

**TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT**

PROJECT TITLE: Replacement of existing Trinity County Planning Commission Bylaws

REPORT BY: Skylar Fisher, Associate Planner

PROJECT EVALUATION/DISCUSSION:

The proposed Planning Commission procedures (or bylaws) will replace those which were adopted in 1989 by Resolution PC-89-05. The purpose of the proposed bylaws is to establish more comprehensive and effective operating procedures for the Planning Commission. In order to maintain applicability, the bylaws should be reviewed periodically and modified as appropriate.

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

The amended bylaws originally went to the Planning Commission on September 12, 2019. The item was continued to the October 10, 2019, Planning Commission hearing. The October 10, 2019, and October 24, 2019, meetings were cancelled and the project wasn't heard of again until the February 23, 2023, Planning Commission hearing when the bylaws were brought up during the chair and vice-chair election.

The 2019 draft of the bylaws were routed to County Counsel review to ensure that the guidelines were consistent with applicable law. There were several recommendations made by County Counsel to amend the new bylaws. The current draft and original draft are included in the staff report as Attachment 1 and Attachment 2.

The changes to the proposed bylaws:

- Changed the language regarding the frequency from how often the Planning Commission from twice a month, in the current bylaws, to once a month, as proposed in the draft bylaws
- Clarified language to specify the previous bylaws are being replaced by what is currently proposed
- Changed certain language which was previously inconsistent to be consistent with Trinity County Code Chapter 2.36 – Planning Commission

- Changed the procedures to be from what was proposed in the first draft to be consistent with Rosenberg's Rules of Order
- Changed language to not require those providing public comment to state their name or address (by law, this information can be provided voluntarily, but cannot be required)
- Removed "The chair may limit the number of persons addressing the Commission in order to avoid unnecessary repetition" (to support the legal concept of due process and not limit participation from those who wish to do so)
- Changed "Any member present who does not vote audibly shall be recorded as voting 'yes'" to "Any member present who does not vote audibly shall be recorded as voting 'no'" (to be consistent with the idea that it takes an affirmative vote to approve Commission action)
- Clarified confusing language

Trinity County Code

Trinity County Code Section 2.36 outlines the standards for the County Planning Commission. The bylaws were reviewed to be consistent with this ordinance and it is included as Attachment 3.

California Environmental Quality Act (CEQA)

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:

1. Adopt Resolution PC-2023-03 and Exhibit A – Rules for the Operation of and Conduct of Business Before the Trinity County Planning Commission.

ATTACHMENTS:

1. Draft Resolution PC-2023-03 and Exhibit A – Rules for the Operation of and Conduct of Business Before the Trinity County Planning Commission
2. Draft Resolution PC-2019-04 and Exhibit A – Rules for the Operation of and Conduct of Business Before the Trinity County Planning Commission
3. Trinity County Code Section 2.36 – Planning Commission
4. Resolution No. PC-89-05
5. Rosenberg's Rules of Order – Simple Rules of Parliamentary Procedure for the 21st Century
6. First Planning Commission meeting minutes (Sept. 2, 1943)

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:

NAYS:

ABSENT:

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 Order. 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 PUBLIC HEARINGS. The order for discussion shall be as follows:

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.

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

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:

2

**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

Chapter 2.36 PLANNING COMMISSION

Sections:

2.36.010 Created.

This chapter shall create a planning commission for the county, which shall also serve as the planning agency for the county and the advisory agency as provided for in the Subdivision Map Act of the state and the subdivision ordinance of the county.

(Ord. 174-6 §1(part), 1978)

(Ord. No. 1344 , § 1, 4-3-18)

2.36.020 Membership—Terms.

A. The planning commission shall be composed of five members. One shall be appointed from each supervisorial district. Each supervisor shall nominate a commissioner who is a resident and voter from his or her supervisorial district.

On the effective date of the amendment to this section, persons serving as planning commissioners who, by reason of redistricting or otherwise, are not residents and voters of the supervisorial district of the supervisor who nominated them, or that supervisor's successor in office, may nevertheless complete the term of office set forth in subsection C of this section, subject to being removed pursuant to subsection D, as the nominee of the supervisor, or successor, rather than the nominee of the supervisor of the supervisorial district of the planning commissioner's residence. Such persons may also be appointed for additional terms of office immediately succeeding his or her current term when nominated by the same supervisor and without the need to be a resident of the nominating supervisor's district.

B. Each nominee must be confirmed by a majority vote of all the members of the board of supervisors. No person shall be appointed as a regular planning commissioner who is an officer or employee of the county, except in his/her capacity as a planning commissioner.

