

CHAPTER 16

MEETING AND HEARING RULES AND PROCEDURES

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16.010 Background

The Reorganization Act specifically authorizes the Commission to adopt regulations for the conduct of hearings and meetings. The Commission conducts hearings and meetings much like other government decision-making bodies such as the Board of Supervisors, and such hearings and meetings must be conducted in accordance with applicable State laws such as the Brown Act and the Reorganization Act itself. The Commission has flexibility in certain regards as to how hearings and meetings are held and conducted.

Some of the main objectives in holding public hearings and meetings are to:

- A. Make all information provided to the Commission, including verbal testimony, available to interested parties and the public.
- B. Establish a forum for interested parties and the public to participate and to submit written and/or verbal testimony on reorganization proposals and other duties of the Commission.
- C. Establish a forum which provides for the orderly and efficient conduct of hearings and meetings so that public participation is encouraged.

- D. Inform interested parties and the public on how and why the Commission acted on a project in the manner they chose.

In order to meet these objectives, the Commission has adopted the following procedures and regulations for the conduct of Commission hearings and meetings. These procedures and regulations will ensure that Commission hearings and meetings are conducted in an orderly and efficient manner and public participation is maximized to the fullest extent possible.

[REFERENCE: Sec. 56300 CGC]

16.020 Meetings

- A. **Regular Meetings:** The regular meetings of the Local Agency Formation Commission shall be held in the Mariposa County Government Center. Regular meetings shall be scheduled by the Executive Officer when there is sufficient business to convene a meeting, upon direction from the Chairman, or upon request from two (2) Commissioners.
- B. **Continued Meetings:** When the business of a regular meeting cannot be concluded, the meeting may be continued to a time, date, and place certain. Any continued meeting of a regular meeting is part of the regular meeting.
- C. **Special Meetings:** Special meetings may be held when deemed necessary at the discretion of the Chairman upon reasonable and legally sufficient notice to all Commissioners and to the public. Such meetings shall comply with all provisions of the Brown Act (Government Code Sections 54950 et seq).

16.030 Agendas

- A. The agenda for a regular or special meeting shall be closed one (1) week prior to the day of the meeting. Request for placement of an item on the agenda shall be made to the Executive Officer in writing prior to the one (1) week closing date. Items may be added to the agenda at the discretion of the Chairman prior to the closing date.
- B. The agenda and all agenda materials shall be available to the Commissioners and the public at least five (5) calendar days before the meeting.
- C. The Commission may consider only those items described in the agenda or those items added to the agenda and considered in accordance with Subsection D.

- D. The Chairman may add items to the agenda after the closing date only if the Chairman finds that information on the item was not known at the time the agenda was prepared and action is necessary on the item prior to the next Commission meeting.

16.040 Quorum

A quorum shall consist of three (3) commissioners. In the absence of a quorum, a meeting may be cancelled or continued to a time, date, and place certain by the commissioners present. If all commissioners are absent, the meeting may be cancelled or continued to a time, date, and place certain by the Executive Officer.

16.050 Motions and Voting

- A. All actions and decisions of the Commission shall result from a motion fully stated by the moving party, followed by a second, and passed by three votes.
- B. For purposes of proposing a motion or a second, the Chairman may relinquish the chair to the Vice-Chairman or any other Commissioner willing to act as temporary chairman, and thereafter move or second an action. The Chairman shall not resume the chair until after the vote is taken on the motion or it is otherwise acted upon at the meeting.
- C. When a vote is called for by the Chairman, silence or a vote in an inaudible voice shall constitute an "aye" vote.
- D. A Commissioner who abstains or is absent from a vote shall not be deemed to have voted for or against a motion. A Commissioner may abstain from voting on any matter at any time.
- E. A tie vote shall result in failure of the motion.
- F. A Commissioner may change his or her vote at any time prior to the time the next agenda item is taken up by the Commission, after which his or her vote shall be permanently recorded.
- G. At any time prior to adjournment of the meeting, a motion may be passed 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.

