Resolution
No. 2015-010  A Resolution Adopting Rules of Procedure for Meetings of the Planning Commission of Mariposa County

WHEREAS, Title 2 of Mariposa County Code, Chapter 2.52 establishes general provisions for the functioning and authorities of the Mariposa County Planning Commission (Commission); and

WHEREAS, Mariposa County Code, Section 2.52.120 “Adoption of rules” states, “The Commission shall adopt rules for the transaction of its business and shall keep a public record its resolutions, transactions, findings and determinations”; and

WHEREAS, the Commission adopted rules of procedure for meetings in January 2008 and amended these rules in February 2009; and

WHEREAS, it is the desire of the Commission to update these rules and adopt them by resolution; and

WHEREAS, the Commission believes these rules of procedure further the Commission’s goal and mandate to provide a consistently fair and equitable service to all interested parties; and

WHEREAS, on the 7th day of July, 2015 Mariposa County Planning Staff presented the Commission with updated rules of procedure for meetings for review; and

WHEREAS, the updated rules of procedure for meetings were developed based on consideration of the Board of Supervisors’ adopted rules of procedure for meetings and the Planning Commission’s previously adopted rules of procedure for meetings; and

WHEREAS, the Commission discussed these rules of procedure at their regularly scheduled meeting on the 7th day of July, 2015 and considered all public input; and

WHEREAS, the Commission directed staff to make amendments to the rules and schedule the item for further consideration at a later meeting; and

WHEREAS, the amended rules were scheduled for the Planning Commission’s regularly scheduled meeting on the 11th day of September, 2015. The Commission discussed these amended rules and considered all public input.

NOW, THEREFORE BE IT RESOLVED THAT, in accordance with the requirements of Mariposa County Code, Section 2.52.120, and in accordance with the authority granted to it by that section, the Planning Commission hereby adopts the rules of procedure for meetings of the Planning Commission shown as Exhibit A.
BE IT THEREFORE FINALLY RESOLVED THAT the rules of procedure shown in Exhibit A replace and supersede any and all previously adopted rules of procedure for meetings of the Planning Commission.

ON MOTION BY Commissioner Bernikoff, seconded by Commissioner Kennec this resolution is duly passed and adopted this 11th day of September, 2015 by the following vote:

AYES: Kennec, Becker, Bernikoff, Harris, Harter

NOES: None

EXCUSED: None

ABSTAIN: None

Attest:

Susan Hunter, Secretary
Mariposa County Planning Commission

Larry Harris, Chair
Mariposa County Planning Commission
EXHIBIT A

Rules of Procedure for Meetings
Conducted by the Planning Commission of Mariposa County

I. MEETINGS:

A. Regular meetings shall be held pursuant to Mariposa County Code sections 2.52.060 and 2.52.080.

B. Special meetings may be called by the Chair, by the Vice-Chair in the Chair’s absence, or by a majority vote of the Commission, provided notice is given as required by Section 54956 of the California Government Code, and shall be limited to those items listed on the noticed agenda.

C. Meetings may be continued by the Chair, the Vice-Chair in the Chair’s absence, or by a motion of the Commission, without further public notice, and shall be continued to a definite time, date and place, not later than the next regular meeting.

II. CHAIR:

A. The Chair of the Commission shall be selected by a majority vote of the members of the Commission at the first regular meeting of each calendar year, and shall serve for one (1) year so long as the individual selected continues in office as a Commissioner. If, for any reason, the Chair ceases to hold the position of commissioner, a new Chair shall be selected by the same process at the next regular meeting. Four (4) affirmative votes shall be required to remove the Chair and cause a replacement to be selected at any other time; however selection of the replacement shall require only three (3) votes.

B. A Vice-Chair shall be selected by the same process described in Section II.A of these rules and shall act as Chair in the absence of the Chair.

III. CONDUCT OF MEETINGS:

A. Planning Commission meetings are conducted under the direction of the Chair, and in the Chair’s absence the meeting shall be conducted under the direction of the Vice-Chair. When both are absent, the meeting shall be opened by the Secretary of the Commission and those in attendance shall select an acting Chair for that meeting only by a majority vote of those in attendance.

B. A meeting may be opened, continued and adjourned by the Chair at the Chair’s discretion, or by a majority vote of the Commission.

C. Any action or decision by the Chair may be reversed by a majority vote of the Commission, if reversal action is taken during the same meeting.
D. The order of business shall follow the final agenda for the meeting; however, the Chair, or the Commission by majority vote, may consider agenda items out of order as long as notice is announced to the public during the meeting. Public hearings shall proceed as scheduled whenever possible, but may be continued during the meeting provided notice is announced to the public at the scheduled hearing time.

E. Actions and decisions by the Commission shall result from a motion followed by a second and passage by three (3) affirmative ("aye") votes.

F. For purposes of proposing a motion or a second, the Chair may relinquish the Chairmanship to the Vice-Chair or any other Commission member willing to act as temporary Chair, and may then move or second an action. The Chair shall not resume the Chairmanship until after the vote is taken on the motion or it is otherwise acted upon at the meeting.

G. Rules for the Planning Commission’s Conduct of Public Hearings are established by separate resolution.

H. The Chair is authorized to limit time for public testimony.

I. The Chair may call a break or the Planning Commission may continue an item to another date, should there not be appropriate conduct exercised by the public in attendance at a public hearing.

