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**Board of Supervisor Staff Report of
January 23, 2018 and Public
Comments**



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 1/23/2018
Agenda Placement: 6H

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Charlene Gallina, SUPERVISING PLANNER - 299-1355
SUBJECT: Adoption of a Resolution Amending the Bylaws of the Napa County Planning Commission

RECOMMENDATION

Director of Planning, Building and Environmental Services requests adoption of a resolution amending the Napa County Policy Manual Part II, Section 40, Planning Commission, effective January 23, 2018, to reflect changes to the bylaws of the Napa County Planning Commission.

EXECUTIVE SUMMARY

The Director of the Planning, Building and Environmental Services and the Napa County Planning Commission desire to amend the Planning Commission's bylaws to: change the name of the Department and Commission; establish reasonable time limits for applicant presentations and public comment; set procedures for submittal of materials to be considered by the Commission; and, include other revisions relating to the conduct of Commission meetings. These amendments were unanimously recommended by the Planning Commission on December 20, 2017. Amendments to the bylaws require Board approval.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Planning Commission Bylaws ("Bylaws") are the set of adopted rules and procedures which govern how to administer the duties assigned to the Commission by the Board of Supervisors. The Bylaws were first adopted in the 1970s, and have been amended several times over the past 40 years. The most recent change occurred in 2008. Bylaws may only be amended when recommended by a majority of the Planning Commission and subsequently approved by the Board of Supervisors.

In November of last year, the Commission directed staff to evaluate methods for making public meetings more efficient and to provide more time to allow the consideration of project materials. This was in response to a number of complex and controversial matters presented to the Commission, often involving hours of testimony and thousands of pages of documents. Staff returned to the Commission on December 6, 2017, with their recommendations, which were consistent with and modeled off of the Board of Supervisors' Rules of Conduct.

In addition to changing outdated references to the names of the PBES Department and Commission, staff recommended limiting the time allowed for applicant presentations, establishing a protocol for public testimony, and extending the time frames regarding the submittal of materials to be considered by the Commission. After substantive discussion, the Commission provided the following direction:

- Establish a 15-minute time limit for applicant presentations, including their consultants and/or representatives, unless the Chair grants additional time.
- Confirm the 3-minute time limit for public comment unless the Chair grants additional time.
- Establish that public comment cannot be allocated to another speaker.
- Require applicants to submit any written or visual presentation materials (PowerPoint, video, etc.) a minimum of 24-hours in advance of the public hearing. Changes may be submitted within 24-hours of the public hearing.
- Prefer and strongly encourage the public to submit any written or visual presentation materials (PowerPoint, video, etc.) a minimum of 24-hours in advance of the public hearing.
- Require the public or the applicant to provide 10 copies of any written materials submitted on the day of the meeting.
- Require the public or the applicant to provide 10 hardcopies of any visual presentations submitted on the day of the meeting.
- Develop a Frequently Asked Questions ("FAQ") document regarding public testimony protocol to be posted on the County's website and provided during Commission meetings. Since many members of the public and applicants are unfamiliar with speaking before the Commission, the FAQ would provide information on addressing testimony to the Commission, applicant and public comment time limits, deadlines for submittal of information in advance of the meeting and other meeting protocol. A summary of this information would also be incorporated into the Meeting Agenda.

Staff and the Commission believe that the proposed amendments would lead to more efficient hearings, and would provide more fully informed discussion by ensuring that the applicant, public, and Commissioners have additional time in which to review documents and visual presentations by having them submitted in advance.

As attached herein, staff has provided a tracked change version (Attachment A) and a clean version (Attachment B) of the Commission Bylaws. Both staff and the Commission request that the Board adopt the proposed resolution confirming these changes. Once approved by the Board, staff will then prepare and distribute the FAQ guidance document identifying public testimony protocol for Planning Commission meetings.