C. The terms of office for the respective planning commissioners shall be as follows:

1. The terms of office of the planning commissioners from supervisorial districts 2, 3, and 5 shall expire on the first Monday following January 31, 1993.
2. The terms of office of the planning commissioners from supervisorial districts 1 and 4 shall expire on the first Monday following January 31, 1995.
3. Terms of office after the expiration of the terms as provided in subsections (C)(1) and (C)(2) of this section shall be for a period of four years and shall expire on the first Monday after January 31st upon the completion of the four-year term.
4. Vacancies shall be filled by the nomination and confirmation procedure set forth in subsection B of this section. The person appointed to fill a vacancy which occurs during a term of office shall fill the office for the remainder of the unexpired term.

D. A planning commissioner may be removed from office by a three-fifths vote of all members of the board of supervisors.

-
- E. Planning commissioners shall inform themselves upon the planning practice and regulations applicable to the County of Trinity.

(Ord. 1166 §1, 1992; Ord. 174-6 §1(a), 1978)

(Ord. No. 1344 , § 1, 4-3-18)

2.36.030 Officers—Meetings—Duties.

- A. The commission shall elect a chairman and vice chairman and other necessary officers from among its members for a term of one year.
- B. The commission shall hold at least one regular meeting each month and other meetings as may be necessary.
- C. The commission shall adopt rules and regulations for the transaction of business.
- D. The planning commission shall perform such functions and duties and shall have such powers and duties as are prescribed by law, and, in particular, as are prescribed in Chapter 3 of Title 7 of the Government Code of the state, and in addition, the planning commission shall perform such other functions and duties with respect to planning and zoning and other matters as the board of supervisors shall direct.

(Ord. 174-6 §1(b), 1978)

(Ord. No. 1344 , § 1, 4-3-18)

2.36.040 Chairman—Zoning administrator.

- A. The chairman of the planning commission shall also be designated the zoning administrator. The actions of the zoning administrator shall be recorded in the same manner as action of the entire board and minutes distributed to all commissioners.
- B. The zoning administrator shall:
 - 1. Hold public hearings at least once a month to reconsider routine petitions for use permits, rezonings that are consistent with the general plan and minor variances;
 - 2. Make recommendations on rezonings to the board of supervisors which apply only to minor land divisions when the rezoning is accompanied by a tentative parcel map. The planning commissioner from the district within which the property is located has the power to veto the decision within fourteen days after the zoning administrator makes his/her decision. The rezoning fee applicable to this action is waived; and
 - 3. Sit as the planning commissioner's representative on the subdivision review committee.
- C. The zoning administrator may approve or approve with mitigation measures, any negative declaration that accompanies projects for which he/she would otherwise have approval authority.
- D. The zoning administrator may refuse to hear any application which he/she feels the entire planning commission should jointly consider.
- E. Appeals of the zoning administrator's decisions shall be made in the same manner as prescribed for appeals of planning commission decisions.
- F. In the absence of the chairman of the planning commission, by a majority vote of the commissioners, the planning commission may select another commissioner to temporarily serve as zoning administrator.

Created: 2022-04-06 13:32:49 [EST]

(Supp. No. 19)

(Ord. 174-8 §1, 1979; Ord. 174-7 §1, 1979; Ord. 174-6 §1(c), 1978)

(Ord. No. 1344 , § 1, 4-3-18)

2.36.050 Compensation.

Members of the planning commission shall be compensated or reimbursed only as follows:

- A. Each member of the planning commission shall be entitled to receive the sum of one hundred dollars for each such regular or special meeting of the planning commission at which he/she is in attendance.
- B. Each member of the planning commission shall be entitled to the sum of fifty dollars for each duly called field trip of the planning commission in which he/she participates.
- C. The zoning administrator shall receive the sum of one hundred dollars for each zoning administrator public hearing that he/she conducts and forty dollars for each subdivision review committee meeting that he/she attends.
- D. Each member of the planning commission shall be entitled to mileage at the rate set forth in the current county salary ordinance necessarily traveled in attending each meeting or field trip for which compensation may be claimed under this chapter, and any conference for which prior authorization had been received from the board of supervisors; provided, however, that no mileage shall be allowed for travel in the course of a field trip unless a county-owned car or bus is unavailable. In addition, any member required to obtain lodging or meals because of his/her attendance at such a meeting or field trip is entitled to reasonable reimbursement therefor.
- E. Each member of the planning commission shall be entitled to reasonable and necessary expenses, other than mileage, which is compensated for by subsection D of this section, incidental to the attendance of any planning conference, for which prior authorization to attend has been obtained from the board of supervisors at the same rate as general county employees.

(Ord. 174-9 §§1, 2, 1979; Ord. 174-8 §2, 1979; Ord. 174-6 §1(d), 1978)

(Ord. No. 1344 , § 1, 4-3-18)

2.36.060 Appointment—Oath.

The planning commission shall be legally constituted and have jurisdiction to proceed to act as provided by law upon the appointment of the members thereof by an order of the board of supervisors duly entered in the minutes and upon each of the members taking and filing oath of office as provided by law.

