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# COUNTY OF MONTEREY

## PLANNING COMMISSION



### MONTEREY COUNTY PLANNING COMMISSION RULES FOR THE TRANSACTION OF BUSINESS

#### **RULE 1 - Authority**

The California Government Code directs the legislative body of a county to assign by ordinance the function of a “planning agency” to a planning department, one or more planning commissions, administrative bodies or hearing offices, the legislative body itself, or any combination thereof it deems appropriate and necessary per Government Code sections 65100 – 65101.

The County of Monterey Board of Supervisors created the Monterey County Planning Commission (“Commission”) by Ordinance No. 1020, which is codified in Chapter 2.48 of the Monterey County Code. These Rules for the Transaction of Business (“Rules”) are adopted in accordance with Section 2.48.040 of the Monterey County Code.

#### **RULE 2 – Membership and Quorum**

The Commission shall consist of ten appointed members and six members shall constitute a quorum. No action shall be taken by the Commission unless a quorum is present at the meeting.

#### **RULE 3 – Rules of Order**

Meetings shall be conducted in accordance with the Ralph M. Brown Act (California Government Code section 54950, *et seq.*) and guided by Robert's Rules of Order, Revised, except as otherwise specifically provided herein. Counsel for the Commission shall act as parliamentarian and on request of the Chair, shall give parliamentary advice.

#### **RULE 4 – Election of Officers**

At the first regular meeting in January, the Chair shall appoint a Nominating Committee to nominate a Chair and Vice Chair. The Nominating Committee shall consider the Commissioners who have served the longest without being Chair and Vice Chair for nomination.

At the first regular meeting in February, the Nominating Committee shall provide its nominees and the Commission shall, by majority vote, elect a Chair and Vice Chair. Any Chair and Vice Chair selected under the provisions of this section shall continue to act as Chair and Vice Chair until the selection of their successors is complete.

**RULE 5 – Secretary of the Commission**

The Chief of Planning, or equivalent position, or his or her designee shall act as the Secretary without any voting rights.

**RULE 6 – Regular Meetings**

Regular meetings of the Commission shall begin at 9:00 a.m. and be held in the Board of Supervisors' Chambers, located at 168 W. Alisal Street, Salinas, California; or at such other location within the unincorporated County as may from time to time be determined by the Commission.

Regular meetings shall be held on the second and last Wednesdays of each month except for the months of November and December in which there shall be only one meeting held on the second Wednesday of each month, unless otherwise modified by the Commission at the time of the regular calendar adoption at its first meeting of each year. Public hearings shall not be scheduled to begin later than 5:30 p.m. unless the Commission expressly authorizes an evening meeting.

**RULE 7 – Special Meetings**

Special meetings of the Commission may be called at any time at the direction of the Chair, a majority of Commissioners, or by the Board of Supervisors upon notice given to the members of the Commission. Special meetings may be held at a different time or location than the regular meetings of the Planning Commission, provided that the location is within the unincorporated area of the County.

**RULE 8 – Duties of the Chair**

The Chair shall preside at all regular and special meetings. The Chair shall be entitled to make or second any motion, and discuss and present any matter as a member of the Commission. The Chair may appoint committees from time to time for any purpose he or she deems proper for the conduct of Commission business. The Chair may set reasonable time limits on public comment to facilitate the business of the Commission.

The Vice-Chair shall assume all duties of the Chair in the latter's absence from any meeting.

In the absence or inability of either the Chair or Vice-Chair to act, the members present shall select a member to act as Chair Pro-Tem for that meeting.

**RULE 9 – Document Submittal**

All documents and materials to be filed with the Commission, shall be filed in the office of the Secretary of the Commission (Housing Community and Development - Planning).

**RULE 10 - Agenda**

The Secretary shall prepare and distribute to the Commission an agenda for each meeting. The agenda and all related materials shall be ready for distribution by the Wednesday prior to the meeting.

**RULE 11 – Conduct of Public Hearings and Consent Agenda**

A. Applications for land use entitlements.

Public hearings on applications for land use entitlements shall be conducted in the following order:

1. Open hearing
2. Staff presentation
3. Commissioner questions of staff
4. Applicant presentation
5. Public comment
6. Applicant rebuttal
7. Close hearing to floor
8. Staff response
9. Commission discussion
10. Render decision

B. Appeals from decisions of another County decision-making body.

Public hearings on appeals from the decision of another County decision-making body shall be conducted in the same order as indicated above, except that the appellant’s presentation shall immediately follow the applicant’s presentation in cases in which appellant is not the applicant.

