MARIPOSA COUNTY -- AGENDA ACTION FORM

SPECIAL INSTRUCTIONS: 1) Submit Original of Action Form. 2) Submit eleven (11) copies of entire item unless exception authorized by Clerk. 3) Number all pages, list the attachments, and prepare all Exhibits.

DEPT.: COUNTY COUNSEL  BY: JEFFREY G. GREEN PHONE: 966-3625

RECOMMENDED ACTION AND JUSTIFICATION:

Pass and adopt this resolution, together with Exhibit "A" entitled "Conduct of Public Hearing" attached hereto and incorporated herein by this reference, which hereby supersedes and rescinds Resolution No. 85-236 in its entirety.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

The Board adopted Resolution No. 85-236 with Exhibit "A" entitled "Conduct of Public Hearing" on July 23, 1985 which superseded and rescinded Resolution No. 84-231. This Resolution will supersede and rescind Resolution No. 85-236 in its entirety.

LIST ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Continue with current Resolution No. 85-236 Procedures
Adopt this Resolution rescinding No. 85-236

LIST ATTACHMENTS:

Exhibit "A"

COST: (X) None
A. Bud/current FY $________
B. Tot/Antcp Cost $________
C. Req/Add'l Fund $________
D. Source: _______________________

SOURCE: ( ) 4/5's Vote Required
A. Other Budget's Funds $
B. Unantcp'd revenues $
C. Reserve for contngcy $
D. Other: _______________________
Balance in Reserve for Contingency if approved: $

CLERK'S USE ONLY:
Resolution No. 90-12
Ordinance No. ______
Vote: Ayes: 4
N oes: ______
Absent: __________
Abstained: ______
Approved ( ) Denied ( )
Minute Order Attached ( )
Date: 1-2-90

The foregoing instrument is a correct copy of the original on file in this office.

Date: ______________________

ATTEST: MARGIE WILLIAMS
Clerk of the Board of Supervisors
By Deputy: ______________________

Rev. 6/15/89
PUBLIC HEARING – No Appeal - CHECK LIST

1. Open Meeting

2. Staff Presentation
   a. Questions by Board members

3. OPEN PUBLIC PORTION

4. Applicant or Proponent Presentation   (Skip 4. when no applicant)
   a. Questions by Board members
   b. Speakers in SUPPORT of Applicant or Proponent

5. Opponents Presentation   (Skip 5. when no applicant)
   a. Questions by Board members
   b. Speakers in OPPOSITION to Applicant or Proponent

6. General Comments from Public

7. Rebuttal by Applicant or Proponent   (Skip 7. when no applicant)
   i. Questions by Board members

8. Clarification needed by Board

9. Staff wind-up

10. CLOSE PUBLIC PORTION

11. Deliberation

(Skip 4, 5 and 7 when there is not an applicant, for example, an LTC hearing.)
CONDUCT OF PUBLIC HEARING
(No Appeal)

All Public Hearings shall be conducted in accordance with these procedures except Appeal Hearings which are governed by separately adopted procedures.

No. 1: Opening of Meeting

The Chairman shall open the meeting and state the purpose and procedures to be followed. All questions and/or presentations shall be directed to the BOARD or COMMISSION through the Chairman. Any BOARD or COMMISSION member may direct questions to staff and witnesses at any time during the hearing or deliberation process.

No. 2: Staff Presentation

A. Present Staff report.
   1. Oral.
   2. Documentary evidence copies for BOARD or COMMISSION if not previously provided. (Copies to Applicant or Proponent.)
   3. Staff's report shall contain a recitation of the facts regarding the history of the matter and the decision rendered. Staff may provide a recommendation to the BOARD or COMMISSION.

B. Questions by BOARD or COMMISSION to staff.

No. 3: Open Public Portion of hearing

A. Applicant or Proponent makes presentation.

No. 4: Presentation

A. Applicant or Proponent makes its presentation and presents evidence.
   1. Questions by BOARD or COMMISSION.

B. Other speakers in support of Applicant or Proponent's position.
No. 5: **Opponent's Presentation**

A. Opponents present evidence against issue.

   1. Questions by BOARD or COMMISSION.

B. Other speakers in opposition to Applicant or Proponent.

No. 6: **Any General Comments From the Public**

No. 7: **Rebuttal by Applicant or Proponent**

A. Applicant or Proponent responds to issues raised by Opponents. No new issues are to be raised by Applicant or Proponent.

   1. Questions by BOARD or COMMISSION.

No. 8: **Any Clarification Needed by BOARD or COMMISSION**

A. Staff response to issues raised during public process.

B. BOARD or COMMISSION members question either staff, Applicant, Proponent or Opponents to clarify any areas of concern, etc.

