

AGULTULTURAL POLICY ADVISORY COMMISSION BYLAWS

While most of the rules governing the conduct of meetings of the Agricultural Policy Advisory Commission are provided for in State and County statutes and ordinances, it is desirable for the Agricultural Policy Advisory Commission to adopt bylaws. These bylaws are to assist the Agricultural Policy Advisory Commission in conducting business in an orderly and efficient manner and are adopted pursuant to County Code Section 2.38.140.

1. COUNTY'S COMMISSION'S ORDINANCE

The Agricultural Policy Advisory Commission is subject to the County's Commission Ordinance (Chapter 2.38) attached hereto.

2. NOTICE OF PUBLIC MEETINGS

All meetings and actions of the Agricultural Policy Advisory Commission shall be subject to the Brown Act (Govt. Code §54950 et seq.). Notice of public hearings shall be made pursuant to County Code Section 18.10.010 et seq., even if such notice is in excess of that required by state law.

Generally one week prior to, but at least seventy-two (72) hours prior to each regular meeting, an agenda for the regular meeting shall be mailed to each Commission member, and to each representative of the news media and to each other person who has submitted a written request to the Commission for notification of meetings, and shall be posted at least seventy-two (72) hours prior to the regular meeting at a location that is freely accessible to the public. Notices of public hearings for proposed projects may require a longer notice period. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting. No action or discussion shall be undertaken on any item not appearing on the posted agenda except that members of the Commission may briefly respond to statements made or questions posed by persons exercising their public testimony rights or ask a question for clarification, refer the matter to staff or to other resources for factual information, or request staff to report back at a subsequent meeting concerning any matter. Notwithstanding the foregoing, action may be taken on an item of business not appearing on the posted agenda upon a determination by two-thirds vote of the membership of the Commission that there is a need to take immediate action and that the need for action came to the attention of the County subsequent to the agenda being posted.

The Chairperson, or in his/her absence, the Vice Chairperson, may direct the Staff Liaison to send out notices for a special meeting; or three members wishing a special meeting called may, by letter, direct the Staff Liaison to notify the Commission, or the Community Development Director (or their appointee), may consult with the Chair and set a special meeting. Said notices shall be provided to the Commissioners not less than twenty-four (24) hours prior to the date of the meeting. The Staff Liaison

shall also notify Commissioners of such special meetings by email or telephone. Notice to the press and other news media of such special meetings shall be made pursuant to the provisions of State law. At least twenty-four (24) hours prior to each special meeting, an agenda for the special meeting shall be posted at a location that is freely accessible to members of the public. No business other than that listed on the agenda shall be considered at a special meeting.

3. OFFICERS

The officers of the Commission shall be the Chairperson, Vice Chairperson, Staff Liaison, and Agricultural Commissioner. The Chairperson and Vice Chairperson shall be elected by members of the Commission. The Director of the Community Development and Infrastructure Department or their appointee shall serve as Staff Liaison to the Commission, providing support to the Commission's related functions. The Agricultural Commissioner serves as Commission Secretary, preparing minutes and annual Board Reports in coordination with the Staff Liaison.

Two non-voting members of the Commission shall be the Director of the County Cooperative Extension, or their appointee (s), and the County Agricultural Commissioner.

The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson. The members may elect a Chairperson pro tem in the absence of both the Chairperson and Vice Chairperson.

The terms of office for the Chairperson and Vice Chairperson shall be two years beginning April 1st of each year. Commissioners may serve up to two consecutive years shall be eligible to serve again after a one year "sit-out" period.

4. MEETING SCHEDULE

The Commission shall schedule six regular meetings each year. These shall generally fall on the third Thursday bi-monthly and shall commence at 1:30 p.m. Regular meetings may be cancelled as warranted by special circumstances, such as holidays or lack of business. The Commission or Staff Liaison to the Commission may schedule additional meetings as necessary to meet the needs of the community, the Board of Supervisors or the Commission. Night and/or out-of-building meetings may also be scheduled as the Commission desires subject to notice requirements in Item #2. The Commission may also hold special meetings and adjourn regular and adjourn special meetings as it deems necessary subject to requirements in Item #2.

5. ATTENDANCE BY AGRICULTURAL POLICY ADVISORY COMMISSIONERS

Every Commissioner shall notify the Community Development and Infrastructure Department Staff Liaison in advance of any Agricultural Policy Advisory Commission meeting he/she is not able to attend. In case of an emergency, notification shall occur at the earliest possible opportunity. If any regular Commissioner is absent from three

consecutive Agricultural Policy Advisory Commission during any calendar year and without legitimate reason entered into the minutes or fails to complete training or ethical or legal requirements as mandated by County Code, the Agricultural Policy Advisory Commission Staff Liaison shall inform the Board of Supervisors that a vacancy exists as provided in the County Code.

