

**VENTURA COUNTY PLANNING COMMISSION  
BYLAWS AND RULES OF PROCEDURE**

**CHAPTER 1 - BYLAWS**

**Section 1.1 TITLE**

The Ventura County Planning Commission ("Commission") was established by Ordinance No. 334, adopted by the Ventura County Board of Supervisors ("Board") on June 13, 1939. The official title of this Commission is the "Ventura County Planning Commission."

**Section 1.2 APPLICABILITY OF BYLAWS**

These Bylaws are deemed to be procedural only. Except as otherwise provided by law, the failure to strictly observe application of the Bylaws shall not affect the jurisdiction of the Commission or invalidate any action taken at a meeting that is otherwise held in conformity with law.

**Section 1.3 SUSPENSION OF BYLAWS**

Except as otherwise provided by law, these Bylaws, or any one of them, may be suspended by order of the Chair and will be deemed suspended by actions taken by or with the consent of the Chair or a majority of the Commission members present and voting that are not in accordance with the Bylaws.

**Section 1.4 DUTIES AND RESPONSIBILITIES OF COMMISSION**

Pursuant to Ventura County Ordinance Code section 1321, the duties and responsibilities of the Commission include those set forth in Government Code section 65103, as may be amended, and are more specifically identified to include, but not be limited to, the following:

1. Make recommendations to the Board on matters related to the General Plan, zoning ordinances, subdivision ordinance and other matters related to planning and development in the unincorporated area.
2. Review and act upon applications for discretionary land use permits and other approvals in accordance with the County's zoning ordinances.
3. Review and act upon subdivision applications in accordance with the County's subdivision ordinance.
4. Act as an appeal body for administrative actions of the Planning Director.
5. Initiate amendments to the County's zoning ordinances and General Plan.
6. Consider school district proposals to acquire property for new school sites or additions to existing school sites, investigate the proposed sites and submit a written report to the school district's governing board with the Commission's recommendations regarding the proposed site acquisition pursuant to Public Resources Code section 21151.2.
7. Perform other functions as the Board provides, including conducting studies and preparing plans other than those required or authorized by state law.

**Section 1.5 MEMBERSHIP**

**1.5.1 Members**

<p>County of Ventura Planning Commission Hearing Agenda Item 8 - Planning Commission Bylaws Exhibit 1 - Proposed Planning Commission Bylaws and Rules of Procedure</p>
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Pursuant to Ventura County Ordinance Code section 1321-2, the Commission shall consist of five members (sometimes referred to herein as “members”). Members shall be appointed by a majority vote of the Board, with each supervisor nominating one member position for appointment.

#### **1.5.2 Term of Office**

Pursuant to Ventura County Ordinance Code section 1321-2, each member's term shall be concurrent with that of the supervisor who nominated them for appointment by the Board. Any member may be removed by a majority vote of the Board.

#### **1.5.3 Officers**

The Commission shall have the following officers:

1. Chair: The Chair shall serve as presiding officer of the Commission, rule on questions of procedure, maintain order and decorum and shall decide all questions of order. Decisions of the Chair may be overruled by a majority of members present and voting.
2. Vice Chair: The Vice Chair shall have and exercise all powers and duties of the Chair at the meetings over which he or she is called to preside. In the event of nonappearance by the Chair at any meeting, the Vice Chair shall call the Commission to order and shall serve as the presiding officer.
3. Secretary: The Secretary shall keep a written record of all business transacted by the Commission, notify members of meetings, and keep the official records of the Commission. The Director of the Planning Division shall be the Secretary. In the absence of the Secretary, the Secretary may appoint a senior member of the Planning Division to take the Secretary's place.
4. Recording Secretary: The Recording Secretary, who is designated by the Secretary, shall keep a written record of all business transacted by the Commission, notify members of meetings, and keep the official records of the Commission at the direction of the Secretary.

#### **1.5.4 Annual Selection of Chair and Vice-Chair; Vacancy**

The Chair and Vice Chair shall be members of the Commission. They shall be elected at the annual meeting of the Commission and shall hold office for a period of one year or until their successors are elected, whichever occurs later. A vacancy in the office of Chair or Vice Chair shall be filled for the balance of the unexpired term at the meeting succeeding the date upon which the vacancy occurred.

