



Community and Economic Development Planning Division

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PLANNING COMMISSION DATE: November 12, 2024

AGENDA ITEM: #4

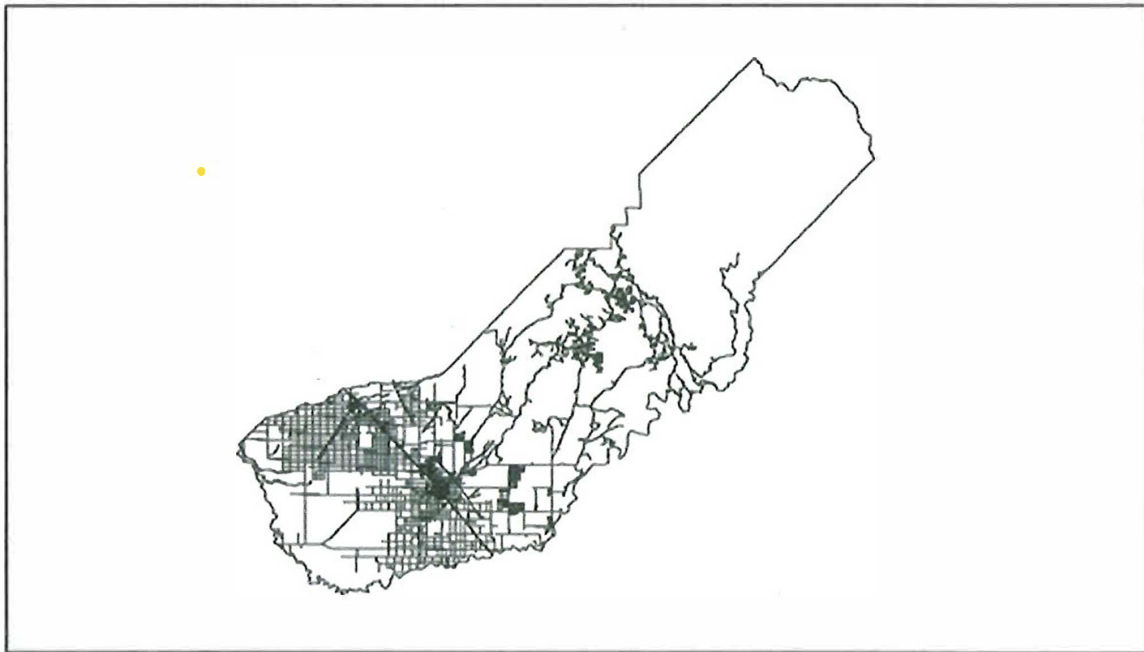
Planning Commission Rules of Order

REQUEST:

Consideration of amendment to the Planning Commission Rules of Order.

LOCATION:

Countywide.



RECOMMENDATION: Adoption of a Resolution recommending approval of the Planning Commission Rules of Order.

PROJECT DESCRIPTION:

Attached are the Planning Commission Rules of Order and Madera County Code that outline the general governance of the Madera County Planning Commission. County Counsel and staff will present an overview, answer any questions, and consider direction from the Commission related to the Rules of Order.

ANALYSIS:

The rules are being updated to allow the Supervisor of record to recommend removal of a Planning Commissioner from office as opposed to the Supervisor that made the appointment.

ATTACHMENTS:

1. Rules of Order Ordinance

REQUEST / RECOMMENDATION

Consider amendments to the Planning Commission Rules of Order and meeting practices and provide direction to County Counsel and staff on desired updates and amendments to recommend to the Board of Supervisors.

OVERVIEW

Earlier this year, the Commission reviewed the Planning Commission rules of order and voted to recommend that the Board of Supervisors amend various sections of the rules of order and Madera County Code (“MCC”) chapter 2.42, section 2.42.035 related to the removal of a Commissioner from office.

After working with staff, this item is being returned to the Commission for clarification and potentially additional amendments prior to any presentation to the Board of Supervisors. The following are the highlights of additional redline amendments that will be presented for the Commission’s consideration:

- Revise rules of order to mirror MCC.
 - A commissioner may be removed from office at any time but only upon the recommendation of the member of the board of supervisors who recommend his or her appointment and the affirmative vote of a majority of the board of supervisors.
 -
- MCC § 2.42.035 – Removal from office.
 - A commissioner may be removed from office at any time but only upon the recommendation of the member of the board of supervisors whose district the commissioner was appointed to represent and the affirmative vote of a majority of the board of supervisors.

