

THE RULES OF CONDUCT FOR BUSINESS BEFORE THE COUNTY OF YOLO PLANNING COMMISSION

- RULE 1. MEETINGS.** Regular meetings of the Commission shall be held in accordance with a schedule adopted by the Planning Commission each year, with meetings generally held on the second Thursday of each month throughout the year commencing at the hour of 9:00 a.m., except that if the regular meeting day is a holiday, no meeting shall be held. Special meetings may also be held on other days and times, as the business of the Commission requires, upon notice by the Chair or approval of a majority of the Commission. Staff may, after conferring with the Chair, cancel a meeting if there are insufficient items on the agenda. Unless otherwise provided, meetings shall be held in the Yolo County Board of Supervisors' Chambers at the County Administration Building, 625 Court Street, Room 204, in Woodland, California 95695. Meetings will be held in accordance with the Ralph M. Brown Act, Government Code sections 54950 et seq.
- RULE 2. ELECTION OF OFFICERS.** The Commission shall elect a Chair and a Vice-Chair at the first regular meeting in February of each calendar year to serve until the first regular meeting in February of the next succeeding calendar year. If the position of Chair is vacated, then the Vice-Chair shall become the Chair and a new Vice-Chair will be elected. The Vice Chair may defer becoming Chair, provided that another member is elected to serve as Chair for the remainder of the term. If the positions of Chair and Vice-Chair are both vacated at any time, the elections for the remainder of the year shall be held at the next meeting.
- RULE 3. DUTIES OF THE CHAIR AND VICE-CHAIR.** The Chair shall preside at all regular and special meetings. The Chair shall preserve order and decorum and shall decide all questions of order and procedure not otherwise provided for in these Rules, subject to the will of the majority of the Commission in attendance. The Chair shall be entitled to make or second any motion, and discuss and present any matter as a member of the Commission without having to step down from the Chair. The Chair may appoint committees from time to time for any purpose he or she deems proper for the conduct of Commission business. The Vice-Chair shall assume all duties of the Chair in the latter's absence from any meeting.
- RULE 4. ACTIONS.** The Planning Commission may take action by a vote reflected in the minutes or by resolution. Resolutions of the Commission may be adopted conditionally and referred to the Department of Community Services ("Department") for drafting in the proper form and final approval at a subsequent meeting. Resolutions shall be numbered consecutively and annually, and copies thereof shall be maintained by the Secretary to the Planning Commission and made available to the public. A copy of each Resolution shall be delivered to each Commissioner.
- RULE 5. COUNTY COUNSEL.** The County Counsel or a designated deputy shall be legal counsel for the Commission. All questions of law shall be referred to the County Counsel's Office for an opinion.
- RULE 6. AGENDA.** The agenda for each meeting of the Commission shall be prepared under the direction of the Chair and with the assistance of the staff of the

Department. Any Commissioner may have an item added to a future meeting agenda. The agenda shall comply with the notice requirements of the Ralph M. Brown Act.

RULE 7. STAFF REPORTS. The Department staff shall prepare a written staff report for each item on the agenda which by law is subject to a public hearing. The report shall be made public prior to or at the beginning of the hearing and shall be maintained by the Secretary of the Planning Commission or the Clerk of the Board of Supervisors as a matter of public record.

RULE 8. RECORD OF PROCEEDINGS. The Department staff or the Clerk of the Board of Supervisors shall take and maintain an audio recording of the proceedings of the Commission to ensure that a record of the hearing and any continuance thereof shall be made and duly preserved. The recording shall be the official record of the Commission. Any person wishing to listen to or make a copy of the recording of hearing may do so by contacting the Department. Nothing herein shall preclude the Commission or any person interested in the hearing from using the services of a court reporter in any public hearing. In no event shall the failure of Department staff or the Clerk of the Board of Supervisors to record the proceedings result in the nullification of any action taken by the Commission, provided substantial evidence in support of the action is reflected in the written record. Any party desiring to record Commission proceedings or retain the services of a court reporter shall be responsible for making arrangements and for payment for such services.