#### **1.5.5 Selection of Chair Pro Tempore**

If neither the Chair nor the Vice Chair is present at a meeting, the members present shall, by an order entered into the minutes, select one of their members to act as the Chair Pro Tempore. The Chair Pro Tempore shall have and exercise all the powers and duties of the Chair for that particular meeting only.

### **Section 1.6 MEETINGS**

#### **1.6.1 Location**

Commission meetings shall be held in the Board room in the Hall of Administration building of the County Government Center, 800 South Victoria Avenue, Ventura, California, unless otherwise specified by the Commission and noticed as required by law.

### **1.6.2 Meetings Subject to Ralph M. Brown Act**

All Commission meetings are subject to the Ralph M. Brown Act ("Brown Act") (Gov. Code, §§ 54950 et seq.).

### **1.6.3 Annual Meeting**

The annual meeting of the Commission shall be the first regular meeting of the calendar year. At each annual meeting the Commission shall fix the time, date and place for regular meetings for that year.

### **1.6.4 Regular Meetings**

The regular meetings of the Commission shall be held as needed but in no case less frequent than once every quarter year.

### **1.6.5 Adjourned Meetings**

Any regular, adjourned regular, special or adjourned special meeting of the Commission may be adjourned to a future date and time pursuant to Government Code section 54955.

### **1.6.6 Special Meetings**

A special meeting may be called at any time by the Chair or by a majority of the members of the Commission pursuant to Government Code section 54956.

### **1.6.7 Absences; Remote Appearances**

If any member of the Commission is unable to attend a meeting, or intends to appear remotely, all reasonable effort shall be made to notify the Secretary in writing or by telephone as soon as possible.

### **1.6.8 Cancellation of Meetings**

If any regular meeting is canceled, notice of this fact shall be given by an oral announcement by the Chair at the previous regular meeting, if possible, and by posting a notice at or near the door of the meeting place at the time the regular meeting was to be conducted if the canceled meeting has already been properly noticed.

### **1.6.9 Meeting Minutes**

Minutes of meetings will include final motions with votes. The minutes will also list Commissioner and staff attendance, the names of public speakers, and reasons for legally required abstentions from voting. Commission and staff discussion, comments, and questions and answers will not be included in the minutes. The minutes of meetings shall be considered, and any corrections, alterations, or additions may be made by the Commission by a majority of those present and voting at a subsequent meeting. Members who were absent from a meeting for which the minutes are being considered may still offer corrections and vote on the approval of the minutes.

## **Section 1.7 QUORUM AND VOTING**

### **1.7.1 Quorum**

Unless otherwise provided by law, three (3) members constitute a quorum for any meeting or hearing of the Commission.

### **1.7.2 Absence of a Quorum**

In the absence of a quorum, the remaining members or the Secretary may adjourn the meeting to another date and time in accordance with Government Code section 54955, and the Clerk shall

post a Notice of Adjournment. Alternatively, a Notice of Cancellation of the meeting due to lack of a quorum may be posted in accordance with Section 1.6.8.

In the event a Commissioner leaves the hearing room, momentarily causing a lack of quorum, he or she should notify the Chair of his or her intended absence and the Chair may call a recess.

### **1.7.3 Voting**

Approval of any request or appeal brought before the Commission shall require the affirmative vote of no less than three (3) members. (In the event of a tie vote (i.e., two in favor and two opposed, a “2-2 vote”), see Section 2.5.16 below.)

### **1.7.4 Postponement of Deliberation**

Unless otherwise required by law, deliberation of action on any matter may be postponed, by a Commission-approved continuance, to a specified meeting by a concurrence of a majority of those present and voting in accordance with Section 2.5.15 below.

### **1.7.5 Abstention**

Whenever a member abstains from voting it is an indication that such member is taking no position on the matter and the abstention will not be recorded as a yes or no vote.

## **Section 1.8 RECORD OF PROCEEDINGS**

### **1.8.1 Secretary Authorization**

Commission resolutions documenting Commission actions taken, routine correspondence, and similar documents may be signed by the Secretary as the administrative officer of the Commission, or the Secretary’s designee in the absence of the Secretary.