SUPPORTING DOCUMENTS

- A . PC Bylaws Tracked Changes
- B . Resolution and PC Bylaws-Clean

CEO Recommendation: Approve

Reviewed By: Helene Franchi

BYLAWS AND RULES OF CONDUCT OF BUSINESS OF THE NAPA COUNTY PLANNING COMMISSION

The Napa County ~~Conservation, Development and~~ Planning Commission, hereinafter called Commission, does hereby adopt the following rules or procedures for the transaction of its business.

RULE 1. Meetings of the Commission

- A. Meetings of the Commission shall be held on the first and third Wednesday of each month, except as modified by schedules adopted pursuant to Rules 1C and 23 below. Notwithstanding the foregoing, any regularly scheduled meeting of the Commission may be canceled by majority vote of the Commission or, for lack business or a quorum, by the Chair or Secretary.
- B. Meetings shall start at 9:00 AM and end not later than 5:00 PM. The Commission will not consider any business items after 5:00 PM except by a unanimous vote of all of the Commission members present.
- C. The Commission shall annually, at its last meeting in December, adopt a schedule for its regular meetings for the next calendar year.
- D. Unless otherwise provided, meetings shall be held in the Board of Supervisors' Meeting Room in the County Administration Building, 1195 Third Street in Napa.

RULE 2. Matters Pending Before the Commission

- A. All matters to be considered by the Commission shall be properly filed with the County in compliance with the provisions, standards and procedures established by adopted County Ordinances. The Secretary Clerk of the Commission shall not accept for presentation to the Commission any matter unless it is properly made on the prescribed forms properly filled out with all required data attached. ~~Late submission, i.e., at a Commission meeting or immediately prior to a Commission meeting, of lengthy written reports or materials by an applicant, his or her representative; an opponent, his or her representative; may be considered by the Commission as grounds for the continuation of the item related to said reports or materials, to the Commission's next regular meeting.~~ Items submitted by individual Commissioners for specific listing under the agenda heading of Commissioner Comments shall be submitted to the Secretary, in writing, no later than 5:00 PM on the Tuesday of the week preceding a regular meeting date.
- B. Request for informal or advance decisions concerning potential future developments or plans will not be considered by the Commission.

- C. Any matter that comes before the Commission orally, except the Director's reports, which would not be shown on the agenda shall not be acted upon by the Commission until it is heard as a regular agenda item at the next meeting of the Commission.
- D. The applicant, or ~~his or her applicant's~~ appointed representative, may withdraw any matter pending before the Commission at any time prior to the Commission acting on such matters.

RULE 3. The regular order of business of the Commission shall be generally as follows. Agenda items will appear in order most expeditious for completion of Commission business, including necessary accommodation of outside participants:

- A. Call to Order.
- B. Roll Call.
- C. Pledge of Allegiance.
- D. Citizens Comments and Recommendations.
- E. Approval of Minutes.
- ~~F. Closed Session re: Litigation, if necessary.~~
- ~~GF.~~ Director's Report.
- ~~HG.~~ Agenda Review.
- ~~HH.~~ Disclosures (pursuant to Rule 21.F) /
- ~~J. Items to be Decided without Additional Testimony.~~
- ~~KI.~~ Privately-initiated public hearing items continued from earlier meetings, with items continued from the most recent meeting first.
- ~~LJ.~~ County-initiated public hearing items continued from earlier meetings, with items continued from the most recent meeting first.
- ~~MK.~~ New privately-initiated public hearing items.
- ~~NL.~~ New County-initiated public hearing items.
- ~~OM.~~ Presentations and Reports.
- ~~PN.~~ Other Business.
- ~~OO.~~ City and Agency Referrals.

RP. ~~Deputy Director's Planning Manager's~~ Report--/Zoning Administrator Actions.

SQ. Commissioner Comments/Committee Reports.

FR. Future agenda items.

US. Adjournment.

