

A RESOLUTION OF THE SAN BENITO COUNTY)
PLANNING COMMISSION APPROVING THE AMENDED)
PROCEDURES FOR THE TRANSACTION OF BUSINESS)
FOR PLANNING COMMISSIONERS)

Resolution 2019-04 A

WHEREAS, the San Benito County Planning Commission has reviewed the existing guidelines for the Transaction of Business and hereby desires to amend those guidelines,

NOW THEREFORE BE IT RESOLVED that the San Benito County Planning Commission does hereby amend the “Procedures for the Transaction of Business for Planning Commissioners” as set forth in Attachment “A”; and,

BE IT FURTHER RESOLVED THAT the revised “Procedures for the Transaction of Business for Planning Commissioners” shall hereby replace the procedures adopted by Resolutions 2009-09, 2010-06, and 2011-07.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE COUNTY OF SAN BENITO THIS 20TH DAY OF MARCH 2019 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Robert Rodriguez, Chair
San Benito County Planning Commission

ATTEST:

Taven M. Kinison Brown, Principal Planner
Resource Management Agency San Benito County

ATTACHMENT A

SAN BENITO COUNTY

Procedures for the Transaction of Business

for

Planning Commissioners

Passed and Adopted By the
San Benito County Planning Commission
October 21, 2009
Resolution 2009-09

Amended and Adopted June 2, 2010
Resolution 2010-06

Amended June 15, 2011
Approved and Adopted August 17, 2011
Resolution 2011-07

Amended and Adopted March 20, 2019
Resolution 2019-04 A

SAN BENITO COUNTY

Procedures for the Transaction of Business

for

Planning Commissioners

Passed and Adopted By the
San Benito County Planning Commission
October 21, 2009
Resolution 2009-09

Amended and Adopted June 2, 2010
Resolution 2010-06

Amended June 15, 2011
Approved and Adopted August 17, 2011
Resolution 2011-07

Amended and Adopted March 20, 2019
Resolution 2019-04 A

Procedures for the Transaction of Business

San Benito County Planning Commission

The Planning Commission is a quasi-judicial body composed of five members appointed by the Board of Supervisors. The Planning Commission advises the County on policies and legislation relating to the regulation of growth, development and environmental conditions of various geographical areas and the commercial, industrial, and agricultural interests affecting San Benito County. The Commission reviews and acts on matters related to planning and land use development and makes recommendations to the Board of Supervisors on various land use matters. The Commission is compensated for meeting attendance. This Commission is subject to the Conflict of Interest Code, California Form 700.

- No. 1:** The Commission shall consist of five (5) appointed members and three (3) shall constitute a quorum.
- No. 2:** As long as all new Planning Commissioners have been appointed by the Board of Supervisors by the first meeting in January, the Chair and the Vice Chair shall be elected annually at the first meeting in January of each calendar year. If all new Planning Commissioners have not yet been appointed and sworn in by the first meeting in January, the election for the Chair and Vice Chair shall occur during the first meeting in February of each calendar year. In the absence or inability of either to act, the members present shall select a member to act as Chair Pro-Tem for that meeting. However, if the Chair or Vice Chair later arrives, the Chair or Vice Chair shall then assume responsibility for the meeting upon arrival.
- No. 3:** The Director of Planning and Building Inspection Services or his or her designee shall act as the Secretary without any voting rights. In the Director of Planning's absence, the Chair shall appoint an acting Secretary.
- No. 4:** Meetings of the San Benito County Planning Commission shall begin at 6:00 PM and be held in the San Benito County Board of Supervisors Chambers, 481 Fourth Street, Hollister; or such other place as may from time to time be determined by the Commission. At least one regular meeting shall be held each month in accordance with San Benito County Code, Article III; Section 3.05.51(A). Meetings shall be held per adopted meeting calendar except as otherwise determined and noticed by the Secretary. The calendar for the following calendar year shall be adopted no later than the last meeting of the current year.
- No. 5:** New agenda items shall not be considered later than 10:00 PM, unless approved by majority decision of Planning Commissioners present. Special meetings and legal public notices may be called at the direction of the Chair, or a majority of Commissioners, at a regularly scheduled meeting.
- No. 6:** The Director of Planning and Building Inspection or his or her designee shall prepare and distribute to the Commission an Agenda for each meeting. The Agenda and all related materials shall be completed and distributed no later than the Thursday prior to the scheduled meeting.