While there was sufficient attention given to the inconsistency between the rules of order and the MCC related to the process of removing a Commissioner from office, the decision to recommend amending the MCC should be readdressed. The rules of order only allow the Supervisor *who recommended* the Commissioner for appointment to ask the Board of Supervisors to consider removal from office. This restricts the Board of Supervisors and may prove to be impractical in situations where the Supervisor who recommended the original appointment of a Commissioner, is no longer in office. The recommendation from staff is to align the rules of order with the MCC which authorizes the Supervisor whose district the Commissioner was appointment to recommend potentially removing a Commissioner from office, regardless of whether the Supervisor was in office when a Commissioner was appointed.

- Replacing “chairman” with “chair”.
- Having County Counsel advise on parliamentary procedure versus as be parliamentarian.
- Holding Commission meetings at 9 a.m. on the first Wednesday of each month.
- Adding language related to the order of business and voting procedures.

The Commission will also be asked to consider recommendations related to the practice of requiring that staff and the public be sworn in as witnesses at Planning Commission meetings. It is recommended that a formal oath not routinely be provided at Planning Commission public hearings and only be required on a case-by-case determination. However, for the following reasons, a more generic notice about telling the truth can routinely be provided whenever the Commission is conducting a quasi-judicial hearing:

1. A notice about telling the truth is consistent with the express requirement that the Board of Supervisors obtain sworn testimony in quasi-judicial proceedings.
2. Having the Commission distinguish between its advisory role and decision making role in a quasi-judicial hearing for purposes of obtaining an oath adds a layer of complexity.
3. Trying to determine in advance what matters will be hotly contested from routine matters in a quasi-judicial hearing for purposes of obtaining an oath adds a layer of complexity. Code of Civil Procedure Section 2094 provides several options for an oath. Option one is to tell the truth “so help you God”. Option 2 is to tell the truth under “penalty of perjury”. Option 3 allows the oath to be anything that conveys the “duty to tell the truth.” Since sworn testimony is not mandatory, only recommended in limited circumstances, and since there is flexibility on what the oath looks like, the following is draft language that can be read by the Chair before the start of any quasi-judicial hearing. This draft “Oath/Honesty Notice” will ensure that minimal due process requirements are met in all circumstances.

**BLANKET OATH/HONESTY NOTICE FOR
PLANNING COMMISSION QUASI-JUDICIAL HEARINGS**

After Agenda Item is Read Into the Record:

“The foregoing item to grant or deny a _____ permit is considered a quasi-judicial proceeding where written and oral evidence will be presented so that the Commission can render a decision with findings based upon the facts. That evidence may come from: (1) County staff, consultants, and witnesses; (2) the applicant and the applicant’s staff, consultants, and witnesses; or (3) members of the public having an interest in the project. Any person presenting evidence at the hearing has a duty to tell the truth and agrees that the evidence they are submitting is the truth, the whole truth, and nothing but the truth.”

Rules of Order
of the
Madera County Planning Commission

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RULES OF ORDER
OF THE
MADERA COUNTY PLANNING COMMISSION

1. Authority. These rules are authorized by Government Code § 65102 and shall apply to all meetings and proceedings of the Madera County Planning Commission.

2. Membership. As provided in Chapter 2.42 of the Madera County Code, the commission shall consist of five commissioners appointed by the board of supervisors.

a. Appointment. The commission shall consist of five commissioners appointed by the board of supervisors. Each member of the board of supervisors shall recommend to the board one registered voter of Madera County for appointment by the board to the commission. Any change of residence by a commissioner after appointment shall not affect the commissioner's ability to serve.

b. Term of Office. Each commissioner shall serve at the pleasure of the board of supervisors and, subject to the foregoing, shall hold office for a term of four years and until the appointment and qualification of his or her successor.

c. Removal from Office. A commissioner may be removed from office at any time but only upon the recommendation of the member of the board of supervisors ~~who recommend his or her appointment~~ whose district the commissioner was appointed to represent and the affirmative vote of a majority of the board of supervisors.

d. Vacancies. Any vacancy occurring on the commission shall be filled by appointment by the board of supervisors, as provided in 2 (a) above, for the remainder of the unexpired term.