- RULE 4.** Resolutions of the Commission may be adopted conditionally and referred to the Secretary of the Commission for drafting in final form.
- RULE 5.** An agenda shall be prepared by the Secretary of the Commission for each meeting of the Commission.
- RULE 6.** The Commission shall elect a Chair and Vice Chairperson at the last regular meeting of the Commission in December of each year and immediately thereafter the Chairperson and Vice Chairperson shall assume office at the first regular meeting in January and shall serve for a period of one year from the date they assume office. Upon expiration of the one year period, the Commissioner who served as Vice-Chairperson shall typically serve as Chair the following year unless a majority of the Commission determine otherwise. Should an elected officer resign, or otherwise vacate his or her office or Commission membership during the term of office, the Commission shall, at a regular meeting within sixty (60) days after the resignation is effective, select another of its members to fill the remainder of any unexpired term. If the Chairperson vacates the position then the Vice Chairperson shall automatically serve as Chair until the next election of officers. The Chairperson shall not serve consecutive terms.
- RULE 6A.** In the absence of both officers when a quorum is nevertheless present, the Commission may, by a majority vote of those members present, select one of its members to preside temporarily until an officer is available to preside.
- RULE 7.** The County Counsel of ~~the County of Napa~~ County shall be the legal counsel of the Commission. The Clerk of the Board of ~~the Napa~~ County of Napa shall be the Clerk of the Commission. The Director of the Department of ~~Conservation, Development and Planning, Building, and Environmental Services~~ of ~~the Napa~~ County of Napa shall be the Secretary of the Commission.
- RULE 8.** The Chair of the Commission may second any motion and present and discuss any matter as a member of the Commission without having to step down from the Chair. The Chair shall have the rights and duties enjoyed by any other member of the Commission.
- RULE 9.** A roll call vote may be called in voting upon any motion of the Commission at the discretion of the Chair. Any member present who does not vote in an audible voice shall be recorded as voting "aye."

RULE 10. The Chair of the Commission shall preserve order and decorum and shall decide questions of order. The Chair shall be entitled to vote on all matters before the Commission.

RULE 11. Persons Addressing the Commission.

A. Any ~~person~~ speaker desiring to address the Commission shall, when recognized by the Chair, give ~~his or her~~ the speaker's name and address. Each speaker shall be permitted to be heard once for up to three minutes on any agenda item unless the Chair affirmatively grants additional time. Speakers may not allocate their time to another speaker. The three minute per speaker time limit for public input on any agenda item may be reduced by the Chair to less than three minutes (but in no event less than two minutes per speaker) as may be reasonably necessary for the orderly and efficient conduct of Commission meetings. Any reduction of the time limit should be announced by the Chair prior to the beginning of the public speaking segment of each item to which the reduction applies. The per speaker time limit shall not apply to applicants who are parties to matters that are the subject of noticed hearings. The Chair may, in the interest of facilitating the business of the Commission, limit the amount of time which a person may use in addressing the Commission.

B. Speakers or applicants who have written material to present to the Commission on the day of the meeting are requested to provide ten (10) copies to the Clerk of the Commission.

C. Speakers are requested to keep their comments brief and not to repeat previous testimony.

D. Speakers wishing to utilize power point presentations or other electronic media must submit their presentations to the Clerk of the Commission at least twenty-four (24) hours in advance of the meeting. Power Point presentations or other electronic media will not be accepted on the day of the meeting and will only be transmitted to the Commission in hard copy format if ten (10) hard copies are provided by the speaker to the Clerk of the Commission.

RULE 12. Testimony and other evidence relative to any agenda item for which a public hearing is held shall, unless otherwise ordered by the Chair, be presented in the following order:

- A. The Chair or Secretary shall identify the matter.
- B. The Chair shall declare the public hearing open.
- C. Department report shall be presented.
- D. Presentation of applicant testimony or other evidence by the applicant or applicant's consultants. ~~by those in favor of the application. The applicant and the applicant's consultants' presentation in support of an~~

application shall be limited to 15 minutes cumulatively unless the Chair affirmatively grants additional time. Time spent by the applicant or applicant's consultants responding to questions from the Commission shall be exempt from the 15 minute time limit. Any request by applicant for additional time shall be made to the Chair prior to the meeting. Applicants shall submit any power point presentations or other electronic media to the Clerk of the Commission at least twenty-four (24) hours in advance of the meeting; provided however, applicants may submit a supplement to their power point presentation less than twenty-four (24) hours prior to the meeting if the supplemental presentation is: (1) limited solely to responding to comments that have been received; and (2) submitted to the Clerk of the Commission before the meeting begins.

