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County of Santa Cruz Board of Supervisors

Agenda Item Submittal

From: Planning: Permit Centers

(831) 454-2580

Subject: Planning Commission Ordinance Amendment and Bylaws Amendment

Meeting Date: November 19, 2024

Recommended Actions

- 1) Consider approval in concept an “Ordinance Amending Chapter 2.74 of the Santa Cruz County Code Related to the Planning Commission”;
- 2) Schedule the ordinance for second reading and final adoption on December 10, 2024;
- 3) Direct the Clerk of the Board to publish the Notice of Proposed Ordinance Summary in a newspaper of general circulation at least five days prior to the scheduled second reading and final adoption, no later than December 5, pursuant to Government Code Section 25124; and
- 4) Approve proposed Planning Commission bylaws as recommended by County Counsel and reflected in the clean copy of the bylaws.

Executive Summary

County and Commission staff identified a need to update the Planning Commission Ordinance and Planning Commission bylaws to align with recent updates to SCCC Chapter 2.38, known as the “Commissions Policy Ordinance of Santa Cruz County” and the Brown Act. Based on guidance from the County Administrative Office and County Counsel, the Planning Commission approved the revised Planning Commission bylaws at their regular meeting on September 24, 2024. The revised bylaws are reflected in the attached amendments to SCCC Chapter 2.74.

Discussion

The changes include revisions to a Planning Commission member’s term of office to coincide with the April 1st appointment of Commission members by their elected Board member, as enumerated in SCCC 2.38, without which the Commission would not have a quorum in January 2025.

The revised bylaws clarify the responsibilities of the Planning Commission and format of hearings in alignment with SCCC 2.38 and the Brown Act. Changes to the Commission bylaws include the Commission’s required use of Rosenberg’s Rules of Order in place of the current Sturgis Rules of Parliamentary Procedure. These rules provide a simplified set of parliamentary rules used in California to guide the Commission in its proceedings. Additional minor changes include updates to Department representatives and procedural changes to assist the Commission Chair and Vice Chair in administering Commission meetings in greater conformance with Board procedures and practices.

The clean copy of the Planning Commission bylaws reflects the Planning Commission recommendation to your Board, with one departure where County Counsel recommends removal of one Planning Commission approved change concerning conflicts of interest that is arguably inconsistent with an earlier section that directs compliance with state law.

Pursuant to California Environmental Quality Act (CEQA) Section 21065(a), the ordinance and bylaws do not qualify as a project as defined in Section 15378(a)(1) of CEQA. Therefore, no additional CEQA analysis is required for the ordinance and bylaws amendments.

Strategic Initiatives

6.D (Operational Excellence: Continuous Improvement): These amendments reflect this Strategic Plan goal and further implementation of the alignment of County ordinances.

Submitted by:

Matt Machado, Deputy CAO/Director of CDI

Recommended by:

Carlos J. Palacios, County Administrative Officer

Attachments:

- a Amendments to 2.74 (Strikeout Underline)
- b Ordinance Amending 2.74
- c PC bylaws (clean)
- d PC Bylaws (Strikeout Underline)
- e Notice of Proposed Ordinance Summary_SCCC 2.74

Chapter 2.74 (Strikeout Underline)

2.74.010 Established—Statutory authority.

The Planning Commission is established under the authority of Government Code Sections 65100 et seq., in compliance with SCCC 2.38.060.

2.74.020 Membership.

The Commission shall consist of five members, residents of or employed in the County, appointed by the Board of Supervisors. Each Supervisor shall nominate one person, who may reside within the Supervisor's district, to serve on the Commission. Each Supervisor shall nominate one alternate member, who may reside within the Supervisor's district, to serve on the Commission when the regular member appointed by that Supervisor is absent or is unable to vote on an item for any reason. Such alternate member may vote only when the regular member nominated by the same Supervisor is absent, abstains, or for some other reason does not vote.

2.74.030 Term of office.

~~Each member of the Planning Commission shall serve for a term which shall coincide with the actual time served by the member's nominating Supervisor. Each member of the Planning Commission shall serve for a term of four years, commencing on April 1st of the year in which such commission member's nominating Supervisor begins a full term.~~

2.74.040 Organization and procedures.

(A) General Organization. The Commission shall comply in all respects with SCCC 2.38.110 through 2.38.2850 unless otherwise provided herein.