16.060 Duties of Chairman and Vice-Chairman

- A. **Chairman:** The chairman, when present, shall preside at all meetings of the Commission and shall conduct the business of the Commission in the manner prescribed herein. The chairman shall preserve order and decorum and shall decide all questions of order subject to the action of a majority of the Commission. The chairman shall vote on all questions and on roll call his name shall be called last. The chairman shall sign all resolutions, directives, and contracts approved by the Commission.
- B. **Vice-Chairman:** The vice-chairman, in the absence of the chairman, shall perform all the functions and duties of the chairman.
- C. **Acting Chairman:** In the absence of both the chairman and the vice-chairman, the members present shall select one of the members present as acting chairman.

16.070 Meeting Procedures

- A. **Call to Order:** The Chairman shall take the chair at the time and place appointed for the meeting and shall call the Commission to order. In the absence of the Chairman and the Vice-Chairman, the Executive Officer shall call the Commission to order, whereupon an acting chairman shall be elected by the commissioners present. Upon the arrival of the Chairman or the Vice-Chairman, the acting chairman shall relinquish the chair at the conclusion of the business then before the Commission.
- B. **Order of Procedure:** The business of each regular meeting of the commission may be transacted insofar as possible in the following order:
 - 1. Call to order
 - 2. Approval of minutes of previous meeting
 - 3. Business from the floor
 - 4. Scheduled public hearings
 - 5. Special business
 - 6. Continued items
 - 7. Miscellaneous business
 - 8. Information items

The order of business shall follow the final agenda for the meeting, however the order of business may be altered by the Chairman or a majority vote of the Commission provided that notice is announced to the public during the meeting. Public hearings shall proceed as scheduled insofar as possible, but may be continued during the meeting provided notice is announced to the public at the scheduled time.

- C. **Minutes**: If there are no objections to the approval of the minutes by a Commissioner, the minutes shall be approved as written. In all other cases, the minutes shall be approved by motion.
- D. **Adjournment**: A meeting may be adjourned by the Chairman at his or her discretion or by a majority vote of the Commission.
- E. **Rules of Order**: Unless otherwise ruled by the Chairman and his ruling is not overruled by a majority of the Commission, Robert's Rules of Order will govern the proceedings of the Commission in the conduct of its meetings so far as they are applicable and not in conflict with these procedures and State law.

16.080 Hearing Procedures

All hearings shall be conducted in accordance with the following order and procedures:

- A. **Opening of Hearing**: The Chairman shall open the hearing and state the purpose and procedures to be followed. All questions and/or presentations shall be directed to the Commission through the Chairman. Any Commissioner may direct questions to staff and witnesses at any time during the hearing or deliberation process.
- B. **Executive Officer Presentation**: The Executive Officer shall present a summary of the Executive Officer's report and the recommendation to the Commission. The Executive Officer shall provide any documents or other written evidence to the Commission if not previously provided to the Commission. A Commissioner may ask questions of the Executive Officer during or upon conclusion of the presentation of the report.
- C. **Testimony of Proponent and Speakers in Support**: The proponent may present evidence or testimony to the Commission, and other speakers in support of the proposal may present evidence or testimony upon conclusion of the proponent's testimony. A Commissioner may ask questions of the proponent or any speaker in support.
- D. **Testimony of Speakers in Opposition**: Speakers in opposition of the proposal may present evidence or testimony to the Commission. Opponents of the proposal shall submit to the Commission all written protests not previously submitted to the Commission. A Commissioner may ask questions of any speaker in opposition.
- E. **Testimony of Other Speakers**: Speakers neither in support or opposition of the proposal may present evidence or testimony to the Commission, and a Commissioner may ask questions of the speaker.

F. Rebuttal by Proponent: The proponent may respond to issues raised by the testimony of other speakers. The proponent shall not raise any new issues. A Commissioner may ask questions of the proponent.