No. 7: At the point of the agenda labeled “Commissioner Announcements,” the members of the Planning Commission may report or announce informational topics of interest to the general public and fellow Commissioners. Such reports will not be project or applicant specific or subject to any final action.

No. 8: The following procedures are adopted as Rules of Order for public hearings:

- a. Open Public Hearing
- b. Staff presentation
- c. Applicant presentation
- d. Take any testimony from the Public
- e. Rebuttal testimony as determined by Planning Commission
- f. Close Public Hearing
- g. Commission discussion
- h. Render a decision

No. 9: When the Commission alters or modifies an application, the appropriate finding(s), evidence and condition(s) or modification(s) to findings, evidence and conditions shall be clearly stated and noted in the record.

If a motion to approve does not pass, then the Chair shall:

- a. Entertain a motion to deny if sufficient findings are fully articulated to support denial; or
- b. Entertain a motion of intent to deny if findings for denial are not fully articulated.
- c. If there is an unbreakable tie vote, the Chair shall solicit findings for both sides and state those findings in the record.

No. 10: Approval of any legislative recommendation (for example, a General Plan adoption or amendment, specific plan adoption or amendment, or zone change) requires the affirmative vote of a majority of the Commission, i.e. at least three members. Approval of any other motion requires the affirmative vote of a majority of those members of the Commission present and voting. An abstention disqualifies the member as a voting member.

An application shall be deemed disapproved unless it is approved, or continued, by the required majority vote as provided above. In the event of a tie vote, the motion fails; unless another motion is thereafter approved by the required majority vote, the application is deemed denied. In the case of an appeal, if an affirmative vote does not occur, the decision appealed stands as decided by the decision-maker from which the appeal was taken.

No. 11: The following section shall constitute the “Rules for Presenting Testimony and the Procedures of Conduct” for all Planning Commission matters:

Introduction: Planning Commission meetings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons must observe the following rules:

- a. When you come to the podium, first identify yourself. You may provide your place of residence, but are not required to do so. Since all meetings are tape recorded, please speak clearly and use the microphone provided.

- b. Be recognized by the Chair before speaking; acknowledge to the Chair when you are finished.
- c. Address staff by name or by Department.
- d. All remarks must be addressed to the Chair. Conversation or debate between a speaker at the podium and a member of the audience is not permitted.
- e. Applauding, catcalls, stamping of feet, whistles, yells or shouting, and/or similar demonstrations by the audience are unacceptable public behavior and will be prohibited by the Chair.
- f. Conversations between audience members are not allowed during any agenda items.
- g. Keep your testimony brief and to the point. It is encouraged that you talk about the proposal and not about individuals involved. It is also encouraged that you focus testimony on the most important parts of the proposal. Avoid duplicating testimony provided by others. The practice of civility and decorum by all is expected.
- h. Members of the public wishing to speak to the Planning Commission should complete and turn into the Clerk a "Speakers Card" prior to the agenda item being called indicating the agenda item that they wish to address.
- i. However, with the exception of applicants and appellants addressing the Planning Commission during a public hearing, public comment is limited to three (3) minutes per speaker. Any organized opposition shall be granted the same time given to applicant/appellant to speak. An organized opposition will be recognized only upon written application to the Chair (through the Clerk) prior to the hearing. Such application should identify the speakers(s) for the opposition. Speakers may not concede any part of their allotted time to another speaker.
- j. The Chair may modify the time allocated for public comments per speaker in a manner consistent with the orderly conduct of the meeting and such modifications shall be fairly applied.
- k. Members of the public and staff must switch any electronic equipment such as pagers and cellular telephones to a silent or off mode during Planning Commission meetings.
- l. Written testimony is acceptable. However, letters are most effective when presented at least a week in advance of the hearing. The Planning Commission strongly encourages written comments in advance so that material may be reviewed. Mail should be addressed to the Planning Department to the Planner responsible for a specific project.

No. 12: These procedures may be revised by vote of the Planning Commission.