C. If new evidence is submitted, BOARD or COMMISSION will give all parties an opportunity to respond to newly raised issues only.

No. 9: **Staff Procedural Questions**

A. Possible procedural issues raised by staff to presentations.

   1. Has evidence been submitted which requires additional staff research or information, or additional comment or testimony from Applicant, Proponent and/or Opponents?

   2. If no additional research or information required, staff reports as to mandatory findings required, procedures, alternative actions, etc.
No. 10: Close Public Portion of Hearing

A. Deliberation – no further input from general public.  
Staff may provide information regarding mandated procedures only.

1. If BOARD or COMMISSION has additional questions which call 
for new evidentiary testimony or documents and new evidence 
is taken, the testimony portion of the meeting shall be reopened 
and Applicant or Proponent, and general public, shall be 
allowed to address new evidence.

2. Close public portion of hearing.

B. Continued deliberation.

C. If decision cannot be reached, hearing continued to date and time 
certain for further deliberation and decision.

D. Decision.

1. Resolution proposed by BOARD or COMMISSION.
   a. Motion should contain facts and evidence which was 
      adduced at the hearing to support action, or should 
      direct staff to prepare draft resolution for review and 
      action by BOARD or COMMISSION at a continued 
      meeting of BOARD or COMMISSION, which shall be 
      at a date and time certain.
   b. A decision shall be rendered by the BOARD or 
      COMMISSION in the form of a resolution at the 
      conclusion of the deliberation phase.
CONDUCT OF PUBLIC HEARING

All Public Hearings shall be conducted in accordance with these procedures except Appeal Hearings which are governed by separately adopted procedures.

No. 1: Opening of Meeting

The Chairman shall open the meeting and state the purpose and procedures to be followed. All questions and/or presentations shall be directed to the BOARD or COMMISSION through the Chairman. Any BOARD or COMMISSION member may direct questions to staff and witnesses at any time during the hearing or deliberation process.

No. 2: Staff Presentation

A. Present Staff report.
   1. Oral.
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   3. Staff's report shall contain a recitation of the facts regarding the history of the matter and the decision rendered. Staff may provide a recommendation to the BOARD or COMMISSION.

B. Questions by BOARD or COMMISSION to staff.

No. 3: Open Public Portion of Hearing:

A. Applicant or Proponent makes presentation.

No. 4: Presentation

A. Applicant or Proponent makes its presentation and presents evidence.
   1. Questions by BOARD or COMMISSION.

EXHIBIT "A"
B. Other speakers in support of Applicant or Proponent's position.

No. 5: **Opponent's Presentation**
   A. Opponents present evidence against issue.
      1. Questions by BOARD or COMMISSION.
   B. Other speakers in opposition to Applicant or Proponent.

No. 6: **Any General Comments From the Public**

No. 7: **Rebuttal by Applicant or Proponent**
   A. Applicant or Proponent responds to issues raised by Opponents. No new issues are to be raised by Applicant or Proponent.
      1. Questions by BOARD or COMMISSION.

No. 8: **Any Clarification Needed by BOARD or COMMISSION**
   A. Staff response to issues raised during public process.
   B. BOARD or COMMISSION members questions either staff, Applicant, Proponent or Opponents to clarify any areas of concern, etc.
   C. If new evidence is submitted, BOARD or COMMISSION will give all parties an opportunity to respond to newly raised issues only.

No. 9: **Staff Procedural Questions**
   A. Possible procedural issues raised by staff to presentations.
      1. Has evidence been submitted which requires additional staff research or information, or additional comment or testimony from Applicant, Proponent and/or Opponents.
      2. If no additional research or information required,
staff reports as to mandatory findings required, procedures, alternative actions, etc.

No. 10: Close Public Portion of Hearing

A. Deliberation – no further input from general public. Staff may provide information regarding mandated procedures only.

1. If BOARD or COMMISSION has additional questions, which call for new evidentiary testimony or documents and new evidence is taken the testimony portion of the meeting shall be reopened, and Applicant or Proponent and general public shall be allowed to address new evidence.

2. Close public portion of hearing.

B. Continued deliberation.

C. If decision cannot be reached, hearing continued to date and time certain for further deliberation and decision.

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   a. Motion should contain facts and evidence which was adduced at the hearing to support action, or should direct staff to prepare draft resolution for review and action by BOARD or COMMISSION at a continued meeting of BOARD or COMMISSION, which shall be at a date and time certain.

   b. A decision shall be rendered by the BOARD or COMMISSION in the form of a resolution at the conclusion of the deliberation phase.