(B) Staff Support. ~~The Planning Department shall provide staff support to the Commission. The Planning Director, or a designated representative, shall serve as Administrative Secretary to the Commission and shall receive copies of all minutes, reports and recommendations submitted to the Board of Supervisors by the Commission. The Community Development and Infrastructure Department shall provide staff support to the Commission. The Director of the Community Development and Infrastructure Department, or a designated representative, shall serve as Administrative Secretary to the Commission and shall receive copies of all minutes, reports and recommendations submitted to the Board of Supervisors by the Commission.~~

(C) Staff Consultation. Staff members from the Public Works Division of the Community Development and Infrastructure Department, the Environmental Health Services, County

Counsel and other departments shall be available to the Commission upon assignment by the respective department heads.

(D) Compensation. Each member or alternate member of the Planning Commission shall receive as compensation for services a sum as established annually by the Board of Supervisors. ~~the sum of \$75.00 for each meeting held on or after August 28, 1979,~~ at which the member is in attendance. Compensation for attendance at meetings of the Planning Commission shall be in addition to expenses or other compensation, which such members may otherwise be entitled by law to receive.

2.74.050 Powers and duties.

The Commission shall exercise the following responsibilities:

- (A) Develop and maintain a General Plan;
- (B) Develop such specific plans as may be necessary or desirable;
- (C) Review the annual Planning Department Division work program and budget, and make recommendations to the Board of Supervisors;
- (D) Periodically review the County capital improvement program for consistency with the General Plan and related elements;
- (E) Develop and maintain, with staff, a Commission policy manual;
- (F) Communicate with other County advisory bodies concerned with planning matters;
- (G) Exercise any other responsibilities which may be set forth in the Commission's bylaws approved by the Board of Supervisors.

ORDINANCE NO. _____

**ORDINANCE AMENDING CHAPTER 2.74 OF THE SANTA CRUZ COUNTY CODE
RELATED TO THE PLANNING COMMISSION**

The Board of Supervisors of Santa Cruz County hereby finds and declares the following:

WHEREAS, pursuant to Chapter 2.74 of the Santa Cruz County Code (“SCCC”), the Planning Commission is established pursuant to Government Code section 65100 et seq; and

WHEREAS, on September 10, 2024, the Board of Supervisors (“Board”) adopted Ordinance No. 5456 amending SCCC Chapter 2.38 which is the County of Santa Cruz’s (“County”) Policy Ordinance for Boards, Commissions, Committees, and Department Advisory Groups in the County; and

WHEREAS, the Planning Commission is a Commission within the County; and

WHEREAS, SCCC Chapter 2.74 as currently drafted sets the terms of Commissioners to coincide with their appointing County Supervisor, which can lead to difficulties obtaining quorum and is inconsistent with SCCC Chapter 2.38; and

WHEREAS, the Board desires to make other revisions to SCCC Chapter 2.74 to make it consistent with the rest of the Santa Cruz County Code;

NOW THEREFORE the Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Section 2.74.020 of the Santa Cruz County Code is hereby amended to read as follows:

2.74.020 Membership.

The Commission shall consist of five members appointed by the Board of Supervisors, each of whom are residents of or employed in the County. Each Supervisor shall nominate one person to serve on the Commission. Each Supervisor shall also nominate one alternate member to serve on the Commission when the regular member appointed by that Supervisor is absent or is unable to vote on an item for any reason. Such alternate member may vote only when the regular member nominated by the same Supervisor is absent.

SECTION II

Section 2.74.030 of the Santa Cruz County Code is hereby amended to read as follows:

2.74.030 Term of office.

Each member of the Planning Commission shall serve for a term of four years, commencing on April 1st of the year in which such commission member's nominating Supervisor begins a full term.

SECTION III

Section 2.74.040 of the Santa Cruz County Code is hereby amended to read as follows:

2.74.040 Organization and procedures.

(A) General Organization. The Commission shall comply in all respects with SCCC 2.38.110 through 2.38.280 unless otherwise provided herein.

(B) Staff Support. The Community Development and Infrastructure Department shall provide staff support to the Commission. The Director of the Community Development and Infrastructure Department, or a designated representative, shall serve as Administrative Secretary to the Commission and shall receive copies of all minutes, reports and recommendations submitted to the Board of Supervisors by the Commission.

(C) Staff Consultation. Staff members from the Public Works Division of the Community Development and Infrastructure Department, the Environmental Health Services Division of the Health Services Agency, County Counsel, and other departments shall be available to the Commission upon assignment by the respective department heads.

(D) Compensation. Each member or alternate member of the Planning Commission shall receive as compensation for services a sum as established annually by the Board of Supervisors for each meeting of the Planning Commission at which the member is in attendance. Compensation for attendance at meetings of the Planning Commission shall be in addition to expenses or other compensation, which such members may otherwise be entitled by law to receive.