RULE 9. QUORUM. No action of the Commission shall be taken unless a quorum thereof is present. Four Commissioners present shall be the minimum number to constitute a quorum.

RULE 10. ORDER OF BUSINESS. The regular order of the Commission shall be:

1. Call to order.
2. Pledge of Allegiance.
3. Roll call.
4. Adoption of Minutes of previous meetings.
5. Request for continuances.
6. Approval of the agenda.
7. Opportunity for public to address Commission on subjects relating to the Planning Commission's business not appearing on the agenda.
8. Correspondence.
9. Hearings and other scheduled matters.
10. Director's report.
11. Commission reports.
12. Future agenda items.
13. Adjournment.

RULE 11. AGENDA ITEMS.

1. **Rescheduling.** The Chair at his or her sole discretion may rearrange the order of public hearings and other agenda items subject to the will of a majority of the Commissioners in attendance.

2. **Continuances.** The Chair shall, at the beginning of the Commission meeting, entertain written or oral requests for continuances. If a continuance is requested by a proponent, it shall be honored only if the proponent consents in writing to an equal extension of time to process any required environmental documentation, tentative map, or other documents with fixed processing periods. It is the Commission's policy to continue to the next Planning Commission meeting any matter which the Director or his or her staff have not had an adequate time to review, or any matter which is amended, supplemented, revised, or modified within three (3) business days of the meeting at which the matter is scheduled to be heard.
3. **Calling agenda items.** The Chair shall call each item on the agenda by agenda item number and the name of the applicant. The balance, if any, of the agenda description need not be read.

RULE 12. CONDUCT OF THE HEARING AND OTHER SCHEDULED MATTERS. It is the desire of the Commission to have a fair and impartial hearing on all matters. To do so requires the imposition of and compliance with the following rules of conduct:

1. **Consent agenda.** Any matter which has staff approval, applicant's approval of the staff recommendation and proposed conditions, no known opposition, and does not require a public hearing may be entered upon the agenda as a consent matter. Any Commissioner may require the consent matters be moved to the regular agenda upon request.
2. **Regular agenda items.** The sequence of the hearing shall be:
 - a) Open public hearing, for items requiring a public hearing.
 - b) Presentation of written and oral staff reports, and responses to Commissioner questions.
 - c) Commission members' disclosure of information learned at meetings or other outside sources regarding particular agenda item that have not been described in the agenda packet, staff report, or administrative record.
 - d) Presentation of the parties (project applicant, appellant, etc.).
 - e) Public comment.
 - f) Questions of staff, project applicant, or other person.
 - g) Close of public hearing, for items requiring a public hearing.
 - h) Commission discussion.
 - i) Motions and vote of Commission.

Subject to the will of a majority of the Commissioners in attendance, the Chair may change the sequence of the hearing given the circumstances of the agenda item.

3. **Limitations.** The Chair may limit testimony or public comment as follows to facilitate the business of the Commission:

- a) Principal Proponent (usually the applicant or his or her agent) – five (5) minute statement;
- b) Public comment – three (3) minute statement;

A spokesperson for any group may be permitted five (5) minutes. Subject to the will of a majority of the Commissioners in attendance, the Chair may limit testimony to the matter being presented. The above time limits may be waived or modified by the Chair or by a majority of the Commissioners in attendance.

- 4. **Close of Public Testimony.** For items requiring a public hearing, the Chair shall close the hearing to public testimony before the Commission members discuss the matter. The matter shall not be reopened without the approval of a majority of the Commissioners in attendance. Commissioners may seek clarification of testimony from staff, applicant, or speakers without reopening the public hearing.

RULE 13. DOCUMENTARY EVIDENCE. Any documents, writings, pictures, exhibits, or other forms of tangible expression once submitted to the Commission shall become the property of the Commission and part of the public record.

