

**TRINITY COUNTY PLANNING COMMISSION STAFF REPORT
AMENDMENT TO THE PLANNING COMMISSION PROCEDURES**

BACKGROUND: The proposed amendments to the Planning Commission procedures (or “Bylaws”) would update those adopted in 1989 by Resolution PC-89-05. The intent of the proposed amendments is to establish more comprehensive and effective operation procedures for the Planning Commission. In order to maintain applicability, the Bylaws should be reviewed and modified from time to time as appropriate.

The update includes provisions for the duties of officers, cancellation of meetings, receiving public comment and disqualification from voting which were not addressed in the 1989 bylaws.

ENVIRONMENTAL DETERMINATION: The proposed amendments to the Bylaws are not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) and 15061(b)(3).

STAFF RECOMMENDATION: Staff recommends that the Planning Commission adopts Resolution PC-2019-04.

ALTERNATIVES: The Planning Commission may recommend modifications to the proposed amendments to the Bylaws or deny the proposed amendments.

ATTACHMENTS:

- 1—Resolution with Bylaws attached
- 2—Resolution No. PC-89-05

RESOLUTION NO. PC-2019-04

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF TRINITY**

Amending and restating the Planning Commission Procedures (Bylaws)

WHEREAS, the current Bylaws of the Trinity County Planning Commission were amended in 1989 by Resolution PC-89-05; and

WHEREAS, in order to maintain applicability, the Bylaws must be reviewed and modified from time to time as appropriate; and

WHEREAS, on September 12, 2019, the Planning Commission held a public meeting to consider the proposed amendments the Bylaws.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the County of Trinity finds that:

1. The proposed amendments to and restatement of the Bylaws hereto attached as Exhibit A and incorporated herein are timely and appropriate and make the conduct of the Planning Commission conform to the statutory standards.
2. The adoption of the amended and restated Bylaws is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15060(c)(2) and 15061(b)(3).

DULY PASSED AND ADOPTED this 12th day of September, 2019 by the Planning Commission of the County of Trinity by motion of Commissioner _____, second by Commissioner _____, and the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:
RECUSE:

Mike McHugh, CHAIRMAN
Planning Commission
County of Trinity
State of California

ATTEST:

Resolution No. PC-2019-04
September 12, 2019

Kim Hunter
Secretary of the Planning Commission

By: _____
Deputy

**RULES FOR THE OPERATION OF AND CONDUCT OF BUSINESS
BEFORE THE TRINITY COUNTY PLANNING COMMISSION**

RULE 1. MEETINGS. The Commission shall meet regularly at least once each month at a time and place to be determined by the Commission and properly noticed by the Planning Director acting as Secretary to the Planning Commission. Special meetings may be called pursuant to provisions of Government Code Section 54956. The Chairman may cancel any meeting for which there are no agenda items for consideration. Any meeting may be adjourned or continued as provided in Government Code Sections 54955 and 54955.1.

RULE 2. ELECTION OF OFFICERS. The Commission shall elect a Chair and Vice-Chair from among its members at its first meeting each calendar year.

RULE 3. DUTIES OF OFFICERS. The Chair shall preside over, preserve order and decorum and announce each action of the Commission at all Commission meetings. Unless otherwise provided by these rules, the Chair shall decide all questions of order and procedure, subject to appeal to the Commission as a whole. The Chair may, and at the direction of the Commission, shall appoint all committees of the Commission necessary or convenient for the conduct of the Commission's business. The Chair may second any motion and discuss and vote upon any matter as a member of the Commission without relinquishing the Chair. While the Chair is absent from a Commission meeting or if the Chair relinquishes the Chair, the Vice-Chair shall assume and perform their duties.

RULE 4. AGENDA. The agenda for each Commission meeting shall be prepared by the secretary and shall include matters placed upon it by the secretary in the ordinary course of business or by direction of the Chair, the Commission or the Board of Supervisors. The Commission may change the order in which agenda items are considered by it during any meeting. The Secretary shall cause a copy of the Commission's agenda to be posted at the time and place

of each Commission meeting and shall make copies of the agenda available to interested persons at each Commission meeting.

RULE 5. ORDER OF BUSINESS. The regular order of business of the Commission is:

- A. Flag Salute
- B. Roll Call
- C. Public Comments
- D. Approval of Minutes
- E. Agenda Items
- F. Adjournment

RULE 6. PUBLIC COMMENTS. Any person desiring to address the Commission during Public Comments concerning matters which are not listed on the agenda, and within the Commission's jurisdiction, shall step to the rostrum and may give his or her name, and make his or her presentation in an audible voice when recognized by the Chair. To facilitate conduct of the Commission's business, comments received shall be limited to three (3) minutes.

