

Rule 11. Conduct of Meetings (Resolution No. 2009/12)

11.1 Addressing the Board—General

11.1.1 Before the meeting, or during the meeting before the agenda item to be addressed, a person wishing to address the Board should fill out a yellow speaker card and deposit it in the box near the podium.

11.1.2 When called upon, the person should come to the podium, state his or her name and address for the record, and, if speaking for an organization or other group, identify the organization or group represented.

11.1.3 All remarks should be addressed to the Board as a whole, not to individual members, to the staff, or to the audience. Each person speaking from the floor shall obtain permission from the Chair.

11.1.4 Questions, if any, should be addressed to the Chair, who will determine whether or by whom an answer will be provided.

11.1.5 Each speaker will have three minutes. This time may be extended, in the discretion of the Chair.

11.1.6 All speakers, especially those who anticipate making oral presentations or comments exceeding three minutes, are encouraged to submit comments in writing, in advance, to the Clerk for distribution to the Board and other interested parties at the earliest feasible time before the meeting, but no later than 8:00 a.m. on the day of the meeting. Written comments may be submitted either by mail or through the County's web site: <http://www.cccounty.us>. The Board requests that a person providing written materials to the Board during a meeting submit an original and 10 copies. Such written comments will be distributed to members of the Board and staff.

11.1.7 In order to maintain a public meeting environment conducive to receiving public testimony from all sides of any issue, it is the Board's policy that the audience will be discouraged from engaging in audible or emotional displays of support or opposition to testimony provided. Behavior such as clapping, booing, hissing, and cheering can create an intimidating environment for people interested in giving public testimony and can unnecessarily lengthen Board meetings. Consequently, such behavior is discouraged.

11.1.8 Speakers should not present the same or substantially the same items or argument to the Board as presented by earlier speakers, or be profane in presenting their oral comments.

11.1.9 In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Board on the same subject

matter, the Chair may request that a spokesperson be chosen by the group to comment on its behalf.

11.1.10 If any meeting is willfully interrupted by one or more individuals so that the orderly conduct of the meeting becomes infeasible, the Chair may order the removal of those individuals from the meeting, as authorized by law (Gov. Code, § 54957.9) or recess the meeting.

11.1.11 In order to minimize distractions during public meetings, all personal communication devices, such as mobile phones and pagers, will be turned off or put in a non-audible mode during Board meetings.

11.1.12 Any of the foregoing rules may be waived by the Chair or by a majority vote of the Board members present when it is deemed that there is good cause to do so, based upon the particular facts and circumstances involved.

11.1.13 The rules set forth above are not exclusive and do not limit the inherent power and general legal authority of the Board, or of its presiding officer, to govern the conduct of Board meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the County.

11.2 Addressing the Board—Public Comment

Comments under Public Comment are limited to subjects within the subject matter jurisdiction of the County but not on the agenda. Such comments are limited to no more than three minutes. If numerous persons wish to make comments, the Chair may limit Public Comment to no more than 30 minutes total for all speakers, with each speaker given no more than three minutes. Speakers are encouraged to submit written comments, either by mail or through the County's web site: <http://www.cccounty.us>. Written comments must be received by the Clerk of the Board before 8:00 a.m. on the day of the meeting.

11.3 Addressing the Board—Items Removed from Consent Calendar

Members of the public addressing the Board in connection with more than one item that has been removed from consent calendar at a single meeting are limited to a cumulative total of not to exceed 12 minutes for all of their oral presentations at such meeting, unless otherwise allowed by the Chair. The purpose of this provision is to ensure that all members of the public who wish to speak during a meeting have an opportunity to do so and to permit the effective and orderly conduct of the County's business.

11.4 Addressing the Board—Public Hearings

11.4.1 Any member of the public wishing to address the Board orally on a

public hearing on the Board agenda may do so before or during the hearing, or as otherwise specified by the Chair.