3. Officers and staff. The commission shall have the following officers:

a. Chair~~man~~. The commission shall have a chair~~man~~.

i. Election. At the first regular meeting of the County's fiscal year, a chair~~man~~ shall be elected from among the members of the commission by a majority vote of its members.

ii. Term of Office. The chair~~man~~ shall hold office for one year and until the election and qualification of his or her successor.

iii. Duties. The chair~~man~~ is the presiding officer of the commission and, as such, shall have the following duties:

A. Convene the meeting and call the commission to order at the time at which the commission is to meet, when a quorum is present, or cancel the meeting when there is no prospect of there being a quorum.

B. Announce the business before the commission in the order in which

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it is to be acted upon.

- C. Conduct public hearings as provided herein.
- D. State the motion or ask the maker of the motion to state the motion and put to vote all motions which are regularly made, or necessarily arise in the course of the meeting, and announce or request the clerk to announce the result of the vote.
- E. Expedite business in every way compatible with the lawful conducting of commission business.
- F. Enforce on all occasions the observance of order and decorum among the members of the commission and the public.
- G. Decide all questions of order and procedure, subject, however, to an appeal to the commission as a whole. In the event of an appeal, the decision of the majority of the members of the commission present at the meeting shall determine questions of order.
- H. Inform the members of the commission, when necessary, or when referred to for the purpose, on a point of order or practice pertinent to pending business.

- iv. Voting. The chair~~man~~ shall vote on all questions, except as otherwise provided herein. The chair may make and second a motion.

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b. Chair~~man~~ Pro Tem. The commission shall have a chair~~man~~ pro tem who shall be elected in the same manner, at the same time and for the same term as the chair~~man~~. In the absence of the chair~~man~~, the chair~~man~~ pro tem shall have and perform all powers and duties of the chair~~man~~.

c. Executive Officer. The Planning Director, or his or her designee, shall be the executive officer of the commission.

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- i. Duties. The duties of the executive officer are to:

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- A. Prepare or cause to be prepared and submit a report on each item of business before the commission, with a recommendation on each question, relative to the item.
- B. With the assistance of the secretary, provide notice of all meetings as required by law.
- C. Request the attendance of County officers or employees at meetings of the commission to respond to questions raised by the commission or produce evidence relative to an item of business before the commission.
- D. Attend or send a designee to each meeting of the commission and give or cause to be given an oral presentation on each item of business before the commission and respond to questions raised by members of the ~~Commission~~commission.

- E. With the assistance of the secretary, prepare, keep and maintain

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the files, minutes, findings, resolutions, orders and all other documents relative to items of business which are, or have been, before the commission.

d. Secretary. The Planning Director shall appoint a member of his or her staff to be secretary of the commission.

i. Duties. The duties of the secretary are to:

- A. With the assistance of the executive officer, provide notice of all meetings as required by law.
- B. With the assistance of the executive officer, prepare, keep and maintain the files, minutes, findings, resolutions, orders and all other documents and papers relative to items of business which are, or have been, before the commission.
- C. Attend each meeting of the commission and record, either manually or mechanically, each item of business before the commission.

e. Counsel. The County Counsel, or his or her designee, shall be counsel to the commission.

i. Duties. The duties of the counsel are to:

- A. Provide legal counsel on all substantive or procedural legal questions on each item of business before the commission and on land use and planning matters in general.
- B. ~~Act as parliamentarian. Assists the chair to manage meetings and advises on parliamentary procedure.~~

4. Meetings.

a. Regular Meetings. Unless otherwise designated in the notice of meetings, all regular meetings of the commission shall be held at 6:00 p.m. on the first ~~Tuesday~~ ~~Wednesday~~ of each month ~~in the meeting room located on the third floor of at~~ the Madera County Government Center, 200 West Fourth Street Madera, California.

b. Special Meetings. A special meeting may be called at any time by the chair ~~man~~ of the commission, or by a majority of the members of the commission, by delivering ~~personally or by mail written~~ notice to each member of the commission and to ~~each local newspaper, the media, or any member of general circulation, radio or television station requesting the public that has requested~~ notice in writing. The notice shall be delivered personally, by mail or by ~~mail~~ electronic means and shall be received at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the commission. ~~Written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the executive officer of the commission a written waiver of~~