RULE 7. ORDER OF PROCEDURE FOR HEARINGS. The order or procedure for public hearings is:

- A. Chair calls agenda item by application number and title.
- B. Any commissioner who voluntarily disqualifies or is required to disqualify himself or herself from making or participating in the making of any decision announces his or her qualification and leaves the meeting room during the Commission's consideration of that item.
- C. Staff report is given with the recommended conditions of approval.
- D. Chair acknowledges receipt of any documents offered as evidence and filed with the secretary in a timely way.
- E. The Chair opens the public hearing. If the Chair determines that no one is present to testify, Sections F through I below shall not apply.

- F. Public testimony is invited from persons seeking approval or a recommendation for approval of the matter before the Commission. The applicant, if any, may speak first if he or she wishes.
- G. Public testimony is invited from persons seeking denial or approval or a recommendation for denial, additional or amended conditions of approval, or delay of action by the Commission.
- H. Summation by applicant may occur at the discretion of the Chair, and when granted should be limited to five minutes.
- I. Rebuttal and surrebuttal may occur at the discretion of the Chair, and when granted should be limited to five minutes.
- J. Chair closes public testimony phase of hearing.
- K. Staff comments and recommendations may be provided to the Commission.
- L. Environmental findings are made, if required and appropriate.
- M. Motion for disposition; discussion on the motion; Commission action, including necessary findings.
- N. The Chair announces the action of the Commission.
- O. Notice of the appeals process may be given by the Chair.

RULE 8. DOCUMENTARY AND PHYSICAL EVIDENCE. Letters, petitions, and written, printed or photographic materials, and other physical evidence intended to be used as evidence before the Commission shall be filed with the secretary at least three (3) days prior to the time of the noticed public hearing. Written materials and other documentary and physical evidence filed after that deadline or presented to the Commission at the public hearing may but need not be considered by the Commission. The secretary shall cause each piece of such evidence filed with the secretary or received by the Commission to be adequately identified in the minutes of the hearing, and shall include the evidence filed with the secretary or otherwise received for consideration in the permanent administrative file of the matter under consideration by the Commission. Documents or things submitted as evidence but not received by the Commission for consideration shall be returned by the secretary to the offering person, if known, unless

infeasible to do so. This rule does not apply to technical or other documents kept as public records by any County department, officer or employee in the ordinary conduct of County business.

RULE 9. TESTIMONY. Any person desiring to address the Commission shall, when recognized by the Chair, step to the rostrum, give his or her name and address, and make his or her presentation in an audible voice.

To facilitate conduct of the Commission's business, the Chair may limit to a reasonable amount, the time a person may use in addressing the Commission. The Commission may grant additional time to any speaker. If a group of persons desires to individually address the Commission on the same matter, the Chair may request that the group designate a spokesperson to address the Commission. The Chair may limit the number of persons addressing the Commission in order to avoid unnecessary repetition.

RULE 10. VOTING.

- A. Roll Call Vote. The Commission shall act by voice vote on matters before it. Any member present who does not vote audibly shall be recorded as voting "yes".
If requested by any member of the Commission, a roll call vote shall be taken.
- B. Abstentions. An abstention from voting shall be made audibly and shall not be counted as a vote for or against the motion affected.
- C. Majority Vote Required. All decisions of the Commission shall be made by the affirmative vote of three (3) members of the Commission.
- D. Tie Vote. Regardless of how a motion is stated, a tie vote on a motion affecting the merits of any matter shall be deemed to be a denial of approval of the matter, or a recommendation for such denial, as appropriate, for the purpose of appeal to or consideration by the Board of Supervisors.
- E. Motion to Reconsider. A final vote on any matter before the Commission may be reconsidered during the meeting at which the vote was taken provided that the motion to reconsider is made by a commissioner who voted with the majority on the final vote. If

any person who addressed the Commission on the matter is no longer present and the Commission approves a motion to reconsider, the matter may be continued to another meeting, in which case notice of the reconsideration and the time and place thereof shall be given in the same manner as any notice of the reconsideration of the matter was originally given.

- F. Absence from Hearing. A commissioner who was absent from all or part of a hearing may vote on the matter heard if the commissioner first reviews all evidence received during the absence, listens to the recording or reads a transcript of the proceedings during the absence, and signs a statement that these materials have been reviewed by the commissioner prior to the vote. The statement shall be filed with the secretary prior to the affected commissioner's participation in the continued hearing or decision.

RULE 11. ACTION. All actions of the Commission on the merits of any matter before it shall be taken by resolution. Resolutions may be adopted conditionally, pending preparation in proper form by the secretary, or in concept with formal action to follow specified occurrences (e.g., preparation of findings, etc.). Resolutions shall be numbered consecutively and annually upon adoption, and copies thereof shall be maintained by the secretary. All other actions shall be taken by minute order.

RULE 12. MINUTES. All official actions and decisions of the Commission shall be entered in the minutes of the Commission.

RULE 13. DISQUALIFICATION.

- A. A commissioner shall disqualify himself or herself from making or participating in the making of any decision when he or she has a conflict of interest on the matter being considered. No commissioner is required to disqualify himself or herself in any matter which cannot legally be acted upon and decided by the Commission without his or her participation.