SECTION IV

Section 2.74.050 of the Santa Cruz County Code is hereby amended to read as follows:

2.74.050 Powers and duties.

The Commission shall exercise the following responsibilities:

(A) Develop and maintain a General Plan;

(B) Develop such specific plans as may be necessary or desirable;

(C) Review the annual Planning Division work program and budget, and make recommendations to the Board of Supervisors;

(D) Periodically review the County capital improvement program for consistency with the General Plan and related elements;

(E) Develop and maintain, with staff, a Commission policy manual;

(F) Communicate with other County advisory bodies concerned with planning matters; and

(G) Exercise any other responsibilities which may be set forth in the Commission's bylaws approved by the Board of Supervisors.

SECTION V

Current Planning Commission members and their alternates whose terms of office would have expired before April 1, 2025, prior to this Ordinance's amendment of SCCC 2.74.030, shall have their respective terms extended to March 31, 2025.

SECTION VI

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this __ day of _____, 2024, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS
ABSTAIN: SUPERVISORS

Chairperson of the
Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:

DocuSigned by:

Natalie Kirkish

D52D66AA0E74498...

Office of the County Counsel

cc: Board of Supervisors
County Administrative Office
Community Development and Infrastructure Department

Attachment: Ordinance Amending 2.74 (16750 : Planning Commission Ordinance Amendment and Bylaws Amendment)

Certificate Of Completion

Envelope Id: 6808848C28BB48CF94FEEB84053EF78C

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Sheila McDaniel

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701 Ocean Street

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Santa Cruz, CA 95060

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Natalie Kirkish

Natalie.Kirkish@santacruzcountyca.gov

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Electronic Record and Signature Disclosure:

Accepted: 8/1/2024 2:49:37 PM

ID: b763e46b-8c75-436f-b147-3f5717480ab2

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Sheila McDaniel

sheila.mcdaniel@santacruzcountyca.gov

Principal Planner

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Envelope Summary Events	Status	Timestamps
Signing Complete	Security Checked	10/22/2024 2:26:25 PM
Completed	Security Checked	10/22/2024 2:26:26 PM
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From time to time, County of Santa Cruz (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

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At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

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If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact County of Santa Cruz:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: nada.algharib@santacruzcounty.us

To advise County of Santa Cruz of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at nada.algharib@santacruzcounty.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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ii. send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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PLANNING COMMISSION BYLAWS (CLEAN COPY)

These bylaws are to assist the County of Santa Cruz Planning Commission (“Commission”) in conducting business in an orderly and efficient manner and are adopted pursuant to County Code Section 2.38.140.

1. COUNTY COMMISSION ORDINANCE; PLANNING COMMISSION ORDINANCE.

1.1 The Commission is subject to the Commission Policy Ordinance of Santa Cruz County (SCCC Chapter 2.38).

1.2 The Commission is also subject to the County’s Ordinance establishing the Commission (SCCC Chapter 2.74) and has all the powers and duties enumerated in SCCC 2.74.050.

2. RULES OF PROCEDURE; BROWN ACT; QUORUM.

2.1 All meetings shall be conducted pursuant to Rosenberg’s Rules of Order, except as may otherwise be set forth in these Bylaws or expressly dictated by applicable provisions of law.

2.2 All Commission meetings are subject to, and shall be conduct pursuant to, the Ralph M. Brown Act (Govt. Code § 54950 *et seq.*).

2.3 QUORUM.

2.3.1 Quorum for the Commission shall be three regular or alternate members.

2.3.2 The Commission may not take any action without a quorum.

2.3.3 The affirmative vote of the majority of members is required to approve an item, unless a larger percentage of members is required by applicable law.

3. OFFICERS; ALTERNATES.

3.1 Officers Enumerated. The officers of the Commission shall be:

3.1.1 A Chairperson.

3.1.2 A Vice-Chairperson.

3.1.3 A Secretary.

3.1.3.1 The Secretary shall be the Director of the Community Development and Infrastructure Department (“Director”), or designee.

3.1.3.2 The Director may appoint such other County staff as necessary to ensure the efficient conduct of Commission business.

3.2 Election of Chairperson and Vice-Chairperson.

3.2.1 The Chairperson and Vice-Chairperson shall be elected by the members of the Commission at the first Commission meeting in April, and their terms of office shall be one year.

3.3 Powers and Duties of Chairperson and Vice-Chairperson.

3.3.1 The Chairperson shall control the conduct of meetings of the Commission. Subject to applicable laws, the Chairperson may do all of the following:

3.3.1.1 Set times for public comment.

3.3.1.2 Call for votes on items.

3.3.1.3 Act as the Commission's parliamentarian.

3.3.1.4 Conduct the meeting, including opening and closing public comment and opening and closing Commissioner's questions.