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~~notice. The waiver may be given by telegram. Written notice may be dispensed with as to any member of the commission who is actually present at the meeting the time it convenes. Notice shall be required pursuant to this section regardless of whether any action is taken at the special meeting.~~

c. Rules Applicable to both Regular and Special Meeting.

i. Meetings Open and Public. All meetings of the commission shall be open and public, and all persons shall be permitted to attend any meeting of the commission except as otherwise provided in the paragraph below.

ii. Authorization to Clear Room. In the event that any meeting is willingly interrupted by a group or groups of persons as to render the orderly conduct of the meeting infeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the ~~chairman~~ chairman of the commission may order the hearing room cleared in compliance with Government Code section 54957.9 and related legal authority 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, except those participating in the disturbance shall be allowed to attend such a session.

A. Readmittance. The ~~Commission~~ commission may readmit any individuals not responsible for willfully disturbing the orderly conduct of the meeting, as follows:

i. -As the ~~Chairman~~ Chairman announces each item of business to be considered by the ~~Commission~~ commission, the applicant or owner, and those persons who wish to participate in the public hearing on the item, shall be admitted.

iii. Adjournment. The commission may adjourn any regular, or special meeting, or an adjourned regular ~~special~~ or ~~adjourned~~ special meeting ~~to a~~ to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members of the commission are absent from any regular or adjourned regular meeting the executive officer may declare the meeting adjourned to a stated time and place and he or she shall cause a written notice of the adjournment to be given in the same manner as provided for special meetings, ~~unless such notice is waived as provided for special meetings.~~ A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, or special, or adjourned regular, ~~special~~ or ~~adjourned~~ special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this paragraph, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any

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meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hours specified for regular meetings.

5. Meetings Procedure.

a. Determination of Quorum. A quorum of the commission shall consist of three members of the commission.

b. Calling the ~~Commission~~commission to order. When a quorum is present, ~~or when there is no prospect of there being a quorum,~~ the chair~~man~~ shall convene the meeting and call the commission to order.

i. Temporary Chair~~man~~. In the absence of the chair~~man~~ and the chair~~man~~ pro tem, the executive officer shall convene the meeting and call the commission to order, whereupon a temporary chair~~man~~ shall be elected by the members of the commission present. The temporary chair~~man~~ shall relinquish the chair upon arrival of the chair~~man~~ or chair~~man~~ pro tem and after the conclusion of the item of business then being considered.

c. Order of Business.

i. Quorum Not Present. The only business that may be transacted in the absence of a quorum is to take measures to obtain a quorum, to fix the time to which to adjourn, to adjourn, or to take a recess.

ii. Quorum Present. When a quorum is present, business shall be conducted in the following order:

A. ~~Quorum Present. Reading, or waiver of reading~~Approval of agenda, and approval of minutes of the previous meeting;

B. ~~Staff Presentations and Discussion Items;~~

C. ~~Public Hearings;~~

~~B-D.~~ Public hearings on agenda items, which shall be conducted in the following order:

i. The chair~~man~~ shall call the item.

ii. The executive officer or staff member shall present his or her report and recommendation.

iii. Members of the commission may ask the executive officer or staff member questions about the item.

iv. Chair opens the public hearing.

v. Chair invites the applicant to provide comments and/or presentation.

~~iii-vi.~~ Clarifying questions from commissioners to applicant.

~~iv-vii.~~ Persons supporting the item may speak and/or introduce evidence.

~~v-viii.~~ Persons opposing the item may speak and/or introduce evidence.

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~~ix.~~ ix. Persons supporting the item may rebut opposition testimony or evidence.

~~vi-x.~~ Chair closes the public hearing.

~~vii-xi.~~ The item is submitted to the commission for discussion and decision.

~~C.E.~~ Presentation of executive officer's report.

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d. Miscellaneous.

- i. Limiting Time. The commission may place reasonable time limitations on public comment during an open meeting so that meetings can be concluded within a reasonable time. reasonably limit the amount of time allotted to any speaker or part.
- ii. Addressing the ~~Commission~~commission. Persons addressing the commission shall first state their name and county of residence. Statements made to the commission shall be relevant to the item of business pending before the commission.
- iii. Continuances~~.~~. The commission may, on motion and regular vote, continue any item of business for up to seventy days to any subsequent meeting of the commission in the manner and to the same extent for the adjournment of meetings.

