

Mariposa County  
Planning Department  
PO Box 2039  
Mariposa, CA 95338

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STATE OF CALIFORNIA  
COUNTY OF MARIPOSA  
PLANNING COMMISSION

RESOLUTION 2008-006

RESOLUTION APPROVING POLICIES AND PROCEDURES FOR PLANNING  
COMMISSION MEETINGS.

WHEREAS, on March 7, 2008 Mariposa County Planning Staff presented the Mariposa County Planning Commission with updated Policy and Procedures for review; and

WHEREAS, Mariposa County Planning Commission discussed these Policies and Procedures at their regularly scheduled public hearing of March 7, 2008; and

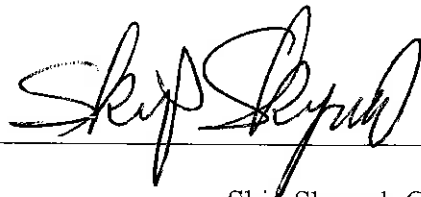
WHEREAS, the document has been reviewed accordingly.

NOW THEREFORE BE IT RESOLVED THAT the Planning Commission of the County of Mariposa does hereby approve the Policy and Procedures as presented and as contained in Exhibit A of this Resolution.

ON A MOTION BY COMMISSIONER Rudzik with a second by Commissioner Francisco passed, approved and adopted by the Planning Commission of the County of Mariposa on this day of March, 2008, by the following vote:

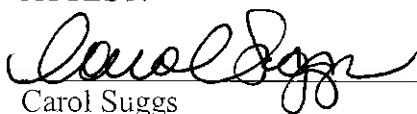
AYES: 5 (Francisco, Ross, Rudzik, Skyrud, DeSantis)

NOES: 0



Skip Skyrud, Chairman  
Chair, County of Mariposa Planning Commission

ATTEST:



Carol Suggs  
Secretary to the Planning Commission

# Exhibit A

**RULES OF PROCEDURE FOR MEETINGS**  
**OF THE**  
**MARIPOSA COUNTY PLANNING COMMISSION**

**MEETINGS**

Regular meetings shall be held pursuant to Mariposa County Code Section 2.52.060-080.

Special meeting may be called by the Chairman, or in his/her absence, by the Vice-Chairman, provided notice is given as required by Section 54956 of the Government Code, and shall be limited to those items listed on the noticed agenda.

Meetings may be continued by the Chairman, the Vice-Chairman in his/her absence, or by a motion of the Commission without further public notice, and shall be continued to a definite time, date, and place.

**OFFICERS**

The duties and powers of the officers of the Commission shall be as follows:

- A. **Chairman.** (Mariposa County Code Section 2.52.150)
1. Preside at all meetings of the Commission.
  2. Call special meetings of the Commission in accordance with these rules.
  3. Sign documents of the Commission.
  4. See that all actions of the Commission are properly taken.
  5. Appoint standing committees, with the approval of the Commission, and when necessary to the conduct of Commission business, establish special committees.

- B. **Vice-Chairman.** (Mariposa County Code Section 2.52.160)

During the absence, disability, or disqualification of the Chairman, the Vice-Chairman shall exercise or perform all the duties and be subject to all the responsibilities of the Chairman.

- C. **Secretary.** (Mariposa County Code Section 2.52.170)

The Secretary shall keep minutes of each meeting and shall record each hearing and official action. The Secretary shall examine incoming mail for proper referral and answer correspondence for the Commission. The Secretary shall maintain records of operations and shall perform such other duties as the Commission may assign.

- D. **Selection.** (Mariposa County Code Section 2.52.110)

At the first regular meeting of the year the Chairman of the Commission shall be selected by a majority vote of the members of the Commission and

shall serve for one year so long as the individual selected continues to hold the position of Commissioner. If that individual is no longer a Commissioner the selection of a new Chairman of the Commission will take place at the next meeting, by the same process.

Four affirmative votes shall be required to remove the Chairman and cause a replacement to be selected at any other time; however, selection of the replacement shall require only three votes. A Vice-Chairman shall be selected by the same process and shall act as Chairman in the absence of the Chairman.

## **QUORUM**

A quorum shall consist of three (3) Commissioners, and no action requiring a vote shall be effective unless at least three (3) aye votes are recorded by Commissioners present at the meeting and qualified to vote. Three (3) votes shall constitute a majority.