### **1.8.2 Records**

1. The Secretary, through the Planning Division, shall keep a record of all Commission meeting agendas and materials, public hearing materials, resolutions, findings, determinations, and all other Commission-related records in the manner provided by law.
2. Any duplicate record, paper, or other document may be destroyed that is more than two years old, but only if an original or photographic copy of the record, paper, or other document is retained in the files of the Commission pursuant to law.

## **Section 1.9 COMMITTEES**

The Commission may create committees, in accordance with the Brown Act, as it deems necessary for studying and reporting to the Commission as a whole regarding specific issues within the Commission’s jurisdiction.

## **Section 1.10 STUDY SESSIONS**

The Commission may hold a study session as part of a regular, adjourned, or special meeting. When a matter is set for a study session, public testimony may be barred or limited to particular persons at the discretion of the Chair. Public notice for study sessions on specific matters for which public hearings are anticipated in the future shall be given in the same manner as that required for public hearings and a record of such study sessions shall be entered into the minutes of any such future public hearings so that the hearing records will indicate whether any information received at the study sessions was taken into consideration as evidence at the subsequent public hearings.

## **Section 1.11 CONFLICT OF INTEREST LAWS**

### **1.11.1 Financial Conflicts of Interest**

1. Commission members are public officials who are subject to the conflict of interest provisions of the Political Reform Act of 1974 (Gov. Code, §§ 87000.) Members have a disqualifying conflict of interest if, based on applicable law, it is reasonably foreseeable that a Commission decision will have a material financial impact on their personal finances, real property interests, business entity interests, investments, sources of income or gifts, or other financial interests. Members with a disqualifying conflict of interest shall not make, participate in making, or attempt to influence a Commission decision. The Commission's conflict of interest code is on file with the Clerk of the Board.
2. Subject to limited exceptions, when a member has a disqualifying conflict of interest in a matter before the Commission, the member must, in compliance with the Political Reform Act:
  - a. Publicly state the nature of the conflict of interest in sufficient detail to be understood by the public; and
  - b. Recuse themselves from discussing and voting on the item; and
  - c. Leave the room until the item has concluded.

### **1.11.2 Campaign Contributions**

1. Pursuant to Government Code section 84308, Commission members are disqualified and not able to participate in any item involving discretionary land use permits and other discretionary entitlements if the member has, within the previous 12 months, received more than \$500 in campaign contributions from the applicant, an agent of the applicant, or any financially interested participant who actively supports or opposes the Commission's decision on the agenda item.
2. Commission members who have received, and applicants or their agents who have made, campaign contributions totaling more than \$500 to a member during the previous 12 months are required to disclose that fact for the official record of the subject agenda item and shall not make, participate in making, or in any way attempt to use their official position to influence the subject agenda item. Disclosures must include the amount of the campaign contribution and identify the recipient member and may be made either in writing to the Secretary prior to the subject agenda item or by verbal disclosure at the time of the item.

## **CHAPTER 2 – OPERATIONAL RULES OF PROCEDURE**

### **Section 2.1 PURPOSE AND INTENT**

These operational rules of procedure are adopted for the purpose of assisting in the orderly and effective operation of the Commission and are deemed to be procedural only. The rules are not exclusive and do not limit the legal authority of the Commission. Except as otherwise provided by law, the failure to strictly observe any rule shall not affect the jurisdiction of or invalidate any action taken by the Commission.

### **Section 2.2 ORDER OF BUSINESS**

#### **2.2.1 Order of Business for Regular Meetings**

The order of business for regular meetings shall be:

- Call to Order
- Roll Call
- Pledge of Allegiance
- Public Comments on Matters Not Appearing on the Agenda
- Approval of Minutes of Previous Meetings
- Announcement of Interpreting Services, as may be applicable
- Public Hearings and/or Other Regular Agenda Items
- Report by Planning Director
- Items the Planning Commission May Wish to Introduce
- Adjournment

### **2.2.2 Order of Business for Annual Meeting**

The order of business for the annual meeting shall be:

- Call to Order
- Roll Call
- Pledge of Allegiance
- Election of Chair
- Taking of Chair by New Chair
- Election of Vice-Chair
- Fixing of Time for Regular Monthly Meetings
- Public Comments on Matters Not Appearing on the Agenda
- Approval of Minutes of Previous Meetings
- Announcement of Interpreting Services, as may be applicable
- Public Hearings and/or Other Regular Agenda Items
- Report by Planning Director
- Items the Planning Commission May Wish to Introduce
- Adjournment

### **2.2.3 Posted Agenda**

In accordance with the Brown Act, the Commission may not take action on any item that did not appear on the posted meeting agenda 72 hours prior to a regular meeting unless an exception is made as permitted under Government Code section 54954.2.

## **Section 2.3 RULES OF DECORUM**

### **2.3.1 Rules of Decorum**

1. To minimize distractions during public meetings, all personal communication devices must be turned off or put in a non-audible mode.
2. Signs, placards or posters shall not be brought into the Board room if the presence of such item disturbs, disrupts or otherwise impedes the orderly conduct of the meeting. The Chair may direct that all signs, placards and posters be placed in the back of the Board room where they will still be visible by members of the Commission but will not block or otherwise obstruct the view or participation of other members of the public attending the meeting.

3. Speakers, Commission and audience members are prohibited from using profane or vulgar language, making true threats of physical violence, and from engaging in such other conduct that disrupts, disturbs, or impedes the orderly conduct of the meeting.
4. Audience and Commission members are prohibited from engaging in audible displays such as shouting, yelling, whistling, foot stomping, clapping, booing, hissing, and cheering in a manner that disturbs, disrupts or otherwise impedes the orderly conduct of the meeting.

### **2.3.2 Maintaining Order and Decorum**

1. The Chair shall be responsible for maintaining the order and decorum at public meetings and uniformly enforcing these rules of decorum.
2. The Chair may at any time call for a recess of a public meeting for any length of time deemed appropriate by the Chair.
3. In the event any person violates a provision of these rules in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting, the Chair may order that person to cease the offending conduct.
4. If any person continues to violate the provision in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of the meeting following an order from the Chair to cease the offending conduct, the Chair may order that person to leave the meeting.
5. If any person refuses to leave the meeting following an order from the Chair to do so, the Chair may order any law enforcement officer on duty to remove that person from the meeting.
6. Any person removed from the meeting shall be excluded from further attendance at the meeting from which the person has been removed unless permission to attend has been granted by the Chair or by majority vote of the Commission.

## **Section 2.4 RULES OF CONDUCT**

### **2.4.1 Chair to Facilitate Commission Meetings**

Any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for herein shall be determined by the Chair whose decision may be overruled by majority vote of the Commission members present and voting.

### **2.4.2 Addressing the Commission**

1. When providing public comment, all remarks should be addressed to the Commission as a whole since public comment is the public's opportunity to address the legislative body under Government Code section 54954.3(a) and comments should not be addressed to individual members of the Commission, unless responding to a question from a specific member. Each person speaking from the floor shall obtain permission from the Chair. No person shall address the Commission until the person has first been recognized by the Chair. The decision of the Chair to recognize or not recognize a person may be changed by majority vote of the Commission.

2. To ensure that order is maintained, questions, if any, should be addressed to the Chair who will determine whether, or in what manner, an answer will be provided.
3. Nothing herein shall preclude a member of the public from commenting on, questioning, or criticizing the policies, procedures, programs, or services of the County, the acts or omissions of the Commission, or the positions, statements, votes, actions or omissions of members of the Commission.

#### **2.4.3 Public Comment – Public Statements on Matters Not Appearing on the Agenda**

1. In compliance with the Brown Act, Public Comment is that portion of Commission meetings set aside for members of the public to address the Commission on items of any Commission business other than scheduled agenda items.
2. Persons wishing to speak during Public Comment are encouraged to check in with the Recording Secretary prior to the start of the meeting. Comments provided during Public Comment are limited to items within the subject matter jurisdiction of the Commission.
3. Each speaker's public comments may not exceed three (3) minutes unless otherwise increased or decreased by the Chair based on the complexity of the issue and/or the number of persons wishing to speak.
4. In compliance with the Brown Act, the Commission may not deliberate or vote on any matter raised in Public Comments. The Chair, however, may request Planning Division or other County staff to provide brief additional information or response on a matter of general interest to the full Commission or the public at large.

