

1 MARIPOSA COUNTY RESOLUTION NO. 80-127

2 A RESOLUTION ESTABLISHING RULES AND PROCEDURES FOR HEARINGS
3 ON APPEALS TO THE BOARD OF SUPERVISORS

4 RESOLVED by the Board of Supervisors of Mariposa County,
5 a political subdivision of the State of California, that the
6 following Rules and Procedures shall govern all appeal hearings
7 before the Board of Supervisors:

8 NOTICES

9 1. NOTICES: Any appeal of Planning Commission action
10 filed with the Board of Supervisors will be set at the next
11 available regular meeting of the Board for a hearing at a date
12 certain no less than 21 days from the date of setting
13 nor more than 30 days from the date of filing of the appeal
14 unless continued by consent of appellant and applicant. Notice
15 by publication, posting, and by mail to adjacent property
16 owners within at least 600 feet of the subject property, pursuant
17 to requirements in Government Code Sections 65854, 65854.5,
18 65905 and other applicable provisions of law, shall be completed
19 at least 10 days prior to the date of hearing. The Board of
20 Supervisors may continue the hearing to provide for complete
21 notice as required herein.

22 HEARINGS

23 2. CONDUCT OF PUBLIC APPEAL HEARINGS: The following
24 sequence and procedures shall be followed in any appeal of
25 Planning Commission action filed with the Board of Supervisors
26 for which a hearing is held:

27 A. The chairman opens the public hearing and
announces the purpose of the hearing.

28 B. The staff report is read and any oral pre-
sentations by staff called for.

C. Documentary evidence on file prior to

1 the hearing is reviewed and made available
2 to Board members.

3 D. The board directs questions to staff.

4 E. Chairman recognizes appellant for
5 presentation of his appeal and evidence.

6 F. Chairman invites testimony from all
7 persons supporting the appeal.

8 G. Chairman recognizes applicant if not
9 the same as appellant.

10 H. Chairman invites testimony from all
11 persons opposing the appeal.

12 I. Chairman invites any other member of
13 the public to give testimony or brief argument
14 on the matter.

15 J. Chairman recognizes appellant for re-
16 buttal.

17 K. Chairman may allow brief cross-exam-
18 ination by applicant, appellant and interested
19 principal parties on both sides of the matter
20 by questions directed through the chair.

21 L. Chairman closes the public hearing.

22 M. The chairman opens the matter for de-
23 liberation by the board.

24 1.) Board members may direct questions
25 to staff or witnesses through the chair.

26 2.) Board members discuss and de-
27 liberate without interruption from the
28 public.

N. Chairman calls for board action.

O. Chairman announces the decision of the
board and explains any further rights of parties.

P. Chairman directs preparation of findings
if prior written request received.

18 RULES

19 3. RULES FOR APPEAL HEARINGS: The following rules shall
20 govern and control all appeal hearings of Planning Commission
21 actions:

22 Rule One: QUESTIONS: Any board member may direct
23 questions through the chairman to staff and wit-
24 nesses at any time during the hearing or deliber-
25 ations. During the deliberation portion of the
26 meeting, answers shall be limited to the specific
27 question only.

28 Rule Two: REOPENING PUBLIC HEARING: The public
hearing may be reopened by board motion at any time
until the board turns to a new agenda item. After
that any reopening must be renoticed.

Rule Three: STAFF REPORTS: Written staff reports

1 should be submitted for inclusion in the board
2 agenda at least three working days prior to the
3 scheduled hearing, and shall be made available
4 to the public and all interested parties. The
5 board may accept staff reports along with docu-
6 mentary evidence received at the hearing, provided
7 copies are available to interested parties.

8 Rule Four: STATEMENT OF GROUNDS FOR APPEAL:

9 Persons appealing planning commission actions
10 shall submit with their appeal a written state-
11 ment of each and every error or objection upon
12 which the appeal is based. Appellants shall be
13 allowed seven calendar days from the date of filing of the
14 appeal to file an amendment or supplement to their written state-
15 ment of errors or objections forming the basis of
16 the appeal. Mailed notices shall inform recipients
17 of the availability of the statements and the pos-
18 sibility of amendments. The board may, at its
19 discretion, limit the evidence considered at the
20 hearing to those grounds specified in writing.
21 Copies of the appeal and statement of errors and
22 objections shall be made available to the public
23 and all interested parties.

24 Rule Five: IDENTIFICATION OF WITNESSES: All
25 persons wishing to speak at the public hearing
26 must approach the microphone and state their
27 name and address.

28 Rule Six: CROSS-EXAMINATION: The opportunity
to ask questions of persons testifying at the
hearing shall be at the discretion of the chair-
man, but if allowed, shall be provided to princi-
pal spokesmen on both sides of the question.
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 board.

Rule Seven: FINDINGS OF FACT: Findings of fact
will be prepared at the direction of the board
for adoption at the next meeting following the
public hearing or as soon thereafter as the
board may allow, provided that a written request
from an interested principal party is received
prior to or at the public hearing.

Rule Eight: VARIANCE FROM RULES: These rules and
procedures may be varied by the chairman for good
cause, or by a majority vote of the board.

Rule Nine: COPIES OF RULES: Copies of this Res-
olution and any amendments hereto shall be made

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available to the general public and any interested principal parties prior to and during any appeal hearing.

Rule Ten: RECORD: A record, by tape, or otherwise, shall be made of each public hearing on appeals of this type. Persons desiring copies of the record may purchase tape copies from the board clerk upon reasonable notice, 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.


PASSED AND ADOPTED to take effect immediately by the Board of Supervisors of Mariposa County on this 22 day of July, 1980, by the following vote:

AYES: ERICKSON, MOFFITT, TABER, DALTON, CLARK

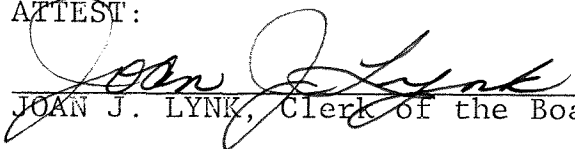
NOES:

ABSENT:

ABSTAINED:


ERIC J. ERICKSON, Chairman
Board of Supervisors

ATTEST:


JOAN J. LYNK, Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


RICHARD K. DENHALTER, County Counsel