



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
LONG RANGE PLANNING DIVISION

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Hearing Date: August 1, 2019

To: Humboldt County Planning Commission

From: John Ford, Director of Planning and Building Department

Subject: Humboldt County Planning Commission Rules
Procedural Rules governing the conduct of all zoning and planning hearings before the Humboldt County Planning Commission.

The attached staff report was prepared for your consideration of the proposed Planning Commission Rules at the public hearing on August 1, 2019.

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Please contact Michael Richardson (707) 268-3723, mrichardson@co.humboldt.ca.us, with questions.

AGENDA ITEM TRANSMITTAL

Meeting Date: August 1, 2019	Subject: Humboldt County Planning Commission Rules	Contact Michael Richardson
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Project Description: The attached rules clarify procedures for the Planning Commission’s public meetings, including the handling of infrequent events and situations. The rules memorialize current practice for the most part, and suggest a few improvements.

Project Location: These rules would apply to the conduct of Planning Commission hearings on matters throughout the unincorporated areas of Humboldt County, California.

Environmental Review: Statutorily exempt as pursuant to the CEQA Guidelines.

Major Issues: None.

Humboldt County Planning Commission Rules

RECOMMENDED COMMISSION ACTION:

1. Open the public hearing item and receive a staff report.
2. Receive public comment.
3. Close the public comment portion of the meeting and deliberate on the proposed resolution.
4. Make the following motion to approve the item:

Find the project is exempt from environmental review, make all of the required findings based on evidence in the staff report and public testimony, and recommend the Board of Supervisors approve the Humboldt County Planning Commission Rules by approving the attached resolution.

Executive Summary:

The purpose of the Planning Commission Rules is to facilitate public participation at hearings and to ensure fair, understandable, and efficient proceedings on matters before the Commission. These rules shall apply to all transactions of business before the Commission, but they are procedural only. A failure to follow the rules does not reverse an action of the Planning Commission.

Highlights of departures from current practice. The proposed Rules memorialize current practice for the most part. However, the following improvements are suggested for your consideration:

- Section 3 spells out rules of conduct at public meetings including standards of civil discourse, rights of the public, and consequences of disorderly conduct. Section 3 also recommends how to present evidence, and explains how Commissioners should disclose conflicts.
- Sections 5(d) and (e) suggest the applicant speaks first, then one more time after other testimony. Currently the applicant speaks after other public speakers.
- The 1998 Humboldt County PC Handbook specifies Roberts Rules of Order as default procedures where there is uncertainty. This draft instead refers to Rosenberg's Rules of Order at the end of Section 6.
- Section 7(d) clarifies voting, and the effects of abstention and recusal. The question of whether an abstaining vote is included in or excluded from a count has been a source of confusion in the past. The rule stated in Section 7(d) follows current practice, which is supported by case law. Commission decisions require majority support from the members who actually cast votes, not from those entitled to vote.

In *Martin v. Ballinger* (1983) 25 Cal. App.2d 435), the court ruled that non-conflict of interest abstentions are not counted in the vote at all. Under the traditional rule regarding abstentions, councilmembers who abstain are counted for purposes of determining a quorum and the abstentions are simply not counted in tallying the votes. "Where there is a quorum present, and a majority of the quorum votes in favor of a proposition, it is carried, notwithstanding an equal number refuse or fail to vote; . . . in the absence of governmental regulation to the contrary . . . it is not the majority of the whole number of members present that is required, but only a majority of the number of members necessary to constitute a quorum." (Ballinger, at 437). Put another way, "where a quorum is present, the direct approval of more than half of those members actually voting for or against the measure becomes the act or choice of the body." (62 Ops. Atty. Gen. 698, (1979).) In *Martin v. Ballinger*, a motion was validly passed by a five-member board that voted two in favor, two abstentions and one vacant position because a majority of the quorum of three voted in favor of the proposition. (Martin, supra, at 437-438.)