3.3.1.5 Call special meetings of the Commission.

3.3.1.6 Determine the order in which items on the agenda are considered, unless such items are set for specific times on that agenda.

3.3.1.7 Continue any item on the agenda that is not a noticed public hearing, unless overruled by a vote of the Commission.

3.3.2 The Vice-Chairperson shall serve as Chairperson in the absence of the Chairperson.

3.4 Election of Chairperson *Pro Tem*.

3.4.1 On motion of any member present, the members of the Commission may elect a Chairperson *pro tem* in the absence of both the Chairperson and Vice-Chairperson. This action shall implicitly be the first item on any agenda where the Chairperson and Vice-Chairperson are both absent, or immediately prior to or after the departure of either in the event that they have to leave a Commission meeting early.

3.4.2 The Chairperson *pro tem* may appoint a Vice-Chairperson *pro tem* to serve concurrently with the Chairperson *pro tem* as may be needed to conduct Commission business.

3.5 ALTERNATE MEMBERS.

3.5.1 The Board of Supervisors shall appoint an alternate for each member of the Commission pursuant to SCCC 2.74.

3.5.2 Alternates shall serve when requested by their corresponding regular Commission member.

3.5.3 The term of office for an alternate shall commence upon appointment and terminate with their corresponding member's term, unless terminated earlier by vacancy, resignation or removal.

4. NOTICE OF PUBLIC MEETINGS; ITEMS NOT ON AGENDA.

4.1 Each agenda for Commission meetings shall be posted prior to that meeting as required by the Brown Act.

4.1.1 Posting of Agenda. Said agenda shall also be posted at least seventy-two (72) hours prior to a regular meeting at a location that is freely accessible to the public.

4.1.2 Posting of Agenda Online. A direct link to the agenda shall also be posted at least seventy-two (72) hours prior to the regular meeting on the primary home page of the County's website. The Director shall be responsible for posting the agenda online in compliance with the Brown Act.

4.1.3 Contents of Agenda. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting. Each agenda for regular meetings of the Commission shall also contain the following:

4.1.3.1 Additions or corrections to the agenda.

4.1.3.2 Declaration of *ex parte* information by members.

4.1.3.3 General public comment (i.e., Oral Communications) for items not on agenda within the Commission's jurisdiction.

4.1.3.4 Consent calendar, for items not specifically requiring discussion or presentation.

4.1.3.4.1 Approval of past meetings' minutes may be included on the consent calendar.

4.1.3.5 Discussion calendar, for items requiring discussion or presentation (including scheduled public hearing items and other non-noticed items)

4.1.3.6 Secretary's report on upcoming meetings and agendas.

4.1.3.7 Community Development Department Director's report.

4.1.3.8 County Counsel's report.

4.1.3.9 Written communications.

4.1.4 Member's Packets. Generally speaking, and subject to staff availability, agendas and supporting materials packets will be provided to Commission members and/or designated alternates approximately one-week prior to regularly-noticed Commission meetings.

4.1.5 Special Meetings. All special meetings shall be noticed and conducted pursuant to the requirements of the Brown Act. No business other than that listed on the agenda shall be considered at a special meeting.

4.2 Action on Items Not on Agenda. 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.

4.2.1 Notwithstanding the foregoing, action may be taken on an item of business not appearing on the posted agenda pursuant to Government Code section 54952.2(b) and as provided for in that statute.

4.3 Calling Special Meetings.

4.3.1 The Chairperson may call special meetings. In the absence or unavailability of the Chairperson, the Vice-Chairperson may call special meetings. In the absence or unavailability of both, the Secretary may call special meetings.

4.3.2 The Secretary shall provide notice of any called special meeting to Commissioners and/or their alternates, as applicable, at least twenty-four (24) hours prior to the date of any special meeting by both email and telephone.

5. MEETING SCHEDULE

5.1 Meetings for the next calendar year shall be scheduled by Commission Action during the first Commission meeting in November, or at the first regularly scheduled meeting thereafter.

5.2 The Commission shall schedule two regular meetings each month. These shall generally fall on the second and fourth Wednesdays of each month and shall commence at 9:30 a.m.

5.3 Regular meetings may be cancelled by the Secretary as warranted by special circumstances, such as holidays or lack of business.

5.4 The Commission as a body, or the Secretary, 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 at the discretion of the Chairperson or Secretary.