E. ~~Presentation of testimony or other evidence by those in opposition to the application.~~Public comment. Each speaker shall be permitted to be heard once for up to three minutes. Rebuttal, in the same order.

F. Rebuttal by applicant. Rebuttal shall be limited to responding directly to public comments or follow up comments by the Commission that were raised during the public hearing and shall be kept as brief as possible.

- G. Closing comments by staff.
- H. The Chair shall declare the public hearing closed.
- I. Commission discussion.
- J. Voting.

Commissioners' questions and/or cross-examination may, at the discretion of the Chair, be permitted at the conclusion of the testimony of each witness or it may be permitted only after all the witnesses favoring one position or the other have testified, or at both times.

RULE 13. Testimony and argument relative to any other agenda item shall, unless otherwise ordered by the Chair, be presented in the following order:

- A. Department report.
- B. Applicant or other directly interested party.
- C. ~~Opposition, if any.~~ Public comment.
- D. Rebuttal by applicant or directly interested party, if any.
- E. Closing comments by staff.
- F. Commission discussion.

G. Voting.

- RULE 14.** All official actions or decisions by the Commission shall be entered in the minute book of the Commission kept by the Clerk of the Commission. The vote or votes of each member of the Commission on every matter shall be recorded. Only written action minutes will be maintained, however, electronic recordings will be made by the Clerk of the Commission of each meeting of the Commission which shall be available to the public for inspection by request made at the Clerk of the Commission's office, 1195 Third Street, [Suite 210, Second Floor](#), Napa, California 94559.
- RULE 15.** All public hearings shall be electronically recorded.
- RULE 16.** All persons appearing before the Commission shall be required to give testimony or evidence under oath, at the discretion of the Chair of the Commission.
- RULE 17.** Letters, petitions or other documentary evidence submitted to the [Secretary Clerk](#) of the Commission shall be presented to the Commission prior to or at the time of the public hearing. The Commission shall consider such material in deciding any issue before it. All documentary evidence shall become part of the Commission's file on the agenda item.
- RULE 18.** Any rule may be altered, amended, or repealed by majority vote of the Commission, except that such alterations, amendment, or repeal shall not affect any pending matter unless by unanimous consent of the Commission and any applicant thereto.
- RULE 19.** Any rule may be temporarily suspended by unanimous consent of the Commission.
- RULE 20.** Motion to Reconsider.
- A. A final vote on any matter before the Commission may be reconsidered during the meeting at which the vote was taken provided all persons concerned with the matter are still present, and further provided the motion to reconsider shall be made by a member voting with the majority on the final vote.
 - B. If all persons concerned with a matter are not present, or if a member so chooses, a motion to reconsider a final vote on any matter may be given not later than the next regular meeting by a member voting with the majority on the final vote, provided notice of intention to move such reconsideration shall have been given at the meeting on which the final vote was taken.
 - C. A motion for reconsideration shall have precedence over every motion except a motion to adjourn.

RULE 21. Voting.

- A. A majority of the members of the Commission shall constitute a quorum.
- B. Adoption of a recommendation for approval of a general plan, specific plan, or amendment thereof shall require the affirmative vote of a majority of the appointed members (3) of the Commission.
- C. All other actions or recommendations of the Commission shall require only the affirmative vote of a majority of the members present and voting.
- D. A tie vote or other deadlock on a motion shall constitute disapproval of the motion, except that if a Commission member who has not voted will be able to vote at the next regular meeting, the Chair shall place the item on the next agenda for vote by the additional member. If a deadlock results in denial of a permit or tentative map, it is deemed to be an appealable action.
- E. No member of the Commission shall participate as a commissioner in any discussion or voting if he or she owns property within the required notification area of any specific matter before the Commission or has any other conflict of interest as defined in the Political Reform Act of 1984, as amended.
- F. Any member who has received evidentiary information outside of a Commission meeting or has viewed the property or site of a matter pending before the Commission or is familiar with the property or site shall publicly disclose the fact of such information, viewing or familiarity prior to the Commission's final vote on the matter.