#### **2.4.4 Public Use of County Equipment**

Members of the public who would like to augment their comments with visual or audio presentations (e.g., PowerPoint or similar presentations) using County equipment must submit their materials to the Secretary for review at least 24 hours before the meeting before use of County equipment will be allowed. The review will be conducted to determine only whether the materials are on matters within the jurisdiction of the Commission, would be disruptive of the meeting, or would foster illegality, such as identity theft. If it is determined that materials are about matters not within the Commission's jurisdiction, or would be disruptive of the meeting, or would foster illegality, use of County equipment will not be allowed.

#### **2.4.5 Motions**

Motions may be made by any member of the Commission including the Chair, provided that, before the Chair offers a motion, the opportunity for making a motion should be offered to other members of the Commission. Any member of the Commission, other than the person offering the motion, may second a motion.

#### **2.4.6 Procedure for Motions**

The following is the general procedure for making motions:

1. Before a motion can be considered or debated it must be seconded.
2. A Commission member wishing to second a motion should do so through a verbal request to the Chair.

3. Once the motion has been properly made and seconded, the Chair shall open the matter for discussion.
4. Once the matter has been fully discussed and the Chair calls for a vote, no further discussion will be allowed, provided, however, members may be allowed to explain their vote.
5. A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all actions recommended in the staff report on file in the matter.

#### **2.4.7 Motion Amendments**

When a motion is on the floor and an amendment is offered, the amendment should be acted upon prior to acting on the main motion. If the maker and the person who seconded the motion pending on the floor accepts the amendment, the motion as amended becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed amendment, the amendment proposer may make a motion to amend in accordance with Sections 2.4.5 and 2.4.6 which, if seconded, shall be acted upon prior to the main motion.

#### **2.4.8 Commissioners Addressing Commission as Member of Public**

Members are authorized to address the Commission in the capacity as a member of the public for specific items, provided that the member discloses, and the official minutes notes, when a member is addressing the Commission in their individual capacity. The member must also comply with all other applicable conflict of interest laws in this situation.

### **Section 2.5 PUBLIC HEARINGS**

#### **2.5.1 General**

The procedures for public hearings before the Commission shall be consistent with the procedures for public hearings on land use matters before the Board of Supervisors as set forth in Rule 42 of Chapter II – 11 of the County of Ventura Administrative Policy Manual.

#### **2.5.2 Legal Overview**

The Chair may, in their discretion, request that the County Counsel make a brief statement of applicable legal principles and requirements for the information of members of the audience or Commission at the opening of the hearing. The statement may include a summary of the statutory and judicial requirements applicable to the hearing decision on the specific type of land use matter (e.g., conditional use permit, variance, etc.) to be heard.

#### **2.5.3 Public Requests to Reschedule or Continue Hearing Items**

1. This rule only applies to project applicants, appellants, and public commenters; it does not apply to County staff or the Commission. (For Commission continuances, see Section 2.5.15 below.)
2. Requests more than 48 hours prior to hearing: Requests to reschedule a hearing made prior to 48 hours before the scheduled hearing date shall be directed to the Secretary who may grant the request, prior to the hearing date, based on a showing of good cause by the requesting party. The Secretary shall promptly inform members of the Commission and any known interested parties upon rescheduling a hearing, including by providing the date of the re-scheduled hearing if available. In lieu of deciding the request, the Planning

Director may defer the decision to the Commission to be made during the scheduled hearing pursuant to subpart (3) below.

3. Requests within 48 hours of hearing: Requests to reschedule or continue a hearing made within 48 hours of the scheduled hearing date shall be directed to the Chair and decided by the Commission at the time of the scheduled hearing. After the hearing item is called, the Commission shall consider the request in the order of the hearing deemed appropriate by the Chair. Prior to deliberating and deciding the request, the Commission shall solicit comments from the requester and all others regarding the request. The request may be granted upon a showing of good cause by the requesting party. If a hearing item is not continued to a date and time certain, the new hearing date must be re-noticed pursuant to applicable law.