5.5 The Commission may also hold special meetings as it deems necessary.

6. ATTENDANCE BY MEMBERS.

6.1 Every member shall notify the Secretary and that member's alternate member in advance of any Commission meeting they are not able to attend. That notification should occur at least one week prior to the scheduled meeting, unless dictated otherwise by circumstances beyond the member's control.

6.2 Unscheduled vacancies, based on the absence of a member, shall be created pursuant to SCCC 2.38.200.

7. MEMBERS ABSENT FOR PORTIONS OF PUBLIC HEARINGS.

7.1 In the event a member is absent from all or a portion of a public hearing required by the County's Code or State law, the member may not vote or participate in the discussion on that item unless the member:

7.1.1 Has reviewed the prior evidence and listened to the recording(s) of the prior testimony, and has so stated for the record;

7.1.2 Examines all of the documentary material received prior to or during the hearing, or portion of the hearing, from which the member was absent; and

7.1.3 Deems himself to be as familiar with the record and with the information presented at the hearing as the member would have been had they personally attended the entire hearing, and so states for the record.

8. CONTINUANCE OF PUBLIC HEARINGS.

8.1 It is the policy of the Commission to attempt to accommodate persons on the scheduling of items.

8.2 The Commission recognizes the interest of both applicants and other interested persons to provide complete information to the Commission on items before it, as well as

the public's interest in the timely resolution of Commission business. The Commission, therefore, has discretion to continue items subject to applicable legal requirements. Subject to a vote of the Commission, it may open a public hearing and:

8.2.1 Continue the public hearing to the date requested, to the next available agenda, or to another future date at the discretion of the Commission, with or without taking public comment;

8.2.2 Hear the staff presentation, 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

8.2.3 Determine to proceed with the public hearing and take action despite a request for a continuance.

9. PUBLIC PARTICIPATION / ORAL COMMUNICATIONS.

9.1 Public participation in Commission meetings shall be governed by the requirements of the Brown Act.

9.1.1 Members of the public shall be given the opportunity to comment on any issue within the Commission's jurisdiction.

9.1.2 Members of the public shall also be given the opportunity to comment on any item on the meeting's agenda prior to the Commission taking action on that item.

9.1.3 The Chairperson may determine when said public comment takes place, so long as the public has the opportunity to comment on agenda items prior to the Commission taking action on those items.

9.2 The Chairperson may determine reasonable limits on the duration of public comment for each speaker. The following are non-binding suggestions for allotments of time for various types of public comment:

9.2.1 Two to three minutes for general public comment.

9.2.1.1 In order to facilitate timely completion of Commission business, at the discretion of the Chairperson, general public comment may also be held at the end of the Commission's meeting, or be paused and resumed after the Commission takes action on the consent calendar and discussion calendar.

9.2.1.2 Each person may only participate once in general public comment per meeting unless additional time is granted by the chair to offer new or unique information.

9.2.2 Two to three minutes for public comment on any item on that meeting's agenda, provided that such public comment take place prior to the Commission taking action on that item.

9.2.2.1 Each member of the public shall only be allowed to provide comment once per agenda item unless additional time is granted by the chair to offer new or unique information.

10. ACTIONS BY COMMISSION ON SPECIFIC ITEMS.

10.1 Study Sessions. Study sessions are non-noticed items on the discussion calendar where staff may provide information on ongoing projects to the Commission and solicit the Commission's input prior to bringing the final item to the Commission for action. The Commission may not take formal action on a study session item.

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10.2.1 Commission members who were not present for the entire duration of a meeting, or were absent, may also vote to approve meeting minutes from that meeting so long as they can truthfully represent that they reviewed the audio recording of said meeting, are familiar with its contents, and that the meeting minutes are a fair and accurate representation of what transpired at that meeting.

10.3. If the Commission is unable to reach any decision on an application or appeal, that item will be continued to the next regularly-scheduled meeting of the Commission. If no action is taken at such a continued hearing, the application or appeal shall be deemed denied.

11. PUBLIC HEARINGS.

11.1 The Commission holds public hearings on items requiring a public hearing by State law or the County Code. Evidence may or may not be required to be taken.

11.2 Public hearings should be noted on the discussion calendar (see Item 4.1.3.5) of agendas as scheduled items.

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11.3.1 The Commission Secretary reads the scheduled item description into the record and identifies the staff planner responsible for the item. The Chairperson opens the Public Hearing.

11.3.2 Staff presents its proposal, staff report, and recommendations. Any written comments received before the hearing are summarized.

11.3.3 Commission members may ask questions of staff in the order directed by the Chairperson.

11.3.4 Applicant may make a presentation and provide pertinent information. Applicant shall be given 10 minutes for their initial presentation and may reserve a portion of that time for rebuttal.