G. Clarification of Issues:

1. The Executive Officer shall respond to the Commission on issues raised by the testimony of the speakers or the questions of the Commission.
2. A Commissioner may question the Executive Officer, proponent, or other speakers to clarify any areas of concern.
3. If new evidence is presented, the Commission shall give all parties an opportunity to respond.

H. Closing of Public Portion:

1. Upon presentation of all evidence and testimony, the Chairman shall close the public portion of the hearing. Further evidence or testimony from the proponent and the general public shall not be allowed unless the public portion of the hearing is reopened and the proponent and general public are provided an opportunity to respond to the new evidence or testimony only.
2. If the Commission determines evidence or testimony has been presented which requires additional research or analysis by the Executive Officer, the Commission may continue the public hearing to a date, time, and place certain. If the Executive Officer presents new evidence or information upon reconvening of the hearing, the Commission shall reopen the public portion of the hearing and the proponent and the general public may respond to the new evidence or information only.
3. If the Commission has additional questions of a proponent or the general public, the public portion of the hearing shall be reopened. The proponent and the general public may respond to the new evidence or testimony only.

I. Deliberation and Action:

1. Upon presentation of all evidence and testimony, the Commission shall begin deliberation of the matter.
2. The Executive Officer shall provide information to the Commission on mandated procedures and findings for taking action on the proposal.
3. If a decision cannot be reached, the Commission may continue the hearing to a date, time, and place certain for further deliberation and action.

4. A motion for an action may be made and acted on in accordance with Section 14.050. An action rendered by the Commission shall be in the form of a resolution. The motion and resolution shall contain all mandatory findings based upon facts and evidence adduced at the hearing to support the action, or the Commission shall direct the Executive Officer to prepare a draft resolution for review and action by the Commission at a continued meeting.

16.090 Meeting and Hearing Rules

- A. Identification of Witnesses:** All persons wishing to speak at the hearing must approach the microphone and state their name and address.
- B. Questions:** Any Commissioner 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 specific question only.
- C. Cross-examination:** The opportunity to ask questions of persons testifying at the hearing shall be at the discretion of the Chairman. Questions for this purpose shall be directed to the Chairman, identifying the witness from whom an answer is sought. Persons present who have not previously testified shall not be questioned except by the Commission.
- D. 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 is noticed in the Commission agenda for the date which the continued hearing will be heard.
- E. Eligibility to Vote:** Commissioners not present during the entire testimony portion of the hearing, or who have not listened to the tapes of the entire testimony, shall not be eligible to vote on the decision. In the event that less than three (3) commissioners eligible to vote are present during the testimony 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.
- F. Decision:** A decision shall be rendered by the Commission in the form of a resolution at the conclusion of the deliberation phase.
- G. Findings of Fact:** Findings of Fact shall be prepared in all cases where findings are required by the Reorganization Act or these policies, procedures, and standards, and in other cases when a request is received prior to the close of the hearing by an interested party. The findings shall be incorporated in the decision resolution. Findings will be prepared by staff at the direction of the Commission.

- H. Variance from Rules:** The rules and procedures of Sections 14.090 and 14.100 may be varied by a majority vote of the Commission.
- I. Record:** A record, by tape or otherwise, shall be made of each hearing. Persons desiring copies of the record may purchase tape copies from the Executive Officer upon reasonable notice, or may arrange for a Certified Court Reporter to be present at their own expense.
- J.** Unless further time is granted by a majority of the Commission, each person addressing the Commission shall limit his/her address to a reasonable time as may be limited by the Chairman.
- K. Spokesman for Groups:** Whenever any organized group wishes to address the Commission, it shall be proper for the Chairman to request that a spokesman be chosen to address the Commission on behalf of the group. In the event additional matters are to be presented by other persons in the group, it shall be proper for the Chairman to limit input to these matters not previously brought up to avoid unnecessary repetition.
- L. Discussion:** No person, other than a Commissioner, shall be permitted to enter into any discussion with the person addressing the Commission without the permission of the Chairman.