

RESOLUTION NO. PC-2023-03

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF TRINITY
REPLACING THE PLANNING COMMISSION PROCEDURES (BYLAWS)**

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

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

WHEREAS, on September 12, 2019, was the first Planning Commission public meeting to consider the proposed replacement to the Bylaws

WHEREAS, on March 23, 2023, the Planning Commission held a public meeting to consider the proposed replacement to the Bylaws

WHEREAS, the Planning Commission of the County of Trinity has considered public comments and a report from the Planning Department.

WHEREAS, if any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The County Planning Commission hereby declares that it would have passed this Resolution, and each and every Section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Resolution would be subsequently declared invalid or unconstitutional.

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 23rd day of March, 2023 by the Planning Commission of the County of Trinity by the following vote:

AYES: Ellis, Heaton, Sharp

NAYS:

ABSENT: Barrett, Fall

Resolution No. PC-2023-03
March 23, 2023


ABSTAIN:
RECUSE:



TODD HEATON, VICE CHAIR
Planning Commission
County of Trinity
State of California

ATTEST:

By:



EDWARD PRESTLEY
Secretary of the Planning Commission
County of Trinity, State of California

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 Secretary to the Planning Commission (or 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 on the first Monday following January 31.

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 Planning Commission shall follow Rosenberg's Rules of Procedures. 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 podium, and make their 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 Planning Commission shall follow the Rosenberg's Rules of Order. The order for agenda discussion shall be as follow

1. The chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.
2. The chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have.
3. The chair should ask members of the Planning Commission if they have any technical questions of clarification. At this point, the chair and Commissioners may ask clarifying questions to the person(s) who reported on the item, after which the person(s) will have time to respond.
4. The chair should invite public comments and input. At the conclusion of the public comments, the chair should announce that public input has concluded.
5. The chair should invite a motion. The chair should announce the name of the member of the Commission who makes the motion.
6. The chair should determine if any member of the Commission wishes to second the motion. The chair should announce the name of the member of the Commission who seconds the motion. A second is encouraged, but not required. Without a second, the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.
7. If the motion is made and seconded, the chair should make sure everyone understands the motion:

This is done in one of three ways:

- A. The chair can ask the maker of the motion to repeat it;
 - B. The chair can repeat the motion; or
 - C. The chair can ask the secretary to repeat the motion
8. The chair should now invite discussion of the motion by the Commission. If there is no desired discussion, or after the discussion has ended, the chair should

announce that the Commission will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

9. The chair takes a vote. Unless the rules of the Commission provide otherwise, if a super majority is required, then a simple majority determines whether the motion passes or is defeated.

10. The chair should announce the result of the vote and what action (if any) the Commission has taken. In announcing the result, the chair should indicate the names of the members of the Commission, if any, who voted in the minority on the motion.

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 podium, and make their 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.

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 "no."
- B. If requested by any member of the Commission, a roll call vote shall be taken.

- C. Abstentions. An abstention from voting shall be made audibly and shall not be counted as a vote for or against the motion affected.
- D. Majority Vote Required. All decisions of the Commission shall be made by the affirmative vote of at least three (3) members of the Commission.
- E. 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.
- F. 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.
- G. 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 they have 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 their participation.

- B. A Commissioner shall disqualify himself or herself from making or participating in the making of any decision on a matter when they have 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 are to be based on the documentary and testimonial evidence before it, and that any review of the Commission's decisions will rely on the record developed before it. A Commissioner is expected to conduct himself or herself in a manner above reproach when acting in their official capacity as a member of the Trinity County Planning Commission. For purposes of this rule, a commissioner acts in their official capacity whenever they sit as a member of the Commission or whenever they 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 they:

- 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 with a four-fifths vote.

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 03/16/2023