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11.3.5 In the order directed by the Chairperson, Commission members may ask questions of applicant.

11.3.6 The Chairperson opens public comment and public comment is received pursuant to Section 9.2.2 above.

11.3.7 Applicant may rebut arguments presented by the public. Applicants shall be provided five minutes, plus any time reserved from their opening remarks.

11.3.7.1 In the event that the hearing is on an appeal, and the applicant is not the appellant, the appellant shall be provided the same time to speak as the applicant.

11.3.7.2 The applicant shall provide rebuttal comments last.

11.3.8 In the order directed by the Chairperson, Commission members may discuss the item and ask further questions of the applicant, staff or public.

11.3.9 The Chairperson closes the public comment period. Commission takes action by motion.

11.4 The Chairperson shall have the option of granting additional time as appropriate to address unique issues related to the proposed project.

12. AMENDMENT OR REVISION OF BYLAWS.

12.1 These Bylaws may be amended by the Commission at any time by three votes, subject to approval by the Board of Supervisors.

12.2 No changes to the Bylaws shall be effective without approval of the Board of Supervisors. (SCCC 2.38.140.)

13. WRITTEN COMMUNICATIONS.

13.1 All correspondence addressed to the Commission relating to general issues within the Commission's jurisdiction shall be identified in the "Written Communications" section of the agenda, provided to the members and included in the record for that Commission meeting if received prior to the date the agenda is published for that meeting.

13.2 If written communication relating to a specific agenda item is received prior to that item being heard, the Secretary or designee shall provide it to all members, make copies available to the public, and it shall become part of the record for that meeting. If it is received after the agenda is published for a specific meeting, it shall be labeled "Late Correspondence" and marked with the date and time it was received.

14. CONFLICT OF INTEREST.

14.1 Each member shall comply with the conflict-of-interest requirements of State law and SCCC 2.38.270.

14.2 Commission members shall comply with SCCC 2.38.270(D). Any member that determines that they have a conflict of interest on an item under consideration shall recuse themselves from discussion and voting on the item.

15. RECEIPT OF INFORMATION *EX PARTE* BY MEMBERS.

15.1 A member 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 they are relying and have an opportunity to support or controvert the facts or information.

15.2 All written information received outside of the hearing shall be filed with the Commission Secretary. 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.

16. SUBCOMMITTEES.

16.1 Any subcommittees shall comply with the notice and agenda requirements otherwise applicable to the Commission by the Bylaws and Brown Act, as applicable.

16.2 Subcommittees shall be formed pursuant to SCCC 2.38.230.

16.3 Subcommittees shall be composed of less than a quorum of the members of the Commission.

PLANNING COMMISSION BYLAWS (STRIKEOUT UNDERLINE)

These bylaws are to assist the County of Santa Cruz Planning Commission ("Commission") in conducting business in an orderly and efficient manner and are adopted pursuant to County Code Section 2.38.140.

1. COUNTY COMMISSION ORDINANCE; PLANNING COMMISSION ORDINANCE.

1.1 The Commission is subject to the Commission Policy Ordinance of Santa Cruz County (SCCC Chapter 2.38).

1.2 The Commission is also subject to the County's Ordinance establishing the Commission (SCCC Chapter 2.74) and has all the powers and duties enumerated in SCCC 2.74.050.

2. RULES OF PROCEDURE; BROWN ACT; QUORUM.

2.1 All meetings shall be conducted pursuant to Rosenberg's Rules of Order, except as may otherwise be set forth in these Bylaws or expressly dictated by applicable provisions of law.

2.2 All Commission meetings are subject to, and shall be conduct pursuant to, the Ralph M. Brown Act (Govt. Code § 54950 *et seq.*).

2.3 QUORUM.

2.3.1 Quorum for the Commission shall be three regular or alternate members.

2.3.2 The Commission may not take any action without a quorum.

2.3.3 ~~The affirmative vote of three members is required to approve any item, unless a larger percentage of members is required by applicable law. The affirmative vote of the majority of members is required to approve an item, unless a larger percentage of members is required by applicable law.~~

~~2.3.4 If fewer than five members are present and the Commission is unable to reach any decision on an application or appeal, that item will be continued to the next regularly-scheduled meeting of the Commission. If no action is taken at such a continued hearing, the application or appeal shall be deemed denied.~~

3. OFFICERS; ALTERNATES.

3.1 Officers Enumerated. The officers of the Commission shall be:

3.1.1 A Chairperson.

3.1.2 A Vice-Chairperson.

3.1.3 A Secretary.

3.1.3.1 The Secretary shall be the Director of the Community Development and Infrastructure Department ("Director"), or designee.