In contrast, when a board member is disqualified because of a conflict of interest, that board member is not counted for purposes of making the quorum. (62 Ops. Atty. Gen. 698 (1979).)

The Section 7(d) contains examples, as well as the case citations above.

- The last sentence in Section 7(e), regarding the declaration of a deadlock, is different from current practice in that it is considered a denial subject to appeal.
- Section 8 explains the rationale and intent behind rules governing ex-parte contacts. It sets forth procedures for site visits and personal communications concerning substantive issues, including requirements for disclosure. The section formalizes current practice rather than changing it, and makes it available to the public as a matter of transparency.
- Section 9(b)(iv) requires two hours of ethics training relevant to public service annually, citing GOV Section 53235(a) and (b).
- Section 9(d), Meeting Agendas, was added to capture the Board Of Supervisors discussion of 5/26/16, and the direction given in Board Chair's letter of 6/14/16.

Authority and references.

The proposed rules incorporate language and formats similar to those used in other jurisdictions, including Sacramento, Calaveras, San Mateo, Yolo, Sonoma, and Santa Barbara Counties, as well as the City of Emeryville. The Humboldt County Planning Commission Procedures (1998), and Rules of the Humboldt County Board of Supervisors were consulted. California GOV § 25003 and GOV § 65804, and General Plan Policy PG-P13 authorize this draft of the rules.

State statutes referenced include GOV § 53235(a) and (b) Ethics Training; GOV § 54955 Local Agency Meetings; GOV § 87200, the Political Reform Act; GOV § 65103 (a) through (f), planning agency functions; and GOV §§ 54950-54963, the Ralph M. Brown Act.

Alternatives

The Planning Commission could, after deliberation, recommend changes, additions, or deletions to the proposed Rules to better fit the goal to facilitate public participation at hearings and to ensure fair, understandable, and efficient proceedings.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Planning Commission Resolution Number 19- __
Humboldt County Planning Commission Rules**

Makes the required findings for certifying compliance with the California Environmental Quality Act and recommends that the Board of Supervisors approve the Humboldt County Planning Commission Rules.

WHEREAS, the Planning Commission desires to establish procedural rules in accordance with Government Code Sections 25003 and 65804, and Policy PG-P13 of the Humboldt County General Plan to govern the conduct of its zoning and planning hearings; and

WHEREAS, the proposed Humboldt County Planning Commission rules would facilitate public participation at hearings and ensure fair, understandable, and efficient proceedings on matters before the Commission; and

WHEREAS, the resolution is statutorily exempt from environmental review per Section 15378 (Project) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, a public hearing was held on the matter before the Humboldt County Planning Commission on April 18, 2019.

NOW, THEREFORE, be it resolved, determined, and ordered by the Humboldt County Planning Commission that:

1. All the above citations are true and correct; and
2. The resolution considered in not a project subject to environmental review under the California Environmental Quality Act (CEQA); and
3. The Planning Commission adopts Resolution 19-__, which would apply to the transaction of all business before the Commission if the Rules are adopted by the Board of Supervisors.

BE IT FURTHER RESOLVED that this Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Certify compliance with the requirements of CEQA as required by state law.
2. Adopt the Planning Commission's findings.
3. Approve the Planning Commission recommended Rules in Attachment A of this Resolution, Humboldt County Planning Commission Rules, which is fully incorporated into this Resolution.

Adopted after review and consideration on _____, 2019.

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
DECISION:

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above entitled matter by said Commission at a meeting held on the date noted above.

John Ford, Director
Planning and Building Department

ATTACHMENT A

Draft Planning Commission Rules

HUMBOLDT COUNTY PLANNING COMMISSION RULES
Adopted _____, 2019

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Purpose

The purpose of these rules is to facilitate public participation at hearings and to ensure fair, understandable, and efficient proceedings on matters before the Commission.

