



COUNTY OF HUMBOLDT

For the meeting of: 10/25/2022

File #: 22-1446

To: Board of Supervisors

From: County Administrative Office

Agenda Section: Departmental

SUBJECT:

Consideration of Planning Commission Size, Process of Appointment and Removal of Members, and Adoption of Planning Commission Rules, Code of Conduct and Ethics

RECOMMENDATION(S):

That the Board of Supervisors:

1. Direct staff to make changes to Section 312-1 of the Humboldt County Code as follows:
 - a. Change the Planning Commission membership from 7 to 5;
 - b. Each District Supervisor appoints one commissioner for their district (No Change);
 - c. Include provisions for removal of a Planning Commissioner with a 4/5ths vote of the Board of Supervisors; and
2. Adopt the Planning Commission Rules, Code of Conduct and Ethics (Attachment I).

SOURCE OF FUNDING:

General Fund (1100277)

DISCUSSION:

This is a recommendation to establish Planning Commission Rules, Code of Conduct and Ethics provisions, make changes to the number of members of the Planning Commission and to modify provisions for removal of a Planning Commissioner. This was initiated in response to questions relative to the process for appointment and removal of Planning Commissioners and the appropriate size of a Planning Commission. To provide context, other counties were surveyed to determine if there were trends or other concepts that would benefit Humboldt County. The survey looked at 21 other counties. In choosing counties to survey the focus started with counties in northern California spreading out from Humboldt County. Most jurisdictions surveyed have 5 commissioners, commissioners are appointed or nominated predominantly by the district supervisor and removal of a commissioner is largely done by majority vote by the Board of Supervisors. The counties surveyed and results are included in Attachment II. Humboldt County is included in the survey for a total of 22 counties. The primary areas of concern will be discussed in more detail below.

1. Commission Membership

As shown in the table below, 18 of the 22 counties have 5 commissioners. Humboldt County is one of the three counties with 7 commissioners.

Table 1

Number of Commissioners	Number of Counties
5	18
7	3
9	1

It is not clear why 7 commissioners were chosen as the appropriate number to serve on the Planning Commission. It may have been to ensure there were sufficient members available to provide a quorum. Based on the information from other counties, this does not seem to be an issue for counties with 5 commissioners. The use of at-large appointments is not common based on this survey.

2. Commissioner Selection.

A second question is related to how Planning Commissioners are selected to serve on the commission. The current Humboldt County practice of each district supervisor appointing a Planning Commissioner is common as 8 of the surveyed counties use this practice.

Table 2

Commissioner Appointment	Number of Counties
District Supervisor	8
Supervisor Nomination, Board Confirm	7
Appointment by Board	5
Other	2

Another common practice is for each district supervisor to nominate a commissioner from their district and for the Board of Supervisors to confirm those nominations. These are the two most common practices. The survey shows that the district supervisor plays a role in the appointment of a Planning Commissioner in most instances.

3. Commissioner Removal.

Most of the counties surveyed have provisions to allow for removal of a Planning Commissioner with a majority vote of the Board of Supervisors. Half of the counties surveyed use this practice. For nearly a third of the counties there are not clear provisions. Two counties (including Humboldt) allow the district supervisor to remove or initiate removal, and two of the counties require a 4/5ths vote to remove commissioners.

Table 3

Removal Requirements	Number of Counties
Appointing Supervisor	2
Majority vote of Board	11
4/5ths vote of Board	2
Unclear	7

A Planning Commissioner should not have to worry that they could be removed for arbitrary reasons, but if a Planning Commissioner acts in a way that is offensive and unbecoming to the county, they there should be a way to address that by the Board of Supervisors. A simple majority vote to remove a Planning Commissioner could be too low of a threshold, but the requirement for a 4/5ths vote would provide the opportunity to consider the matter and ensure that the Board is aligned in taking action to remove a commissioner.

It is recommended that the Board of Supervisors direct staff to modify the Humboldt County Code to make the following changes:

1. Change the Planning Commission membership from 7 to 5
2. Each Supervisor is responsible for appointing a Planning Commissioner for their district
3. Include provisions for removal of a Planning Commissioner with a 4/5ths vote

In addition to considering the makeup of the Planning Commission, staff recommend that your Board adopt the Rules, Code of Conduct and Ethics for the Planning Commission (Attachment I), as permitted pursuant to Government Code Section 65102. The Code of Conduct contained in this document mirrors the same Code of Conduct adopted for your Board and reflects actions available to Commissioners to address a violation of these Rules and Code of Conduct, as well as the actions available to your Board for censure and/or removal. Should your Board opt not to allow for a 4/5ths vote to remove a commissioner, that language will need to be modified accordingly.

FINANCIAL IMPACT:

The reduction in the number of Planning Commissioners will save a small amount of funding for payment of \$140.00 in per diem per meeting (\$560.00/month for two less commissioners). There will also be a small savings from a reduction in copying of information for the commission.

STRATEGIC FRAMEWORK:

This action supports your Board’s Strategic Framework by streamlining county permit processes.

OTHER AGENCY INVOLVEMENT:

None

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisor could choose to take no action on this item.

ATTACHMENTS:

File #: 22-1446

Attachment I: Planning Commission Rules, Code of Conduct and Ethics
Attachment II: County Survey

PREVIOUS ACTION/REFERRAL:

Board Order No.: N/A

Meeting of: N/A

File No.: N/A