RULE 22. Unless otherwise provided by these Rules, all proceedings before the Commission shall be conducted in accordance with and pursuant to the parliamentary rules of procedure as prescribed in the "Sturgis Standard Code of Parliamentary Procedure, Fourth Edition," or the most current published and available edition of such work.

RULE 23. Emergency or special meetings shall be called as provided in the Government Code of the State of California.

RULE 24. These rules shall be applicable to the transaction of any business when the Commission has convened and acts or serves in an official capacity, pursuant to law, other than as a planning commission.

RULE 25. The Commission hereby authorizes the creation of ad hoc subcommittees on special subjects from time to time so that the Commission members having the necessary expertise to conduct field, plan or other specialized reviews may investigate, observe review or otherwise study and report back their observations and conclusions to the full Commission for possible further action. When

creating such ad hoc committees, the Commission shall specify the subject to be investigated and time to report, and shall appoint those commissioners who will serve on the ad hoc subcommittee. The number of members appointed to any particular ad hoc subcommittee shall be less than the number of members required to constitute a quorum of the full Commission. Upon presentation of its report to the full Commission, each such ad hoc subcommittee shall cease to exist. Ad hoc subcommittees created pursuant to this rule shall not be subject to the Brown Act.

RULE 26. The provisions of these Bylaws may be altered, amended, or repealed by the Commission at any time, within limitations imposed by the Brown Act.

RESOLUTION NO. 2018-__

A RESOLUTION OF THE BOARD OF SUPERVISORS OF NAPA COUNTY, STATE OF CALIFORNIA, APPROVING AMENDMENTS TO THE BYLAWS OF THE NAPA COUNTY PLANNING COMMISSION

WHEREAS, the Napa County Planning Commission bylaws were last amended on March 7, 2007;

WHEREAS, the Director of Planning, Building and Environmental Services and the Napa County Planning Commission desire to amend the Planning Commission's bylaws to update the name of the Department and Commission, establish reasonable time limits for applicant presentations and public comment, and procedures for submittal of materials to be considered by the Commission and other revisions relating to the conduct of Commission meetings; and

WHEREAS, these amendments to the bylaws were unanimously recommended by the Planning Commission at a regular meeting held on December 20, 2017; and

WHEREAS, amendments to the Planning Commission's bylaws must be approved by the Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Napa County, State of California, hereby approves the amendments to the Planning Commission's bylaws, a copy of which is attached as Exhibit "A" to this Resolution. The Clerk of the Board of Supervisors is also hereby directed to place a copy of this Resolution in Part II of the Napa County Policy Manual, Section 40.

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THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED
 at a special meeting of the Board of Supervisors of Napa County, State of California, held on the
 23rd day of January, 2018 by the following vote:

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

NAPA COUNTY, a political subdivision of
 the State of California

By: _____
 BRAD WAGENKNECHT, Chair of the
 Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Laura J. Anderson (e-sign)</u> Deputy County Counsel</p> <p>Date: <u>January 3, 2018</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____ Processed By: _____ _____ Deputy Clerk of the Board</p>	<p>ATTEST: GLADYS I. COIL Clerk of the Board of Supervisors</p> <p>By: _____</p>
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THE NAPA COUNTY PLANNING COMMISSION**

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- E. Approval of Minutes.
- F. Director's Report.
- G. Agenda Review.
- H. Disclosures (pursuant to Rule 21.F).
- I. Privately-initiated public hearing items continued from earlier meetings, with items continued from the most recent meeting first.
- J. County-initiated public hearing items continued from earlier meetings, with items continued from the most recent meeting first.
- K. New privately-initiated public hearing items.
- L. New County-initiated public hearing items.
- M. Presentations and Reports.
- N. Other Business.
- O. City and Agency Referrals.
- P. Planning Manager's Report/Zoning Administrator Actions.
- Q. Commissioner Comments/Committee Reports.
- R. Future agenda items.
- S. Adjournment.