Authority and Applicability

Pursuant to Board Resolution No. _____ adopted _____, 2019, the Board of Supervisors has adopted "Procedures for the Conduct of Planning Commission Hearings".

These Planning Commission Rules are developed and published in accordance with Government Code Sections 25003 and 65804, and Policy PG-P13 of the Humboldt County General Plan, and adopted by the Board of Supervisors in accordance with Government Code Section 65102.

These rules shall apply to the transactions of all business before the Commission. However, the rules are procedural only. A failure to follow these rules will not reverse an action of the Planning Commission.

General Conduct

Record.

All hearings will be recorded on video or by other technology and published on the County's website. Recordings and minutes will become a part of the public record. All correspondence or other non-confidential documents submitted to the Commission shall also be part of the public record.

Rights of the Public.

The public has a right to notice of the public hearing, to be present at meetings, to hear all of the dialogue related to any item on the agenda except for matters meeting the legal requirements for closed session, and to comment on any item that is on the agenda. All information and discussion received in closed session shall be confidential.

Standard of Civil Discourse.

If conducting a public hearing, the Commission is responsible to the public for scrupulously guarding its right to a fair and impartial public hearing, and to maintain the dignity and personal integrity of all who participate. Therefore, personal abuse of anyone will not be tolerated by the Commission. The Chair will require that procedure as set forth in these rules be followed.

Disorderly Conduct

If a person or persons willfully interrupts a meeting, and order cannot be restored by removal of such person(s), the Chair may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media will be allowed to attend the session, except for those participating in the disturbance. The Chair may readmit any person(s) not responsible for the disturbance.

Questions Through the Chair.

During the course of the hearing, commissioners, staff members, proponents, opponents, and other interested persons will direct all questions through the Chair. Direct questioning of other participants will be allowed at the discretion of the Chair.

Repetitious, Dilatory, or Profane Comments Prohibited.

The Chair will recognize and accept testimony from all who wish to speak. At the discretion of the Chair, repetitious and irrelevant testimony may not be accepted. Lengthy or repetitious letters and petitions may be filed with the Clerk so that the record will show the names of the persons supporting or opposing an issue.

Comments in Writing Encouraged.

Members of the public are encouraged to submit comments to the Planning Commission in writing, whether on the agenda or otherwise. When written materials are provided to the Commission during a meeting, an original and 10 copies are required to be distributed to Commission members, staff, and counsel, then considered and acted upon, or not acted upon, as deemed appropriate in the Commission's judgment. Members of the public submitting written comments are encouraged to provide additional copies for any other members of the public upon request.

Representation.

Any interested participants may be represented by counsel or agent authorized to speak on their behalf.

Exhibits.

All exhibits, documents or other physical evidence used by the applicant or other interested parties, and determined to be necessary and required, will become part of the record and retained by the Commission. Supplementary evidence will be returned, upon request, after the decision becomes final.

County Counsel.

The County Counsel or a designated deputy shall be legal counsel for the Commission. All questions of law from staff or Commissioners will be referred to the County Counsel's Office for an opinion, either in advance of the meeting, or, in the discretion of the Commission after a continuance of the item. To the extent authorized by law, consultation with counsel may occur in properly agendized closed session.

Conflicts of Interest.

Commission members shall abide by the Political Reform Act, all Fair Political Practice Commission rules and regulations, and all other applicable laws regarding conflicts. Commissioners are encouraged to consult with County Counsel, their own legal counsel, or the Fair Political Practices Commission to help them determine if conflict of interests may apply in advance of any meeting.

Any member with a disqualifying conflict of interest must comply with the Political Reform Act with the following acts:

- (i) Publicly state the nature of the conflict of interest in sufficient detail to be understood by the public;
- (ii) Recuse himself or herself from discussing and voting on the item; and
- (iii) Leave the room until the item has concluded, unless it is on the Consent agenda.

The member may be allowed to address the Commission as a member of the public if the matter concerns the member's personal interest. The disclosure will be noted in the official minutes of the hearing.