#### **2.5.4 Dismissal of Administrative Appeals**

1. An appellant may dismiss its administrative appeal of any matter (e.g., Planning Director determinations, entitlement decisions, code violations) at any time before a Commission decision on the merits of the appeal. In order to dismiss an appeal before the opening of a public hearing, appellant must submit the dismissal in writing to the Secretary or case planner. In order to dismiss an appeal during a public hearing, appellant must either orally state the dismissal on the record or submit the dismissal in writing to the Planning Commission. Dismissals must unequivocally state the appellant's intention to unconditionally dismiss or drop the appeal in order to take effect.
2. Dismissed administrative appeals are considered appeal denials for purposes of assessing responsibility for appeal fees under the Planning Division Fee Schedule, when applicable.
3. Upon dismissal of all administrative appeals, the matter subject of appeal shall take immediate effect unless otherwise specified by applicable law.

#### **2.5.5 Field Investigations**

1. Individual Members
  - a. Commission members may make site visits for the sole purpose of observing the site and its physical and operational characteristics regarding a matter scheduled for hearing, provided that no more than two Commission members visit the site together except as provided in subpart (2) below.
  - b. Upon a visit to a site, Commission members may be accompanied by County staff and/or other persons for the purposes of obtaining site access or being directed to characteristics of the site for viewing. No other evidence, presentation, or argument should be received by Commission members from County staff or other persons during the site visit regarding a quasi-judicial matter; if any such information is received during a site visit, it shall be disclosed by the Commission member to the extent required in accordance with subpart (3) of Section 2.5.6 ("Information Obtained Outside of Public Hearing") below.
  - c. Each Commission member making a site visit shall publicly report such fact and describe in general terms what was viewed and who was present at the hearing so the hearing record indicates that the field trip was taken into consideration as evidence.
2. Commission

- a. The Commission may make site visits to observe the site and its physical and operational characteristics or for other purposes relevant to a matter scheduled for hearing. Such field trips shall be taken as part of a regular, adjourned, or special meeting of the Commission, and all interested persons shall be afforded the opportunity to be present to view the property and hear any reports or comments. The Secretary shall conduct the site visit, directing the Commission and all interested persons on the property until the conclusion of the site visit.
- b. A record of the field trip shall be entered into the minutes so the hearing record indicates that the field trip was taken into consideration as evidence.

#### **2.5.6 Information Obtained Outside Public Hearing**

1. Except for site visits in compliance with Section 2.5.5 ("Field Investigations") above, members of the Commission should not, after application thereon has been filed, solicit or receive evidence outside of the public hearing on a quasi-judicial matter for which a public hearing is required by state law or County ordinance. Quasi-judicial matters include, but are not limited to, requests for land use entitlements, variances, zone changes and General Plan land use redesignations for specific parcels, and subdivision approvals. This rule shall not apply to procedural aspects of the hearing process or to quasi-legislative matters, such as major general plan proposals or amendments to zoning ordinances involving definitions of words of use in an entire zone, which have broad application throughout the County as distinguished from specific application to individual parcels of property.
2. Members of the Commission should avoid personal contacts, correspondence, social media, and telephone calls concerning substantive issues relating to quasi-judicial matters outside of the public hearing and shall inform persons contacting them to make their information or objections known at the public hearing.
3. Where information of a specific nature is gathered by a member of the Commission for a quasi-judicial matter through contacts outside the public hearing, and the information is not already in the record, the member shall disclose the contact and its substance on the record prior to the commencement of the hearing to which such contact relates. Where the information is received during the pendency of a hearing, the matter shall be disclosed prior to completion of the hearing and the parties and public shall have an opportunity to respond if the matter is substantially new information.

#### **2.5.7 Stenographic Recording**

All hearings on land use matters shall be recorded by audio and video. Any person desiring to have a hearing by a stenographic reporter at their own expense may do so, provided that they consult the Secretary to arrange facilities for such reporting prior to commencement of the hearing and advises the Secretary of the full name and business address and telephone number of the reporter being used.