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unless a majority of the Commission determine otherwise. Should an elected officer resign, or otherwise vacate his or her office or Commission membership during the term of office, the Commission shall, at a regular meeting within sixty (60) days after the resignation is effective, select another of its members to fill the remainder of any unexpired term. If the Chairperson vacates the position then the Vice Chairperson shall automatically serve as Chair until the next election of officers. The Chairperson shall not serve consecutive terms.

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- RULE 7.** The County Counsel of Napa County shall be the legal counsel of the Commission. The Clerk of the Board of Napa County shall be the Clerk of the Commission. The Director of the Department of Planning, Building, and Environmental Services of Napa County shall be the Secretary of the Commission.
- RULE 8.** The Chair of the Commission may second any motion and present and discuss any matter as a member of the Commission without having to step down from the Chair. The Chair shall have the rights and duties enjoyed by any other member of the Commission.
- RULE 9.** A roll call vote may be called in voting upon any motion of the Commission at the discretion of the Chair. Any member present who does not vote in an audible voice shall be recorded as voting “aye.”
- RULE 10.** The Chair of the Commission shall preserve order and decorum and shall decide questions of order. The Chair shall be entitled to vote on all matters before the Commission.
- RULE 11.** Persons Addressing the Commission
- A. Any speaker desiring to address the Commission shall, when recognized by the Chair, give the speaker’s name and address. Each speaker shall be permitted to be heard once for up to three minutes on any agenda item unless the Chair affirmatively grants additional time. Speakers may not allocate their time to another speaker. The three minute per speaker time limit for public input on any agenda item may be reduced by the Chair to less than three minutes (but in no event less than two minutes per speaker) as may be reasonably necessary for the orderly and efficient conduct of Commission meetings. Any reduction of the time limit should be announced by the Chair prior to the beginning of the public speaking segment of each item to which the reduction applies. The per speaker time limit shall not apply to applicants who are parties to matters that are the subject of noticed hearings.

- B. Speakers or applicants who have written material to present to the Commission on the day of the meeting are requested to provide ten (10) copies to the Clerk of the Commission,
- C. Speakers are requested to keep their comments brief and not to repeat previous testimony.
- D. Speakers wishing to utilize power point presentations or other electronic media must submit their presentations to the Clerk of the Commission at least twenty-four (24) hours in advance of the meeting. Power Point presentations or other electronic media will not be accepted on the day of the meeting and will only be transmitted to the Commission in hard copy format if ten (10) hard copies are provided by the speaker to the Clerk of the Commission.

RULE 12. Testimony and other evidence relative to any agenda item for which a public hearing is held shall, unless otherwise ordered by the Chair, be presented in the following order:

- A. The Chair or Secretary shall identify the matter.
- B. The Chair shall declare the public hearing open.
- C. Department report shall be presented.
- D. Presentation of applicant testimony or other evidence by the applicant or applicant's consultants. The applicant and the applicant's consultants' presentation in support of an application shall be limited to 15 minutes cumulatively unless the Chair affirmatively grants additional time. Time spent by the applicant or applicant's consultants responding to questions from the Commission shall be exempt from the 15 minute time limit. Any request by applicant for additional time shall be made to the Chair prior to the meeting. Applicants shall submit any power point presentations or other electronic media to the Clerk of the Commission at least twenty-four (24) hours in advance of the meeting; provided however, applicants may submit a supplement to their power point presentation less than twenty-four (24) hours prior to the meeting if the supplemental presentation is: (1) limited solely to responding to comments that have been received; and (2) submitted to the Clerk of the Commission before the meeting begins.
- E. Public comment. Each speaker shall be permitted to be heard once for up to three minutes.
- F. Rebuttal by applicant. Rebuttal shall be limited to responding directly to public comments or follow up comments by the Commission that were raised during the public hearing and shall be kept as brief as possible.
- G. Closing comments by staff.