Order of Business

- (a) The Chair opens the hearing.
- (b) Roll Call.
- (c) Public comments on matters not on the agenda.
- (d) Approval of minutes not previously approved.
- (e) Review the Consent Calendar and pull matters for which Commissioners or members of the public request a hearing.
- (f) Public Hearing(s).
- (g) Correspondence and other matters.
- (h) Report of Planning Director.
- (i) Adjournment.

With agreement of the Commission, the above regular order of business may be suspended or varied at any time upon order of the Chair when he or she deems that it is in the public's interest to do so.

Procedure for the Conduct of Public Hearings

The hearings should be conducted as follows:

- (a) The Chair announces the item and opens the public hearing.

- (b) Declarations by Commissioners of any conflicts of interest, ex parte contacts, or site visits.
- (c) The Planning Director or staff will present the staff report using visual aids and documents. The staff's written report will be available to the applicant and to the public prior to the hearing, and will become part of the public record. Commissioners may direct any questions to staff regarding the presentation through the Chair.
- (d) The Secretary or other staff member presents communications concerning the application.
- (e) The applicant may then present statements amplifying the written application or to present supplemental information. The applicant's presentation is limited to 15 minutes, including any presentation by the applicant's counsel or representatives.
- (f) Any other member of the public may then speak on the matter. Each speaker is limited to 3 minutes. In the discretion of the Chair, time limits may be further limited or adjusted.
- (g) The applicant or his or her representative may then take three minutes, or such other time limited or extended in the discretion of the Chair, to respond to previous testimony or questions from the Commission.
- (h) NOTES ON TESTIMONY:
 - (i) Each speaker will approach the podium and wait until recognized by the Chair. Speakers are encouraged but not required to state their name for the record.
 - (ii) All remarks must be directed to the Chair and Planning Commission as a body and not to any particular Commissioner or staff.
 - (iii) As a courtesy to speakers and to prevent intimidation, the Chair will discourage demonstrations such as applauding or "booing" during the meeting.
 - (iv) The Chair will preserve strict order and decorum; prevent threatening or disruptive verbal attacks on commissioners, staff, and/or citizens; and confine debate to the item under discussion.
 - (v) The Chair may authorize additional time for testimony at any time.
 - (vi) Rebuttal testimony by the applicant is limited to one round unless authorized by the Chair.
- (i) The public portion of the hearing is then closed by the chair, and no further testimony taken, except for questions from the Commission to staff or the public. Once a public hearing is closed, it can only be reopened by a motion of the Commission.
- (j) The Commission will proceed with discussion, including clarification or explanation by the staff of points raised by members of the Commission. During discussion, Commissioners may, through the Chair, direct questions to those who offered testimony; the Chair will assure that responses are limited to answering the questions posed.

The Commission may then:

- (i) Vote upon the matter by either granting or denying it as presented; or

- (ii) Grant it subject to conditions; or
- (iii) Defer taking action on the matter and continue it to another time for further discussion and appropriate action.
- (k) The Commission may require a continuance of the hearing at any time during the proceedings. Prior to final action to continue, the Chair will determine if those present prefer to present their testimony during the hearing or delay to the date of continuance. Continuance may include a field trip.
- (l) Final decision will include findings required by statute or ordinance with reasonable factual determination pertinent to the issues involved. If the Commission votes in a manner that is not anticipated in staff recommendations, the Commission shall instruct staff to prepare a resolution and findings consistent with its decision for review and approval at a subsequent meeting. The review shall be solely for the purpose of ensuring consistency with the Commission's decision and shall not reopen the matter for decision.
- (m) The Chair will then call for the next agenda item.

Rules for Action by Motion

Business of the Commission is conducted by acting on motions by members of the Commission. A subject is introduced by a main motion, and must be seconded. Once seconded and stated by the presiding officer, nothing else should be taken up until it is disposed of. Long and involved motions should be submitted in writing. Once a motion is stated, the moving Commissioner may withdraw it with the consent of the Commissioner seconding the motion.

