or generally uncontested nature by adoption of the consent calendar. The approval of the consent calendar shall signify the approval of each matter or recommendation included therein. Upon the request of any member of the Commission or upon the request of a member of the public made through the Chair, an item may be removed from the consent calendar for separate discussion and/or action.

Section 7. Public Comment.

(a) Public Comment and Items from Members.

During the public comment item of the agenda, any member of the public may address the commission on items of interest to the public that are within the subject matter jurisdiction of the Commission that are not otherwise on the agenda. No action may be taken on such matters without being placed on a subsequent agenda, and members of the Commission shall refrain from discussing the merits or giving specific directions concerning such subjects.

(b) Limitations.

The Chair may limit the public comment period to five (5) minutes per speaker or no more than thirty (30) minutes for all speakers, to be apportioned among all speakers who request time.

(c) Procedure.

- (1) Upon addressing the commission, each speaker must first state his or her name and physical address and then identify the subject or subjects upon which he/she intends to speak.
- (2) At the close of the speaker's comments, the Chair may ask staff to respond to the speaker's comments. Thereafter, the Chair shall make one of the following three determinations:
 - (a) The subject(s) raised do not require investigation or response.
 - (b) The subject (s) raised should be referred to staff for investigation and/or response.
 - (c) The subject(s) raised should be placed on a future meeting agenda for action by the Commission.

(d) Other Agenda Matters

In addition to receiving comment from the public during the public comment period, the Chair shall have the discretion to recognize persons from the audience who wish to address the Commission on a particular agenda item at the time the Commission considers that item.

Section 8. Public Hearings.

Matters required to be heard in a noticed public hearing, shall be conducted in the following manner:

(a) Time for Consideration.

Matters noticed to be heard by the Commission shall commence at the time specified in the notice of hearing, if so specified, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

(b) Hearing Procedure.

Prior to declaring the public hearing open, the Chair may establish a time limit for the entire public hearing, or establish time limits for the presentation of each individual speaker. The Chair shall conduct the hearing in such a manner as to afford due process to all affected persons. All persons interested in the matter being heard by the Commission shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained as part of the record.

When a matter for public hearing comes before the Commission, the Chair shall open the public hearing. Upon opening the public hearing, the Chair shall request that staff present the staff report and any other relevant evidence, but the presentation of the staff report prior to the formal opening of the public hearing shall not prevent its consideration as evidence. Any such evidence shall be made a part of the record of the public hearing.

The Chair shall thereupon inquire if there are any persons present who desire to address the commission on the matter. Any person desiring to speak or present evidence shall then make his or her presence known to the Chair, and upon being recognized, may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Chair and stating their full name and physical address for the record. Speakers shall direct all of their comments to the Commission. Discussion, debate and argument among the speaker and the audience shall not be allowed.

Members of the Commission who wish to ask questions of the speakers or each other during the public hearing portion may do so. Members should be mindful that the purpose of the public hearing is to obtain testimony and not to debate the merits of the item under consideration. Members shall not argue or debate the merits of an item with the speakers or audience. Members should avoid debate among themselves and expressions of personal opinion until after the close of the public hearing.

Upon closing of the public hearing by the Chair no additional public testimony shall be solicited or received by the Commission without reopening the public hearing.

Section 9. Officers.

The Officers of the Commission shall be a Chair and Vice-Chair. The offices of Chair and Vice-Chair shall be elected by the Commission members and shall serve a one-year term, with a maximum of two consecutive full one-year terms. Elections shall be held at the end of the first regular meeting of the Commission following July 1 of each calendar year, or when a vacancy in one of these positions occurs.

Section 10. Procedures for the Conduct of Meetings.

(a) Chair

The meeting shall be presided over and chaired by the Chair, or, in the Chair's absence, the Vice-Chair. In the absence of the Chair and the Vice-Chair, the remaining Commission members shall, by consensus, designate a member to carry out the duties of the Chair until the Chair or Vice-Chair rejoins the meeting.