6. Voting.

a. Procedure.

- i. Votes required to pass a motion. For any motion made in the conduct of business by the commission following a noticed public hearing, three (3) "yes" votes are required to pass the motion, regardless of the number of commissioners in attendance. For all other matters, a majority vote of the quorum is sufficient to take action.
- ii. A conclusive/affirmative vote on each item preferred. The commission will strive to pass a motion to conclusively state its position or intended action on a project. If a motion that has been made and seconded does not pass with a minimum of three (3) votes, the motion fails. The chair will encourage an alternate motion with the objective of conclusively stating the commission's position, rather than allowing the proceedings to stop after the failure of the motion. For instance, if a motion that has been made and seconded to approve a project fails to achieve three (3) "yes" votes, commissioners are encouraged to consider making an alternate motion such as to deny the project.

Where only four (4) members are present, a motion having two (2) votes in favor and two (2) votes against shall be considered no action.

The commission will strive to pass a motion to conclusively state its position or intended action on a project. If a majority vote cannot be achieved on any motion, commissioners shall clearly summarize their issues to provide direction to the applicant or to the Board of Supervisors.

iii.

i. Call for a Motion. Upon the conclusion of the discussion among the members of the commission on an item of business requiring a vote, the chairman shall call for a motion. A motion must be seconded before the chairman may put it to a vote of the members of the commission. If, after a reasonable time, a motion is not seconded, the motion shall die for lack of a second, and the chairman shall call for a new motion.

~~A. Chairman Ineligible to Move or Second. The chairman shall neither make a motion nor second a motion.~~

iv.

ii. Putting the Motion to Vote. When a motion has been made and seconded, the chairman shall may then state the motion and put it to a vote. All votes shall be by roll call.

A. Conflict of Interest. No member of the commission shall make, participate in making, vote upon, or use his or her official position to influence the making of any decision of the commission in which the commissioner has a conflict of interest, as defined under the common law, Government Code section 1090 and under the Political Reform Act of 1974. When a member of the commission determines that a conflict of interest exists, he or she shall declare that a conflict of interests exists, disclose the nature of the conflict and excuse himself or herself from the meeting immediately following the announcement of the item of business by the chairman.

i. Effect on Voting. When a member of the commission declares that a conflict of interest exists, he or she shall not be a voting member of the commission for the item of business, nor shall he or she participate in the consideration of the item.

iii. v. Announcing the Vote. When the vote has been taken so that the chair has no doubt as to the result, the chairman or the clerk shall announce whether the motion and application are approved, or the motion and application are denied, or whether a new motion is required. The clerk shall record which commissioner makes the motion, seconds the motion, and how each commissioner votes.

A. Change of the Vote. A member of the commission may change his or her vote up to the time the vote is finally announced. After the

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vote is finally announced and until the meeting ends, a member of the commission may change his or her vote ~~off~~ if no other member of the commission objects when the chair~~man~~ inquired if any member objects. If objection is made, a motion may be made to grant the permission.

B. Effect of Denial. Except where an applicant re-applies as provided by Title 18 of the Madera County Code, no item of business that has been denied shall be reconsidered for a period of one year.

i. Exception for Error or Mistake. An item of business that has been denied may be reconsidered within one year following its denial if, following a motion and second, three members of the commission vote in favor of reconsideration ~~and/or~~ finding that there was ~~withereither~~ error in the original proceeding which affected the decision of the commission or there was a mistake or misunderstanding of law or fact which affected the decision of the commission.

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ii. Exception for Denial Without Prejudice. A member of the commission may make a motion to deny an application without prejudice. Such a motion is proper when it is apparent that the item of business was prematurely brought before the commission for its consideration. If the motion is seconded and regularly approved, the item of business may be resubmitted by the applicant within one year of the date of the decision.

iii. Items of Business Submitted to The Board of Supervisors. Notwithstanding paragraphs (i) and (ii), the commission shall not reconsider any item of business which has been submitted to the board of supervisors, either on appeal or otherwise, for consideration. This subsection does not apply when the Board of Supervisors refers an item of business back to the commission.