- H. The Chair shall declare the public hearing closed.
- I. Commission discussion.
- J. Voting.

Commissioners' questions and/or cross-examination may, at the discretion of the Chair, be permitted at the conclusion of the testimony of each witness or it may be permitted only after all the witnesses favoring one position or the other have testified, or at both times.

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 - B. Applicant or other directly interested party.
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- RULE 14.** All official actions or decisions by the Commission shall be entered in the minute book of the Commission kept by the Clerk of the Commission. The vote or votes of each member of the Commission on every matter shall be recorded. Only written action minutes will be maintained, however, electronic recordings will be made by the Clerk of the Commission of each meeting of the Commission which shall be available to the public for inspection by request made at the Clerk of the Commission's office, 1195 Third Street, Second Floor, Napa, California 94559.
- RULE 15.** All public hearings shall be electronically recorded.
- RULE 16.** All persons appearing before the Commission shall be required to give testimony or evidence under oath, at the discretion of the Chair of the Commission.
- RULE 17.** Letters, petitions or other documentary evidence submitted to the Clerk of the Commission shall be presented to the Commission prior to or at the time of the public hearing. The Commission shall consider such material in deciding any issue before it. All documentary evidence shall become part of the Commission's file on the agenda item.
- RULE 18.** Any rule may be altered, amended, or repealed by majority vote of the Commission, except that such alterations, amendment, or repeal shall not affect

any pending matter unless by unanimous consent of the Commission and any applicant thereto.

RULE 19. Any rule may be temporarily suspended by unanimous consent of the Commission.

RULE 20. Motion to Reconsider.

- A. A final vote on any matter before the Commission may be reconsidered during the meeting at which the vote was taken provided all persons concerned with the matter are still present, and further provided the motion to reconsider shall be made by a member voting with the majority on the final vote.
- B. If all persons concerned with a matter are not present, or if a member so chooses, a motion to reconsider a final vote on any matter may be given not later than the next regular meeting by a member voting with the majority on the final vote, provided notice of intention to move such reconsideration shall have been given at the meeting on which the final vote was taken.
- C. A motion for reconsideration shall have precedence over every motion except a motion to adjourn.

RULE 21. Voting.

- A. A majority of the members of the Commission shall constitute a quorum.
- B. Adoption of a recommendation for approval of a general plan, specific plan, or amendment thereof shall require the affirmative vote of a majority of the appointed members (3) of the Commission.
- C. All other actions or recommendations of the Commission shall require only the affirmative vote of a majority of the members present and voting.
- D. A tie vote or other deadlock on a motion shall constitute disapproval of the motion, except that if a Commission member who has not voted will be able to vote at the next regular meeting, the Chair shall place the item on the next agenda for vote by the additional member. If a deadlock results in denial of a permit or tentative map, it is deemed to be an appealable action.
- E. No member of the Commission shall participate as a commissioner in any discussion or voting if he or she owns property within the required notification area of any specific matter before the Commission or has any other conflict of interest as defined in the Political Reform Act of 1984, as amended.
- F. Any member who has received evidentiary information outside of a Commission meeting or has viewed the property or site of a matter pending before the Commission or is familiar with the property or site shall publicly disclose the fact

of such information, viewing or familiarity prior to the Commission's final vote on the matter.