- B. A commissioner shall disqualify himself or herself from making or participating in the making of any decision on a matter when he or she has appeared or intends to appear as a private citizen before the Board of Supervisors or the Commission in support of or in opposition to the matter.
- C. A commissioner who has disqualified himself or herself shall leave the hearing room during the Commission's consideration of the matter and shall not discuss the matter with any other commissioner or in any way seek to influence the Commission's decision.

RULE 14. COMMUNICATIONS AND SITE INSPECTION POLICY. The Commission recognizes the importance of the public hearing process to the integrity of the planning and land use regulation process. The Commission further recognizes that the decisions it makes, and any review of those decisions, must be based solely upon the record developed before it. A commissioner is expected to conduct himself or herself in a manner above reproach when acting in his or her official capacity as a member of the Trinity County Planning Commission. For purposes of this rule, a commissioner acts in his or her official capacity whenever he or she sits as a member of the Commission or whenever he or she discusses with any person, or receives any communication or evidence concerning, or tours or inspects any real property or improvement to real property related to any matter within the jurisdiction of the Commission.

As to any information, opinion or evidence which may be relevant to any specific project or application a commissioner knows or should know will come before the Commission for decision, a commissioner conducts himself or herself in a manner above reproach when he or she:

- A. Encourages the transmission of all such information, opinions and evidence to the Commission as a whole during the Commission's consideration of the matter at a public hearing; or
- B. Publicly discloses to the Commission as a whole during a public meeting all such information, opinions, and evidence privately transmitted to him or her. This rule shall not apply to any communication to a commissioner by the Commission's legal counsel.

This rule does not allow a County employee to privately discuss, in a series of contacts, any matter within the Commission's jurisdiction with a quorum or more of the commissioners.

Those discussions, if undertaken in order to develop a consensus for action to be taken by the Commission, would constitute a “serial meeting” in violation of the Ralph M. Brown Act (Government Code Section 54950-54962.)

RULE 15. SUSPENSION OF RULES. The Commission may temporarily suspend the operation of Rules 3, 4, 5, 6, 7, 8 or 9 (except subsections C, D and F), or any portion thereof, to facilitate the conduct of the Commission’s business.

RULE 16. AMENDMENT OF RULES. The Commission may from time to time amend these rules or any portion thereof by resolution.

RULE 17. PUBLICATION OF RULES. The secretary shall cause these rules and any amendments to them to be available for public inspection at the Planning Department and the Clerk of the Board of Supervisors, and may distribute copies to persons who so request upon payment for any charge for reproduction of these rules.

Revised 09/12/19

RESOLUTION NO. PC-89-05

ADOPTED BY THE PLANNING COMMISSION
ON JULY 13, 1989 SETTING
FORTH POLICIES RELATIVE TO PLANNING
COMMISSION PROCEDURES

WHEREAS, On June 8, 1989 the Planning Commissioner discussed the desirability of formally adopting Commission procedures; and

WHEREAS, the Planning Commission has determined that it is in the best interest of the Commission to adopt such procedures;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the County of Trinity that the Commission does adopt the following policies;

1. The rotation schedule for chairmanship of the Planning Commission is Districts 1,5,3,2 and 4.
2. The rotation schedule for chairmanship of the Subdivision Review Committee is Districts 1,5,3,2 and 4.
3. The Commission's regularly scheduled meeting shall be the second and fourth Thursday of the month, except for the months of November and December when the Commission shall meet only the second Thursday.
4. The Chairman of the Planning Commission shall, at the start of each meeting review the meeting process for the benefit of the general public.
5. In order for the Chairman to call a meeting to order three members must be present.
6. The minimum votes necessary to approve, or recommend approval, of land use entitlements shall be as follows:
 - a. Use Permit and variances; simple majority
 - b. Appeals of the Director's decision; simple majority
 - c. Environmental clearances; three votes
 - d. Rezones; three votes
 - e. Resolutions; three votes
 - f. Plan Amendments; three votes
 - g. All other entitlements; three votes
7. In order to fully evaluate the merits of proposals brought before the Commission, it is the Commission's policy to request all written information to be submitted to staff the Friday before the Commission hearing date.

Although the Commission will make every attempt to review all written material as well as verbal presentations made at the Commission hearing, it may be necessary to continue such matters when a preponderance of new information is submitted.

8. In the absence of adopted policies or ordinances in regards to procedural matters, it is the policy of the Commission to follow Roberts Rules of Order.

PASSED AND ADOPTED by the Planning Commission of the County of Trinity, State of California, at a regular meeting of the said Commission, held on the _____ day of _____, 1989, by the following vote:

AYES:

NOES:

ABSENT:

CHAIRMAN - Joseph Bower
Trinity County Planning Commission

ATTEST:

Thomas Miller, Executive Secretary