While a main motion is considered, other parliamentary motions may be made if they affect either the main motion or the general conduct of the meeting. The motions most frequently used are described in general below, but it should be noted that there are exceptions and modifications that cannot be included in this brief text.

(a) Amend.

Debatable; majority vote. Used when the intention is to change, add, or omit words in the main motion.

Amend the amendment: Used to change, add or omit words in the first amendment. This motion cannot itself be amended.

Method: The first vote is on the amendment to the amendment. The second vote is on the first amendment either as changed or as originally proposed, depending on the first vote. The third vote is on the main motion either as introduced or as amended.

(b) Refer.

Debatable; majority vote. If a motion becomes too complicated through amendments or if more information is needed, a motion may be made to refer it to a committee or staff for study or redrafting. The committee or staff must report back or act as instructed.

(c) Postpone.

Debatable; majority vote. Consideration of a motion can be delayed until a more suitable time, until other decisions have been made, or until more information is available, by a motion to postpone to a stated future time.

(d) Lay on the table.

Not debatable; majority vote. I move that we table this motion. This postpones consideration in such a way that the motion can be taken up again in the near future if a majority decides to "take it from the table."

(e) The previous question.

Not debatable; two-thirds vote. I move the previous question. This motion is used to end debate that has become lengthy or repetitious. When it is seconded, the presiding officer immediately puts the question on closing debate. If this receives a two-thirds vote, the pending motion is voted on at once without further discussion.

(f) Reconsider.

Usually debatable; majority vote. A vote may be reconsidered through this motion, which must be made on the same day or the next regular meeting by someone who voted on the prevailing side. A motion can be reconsidered only once. The first vote is on whether the motion should be reconsidered. If this passes, the second vote is on the motion itself. If a vote on the motion itself is necessary, it must occur at a properly noticed and agendaized subsequent meeting.

(g) Point of order and appeal.

A member of the Commission who feels the rules are not being followed may call attention to the breach by rising, raising their hand, and saying: Point of order. The Chair responds: "State your point of order." Upon hearing it, the Chair may say: "Your point is well taken," or "Your point is not well taken."

One dissatisfied with the ruling may appeal to the Commission as a whole for a final decision: If the decision of the Chair is sustained: This appeal is debatable, and the presiding officer may enter the debate without giving up the Chair. A majority of no votes is necessary to reverse the ruling; a tie sustains it.

(h) Questions and inquiries.

Whenever necessary, advice may be asked as to correct procedures (parliamentary inquiry), facts may be requested (point of information), or a change may be sought for comfort or convenience (question of privilege). The presiding officer responds to the question or refers it to the proper person.

(i) Adjourn.

Usually not debatable; majority vote. If there is no further business at the time set for adjournment, the presiding officer declares the meeting adjourned without waiting for a formal motion. A member may move to adjourn at any time except when a speaker has the floor or a vote is in process. If the motion carries, the meeting is immediately adjourned.

If further clarification is required, reference can be made to [Rosenberg's Rules of Order](#).

Voting.

The vote needed to pass a motion or elect an official is based on the votes actually cast.

- (a) General Consent. By using general consent, a formal vote can be avoided on routine matters where there is no opposition. The presiding officer says: "If there is no objection" (pause), and declares the decision made.
- (b) Voice Vote. Subject to the will of a majority of the Commissioners in attendance, the Chair may call for a voice vote (aye or no) on a motion. Following the vote, the Chair will summarize the vote . A voice vote should not be used where more than a majority is needed.
- (c) Calling the Roll. Subject to statute or the will of a majority of the Commissioners in attendance, the Chair may require that the roll be called in voting on a motion.
- (d) Majority, Disqualification, and Abstentions.

Majority Required. A motion will always require a minimum of three votes to pass, which is a majority of the four-person quorum, or four of six or seven commissioners present.