6. ALTERNATE MEMBERS

The Board of Supervisors may appoint an alternate for each member of the Agricultural Policy Advisory Commission pursuant to SCCC 2.38. Alternates shall serve when requested by the regular Agricultural Policy Advisory member. The term of office for an alternate shall be the same as the regular members.

7. MISSED MEETINGS

In the event a Commissioner is absent from all or a portion of a public hearing, the Commissioner may not vote or participate in the discussion on that item unless the Commissioner:

- a. Has reviewed the prior evidence and listened to the recording(s) of the prior testimony, and has so stated for the record; and
- b. Examines all of the documentary material received prior to or during the hearing, or portion of the hearing, from which the Commissioner was absent; and
- c. Deems oneself to be as familiar with the record and with the information presented at the hearing as the Commissioner would have been had he or she personally attended the entire hearing, and so states for the record.

8. QUORUM

A majority of the members of the Commission shall constitute a quorum for the conduct of all business. The affirmative vote of three Commissioners is required to approve any item. If fewer than five members are present and the Commission is unable to reach any decision on an application or appeal, the item will be continued to the next meeting of the Commission when at least four members of the Commission are present. If no action is taken at such a continued hearing, the application or appeal shall be deemed denied.

9. CONTINUANCE OF PUBLIC HEARINGS

It is the policy of the Agricultural Policy Advisory Commission to attempt to accommodate persons on the schedule of items. The Agricultural Policy Advisory Commission recognizes the interest of both applicants and other interested persons appearing before the Agricultural Policy Advisory Commission. The Agricultural Policy Advisory Commission, therefore, has discretion to continue items subject to applicable legal requirements.

At its discretion, the Commission may:

- a. Continue the public hearing to the date requested, to the next available agenda or to another future date at the discretion of the Commission; or
- b. May hear the staff presentation, open the public hearing and hear the testimony of those who are present and wish to speak, and then continue the hearing for the hearing of additional testimony; or
- c. Determine to proceed with the public hearing and take action, despite the request for a continuance.

10. THE CONDUCT OF MEETINGS

ROLL CALL

ADDITIONS AND CORRECTIONS TO THE AGENDA, APPROVAL OF MINUTES AND AGRICULTURAL POLICY ADVISORY COMMISSION CORRESPONDENCE

At the beginning of the meeting, the Staff Liaison shall inform the Commission of any additions or corrections to the agenda and inform the Commission of any requests for continuances of scheduled items. The Commission may elect to continue items at this time or to consider the requests at the scheduled time for the item.

The Commission then considers the minutes from prior meeting(s) and approves, including revisions if necessary, or continues the minutes, as appropriate.

Lastly, the Agricultural Policy Advisory Commission has an opportunity to consider any correspondence provided to their commission.

DECLARATION OF EX PARTE COMMUNICATIONS

Commissioners shall disclose any communication relevant to items on the agenda that takes place between the Commissioner and a member of the public before the item is considered by the Commission. Ex parte communication can be oral or written, and can involve an interested party outside the Commission. Ex parte communication may not be considered in decision-making unless it is disclosed and made part of the official record in the matter.

ORAL COMMUNICATIONS / PUBLIC PARTICIPATION

Public participation in Commission meetings shall be allowed as follows:

- a. An opportunity for members of the public to directly address the Commission on any item on the agenda of interest to the public shall be provided before or during the Commission's consideration of the item.
- b. In addition, the agenda will provide for community oral communications on items not on the agenda which are within the subject matter jurisdiction of the Commission. The Oral Communications item is on the agenda before scheduled hearings for members of the public who wish to speak to the Commission on items not on the agenda. Unless otherwise determined by the Commission, speakers are limited to two minutes for items not on the agenda. At its discretion, the Commission can allow additional time to hear oral communications.
- c. The Chairperson of the Commission may establish reasonable limits on the amount of time allotted to each speaker on a particular item, and the Commission may establish reasonable limits on the total amount of time allotted for public testimony on a particular item.

AGRICULTURAL POLICY ADVISORY COMMISSION COMMISSIONER PRESENTATIONS

Commissioners may provide presentations during this period.

UPDATES FROM THE AGRICULTURAL COMMISSION'S OFFICE

The Agricultural Commissioner may provide an update during this period.

UPDATES FROM THE STAFF LIAISON

The Staff Liaison may provide a report regarding upcoming meeting dates and agendas and/or additional informational items related to Commission business.