7. Miscellaneous.

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a. Amendments. These rules and procedures may be amended from time to time, in a manner provided by law.

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b. Rules of Order. All meetings and proceedings of the commission are governed by these rules and procedures and, ~~wherewere~~ not inconsistent, by ~~Roberts~~Rosenberg's Rules of Order.

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c. Failure to Follow Rules and Procedures. Failure of the commission to comply with these rules and regulations shall not invalidate or otherwise affect any action or decision of the commission.

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Rules of Order
of the
Madera County Planning Commission

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RULES OF ORDER
OF THE
MADERA COUNTY PLANNING COMMISSION

1. Authority. These rules are authorized by Government Code § 65102 and shall apply to all meetings and proceedings of the Madera County Planning Commission.

2. Membership. As provided in Chapter 2.42 of the Madera County Code, the commission shall consist of five commissioners appointed by the board of supervisors.

a. Appointment. The commission shall consist of five commissioners appointed by the board of supervisors. Each member of the board of supervisors shall recommend to the board one registered voter of Madera County for appointment by the board to the commission. Any change of residence by a commissioner after appointment shall not affect the commissioner's ability to serve.

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c. Removal from Office. A commissioner may be removed from office at any time but only upon the recommendation of the member of the board of supervisors whose district the commissioner was appointed to represent and the affirmative vote of a majority of the board of supervisors.

d. Vacancies. Any vacancy occurring on the commission shall be filled by appointment by the board of supervisors, as provided in 2 (a) above, for the remainder of the unexpired term.

3. Officers and staff. The commission shall have the following officers:

a. Chair. The commission shall have a chair.

i. Election. At the first regular meeting of the County's fiscal year, a chair shall be elected from among the members of the commission by a majority vote of its members.

ii. Term of Office. The chair shall hold office for one year and until the election and qualification of his or her successor.

iii. Duties. The chair is the presiding officer of the commission and, as such, shall have the following duties:

A. Convene the meeting and call the commission to order at the time at which the commission is to meet, when a quorum is present, or cancel the meeting when there is no prospect of there being a quorum.

B. Announce the business before the commission in the order in which it is to be acted upon.

- C. Conduct public hearings as provided herein.
- D. State the motion or ask the maker of the motion to state the motion and put to vote all motions which are regularly made, or necessarily arise in the course of the meeting, and announce or request the clerk to announce the result of the vote.
- E. Expedite business in every way compatible with the lawful conducting of commission business.
- F. Enforce on all occasions the observance of order and decorum among the members of the commission and the public.
- G. Decide all questions of order and procedure, subject, however, to an appeal to the commission as a whole. In the event of an appeal, the decision of the majority of the members of the commission present at the meeting shall determine questions of order.
- H. Inform the members of the commission, when necessary, or when referred to for the purpose, on a point of order or practice pertinent to pending business.

iv. Voting. The chair shall vote on all questions, except as otherwise provided herein. The chair may make and second a motion.

b. Chair Pro Tem. The commission shall have a chair pro tem who shall be elected in the same manner, at the same time and for the same term as the chair. In the absence of the chair, the chair pro tem shall have and perform all powers and duties of the chair.

c. Executive Officer. The Planning Director, or his or her designee, shall be the executive officer of the commission.

i. Duties. The duties of the executive officer are to:

- A. Prepare or cause to be prepared and submit a report on each item of business before the commission, with a recommendation on each question, relative to the item.
- B. With the assistance of the secretary, provide notice of all meetings as required by law.
- C. Request the attendance of County officers or employees at meetings of the commission to respond to questions raised by the commission or produce evidence relative to an item of business before the commission.
- D. Attend or send a designee to each meeting of the commission and give or cause to be given an oral presentation on each item of business before the commission and respond to questions raised by members of the commission.
- E. With the assistance of the secretary, prepare, keep and maintain the files, minutes, findings, resolutions, orders and all other documents relative to items of business which are, or have been, before the commission.

d. Secretary. The Planning Director shall appoint a member of his or her staff to be secretary of the commission.

i. Duties. The duties of the secretary are to:

- A. With the assistance of the executive officer, provide notice of all meetings as required by law.
- B. With the assistance of the executive officer, prepare, keep and maintain the files, minutes, findings, resolutions, orders and all other documents and papers relative to items of business which are, or have been, before the commission.
- C. Attend each meeting of the commission and record, either manually or mechanically, each item of business before the commission.

e. Counsel. The County Counsel, or his or her designee, shall be counsel to the commission.

i. Duties. The duties of the counsel are to:

- A. Provide legal counsel on all substantive or procedural legal questions on each item of business before the commission and on land use and planning matters in general.
- B. Assists the chair to manage meetings and advises on parliamentary procedure.