- RULE 22.** Unless otherwise provided by these Rules, all proceedings before the Commission shall be conducted in accordance with and pursuant to the parliamentary rules of procedure as prescribed in the "Sturgis Standard Code of Parliamentary Procedure, Fourth Edition," or the most current published and available edition of such work.
- RULE 23.** Emergency or special meetings shall be called as provided in the Government Code of the State of California.
- RULE 24.** These rules shall be applicable to the transaction of any business when the Commission has convened and acts or serves in an official capacity, pursuant to law, other than as a planning commission.
- RULE 25.** The Commission hereby authorizes the creation of ad hoc subcommittees on special subjects from time to time so that the Commission members having the necessary expertise to conduct field, plan or other specialized reviews may investigate, observe review or otherwise study and report back their observations and conclusions to the full Commission for possible further action. When creating such ad hoc committees, the Commission shall specify the subject to be investigated and time to report, and shall appoint those commissioners who will serve on the ad hoc subcommittee. The number of members appointed to any particular ad hoc subcommittee shall be less than the number of members required to constitute a quorum of the full Commission. Upon presentation of its report to the full Commission, each such ad hoc subcommittee shall cease to exist. Ad hoc subcommittees created pursuant to this rule shall not be subject to the Brown Act.
- RULE 26.** The provisions of these Bylaws may be altered, amended, or repealed by the Commission at any time, within limitations imposed by the Brown Act.



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January 22, 2018

Napa County Board of Supervisors
Supervisor Brad Wagenknecht, Chair
1195 Third Street, Suite 130
Napa, CA 94559

RE: Amendments to the Bylaws of the Napa County Planning Commission

Dear Chairman Wagenknecht,

On behalf of the North Bay Association of REALTORS® (NorBAR), I am writing to submit comment on the proposed amendments to the bylaws of the Napa County Planning Commission.

NorBAR is a four-county trade association representing over 3,000 members. As an association, we serve as an advocate for the interests of real estate professionals and real property rights. Given our priorities and role in the real estate industry and local community, we are especially sensitive to the housing needs of our community, and are uniquely positioned to speak about the impacts that policy has on homeownership.

By nature, proposals that come before the Planning Commission are oftentimes the most complex and substantial government considers. The current five-day agenda notice window does not allow sufficient time for stakeholders to complete a thorough review and make important inquiries of staff, electeds, and other key parties – especially as the corresponding presentations and other materials are accepted up to 24-hours prior to the meeting.

With this in mind, while the Board of Supervisors considers the Planning Commission bylaws, we request that the five-day agenda notice requirement be extended to seven days. This would allow for a more effective and efficient meeting, and enhance citizen and industry participation in the local planning process.

Over the past several weeks, the local real estate industry has taken great interest to this bylaws revision process and in most part, is supportive of the proposed red-lined version that will come before you on January 23, 2018. We invite you to leverage Realtors' professional expertise and practical understanding of the development process and real estate industry, and how impactful the operation of our local boards and commissions are to our profession and local housing economy.

Thank you for taking into consideration our comments. If you have any questions regarding our position, please contact Lisa Badenfort, Government Affairs Director, at (707) 542-1579 or lisa@northbayrealtors.org.

Sincerely,

Cynthia Turnbow
Chair, Napa County Local Government Relations Committee

cc:

Ryan Gregory, Napa County Board of Supervisors, District 2
Diane Dillon, Napa County Board of Supervisors, District 3
Alfredo Pedroza, Napa County Board of Supervisors, District 4
Belia Ramos, Napa County Board of Supervisors, District 5

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January 23, 2018

Chair of the Board of Supervisors
1195 Third St., Ste. 310
Napa, CA 94559

Re: Planning Commission

Dear Chair Wagenknecht and Supervisors:

We join our colleagues in the environmental community to request that the proposed changes to Bylaws be returned to the Planning Commission for more thorough examination, including outreach to the public, and a future public hearing.

There are a number of issues of general concern. One example is the proposed establishment of a three minute rule for public speakers, with the option for the Commission to reduce that time without giving reasonable notice, but no option for the public to request an increase even in the case of membership organizations or expert testimony.

In addition, the public struggles with the brief time period between public release of relevant documents and the hearing at which a response to the documents must be presented.

There are a number of other issues we would like to discuss, but the appropriate forum is a Planning Commission hearing. This is a topic that merits more attention and public notice than it has received thus far. We ask that the proposed Bylaw changes be sent back to the Planning Commission.

Sincerely,

On behalf of the Napa Sierra Club Executive Committee

Carol Kunze