IV. QUORUM:

A. A quorum shall consist of three (3) commissioners, and no action requiring a vote shall be effective unless at least three (3) affirmative ("aye") votes are recorded by commissioners present at the meeting.

B. In the absence of a quorum, a meeting may be canceled, continued, or relocated by the Chair, or in the Chair’s absence the Vice-Chair, or by the Secretary of the Commission at the direction of the Chair, or Vice-Chair in the Chair’s 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 of the time and place of the meeting is posted.

V. VOTING:

A. When a vote is called for by the Chair, silence shall constitute an affirmative ("aye") vote and the Secretary of the Commission shall record it as such.
B. A commissioner may change their vote up to the time the vote is announced. After that they can only make the change by permission of the Commission, which may be given by general consent, meaning no commissioner objects. Should there be any objection, the granting of permission shall only occur following a motion and second and an affirmative vote by a majority of the Commission. The motion shall be undebateable. This process may occur at any time during the meeting at which the vote was taken and prior to the next vote of the Commission, after which their vote shall be permanently recorded.

C. A commissioner who has a financial interest in a decision within the meaning of Section 87100 of the California Government Code shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to consideration of the matter, do all of the following:

1. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
2. Recuse himself or herself from discussing and voting on the matter, or otherwise acting in violation of Government Code Section 87100.
3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded.
4. Notwithstanding paragraph V.C.3, a commissioner may speak on the issue during the time that the general public speaks on the issue.

D. A commissioner who abstains or is absent from a vote shall not be deemed to have voted for or against a measure unless the remaining number of persons eligible to vote on the matter is insufficient to decide the matter if all voted the same. In such a case, 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. If the subject matter is an appeal, a tie vote on each side of the question shall result in affirmation of the action appealed.

F. A commissioner may abstain from voting on any matter at any time. The effect of abstaining shall be the same as not voting, except for circumstances as described in Paragraph V.D above.

G. A commissioner may raise an objection to a procedure at any time, and when called upon shall state the basis of the objection. The Chair shall rule on the objection 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 any matters subject to legal public notice requirements shall require new notice prior to any action.

I. At any time prior to the effective date of any official enactment the Commission, by majority vote, may rescind such action provided that 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 at a date and time certain.

L. Planning Commission actions taken on applications pursuant to County Code Section 2.52.180 shall be by formal resolution.

M. Planning Commission actions or direction on any other matter may be by formal resolution or by minute order.

N. Voting rules as described herein shall apply to formal resolutions and minute orders.

VI. AGENDAS:

A. The agendas for Commission meetings shall be prepared by the Secretary of the Commission.

B. The deadline for submission of agenda items for regular meetings shall be Thursday, by Noon, eight (8) calendar days prior to the requested meeting date.

C. Agendas and agenda packages for regular meetings will normally be available on the Friday preceding a meeting.

D. Agendas shall be posted at least seventy-two (72) hours before a regular meeting of the Mariposa County Planning Commission, and shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public.

E. Agendas for regular meetings shall provide an opportunity for members of the public to directly address the Commission on items of interest to the public that are within the subject matter jurisdiction of the Commission, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section VI.G below.

1. The Commission shall allow public presentations to the Commission as follows:
   a) A public comment period shall be provided on the Agenda to allow the public to comment on items not on the Agenda, which are of interest to the public that are within the subject matter jurisdiction of the Commission, and any item on the Agenda which is not a timed item.
   b) The public shall be allowed to comment on items which are on the timed schedule during the time that the Commission considers that particular item.
c) The Chair of the Commission, at the Chair's discretion, shall have the authority to allow public comment at any time during the Commission meeting.

2. The Chair may implement reasonable restrictions as needed in order to ensure that the intent of this section is carried out including, but not limited to, restrictions limiting the total amount of time allocated for public input on particular issues and for each individual speaker.

F. Agendas for each regular meeting shall provide an opportunity for each commissioner to address the Planning Commission, Planning Department staff and the public regarding current and future topics the planning commissioner deems important to report. The agenda item shall be entitled “Planning Commission Information.” Each commissioner, if they choose to present information, will be allotted five minutes for this presentation. The Commissioner shall not discuss formal projects previously acted upon by the Commission, projects on the current meeting agenda, or projects to be scheduled on a future meeting agenda. The Commissioner may suggest future Planning Commission agenda topics for discussion and possible action. Suggestions by individual commissioners are subject to the following:

1. Direction to staff to schedule an item on a future agenda or direction to staff to conduct research shall require a formal motion and an affirmative vote by a quorum of the commission.

2. Prior to taking action on a motion to give staff direction as described in Section VI.F.1 above, the Planning Commission shall consider input from the Planning Director or designee regarding staff availability and potential workload impacts resulting from the direction.

G. No action shall be taken on any item not appearing on the posted agenda unless an exception applies as described below.

H. The Commission may take action on items of business not appearing on the posted agenda under the following condition:

1. IMMEDIATE ACTION NEEDED:
   Upon a determination of a two-thirds vote of the Commission or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action was identified subsequent to the agenda being properly posted pursuant to Paragraph VI.D above.

I. Formal rules of evidence or procedure applicable in judicial actions and proceedings shall not apply in any Planning Commission proceeding.