## **CONDUCT OF MEETINGS**

- A. The Chairman shall preside at all meetings of the Commission, and in his absence the Vice-Chairman shall preside. When both are absent, those in attendance shall select an acting Chairman for that meeting only by a majority vote of those in attendance.
- B. A meeting may be opened, continued and adjourned by the Chairman at his/her discretion, or by a majority vote of the Commission.
- C. Any action or decision by the Chairman may be reversed by three (3) votes of the Commission.
- D. The order of business shall follow the order of the final agenda for the meeting, provided that the Chairman or the Commission by three (3) votes may deviate there from so long as notice is announced to the public during the meeting. Public hearings required by law shall proceed as scheduled in so far as possible, but may be continued during the meeting provided notice is announced to the public at the scheduled time.
- E. Actions and decision by the Commission shall result from a motion fully stated by the moving party, followed by a second and passed by three votes.
- F. For purposes of proposing a motion or a second, the Chairman may relinquish the chair to the Vice-Chairman or any other Commission member willing to act as temporary Chairman, and thereafter move or second an action. He/She shall not resume the Chair until after the vote is taken on the motion or it is otherwise acted upon at the meeting.
- G. In the absence of a quorum a meeting may be cancelled, continued or relocated by the Chairman, or in his/her absence the Vice-Chairman, or by

the Secretary at the direction of the Chairman, or Vice-Chairman in his/her absence, provided that:

1. Notice of the action is given to all Commissioners, the media, and the public as required by state law,

and

2. Notice is posted at the time and place of the meeting.

## **VOTING**

- A. When a vote is called for by the Chairman, silence shall constitute an aye vote.
- B. A Commissioner may change his/her vote at any time prior to the time the next agenda item is taken up by the Commission, after which his/her vote shall be permanently recorded.
- C. A Commissioner with a direct conflict of interest involving the subject matter or any item before the Commission shall declare such conflict in public and abstain from participation in Commission deliberation and from voting thereon. Such Commissioner may participate in public comment on the item provided it is done as a member of the public from the floor. A remote conflict must also be made public, but shall not prevent voting or deliberation unless ruled to be a direct conflict by the Chairman or by a vote of the Commission.
- D. A Commissioner who abstains or is absent from a vote shall not be deemed to have voted for or against a measure. When the remaining number of persons eligible to vote on the matter is insufficient to decide the matter if all voted the same, a Commissioner present but abstaining shall be deemed to have voted with the majority.
- E. Where a tie vote results due to absence or abstention, the motion fails.
- F. A Commissioner may abstain from voting on any matter at any time. The effect of abstaining shall be the same as not voting.
- G. A Commissioner may raise an objection to the procedure at any time, and when called upon shall state the basis of the objection. The Chairman shall rule on the objections but may be overruled by a majority vote of the Commission.
- H. At any time prior to adjournment of the meeting a motion may be passed by majority vote to reconsider, revise, amend, or rescind any action of the Commission at that meeting, provided that matters subject to legal public notice requirements shall require new notice prior to action on such matters.

PLANNING COMMISSION RULES OF PROCEDURE

- I. At any time prior to the effective date of any official enactment, the Commission by majority vote may rescind such action, provided notice is given in advance if required by law.
- J. After the effective date of any enactment the Commission may repeal the enactment but such repeal shall operate prospectively only.
- K. A motion may be tabled by majority vote to be taken up either at a date and time certain or until a vote to consider the motion is passed.

**AGENDAS**

- A. The agendas for all Commission meetings shall be prepared by staff under the direction of the Planning Director or Designee, including the scheduling, handling and order of all matters appearing thereon.
- B. The deadline for submission of agenda items shall be noon on the Thursday immediately preceding the meeting for which the agenda is prepared. Late items may be accepted or refused at the discretion of the Chairman.

**PUBLIC HEARINGS**

- A. **Hearing Date** Any hearing on Planning Commission action will be set by staff no less than twenty-one (21) days from the date of setting, and within the time limits required by law.
- B. **Notices** Notice of publication, posting, and by mail to affected property owners —pursuant to Chapter 17.132 County Code and pursuant to requirement in Government Code Section 65854, 65854.5, 56905 and other applicable provisions, shall be completed at least ten (10) days prior to the date of hearing. The Planning Commission may continue the hearing to provide for complete notice as required herein.
- C. **Staff Reports** Written staff reports may be provided to the Commission at or prior to the hearing and shall be made available to the general public at such time, except when advance service is required by law.
- D. **Letters and Statements** The Commission may receive written statements and letters concerning the hearing at any time up to the close of the public portion of the hearing, after which no such written evidence would be received into the record. The issues considered shall nevertheless be limited as set forth in these rules.
- E. **Conduct of Public Hearings** The following sequence and procedures shall be followed, subject to the discretion of the Chairman, at any hearing of the Commission:
  - 1. The Chairman opens the hearing and announces the purpose and conducts the hearing.