4. Meetings.

a. Regular Meetings. Unless otherwise designated in the notice of meetings, all regular meetings of the commission shall be held at 9:00 a.m. on the first Wednesday of each month at the Madera County Government Center, 200 West Fourth Street Madera, California.

b. Special Meetings. A special meeting may be called at any time by the chair of the commission, or by a majority of the members of the commission, by delivering notice to each member of the commission and to the media, or any member of the public that has requested notice in writing. The notice shall be delivered personally, by mail or by electronic means and shall be received at least 24 hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the commission.

c. Rules Applicable to both Regular and Special Meeting.

i. Meetings Open and Public. All meetings of the commission shall be open and public, and all persons shall be permitted to attend any meeting of the commission except as otherwise provided in the paragraph below.

- ii. Authorization to Clear Room. In the event that any meeting is willingly interrupted by a group or groups of persons as to render the orderly conduct of the meeting infeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the chair of the commission may order the hearing room cleared in compliance with Government Code section 54957.9 and related legal authority 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, except those participating in the disturbance shall be allowed to attend such a session.
 - A. Readmittance. The commission may readmit any individuals not responsible for willfully disturbing the orderly conduct of the meeting, as follows:
 - i. As the Chair announces each item of business to be considered by the commission, the applicant or owner, and those persons who wish to participate in the public hearing on the item, shall be admitted.
- iii. Adjournment. The commission may adjourn any regular, or special meeting, or an adjourned regular or special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members of the commission are absent from any regular or adjourned regular meeting the executive officer may declare the meeting adjourned to a stated time and place and he or she shall cause a written notice of the adjournment to be given in the same manner as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, or special, or adjourned regular or special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this paragraph, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hours specified for regular meetings.

5. Meetings Procedure.

- a. Determination of Quorum. A quorum of the commission shall consist of three members of the commission.
- b. Calling the commission to order. When a quorum is present, the chair shall convene the meeting and call the commission to order.
 - i. Temporary Chair. In the absence of the chair and the chair pro tem,

the executive officer shall convene the meeting and call the commission to order, whereupon a temporary chair shall be elected by the members of the commission present. The temporary chair shall relinquish the chair upon arrival of the chair or chair pro tem and after the conclusion of the item of business then being considered.

c. Order of Business.

- i. Quorum Not Present. The only business that may be transacted in the absence of a quorum is to take measures to obtain a quorum, to fix the time to which to adjourn, to adjourn, or to take a recess.
- ii. Quorum Present. When a quorum is present, business shall be conducted in the following order:

A. Approval of agenda, and approval of minutes of the previous meeting;

B. Staff Presentations and Discussion Items;

C. Public Hearings;

D. Public hearings on agenda items, which shall be conducted in the following order:

- i. The chair shall call the item.
- ii. The executive officer or staff member shall present his or her report and recommendation.
- iii. Members of the commission may ask the executive officer or staff member questions about the item.
- iv. Chair opens the public hearing.
- v. Chair invites the applicant to provide comments and/or presentation.
- vi. Clarifying questions from commissioners to applicant.
- vii. Persons supporting the item may speak and/or introduce evidence.
- viii. Persons opposing the item may speak and/or introduce evidence.
- ix. Persons supporting the item may rebut opposition testimony or evidence.
- x. Chair closes the public hearing.
- xi. The item is submitted to the commission for discussion and decision.

E. Presentation of executive officer's report.

d. Miscellaneous.

- i. Limiting Time. The commission may place reasonable time limitations on public comment during an open meeting so that meetings can be concluded within a reasonable time.

- ii. Addressing the commission. Persons addressing the commission shall first state their name and county of residence. Statements made to the commission shall be relevant to the item of business pending before the commission.
- iii. Continuances. The commission may, on motion and regular vote, continue any item of business for up to seventy days to any subsequent meeting of the commission in the manner and to the same extent for the adjournment of meetings.