Persons desiring to submit documentary evidence are requested to contact the Department prior to the meeting to facilitate the introduction of such evidence. Failure to do so may result in the material not being fully considered or cause the matter to be continued to the end of the agenda or to a later date.

Any documentary evidence offered by the project applicant or any other person at the hearing of the matter, and which requires review and evaluation by County staff, may cause the matter to be continued to a later date.

RULE 14. DISORDERLY CONDUCT. The Chair has the authority to order the removal of any individual for disrupting the meeting (i.e. actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting). Pursuant to Government Code Section 54957.95, prior to removing the individual, and provided the individual is not engaging in use of force or a true threat of force, the Chair must warn the individual that their behavior is disrupting the meeting and that failure to cease the behavior may result in their removal. Consistent with the authority set forth in California Government Code Section 54957.9, if any meeting is willfully interrupted by any person(s) so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by removal of such person(s), the Chair may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media shall be allowed to attend such session, except for those representatives participating in the disturbance. Subject to the will of the majority of the Commissioners in attendance, the Chair may readmit any person(s) not responsible for the disturbance.

RULE 15. FINDINGS. The following actions require findings to be made by the Commission:

- a) Approval or denial of variances;
- b) Approval or denial of conditional use permits;
- c) Approval or denial of tentative maps;
- d) Environmental documents as required; or
- e) Other matters as required by law.

All findings shall be based strictly upon evidence in the administrative record or presented during the public hearing. The Commission shall not rely upon any communication, reports, staff memoranda, or other materials which are not presented during the public hearing. The Chair may seek the assistance of the County Counsel or Department staff in preparing or approving the findings. The Commission may order that the findings be brought to the Commission for final approval at a subsequent meeting.

RULE 16. MINUTES. All official actions or decisions of the Commission shall be entered into the minutes of the Commission prepared by the Department staff and approved at a subsequent meeting.

RULE 17. ADOPTION, AMENDMENT, AND REPEAL OF RULES. A new rule may be adopted or an existing rule may be amended or repealed by the affirmative vote of a majority of the Commission.

RULE 18. SPECIAL MEETINGS. Emergency or special meetings shall be called as provided for in Section 54956 of the Government Code of the State of California.

RULE 19. APPLICATION OF RULES. These rules shall be applicable to the transaction of all business before the Commission.

RULE 20. VOTING.

1. **Voice Vote.** Subject to the will of a majority of the Commissioners in attendance, the Chair may call for voting on a motion by voice vote without calling the roll. Following the vote, the Chair shall summarize the vote and identify those Commissioners who voted for and against the project or abstained.
2. **Calling the Roll.** Subject to a will of a majority of the Commission, the Chair may require that the roll be called in voting on a motion.
3. **Minimum Vote.** Except as may otherwise be required by State law and except as otherwise indicated in these Rules, action by the Planning Commission shall be taken only on the affirmative vote of a majority of the members then present, excluding those who abstain due to a conflict of interest, but including those who abstain for any other reason. By way of example only, if one Commissioner is absent, another is recused because of a financial conflict of interest, and one seat is vacant, then a quorum has been met (at least four commissioners) and a majority vote would require three of the five unrecused Commissioners present to vote in favor of the item. In no event shall an action be taken with fewer than three Commissioners voting in favor of the item.

4. **Abstaining Vote.** A vote to abstain is not to be construed as a vote for or against a motion.
5. **Tie Vote.** In the event that there is a tie vote on any motion pending before the Planning Commission, the Chair shall call for any further motions of any member on the subject. In the event no further motions are made, or that such further motions also result in a tie vote, the Chair shall call for a motion to declare the Commission deadlocked. If the declaration of a deadlock is passed by a majority of the Commission then present, or if the vote on the motion of a deadlock is also a tie vote, the Chair shall declare a deadlock. The declaration of a deadlock shall be considered a denial of the matter and shall be appealable to the Board of Supervisors to the same extent and in the same manner as if the Commission had denied the request.

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