3.1.3.2 The Director may appoint such other County staff as necessary to ensure the efficient conduct of Commission business.

3.2 Election of Chairperson and Vice-Chairperson.

3.2.1 The Chairperson and Vice-Chairperson shall be elected by the members of the Commission at the first Commission meeting in April, and their terms of office shall be one year.

3.3 Powers and Duties of Chairperson and Vice-Chairperson.

3.3.1 The Chairperson shall control the conduct of meetings of the Commission. Subject to applicable laws, the Chairperson may do all of the following:

3.3.1.1 Set times for public comment.

3.3.1.2 Call for votes on items.

3.3.1.3 Act as the Commission's parliamentarian.

3.3.1.4 Conduct the meeting, including opening and closing public comment and opening and closing Commissioner's questions.

3.3.1.5 Call special meetings of the Commission.

3.3.1.6 Determine the order in which items on the agenda are considered, unless such items are set for specific times on that agenda.

3.3.1.7 Continue any item on the agenda that is not a noticed public hearing, unless overruled by a vote of the Commission.

3.3.2 The Vice-Chairperson shall serve as Chairperson in the absence of the Chairperson.

3.4 Election of Chairperson *Pro Tem*.

3.4.1 On motion of any member present, the members of the Commission may elect a Chairperson *pro tem* in the absence of both the Chairperson and Vice-Chairperson. This action shall implicitly be the first item on any agenda where the Chairperson and Vice-Chairperson are both absent, or immediately prior to or after the departure of either in the event that they have to leave a Commission meeting early.

3.4.2 The Chairperson *pro tem* may appoint a Vice-Chairperson *pro tem* to serve concurrently with the Chairperson *pro tem* as may be needed to conduct Commission business.

3.5 ALTERNATE MEMBERS.

3.5.1 The Board of Supervisors shall appoint an alternate for each member of the Commission pursuant to SCCC 2.74.

3.5.2 Alternates shall serve when requested by their corresponding regular Commission member.

3.5.3 The term of office for an alternate shall commence upon appointment and terminate with their corresponding member's term, unless terminated earlier by vacancy, resignation or removal.

4. NOTICE OF PUBLIC MEETINGS; ITEMS NOT ON AGENDA.

4.1 Each agenda for Commission meetings shall be posted prior to that meeting as required by the Brown Act.

4.1.1 Posting of Agenda. Said agenda shall also be posted at least seventy-two (72) hours prior to a regular meeting at a location that is freely accessible to the public.

4.1.2 Posting of Agenda Online. A direct link to the agenda shall also be posted at least seventy-two (72) hours prior to the regular meeting on the primary home page of the County's website. The Director shall be responsible for posting the agenda online in compliance with the Brown Act.

4.1.3 Contents of Agenda. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting. Each agenda for regular meetings of the Commission shall also contain the following:

4.1.3.1 Additions or corrections to the agenda.

4.1.3.2 Declaration of *ex parte* information by members.

4.1.3.3 General public comment (i.e., Oral Communications) for items not on agenda within the Commission's jurisdiction.

4.1.3.4 Consent calendar, for items not specifically requiring discussion or presentation.

4.1.3.4.1 Approval of past meetings' minutes may be included on the consent calendar.

4.1.3.5 Discussion calendar, for items requiring discussion or presentation (including scheduled public hearing items and other non-noticed items)

4.1.3.6 Secretary's report on upcoming meetings and agendas.

4.1.3.7 Community Development Department Director's report.

4.1.3.8 County Counsel's report.

4.1.3.9 Written communications.

4.1.4 Member's Packets. Generally speaking, and subject to staff availability, agendas and supporting materials packets will be provided to Commission members and/or designated alternates approximately one-week prior to regularly-noticed Commission meetings.

4.1.5 Special Meetings. All special meetings shall be noticed and conducted pursuant to the requirements of the Brown Act. No business other than that listed on the agenda shall be considered at a special meeting.

4.2 Action on Items Not on Agenda. 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.

4.2.1 Notwithstanding the foregoing, action may be taken on an item of business not appearing on the posted agenda pursuant to Government Code section 54952.2(b) and as provided for in that statute.

4.3 Calling Special Meetings.

4.3.1 The Chairperson may call special meetings. In the absence or unavailability of the Chairperson, the Vice-Chairperson may call special meetings. In the absence or unavailability of both, the Secretary may call special meetings.