#### **2.5.8 Order of Presentation**

Unless the Chair in their discretion shall direct otherwise, the order and time limits for presentation of evidence shall be as follows:

1. Presentation(s) by staff;
2. Presentation by the project applicant (or alleged violator, if applicable) (15 minutes);

3. Presentation by the appellant, if any (15 minutes);
4. Comments by members of the public (3 minutes per speaker). At the discretion of the Chair, elected officials, public agency representatives, or others may be allowed to speak at the beginning of the public comment period;
5. Rebuttal by appellant, if any (5 minutes);
6. Rebuttal by project applicant (or alleged violator, if applicable) (5 minutes);
7. Closing comments by staff.

### **2.5.9 Swearing of Witnesses**

Witnesses will not be sworn unless a specific request is made and granted prior to the taking of any testimony. The Chair may, upon request of any member of the Commission or advice of County Counsel, require that all witnesses be sworn before giving testimony in a particular matter. Witnesses may be sworn as a group prior to the presentation of the staff report.

### **2.5.10 Rules of Evidence**

The hearing need not be conducted according to technical judicial rules of evidence, but statutory and judicial rules regarding inferences and presumptions in civil litigation shall be applicable. 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. Evidentiary objections shall be waived unless timely made to the Commission.

### **2.5.11 Public Comment**

1. Any person desiring to speak is encouraged to check in with the Recording Secretary prior to the commencement of the hearing. The Chair will direct the Recording Secretary to call on the individual to speak when the public hearing is open for public testimony.
2. All comments should be made clearly and distinctly into the podium microphone, and all speakers should first, but are not required to, state their full name and address and the names of any persons or organizations on whose behalf they are appearing.
3. Except for project applicants and appellants, each individual's public comment (including oral and visual presentations) may not exceed three (3) minutes unless otherwise increased or decreased by the Chair based on the complexity of the item and/or the number of persons wishing to speak. Individuals may not "cede" or "transfer" their time to another individual.
4. Members of the Commission who wish to ask questions of the speakers during the public hearing portion may do so but only after first being recognized by the Chair. Interactions with a speaker should be limited to a question or questions, rather than an ongoing dialogue.
5. Any other 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. Direct questioning of speakers or staff members may be allowed at the discretion of the Chair.

6. No person will be permitted during the hearing to speak about matters or present information not germane to the matter being considered. A determination of relevance shall be made by the Chair, subject to approval by the full Commission if requested by any Commission member or alternate.
7. Except when necessary for immediate clarification of a particular point or to answer a question by a member of the Commission, no person shall be allowed to speak a second time.

#### **2.5.12 Materials Submitted for Commission Consideration**

1. This rule applies to project applicants, appellants, and public commenters but does not apply to County staff.
2. This rule does not apply to audio or video presentations (e.g., PowerPoint or similar presentations) that will be shown at the hearing. Such materials must be submitted to the Secretary for review at least 24 hours before the meeting pursuant to Section 2.4.4 above.
3. Persons interested in the matter being heard by the Commission shall be entitled to submit written comments and materials (collectively, "materials") for the Commission's consideration. The name of the matter which is subject of the submission should be prominently stated on the first page of each submission.
4. To ensure inclusion in the record of proceedings and appropriate distribution and public disclosure, all materials shall be submitted to the Planning Division's assigned case planner ("case planner") or Secretary. Any materials that Commission members receive directly shall be forwarded to the case planner or Secretary.
5. To provide adequate time for review and consideration of voluminous materials in advance of hearings, the following deadlines and page limitations apply:
  - a. Materials submitted more than 48 hours before hearing: No page limit exists for materials submitted more than 48 hours before a hearing which should be sent to both the case planner for the agenda item and e-mailed to [Planning.PCComments@ventura.org](mailto:Planning.PCComments@ventura.org). These materials will be distributed by Planning Division staff to the Commission and posted on the Commission's website with the meeting agenda for the subject hearing.
  - b. Materials submitted between 48 hours and 3:30 p.m. on the day before a hearing: Must be limited to 10 pages and sent to both the case planner for the agenda item and e-mailed to [Planning.PCComments@ventura.org](mailto:Planning.PCComments@ventura.org). These materials will be distributed by Planning Division staff to the Commission and posted on the Commission's website with the meeting agenda for the subject hearing.
  - c. Materials submitted after 3:30 p.m. the day before the hearing: Must be limited to two pages. These materials will not be distributed by Planning Division staff to the Commission or posted on the Commission's website with the meeting agenda for the subject hearing. Instead, even if the submitting party has sent the materials to the Planning Division or Commission via electronic mail or other means, the

materials shall not be considered by the Commission in making its decision unless the materials are submitted during the hearing in conformance with subpart (d) below.