Disqualification due to conflict of interest. Commissioners who are disqualified due to a conflict of interest may not be counted toward a quorum, and their abstentions may not be interpreted as support for, acquiescence in, or opposition to any actions taken by the Council.

Abstention by choice. Commissioners who are present and entitled to vote, but who abstain, are counted towards a quorum. Commissioners who abstain by choice are deemed to acquiesce in the conclusion reached by the Commission and their votes may not be counted as a concurring or dissenting vote. Commission decisions require majority support from the members who actually cast votes, not from those entitled to vote. (94 Ops.Cal.Atty.Gen. 100 (2011); 62 Ops.Atty.Gen. 698 (1979); Martin v. Ballinger (1938) 25 Cal.App.2d 435.)

Examples:

Assume four commissioners are present and one commissioner is disqualified due to a conflict of interest. There is no quorum and the Commission may not act.

Assume one commissioner is absent. A motion receives three affirmative votes, two negative votes, and one abstention. The motion would carry three to two (the abstention is not counted). A majority of the quorum voted in favor of the motion. In contrast, a motion receiving three affirmative votes and three negative votes would not carry.

- (e) Tie Vote. If the vote on a motion is tied, the Chair calls for any further motions of any member on the subject. If none, or further motions also result in a tie vote, the Chair will call for a motion to declare the Commission deadlocked. If the declaration is passed by a majority of a quorum, or if the vote is also a tie vote, the Chair will declare a deadlock. The declaration of a deadlock is considered a denial of the matter, appealable to the Board of Supervisors to the same extent and manner as if the Commission denied the request.

Site Visits and Ex-Parte Contact with Commissioners in Administrative Adjudications.

The Planning Commission acts as an administrative adjudicatory capacity when it considers the application of rules and standards established by state law or county ordinance to specific

property for purposes of granting or denying a permit, right or other entitlement, such as a use permit, coastal development permit, variance, or tentative subdivision map or parcel map. The Commission's Rules of Procedure are intended to assure that the applicant and all other interested parties receive a fair hearing and due process in administrative adjudications, in an open and transparent manner, based solely on evidence in the public record. Ex parte communications are communications made in private with interested parties or their representatives, either in support or opposition, concerning the matter under consideration, and are prohibited unless disclosed so that all other interested parties have the opportunity to adequately respond.

(a) Site Visits by Individual Commissioners.

Site visits by individual commissioners are encouraged prior to public hearings. Commissioners shall describe for the record any individual site visit and summarize any observations made during the course of the site visit. Commissioners engaging in any ex parte communications or making individual site visits should refrain from discussing how they intend to vote on the matter, and should defer judgment until they have heard all the evidence at the public hearing.

Ex Parte Communications.

Commissioners will exercise care in personal contacts and telephone calls concerning substantive issues relating to administrative adjudication matters outside of the public hearing and should inform persons contacting them to make their information or objections known at the public hearing, orally or in writing to the Commission. Commissioners will inform those present prior to the opening of a public hearing of any independent contacts they have had on a matter before the Commission and the content of communication and information exchanged during such contacts.

Planning Commission Officers and Duties

(a) Election and Terms of Office.

- (i) The Commission shall elect officers in November of each year and the results take effect at the first Planning Commission meeting in January. At the November meeting, the Commission votes on appointment of a Chair and Vice-Chairperson for the coming year. Support staff in the Planning Division act as the Commission's Recording Secretary.
- (ii) The officers will be elected by majority vote of the Commission, and will hold office for one year, beginning with the first meeting of the calendar year.
- (iii) In the absence of the Chairperson and the Vice-Chairperson, the members present shall select one of their number to act as Chairperson pro tem.

Duties of Officers.