(Ord. 174-6 §2, 1978)

2.36.070 Duties as advisory agency.

- A. The county planning commission shall act as, and carry out the duties of the advisory agency, as defined in the Subdivision Map Act of the state.
- B. All tentative subdivision maps shall be filed with the planning commission and the planning commission shall report its action on such maps direct to the subdividers.

(Supp. No. 19)

Created: 2022-04-06 13:32:49 [EST]

C. Procedures in connection with the making of any subdivision, and in carrying out the duties of an advisory agency, shall be in full and direct accord with the provisions of the Subdivision Map Act of the state, and penalties for violations thereof, or of this section, shall be as specified therein.

(Ord. 193 §§1, 2 and 3, 1948)

(Ord. No. 1344 , § 1, 4-3-18)

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 Directors 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



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes *Western City* magazine.

© 2011 League of California Cities. All rights reserved.

ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



TABLE OF CONTENTS

About the Author	ii
Introduction	2
Establishing a Quorum	2
The Role of the Chair.....	2
The Basic Format for an Agenda Item Discussion	2
Motions in General	3
The Three Basic Motions.....	3
Multiple Motions Before the Body.....	4
To Debate or Not to Debate.....	4
Majority and Super-Majority Votes	5
Counting Votes.....	5
The Motion to Reconsider.....	6
Courtesy and Decorum	7
Special Notes About Public Input	7



INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, 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.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and 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.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body 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.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken *first* on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate


The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.



Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.


Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



1400 K Street, Sacramento, CA 95814
(916) 658-8200 | Fax (916) 658-8240
www.cacities.org

To order additional copies of this publication, call (916) 658-8200.

\$10

© 2011 League of California Cities. All rights reserved.

♻️ Printed on recycled paper.

① Sept. 2, 1943

1

The first regular meeting of the Trinity Co. Planning Commission was held under the temporary chairmanship of Mr. Stanley with Mr. McGehee acting as temporary secretary. Nominations for chairman were given and J. Jackson was unanimously elected chairman for a period of one year. Irene McGehee was elected secretary for one year and J. A. Moran was elected as vice chairman. Mr. Stanley continued his temporary chairmanship until such time as the Commission was better organized.

After some discussion as to a regular monthly meeting date it was agreed that the Commission meet on the same date as the Board of Supervisors which is the first of each month. The meetings will begin at nine A.M. which will give Mr. Deete an opportunity to be present at both meetings. Meetings are to be held

in the Weaverdale Post Room.

Mr. Stanley is going to finish the Commission with speed of Planning programs of other Sections. This will give the Trinity Commission some examples which can be used to help build its own program. The possibility of a Regional Planning Commission was discussed and it was agreed that such a group working with cooperation will do much to insure the success of the Planning Commission single fact as a whole. It was suggested by Mr. Stanley that before the next meeting each member privately consider and list the assets and liabilities of the Society.

All information discussed by the Forest Service, private industry, private agencies, etc., which can be utilized by the Commission in obtaining a better picture of its problems must be gathered and correlated. This problem of Society and Forest Service work must be tackled on and on.

necessity of cooperating with each other. It is stated that the Society have a definite road program planned ahead.

Timber problems and expansion, roads, mining, ranching, and other problems must all be taken into consideration by the Commission in making plans for the future. One suggestion deals on recombination of what take into consideration not only the present, but the ultimate effect on the Society as a whole.

Mr. Jackson suggested that Mr. Johnson make a survey, and compile information and maps of the Society and Forest Service roads which can be presented at the next meeting. When the proposed plan goes thru the Federal Govt. funds put in a road between Weaverdale and Trinity Center, which will solve one of the Society's road problems. It is important that plans and roads be considered which will help link Trinity Center to the

rest of the country, and so that
Trinity Center will not find
it more advantageous to be
tied to Walling.

One of the points stressed
at the meeting was that the
space of Trinity Co. will allow
plenty of room for industry
and recreation, so care must
be taken to ensure the freedom
of both.

Mr. Snow brought up the
problem of humbling in the
Hogback Valley and the importance
of settling with it
developed there by a dam.

There are about 16-18,000 acres
of land in Hogback Valley which
could be irrigated if water
could be saved for summer use.

As Mr. Snow said, most
of Trinity's problems hinge on
adequate roads, and that is
the first major problem which
the Commission must plan
for. Mr. Snow said that

in any future gold dredging in
Trinity Co., an ordinance should
be passed forcing the engineer
to replace topsoil and preventing
them from ruining the ground
and beauty of that Trinity.
Mr. Van Ness also stressed these
ideas.

The secretary was instructed
to write to the State Planning
Board in Sacramento and request
any available pamphlets and
brochures which might help the
Commission and the requesting
information as to a regional
planning Commission.

The next meeting will be
held Friday, Oct. 1, 1943.

Respectfully submitted,
James McGehee,
Secretary.

(2) Oct. 1, 1943

The meeting was opened with Mr.
Jackson speaking. The following members
were noted as being absent: Mr.
Egan, Mrs. Snow, Mr. Spear, the