- d. Materials submitted during the hearing: Must be limited to two pages and the submitting party must bring 12 hard copies of the document(s) to the hearing for distribution to the Commission, Planning Division staff, hearing participants, and others who have not previously been provided a copy.
- e. Submissions that do not comply with the rules set forth in subparts (a) through (d) above shall be stamped "File Copy - Non-Complying Submission" and shall not be considered by the Commission in making its decision; non-complying submissions shall be placed in the County's official case file but not delivered to the Commission. If a non-complying submission is sent or provided directly to a majority of the Commission, the Planning Division shall make such materials available for public inspection for purposes of transparency and public disclosure, but the materials shall not be considered by the Commission in making its decision.

#### **2.5.13 Burden of Proof**

1. For quasi-judicial matters that are heard by the Commission such as applications for discretionary land use entitlements, the party seeking the approval has the burden of proving the applicable approval standards have been met based upon the preponderance of evidence, which means that the evidence presented makes it more likely than not that the applicable standards have been met.
2. For matters coming before the Commission on appeal, including but not limited to discretionary land use entitlements that were previously approved by the Planning Director and then appealed, the party seeking the underlying land use entitlement or other underlying request has the burden of proof pursuant Section 2.5.13.1 above. That is because County land use decisions are subject to de novo review, meaning that the filing of an appeal elevates the matter to the Commission for review and decision anew without altering the underlying burden of proof.

#### **2.5.14 Findings**

On any matter for which state law or County ordinances require the preparation of findings, the staff report submitted on the matter shall contain findings proposed for adoption by the Commission. Any motion directly or impliedly rejecting such proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable amount of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the decision which is anticipated.

#### **2.5.15 Commission Continuances**

The Commission may, by majority vote of Commission members present and voting, continue any hearing item to a subsequent date and time certain in accordance with Government Code section 54955.1.

#### **2.5.16 Decision**

1. A decision on any matter requiring a public hearing before the Commission shall require the affirmative vote of no less than three (3) members. In the event of a tie vote (i.e., two in favor and two opposed, a "2-2 vote"), the motion fails; the lack of an affirmative vote of

at least three (3) members is considered no action. Deliberation and further voting on matters resulting in a 2-2 vote may be continued for further deliberation and potential action pursuant to Section 2.5.15 above. If the matter is not continued for further deliberation and potential action, the matter shall be deemed denied.

2. Rules regarding motions set forth in Sections 2.4.5 through 2.4.7 above apply to decisions made at hearings.
3. A member who is absent from any portion of a hearing conducted by the Commission may vote on the matter at the time it is acted upon by the hearing body provided they (1) have listened to the tape recording or have watched the video streaming for the portion of the hearing from which he or she was absent, (2) have examined all of the exhibits presented during any portion of the hearing from which he or she was absent, and (3) state for the record prior to voting that they deem themselves to be as familiar with the record and with the evidence presented at the hearing as they would have been had they personally attended the entire hearing.

### **CHAPTER 3 – AMENDMENTS**

#### **Section 3.1 VOTING**

These Bylaws and Rules of Procedure may be amended by affirmative vote of no less than three members at a regular meeting, to the extent authorized by law.

#### **Section 3.2 NOTICE**

An amendment to these Bylaws and Rules of Procedure shall not be made unless written notice of the proposed amendment is included on the agenda for a regular meeting preceding the meeting at which the motion to amend is to be considered for approval. Said notice shall state explicitly what amendment is proposed or shall be accompanied by a draft of the proposed amendment. The Secretary shall post the wording of the proposed amendment with the meeting agenda at least 72 hours before the date of the meeting at which the motion to amend will be considered for approval.