- (i) *Chair.* The Chair opens and presides at all meetings of the Commission, welcomes the public and briefly summarizes Commission procedures; moderates all discussion; leads Commission deliberations; signs all records of Commission action; and calls special meetings. The Chair will preserve order and decorum at meetings.
- (ii) *Vice Chair.* In the event of the absence of the Chair or of his or her inability to act, the Vice Chair will perform the duties of the Chair.

- (iii) *Secretary.* The Secretary will maintain minutes of meetings and record all hearings and official actions.
- (iv) *All Commissioners* must receive at least two hours of training in general ethics principles and ethics laws relevant to his or her public service every two years. GOV § 53235(a) and (b).
- (v) *All Commissioners* are required under The State Political Reform Act, Government Code §87200, to file an annual statement of economic interest form, Form 700.

Meetings.

- (i) The Commission will hold its meetings in the manner required by Government Code Sections 54950-54963, the Ralph M. Brown Act.
- (ii) The Brown Act requires that Planning Staff post the agenda for each regularly scheduled Commission meeting at a place accessible to the public at least 72 hours prior to the scheduled meeting.
- (iii) Regularly scheduled meetings occur on the 1st and 3rd Thursdays of each month. They begin at 6:00 p.m. and conclude promptly at 9:30 p.m. All meetings take place in the Board Chambers at the county courthouse.
- (iv) Study Sessions, which provide Commissioners with information to help them perform their regular duties.
- (v) Special Meetings can be called at any time by the Chairperson or majority of the full Commission. Written notice of the special meeting must be mailed to each member of the Commission and the Board of Supervisors, and sent to a newspaper of general circulation. The notice shall state the time, place, and business to be transacted at the meeting, and no other business shall be considered. The written notice must be posted at least 24 hours prior to the special meeting in a location that is accessible to the public. Special meetings must follow the minimum public notice requirements for any scheduled hearing items.
- (vi) Where official actions are properly based on findings, the findings become a matter of record.
- (vii) A quorum for conducting business of the Commission is four members. A Quorum must be present at all public hearings in order to hear and take action on the scheduled hearing items. For "quasi-judicial projects," like discretionary permits, a majority of those present can approve the project. For "legislative projects," like Zone Reclassifications or Plan Amendments, a majority of the full Commission must vote for the proposal prior to the Board of Supervisors holding a final hearing on the proposal.
- (viii) In the absence of a quorum, the meeting may be adjourned in the manner prescribed by Government Code Section 54955. Notice of adjournment will be given as required by law.

- (ix) Public Hearings.
 - A. Each application or Commission initiated action filed in proper form with the required data will be placed upon the calendar of the Commission by the Secretary and set for public hearing.
 - B. The Commission, under guidance from the Chair, will attempt to remain on schedule but will at all times be free, in accordance with these Rules, to accept additional testimony and to undertake discussion that will assist it in rendering a proper decision on any matter before it.
 - C. An application or Commission initiated action may be advanced for hearing by order of the Commission on reasons being shown which affect public safety, public welfare or public interest.

Meeting Agendas

- (i) Matters specified in Government Code section 65103 (a) through (f) shall, as necessary, be placed on the agenda for consideration by the Planning Commission as directed by the Director of the Planning and Building Department.
- (ii) If a member of the Planning Commission proposes consideration of a matter outside the scope of items placed on the agenda in accordance with the previous subsection (i) above,
 - A. The member shall contact a member of the Board of Supervisors and request that a Board member-initiated item be placed on the agenda. The Planning Commissioner making the request shall provide sufficient information to the Supervisor to help facilitate a thorough understanding and robust discussion of the item.
 - B. If the Board of Supervisors approves Planning Commission consideration of the item, Planning staff shall prepare a report for the Planning Commission.

No action of the Planning Commission will be reversed solely by a failure to follow these rules.

All activities of the Planning Commission are subject to the applicable sections of the Humboldt County Code and applicable laws of the State of California. In any conflict with these rules, the Humboldt County Code, the laws of the State of California and the Constitutions of the State of California and the United States of America, shall prevail.