11.4.2 Any person desiring to have a hearing transcribed by a stenographic reporter at his or her own expense may do so, provided that he or she consults the Clerk to arrange facilities for such reporting prior to commencement of the hearing and advises the Clerk of the full name, business address, and telephone number of the reporter being used.

11.5 Use of Acronyms

The Board discourages the use of acronyms, abbreviations, and industry-specific language in its meetings and written materials.

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Rule 12. Public Hearings for Planning and Zoning Matters—(Land Use Matters)

12.1 Order of Procedure

Unless the Chair in his or her discretion directs otherwise, the order for presentation of testimony on particular land use items shall be as follows:

12.1.1 Presentation by staff.

12.1.2 Documents. The Chair acknowledges receipt of any documents offered as evidence and filed with the Clerk before the hearing.

12.1.3 First Presentation. If the item is presented for Board approval (e.g., rezoning, development plan), the first presentation is by the project applicant, followed by public testimony. If the item is an appeal from a decision of a lower body (e.g., subdivision, land use permit), the first presentation is by the appellant, followed by the presentation by the project applicant. This presentation (or each presentation, if the item is an appeal) shall not exceed 10 minutes or the approximate length of the staff presentation, whichever is greater.

12.1.4 Public testimony. Each speaker shall have no more than three minutes.

12.1.5 Rebuttal. A rebuttal not exceeding five minutes may be made by the person making the first presentation.

12.1.6 Closing comments by staff.

12.1.7 Board discussion and decision.

12.2 Conduct of Hearings

12.2.1 Witnesses' Testimony. Witnesses will not be sworn.

12.2.2 Rules of Evidence. The hearing will not be conducted according to technical judicial rules of evidence. Any relevant evidence may be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The Chair may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings ensuring basic fairness and a full airing of the issues involved.

12.3 Exhibits.

12.3.1 Subject to paragraph 12.3.2, all exhibits, including documentary materials such as photographs, drawings, maps, charts, letters, petitions and other physical evidence, presented at a land use hearing shall be retained in the Board of Supervisors files as part of the record of the hearing.

12.3.2 Any staff exhibit (e.g., a general plan or area map) that has been or will be used in other land use hearings will be preserved by the Department of Conservation and Development for future reference. A notation indicating its location shall be made in the case file in any matter in which it has been used.

12.4 Questioning of Speakers and Staff.

Any person desiring to direct a question to a speaker or staff member shall submit the question to the Chair, who shall determine whether the question is relevant to the subject of the hearing and whether or not it need be answered by the speaker or staff member.

12.5 Overriding Fairness. Notwithstanding the provisions of paragraph 12.1, the Board is committed to provide an applicant, appellant, or other person or entity with a substantial, direct property interest in an item, a full and fair hearing, based on the facts and circumstances of the particular matter, the nature and complexity of the particular issue, the number of persons wishing to be heard, and similar due process considerations. Toward this end, the Chair, in his or her discretion, may extend the time limits set forth in paragraph 12.1 and consider other procedural mechanisms.

12.6 Absent From Hearing. A Supervisor who was absent from all or part of a hearing may vote on the matter if the Supervisor states that he or she has reviewed all evidence received

during the absence and also has listened to the Clerk's recording, watched the video, or read a complete transcript of the proceedings that occurred during his or her absence.

Rule 13. Nuisance Abatement Hearings

A hearing on an appeal from the County Abatement Officer's Notice and Order to Abate shall be held in accordance with the provisions of County Ordinance Code section 14-6.418, as well as with these Procedures. In the event of a conflict, the provisions of County Ordinance Code section 14-6.418 shall prevail.

Rule 14. Disruption of Meeting

If any meeting is willfully interrupted by a group or groups of persons so that the orderly conduct of the meeting becomes infeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Chair may order the meeting room cleared, as authorized by law (Gov. Code, § 54957.9), recess the meeting, or adjourn the meeting.