2. The staff presentation is made.
3. Documentary evidence on file prior to the hearing is reviewed and made available to Commission members.
4. The Commission directs questions to staff.

**Public Portion**

5. Chairman recognizes applicant for presentation of his project or request.
6. Chairman invites any other member of the public to give testimony or brief argument on the matter.
7. Chairman recognizes applicant for rebuttal.
8. Chairman closes the public portion of the hearing.

**Deliberation Portion**

9. Chairman opens the matter for deliberation by the Commission.
  - a. Commission members may direct questions to staff or witnesses through the Chair.
  - b. Commission members discuss and deliberate without interruption from the public.
  - c. Commission members may take the matter under submission, investigate the location of subject property, call for further testimony subject to reopening of the public portion, or otherwise investigate the matter.
10. Chairman calls for Commission action.
11. Chairman announces the decision of the Commission.
12. Chairman directs preparation of findings, if not previously prepared as part of the staff report.

**RULES FOR PUBLIC HEARINGS**

The following rules shall govern and control all hearings of the Commission except as otherwise provided by Board Rules or procedures.

**Rule One**

**Questions.** Any Commission member may direct questions through the Chairman to staff and witnesses at any time during the hearing or deliberations. During the deliberation portion of the meeting, answers shall be limited to the public question only.

**Rule Two**

**Reopening Public Hearing.** The public portion of the hearing may be reopened by Commission motion at any time until final action is taken.

**Rule Three**

**Identification of Witnesses.** All persons wishing to speak at the public hearing must approach the microphone and although not mandatory, it is requested that they state their name.

**Rule Four**

**Cross-Examination.** The opportunity to ask questions of persons testifying at the hearing shall be at the discretion of the Chairman; but if allowed, shall be provided to principal spokesman on both sides of the question. Questions for this purpose shall be directed to the Chairman, identifying the witness from who an answer is sought. (The Commission shall not question except for those persons present who have not previously testified).

**Rule Five**

**Eligibility to Vote.** Commission members not present during the public portion of the hearing or any part thereof shall not be eligible to vote on the decision, unless they confirm they have listened to prior proceedings in the matter. In the event that less than three Commission members eligible to vote are present during the public portion of the hearing, the Chairman shall continue the hearing until such time as at least three (3) eligible Commissioners are present to hear testimony.

**Rule Six**

**Continuance of Hearing.** All or any portion of the hearing may be continued to a time, date and place certain without further formal notice, provided the continuance is announced to all persons present at the hearing, and posted conspicuously at the time, date and place of the hearing.

**Rule Seven**

**Findings of Fact.** Findings of fact shall be prepared in all cases where required by law, and in other cases when a request is received prior to the close of the public hearing by a legally interested party. Such findings may be prepared by direction of the Commission if the Commission determines they are necessary. Findings will be prepared at the direction of the Commission for



adoption within five (5) weeks of final Commission action, if not prepared for Commission action at the time of action.

**Rule Eight**

**Variance from Rules.** These rules and procedures may be varied modified or by a majority vote of the Commission.

**Rule Nine**

**Copies of Rules.** Copies of this resolution and any amendments hereto shall be made available to the general public and any interested principal parties prior to and during hearing.

**Rule Ten**

**Record.** A record, by tape or otherwise, shall be made of each public hearing. Persons desiring copies of the record may purchase tape copies from the Planning office as allowed by law, or may arrange for a certified court reporter to be present at their own expense. Transcripts of hearing tapes shall be prepared by the county only upon prepayment of the estimated preparation cost and allowance of sufficient reasonable time for preparation.

**Rule Eleven**

**Filing of Appeals.** A person or persons dissatisfied with the findings of the Commission may appeal to the Board of Supervisors by filing a Notice of Appeal with the Clerk of the Board of Supervisors pursuant to the County's adopted Appeals Procedures.

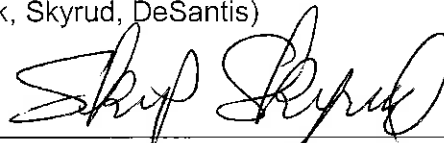
**AMENDMENT OF RULES**

These rules and procedures may be amended by the Commission at any regular meeting by a vote of three (3) or more Commissioners eligible to vote, provided the proposed amendment is included in the written notice or agenda of such meeting.

**PASSED AND ADOPTED** by the Mariposa County Planning Commission this 7 day of March, 2008, by the following vote:

**AYES: 5** (Francisco, Ross, Rudzik, Skyrud, DeSantis)

**NOES: 0**



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Skip Skyrud, Chairman  
Mariposa County Planning Commission

ATTEST:



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CAROL SUGGS, Secretary  
Mariposa County Planning Commission