ADDITIONAL COMMISSION BUSINESS

This item is reserved for matters that periodically arise related to Agricultural Policy Advisory Commission business.

CONTINUED AGENDA

Continued items are those that were carried over from previous meetings for additional information and/or analysis. These items are generally considered as opened public hearings and any person may address the Commission regarding the item. In certain instances, the public hearing has been closed by the Commission, but may be reopened at the request of the applicant, the public, or the Commission.

PUBLIC HEARINGS

Public hearings shall be generally conducted as follows:

- a. Staff presents proposal, staff report, and recommendations. Any letters received before the hearing are summarized.
- b. Commission members may ask questions of staff.
- c. Public hearing is opened.
- d. Applicant may present justification for proposal and other pertinent information. Applicant given approximately 10 minutes.
- e. Commission members may ask questions of applicant.
- f. Members of the public may speak either for or against the proposal or offer additional information. Speakers shall step to the podium and give their name and address. Members of the public are generally given three minutes individually and up to five minutes for persons representing a group.
- g. Applicant may rebut arguments presented by the public. Applicants are generally given five minutes.
- h. Public hearing is closed.
- i. Commission members may ask further questions of the public, the applicant, or staff.
- j. Commission members make a motion for decision on the proposal, may discuss motion, and vote on motion. The Staff Liaison takes roll call regarding the motion.
- k. The Chairperson shall have the option of granting additional time as appropriate, to address unique issues related to the proposed project.

Questions by members of the Commission to the public, the applicant, or staff shall be directed to the Chairperson; also, questions from the public to the Commission shall be directed to the Chairperson. The Commissioners may request input from the Staff Liaison regarding agricultural policies or regulatory questions.

11. AGENDA DEADLINES

Written materials from the public or applicant to be included in agenda packets should be submitted to the Community Development and Infrastructure Department by Monday noon of the week preceding the week of each meeting in order to be included in the packet; subsequent material will be forwarded via email separately.

12. CONDUCT OF BUSINESS

The most recent edition of Rosenberg's Rules of Order shall govern the conduct of meetings of the Commission except as otherwise provided herein, or by State or local law.

13. AMENDMENT OF BYLAWS

These rules may be amended by the Agricultural Policy Advisory Commission at any time by three votes and subject to approval by the Board of Supervisors. Per County Code Chapter 2.38.140 changes to Bylaws by the Agricultural Policy Advisory Commission must go on Board of Supervisors agenda for final approval.

14. WRITTEN COMMUNICATIONS

All correspondence addressed to the Agricultural Policy Advisory Commission, the Community Development and Infrastructure Department, or to the Director of the Community Development and Infrastructure Department, relating to items to be heard by the Commission, shall be forwarded to Commissioners. The Director shall ensure that the Commission is made aware of all correspondence addressed to the Commission, and of all correspondence addressed to either the Director of the Community Development and Infrastructure Department which relates to any item heard or to be heard before the Commission.

15. CONFLICT OF INTEREST

Each Commissioner shall comply with the Conflict of Interest requirements of State law. Each Commissioner shall file a Conflict of Interest Disclosure Statement annually.

16. RECEIPT OF INFORMATION OUTSIDE OF HEARING BY COMMISSIONERS

A Commissioner who has met with applicants or others regarding a proposed project, or who has received oral or written information outside of a hearing or has viewed the subject property, or is familiar with the subject property, shall fully disclose such ex parte communications and disclose at the beginning of the hearing such information and his or her observations and familiarity with the property so that the applicant, opponents, interested persons, planning staff and other members of the Commission may be aware of the facts or information upon which he or she is relying and have an opportunity to support or controvert the facts or information. All written information received outside of the hearing shall be filed with the Commission Staff liaison. This requirement shall not apply to broad policy issues applicable County-wide as distinguished from projects affecting individual parcels of property or to factual inquiries made to and received from County staff.

17. STAFF CONSULTATION

Pursuant to County Code Section 2.82.040, staff members from the Community Development Department shall be available to the Commission upon assignment by the respective department head. The Agricultural Commissions Office shall also be available to support the Agricultural Policy Advisory Commission.

18. SUBCOMMITTEES

Pursuant to the Brown Act, any subcommittees created by the Agricultural Policy Advisory Commission shall comply with the notice and agenda requirements otherwise applicable to the Commission by the bylaws, except for subcommittees composed solely of less than a quorum of the members of the Commission which are not standing subcommittees of the Commission with either a continuing subject matter jurisdiction or a meeting schedule fixed by resolution or other formal action of the Commission.

These bylaws are adopted on _____.