6. Voting.

a. Procedure.

- i. Votes required to pass a motion. For any motion made in the conduct of business by the commission following a noticed public hearing, three (3) "yes" votes are required to pass the motion, regardless of the number of commissioners in attendance. For all other matters, a majority vote of the quorum is sufficient to take action.
- ii. A conclusive/affirmative vote on each item preferred. The commission will strive to pass a motion to conclusively state its position or intended action on a project. If a motion that has been made and seconded does not pass with a minimum of three (3) votes, the motion fails. The chair will encourage an alternate motion with the objective of conclusively stating the commission's position, rather than allowing the proceedings to stop after the failure of the motion. For instance, if a motion that has been made and seconded to approve a project fails to achieve three (3) "yes" votes, commissioners are encouraged to consider making an alternate motion such as to deny the project. Where only four (4) members are present, a motion having two (2) votes in favor and two (2) votes against shall be considered no action. The commission will strive to pass a motion to conclusively state its position or intended action on a project. If a majority vote cannot be achieved on any motion, commissioners shall clearly summarize their issues to provide direction to the applicant or to the board of supervisors.
- iii. Call for a Motion. Upon the conclusion of the discussion among the members of the commission on an item of business requiring a vote, the chair shall call for a motion. A motion must be seconded before the chair may put it to a vote of the members of the commission. If, after a reasonable time, a motion is not seconded, the motion shall die for lack of a second, and the chair shall call for a new motion.
- iv. Putting the Motion to Vote. When a motion has been made and seconded, the chair may then state the motion and put it to a vote. All votes shall be by roll call.
 - A. Conflict of Interest. No member of the commission shall make, participate in making, vote upon, or use his or her official position to

influence the making of any decision of the commission in which the commissioner has a conflict of interest, as defined under the common law, Government Code section 1090 and under the Political Reform Act of 1974. When a member of the commission determines that a conflict of interest exists, he or she shall declare that a conflict of interests exists, disclose the nature of the conflict and excuse himself or herself from the meeting immediately following the announcement of the item of business by the chair.

- i. Effect on Voting. When a member of the commission declares that a conflict of interest exists, he or she shall not be a voting member of the commission for the item of business, nor shall he or she participate in the consideration of the item.
- B. Announcing the Vote. When the vote has been taken so that the chair has no doubt as to the result, the chair or the clerk shall announce whether the motion and application are approved, or the motion and application are denied, or whether a new motion is required. The clerk shall record which commissioner makes the motion, seconds the motion, and how each commissioner votes.
- C. Change of the Vote. A member of the commission may change his or her vote up to the time the vote is finally announced. After the vote is finally announced and until the meeting ends, a member of the commission may change his or her vote if no other member of the commission objects when the chair inquired if any member objects. If objection is made, a motion may be made to grant the permission.
- D. Effect of Denial. Except where an applicant re-applies as provided by Title 18 of the Madera County Code, no item of business that has been denied shall be reconsidered for a period of one year.
- i. Exception for Error or Mistake. An item of business that has been denied may be reconsidered within one year following its denial if, following a motion and second, three members of the commission vote in favor of reconsideration or finding that there was either error in the original proceeding which affected the decision of the commission or there was a mistake or misunderstanding of law or fact which affected the decision of the commission.
 - ii. Exception for Denial Without Prejudice. A member of the commission may make a motion to deny an application without prejudice. Such a motion is proper when it is apparent that the item of business was prematurely brought before the commission for its consideration. If the motion is seconded and regularly approved, the item of business may be resubmitted by the applicant within one year of the date of the decision.
 - iii. Items of Business Submitted to The Board of Supervisors.

Notwithstanding paragraphs (i) and (ii), the commission shall not reconsider any item of business which has been submitted to the board of supervisors, either on appeal or otherwise, for consideration. This subsection does not apply when the board of supervisors refers an item of business back to the commission.

7. Miscellaneous.

a. Amendments. These rules and procedures may be amended from time to time, in a manner provided by law.

b. Rules of Order. All meetings and proceedings of the commission are governed by these rules and procedures and, were not inconsistent, by Rosenberg's Rules of Order.

c. Failure to Follow Rules and Procedures. Failure of the commission to comply with these rules and regulations shall not invalidate or otherwise affect any action or decision of the commission.