The Chair shall have the authority to rule any speaker out of order, including speakers during the public comment period if the subject raised is not within the subject matter jurisdiction of the Commission, or during a public hearing if the speaker is not presenting testimony or evidence relevant to the matter that is the subject of the public hearing or if the speaker and any audience member are engaging in debate with other audience members. The Chair shall have the responsibility for the conduct of meetings in an orderly manner and to prevent the obstruction of business, and in carrying out this responsibility shall have the authority to give the floor to any member of the Commission or public by recognizing them, to prevent the misuse of legitimate forms of motions or privileges, to take matters up out of order, and to order any persons willfully interrupting the meeting to be removed from the room.

(b) Obtaining the Floor and Making Motions.

Any member of the Commission wishing to speak, or any member of the public wishing to address the Commission, must first obtain the floor by being recognized by the Chair. The Chair must recognize any member of the Commission who seeks the floor when appropriately entitled to address the Commission.

Any member of the Commission, including the Chair, may bring a matter of business properly before the Commission by making a motion. Any member, including the Chair, except the member making the motion, may second a motion. Once a motion is seconded, it may be opened for discussion and debate.

(c) Voting.

After a full opportunity for debate, any member of the Commission may call for a vote by a Motion to call the question. If it appears that there is a consensus of opinion among the members of the Commission on the matter to be voted upon, the Chair may state the consensus of the Commission and ask if there is any objection. If there is no objection, the consensus as so states shall become the order of the Commission. Otherwise, all votes of the Commission shall be by voice vote, except voting upon any ordinance, which shall be by roll call vote. After every vote, the Chair shall declare the result, and on all but consensus votes, shall note for the record the number of votes for or against the question.

Section 11. Votes Required for Action.

The Commission may take action only with three affirmative votes for an item. Action by a 2-1 vote shall not be permitted. In the event of a 2-1 or tie vote, it shall be ruled by the Chair either that no action has been taken and the matter shall be referred to the Board of Supervisors for action or that the requested action is denied without prejudice (i.e. the Commission makes no determination or findings regarding the merits of the proposal that is the subject of the requested action) and may be appealed to the Board of Supervisors under the established County procedures regarding such appeals.

Section 12. Record of Meetings and Minutes

The proceedings of all Planning Commission meetings shall be electronically recorded on tape. The written minutes of the meeting shall be kept by the planning secretary and retained in the Planning Department files in accordance with established policies. The minutes shall contain a record summary of each item of business transacted. Verbatim minutes shall not be prepared unless directed by the Chair or the County Planning Director. For public hearing items, the minutes shall include the following information:

- (a) The name and physical address of every person addressing the Commission
- (b) Any position pro or con or otherwise regarding the subject of the public hearing that any person expressly states to be theirs
- (c) A list of all written documents submitted to the Commission regarding the subject of the public hearing

Section 13 Committees

The Commission may form sub-committees for the purpose of gathering information and conducting special studies regarding issues of concern to the Commission and preparing reports to the full Commission on implementation of the General Plan and other applicable plans, ordinances and policies. Sub-committees shall not be formed to investigate specific development proposals or permit applications that are under consideration by the full Commission. Sub-committees shall operate and conduct business in compliance with the Brown Act (Government Code Sections 54950 et seq.)

Section 14 Meeting Attendance; Removal of Members

Commission members are expected to attend all regular and special meetings. Commission members who are not in attendance at two consecutive regular meetings may be asked to provide an explanation of their absences to the Commission. Commission members who are not in attendance at three consecutive regular meetings without prior notice being provided to the Commission, may be removed at the discretion of the Board of Supervisors. Commission members who are habitually absent from regular meetings may be removed at the discretion of the Board of Supervisors. Prior to any action that may result in removal of a member, the Board of Supervisors shall provide written notice to the member along with an opportunity for the member to address the Board.

Section 15 Interpretation.

This Resolution shall be liberally construed to effectuate its purpose and no ordinance, resolution, proceeding or other action of the Commission shall be invalidated or the legality thereof otherwise affected by the failure or omission of the Commission to technically comply with, observe or follow within the rules.

Section 16. Amendments.

This Resolution may be amended from time to time as necessary by resolution passed by a majority vote of the Board of Supervisors.