4.3.2 The Secretary shall provide notice of any called special meeting to Commissioners and/or their alternates, as applicable, at least twenty-four (24) hours prior to the date of any special meeting by both email and telephone.

5. MEETING SCHEDULE

5.1 Meetings for the next calendar year shall be scheduled by Commission Action during the first Commission meeting in November, or at the first regularly scheduled meeting thereafter.

5.2 The Commission shall schedule two regular meetings each month. These shall generally fall on the second and fourth Wednesdays of each month and shall commence at 9:30 a.m.

5.3 Regular meetings may be cancelled by the Secretary as warranted by special circumstances, such as holidays or lack of business.

5.4 The Commission as a body, or the Secretary, 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 at the discretion of the Chairperson or Secretary.

5.5 The Commission may also hold special meetings ~~and adjourned regular and adjourned special meetings~~ as it deems necessary.

6. ATTENDANCE BY MEMBERS.

6.1 Every member shall notify the Secretary and that member's alternate member in advance of any Commission meeting they are not able to attend. That notification should occur at least one week prior to the scheduled meeting, unless dictated otherwise by circumstances beyond the member's control.

6.2 ~~If any regular member is absent from two consecutive Commission meetings during any calendar year without their alternate member being present and without legitimate reason entered into the minutes, the Commission shall inform the Board of Supervisors that a vacancy exists, as provided in the County Code. Unscheduled vacancies, based on the absence of a member, shall be created pursuant to SCCC 2.38.200.~~

7. MEMBERS ABSENT FOR PORTIONS OF PUBLIC HEARINGS.

7.1 In the event a member is absent from all or a portion of a public hearing required by the County's Code or State law, the member may not vote or participate in the discussion on that item unless the member:

7.1.1 Has reviewed the prior evidence and listened to the recording(s) of the prior testimony, and has so stated for the record;

7.1.2 Examines all of the documentary material received prior to or during the hearing, or portion of the hearing, from which the member was absent; and

7.1.3 Deems himself to be as familiar with the record and with the information presented at the hearing as the member would have been had they personally attended the entire hearing, and so states for the record.

8. CONTINUANCE OF PUBLIC HEARINGS.

8.1 It is the policy of the Commission to attempt to accommodate persons on the scheduling of items.

8.2 The Commission recognizes the interest of both applicants and other interested persons to provide complete information to the Commission on items before it, as well as the public's interest in the timely resolution of Commission business. The Commission, therefore, has discretion to continue items subject to applicable legal requirements. Subject to a vote of the Commission, it may open a public hearing and:

8.2.1 Continue the public hearing to the date requested, to the next available agenda, or to another future date at the discretion of the Commission, with or without taking public comment;

8.2.2 Hear the staff presentation, 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

8.2.3 Determine to proceed with the public hearing and take action despite a request for a continuance.

9. PUBLIC PARTICIPATION / ORAL COMMUNICATIONS.

9.1 Public participation in Commission meetings shall be governed by the requirements of the Brown Act.

9.1.1 Members of the public shall be given the opportunity to comment on any issue within the Commission's jurisdiction.

9.1.2 Members of the public shall also be given the opportunity to comment on any item on the meeting's agenda prior to the Commission taking action on that item.

9.1.3 The Chairperson may determine when said public comment takes place, so long as the public has the opportunity to comment on agenda items prior to the Commission taking action on those items.

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~~14.3 Members of the commission should avoid participating in an item that is a potential conflict of interest.~~

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**PUBLIC NOTICE
PROPOSED ORDINANCE
(SUMMARY)**

Board of Supervisors Information (for Clerk Use only):

Approved in Concept: Click or tap to enter a date.

AMS Item: Click or tap here to enter text.

Scheduled for Second Reading & Final Adoption: Click or tap to enter a date.

Ordinance Title:

ORDINANCE AMENDING CHAPTER 2.74 OF THE SANTA CRUZ COUNTY CODE
RELATED TO THE PLANNING COMMISSION

Ordinance Summary:

This proposed ordinance would amend Santa Cruz County Code Section 2.74 to align with the recent updates to SCCC Chapter 2.38, known as the “Commissions Policy Ordinance of Santa Cruz County”, including revision to a Planning Commission member term of office to coincide with the April 1st appointment by the respective elected Board member.

The full text of this ordinance is available for public review at the Office of the Clerk of the Board, Room 520, Governmental Center Building, 701 Ocean Street, 5th Floor, Santa Cruz, California 95060; and on the Internet at:

<https://santacruzcountyca.iqm2.com>

For Clerk Use Only:

By: Click or tap here to enter text.

Dated: Click or tap to enter a date.