C. County-initiated legislative enactments.

Public hearings on County-initiated legislation enactments, such as general plan amendments and zoning ordinances, shall be conducted in the following order:

1. Open hearing
2. Staff presentation
3. Commissioner questions of staff
4. Public comment
5. Close hearing to floor
6. Staff response
7. Commissioner discussion
8. Render decision

#### D. Consent agenda.

The Commission may, in a single motion, approve administrative items of a routine or generally uncontested nature by adoption of a consent agenda. The Secretary may, in his or her discretion, schedule such administrative items for approval on the consent agenda. Such items may include, but are not limited to the approval of Commission minutes and staff responses to Commission referrals.

Prior to acting on the consent agenda, the Chair shall determine whether any Commissioner, member of the public, or staff requests removal of an item from the consent agenda, and if so requested, remove that item from the consent agenda. Removed items shall be considered individually. Consideration of the remainder of the consent agenda shall be considered together.

#### **RULE 12 – Decisions and Tie Votes**

When the Commission alters or modifies a project, the appropriate findings, evidence, and conditions or modification to findings, evidence, and conditions shall be clearly noted.

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

1. Permit the applicant to request a continuance, if that is appropriate; or
2. Entertain a motion to deny if sufficient findings are fully articulated to support denial; or
3. Entertain a motion of intent to deny if findings for denial are not yet fully articulated. The Commission shall specify in making a motion of intent to deny whether the public hearing remains open.

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

1. Permit staff to request a continuance, if that is appropriate; or
2. Entertain a motion to approve if sufficient findings are fully articulated to support approval; or
3. Entertain a motion of intent to approve if findings for approval are not yet fully articulated. The Commission shall specify in making a motion of intent to approve whether the public hearing remains open.

Tie votes will be resolved as follows:

1. A tie vote resulting from a recusal of one or more Commissioners due to a conflict of interest or an abstention of one or more Commissioners, with no Commissioners absent and no vacancies on the Planning Commission, shall constitute a defeat of the motion.
2. A tie vote during the absence of one or more members, or when there is a vacancy on the Commission, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

3. A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

If a matter is denied due to a tie vote, the Chair shall solicit findings from both sides and direct staff to prepare a resolution with such findings and expressly state the matter ended with a tie vote.

### **RULE 13 – Continuance**

The Commission shall allow, as a matter of right, one staff requested continuance of any public hearing item without a public hearing on the merits of an item, provided that the continuance would not violate state law or the Monterey County Code.

The Commission may consider requests for continuances from an applicant, an appellant, or the public. It is within the Commission’s discretion whether to grant such a continuance.

If the Commission continues a legally noticed public hearing, the Commission shall attempt to continue the item to a date and time certain if such action is possible.

### **RULE 14 – Rules of Conduct**

The Commissioners shall observe the following rules of conduct:

1. Be recognized by the Chair before speaking.
2. Acknowledge the Chair when you are finished.
3. Address staff by name or by department.

### **RULE 15 – Majority Vote**

Actions of the Commission shall be by a majority vote of Commission members present and voting on the issue.

If a Commissioner is recused or prohibited from voting due to an actual or perceived conflict of interest under the California Political Reform Act (Government Code section 8700, *et seq.*) or Government Code section 1090, *et seq.*, the Commissioner shall leave the dais and the Board chambers, and his or her presence shall not be counted towards a quorum. If the recusal of a Commissioner on a certain item will upset the quorum and this is known before the item is heard, the Chair shall trail such item to the end of the meeting.

The presence of any Commissioner who otherwise abstains from voting shall be counted for purposes of determining a quorum, but such abstaining members shall not be counted either for or against a measure in determining whether a majority vote has been obtained.

**RULE 16 – Rule Review**

The Commission shall review these rules as needed.

**RULE 17 – Record of Proceedings**

All proceedings of every meeting of the Commission shall be reported in writing and shall be permanently maintained in an appropriate Minute File. Minutes of the Commission meetings shall be presented to the Commission within two regularly scheduled meetings, or as soon as possible thereafter, and shall be approved by a majority of Commissioners present. All orders of the Commission with reference to its final action upon any application resolution shall be maintained in full in the Minute File.

**RULE 18 – Supersession**

These Rules shall supersede any and all rules of procedure previously adopted by the Commission.

**RULE 19 – Severability**

Should any part term, portion or provision of these Rules be determined to conflict with any law or otherwise unenforceable or ineffectual, the remaining parts, terms, portions, or provisions shall be deemed severable, and their validity shall not be affected thereby, provided such remaining portions or provisions can be construed in substance to constitute the provisions that the members intended to enact in the first instance.

*Last updated June 12, 2024*