

1 BOARD OF SUPERVISORS, COUNTY OF CALAVERAS
2 STATE OF CALIFORNIA
3 May 14, 2013

4 RESOLUTION

5 NO. 2013-074 RESOLUTION SUPERSEDING RESOLUTION NO. 89-490 "RESOLUTION
6 ESTABLISHING BOARD HEARING PROCEDURES" AND ADOPTING
7 REVISED BOARD PROCEDURES AND POLICIES

8 **WHEREAS**, on December 4, 1989, the Board of Supervisors adopted Resolution No. 89-490 "Resolution
9 Establishing Board Hearing Procedures"; and

10 **WHEREAS**, on April 9, 2013, the Board of Supervisors held a study session regarding possible revisions
11 to the Board Hearing Procedures as set forth in Resolution No. 89-490; and

12 **WHEREAS**, on April 9, 2013, the Board of Supervisors directed staff to make revisions regarding
13 abstention votes, orderly conduct of meetings, and counsel clarification of appeal hearing procedures.

14 **NOW THEREFORE BE IT RESOLVED**, by the Board of Supervisors of the County of Calaveras that
15 Resolution No. 89-490 is superseded by adoption of this Resolution.

16 **BE IT FURTHER RESOLVED**, that the following procedures and policies shall apply to all hearings
17 held before the Board of Supervisors of the County of Calaveras:

18 Hearings shall be conducted in the sequence and time limits set forth below, subject to the discretion
19 of the Chair as set forth in paragraph 5 herein:

20 1. Appeals Hearings.

- 21 A) Staff Presentation and Board questions of staff;
22 B) Presentation by appellant(s);
23 C) Presentations by members of the public shall be limited to five (5) minutes for each
24 person;
25 D) Summation and rebuttal by appellant(s) – fifteen (15) minutes for each appellant;
26 E) Staff summation and rebuttal;
27 F) Surrebuttal by members of the public;
28 G) Close of the Appeal Hearing;
H) Board discussion, questions and action.

- 1 2. Public Hearings and Comments. In non-appeal public hearings, and in comments to the Board on
2 matters appearing on the agenda or during the Public Comment period, comments shall be limited
3 to five (5) minutes per person.
- 4 3. Written Comments. In the event that anyone desiring to testify before the Board of Supervisors
5 wants to present more information to the Board than may be accomplished within the time limits
6 set forth above, such person shall be permitted to present such information to the Board in writing
7 on or before the time of hearing unless there are other statutory time periods for providing written
8 comments applicable due to the nature of the hearing. Nothing in this paragraph is intended to
9 waive or supersede those statute requirements. Any such information shall be submitted to the
10 Clerk to the Board of Supervisors. A minimum of ten (10) copies of such written comments is
11 requested.
- 12 4. Continuances. Public hearings and Board deliberations may be continued from time to time at the
13 discretion of the Board of Supervisors.
- 14 5. Chair Discretion. In the interests of time and fairness, the Board shall strive to adhere to the time
15 limits set forth above. The time limits, or any waiver of the time limits, shall be enforced at the
16 discretion of the Chair in such a manner as to serve the interest of efficiency and business.
- 17 6. Waiver. Upon a motion and a second and an affirmative vote of a majority of the members of the
18 Board of Supervisors, these procedures may be waived for the hearing or agenda item being
19 heard.
- 20 7. Abstention Votes.
- 21 a. Based on Conflict of Interest. An “abstain” vote based on a stated conflict of interest of the
22 voting Board member shall not be counted as part of the quorum voting on the issue.
- 23 b. Not Based on Conflict of Interest. An “abstain” vote not based on a stated conflict of interest
24 of the voting Board member shall be counted as part of the quorum voting on the issue and
25 shall be counted as a concurrence with the majority vote. If there is a tie vote, the “abstain”
26 vote of the voting Board member shall be counted as part of the quorum voting on the issue
27 but will not be counted as either a concurrence or opposition with the majority vote and shall
28 be recorded only as an “abstain” vote.

8. Orderly Conduct. Each person who addresses the Board shall not make personal, impertinent, slanderous or profane remarks to any member of the Board, staff or general public. Any person who makes such remarks, or who utters loud threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any Board meeting shall, at the discretion of the Board Chair, or a majority of the Board, be barred from further audience before the Board during that Board meeting.

ON A MOTION by Supervisor Wright seconded by Supervisor Ponte,

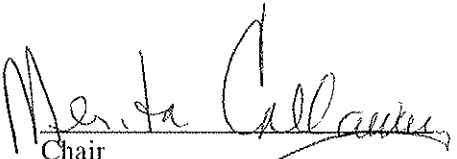
the foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Calaveras, State of California, this 14th day of May, 2013, by the following vote:

AYES: Supervisors Edson, Wright, Ponte and Spellman

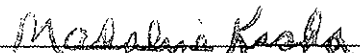
NOES: Supervisor Callaway

ABSENT: None

ABSTAINED: None


Chair

ATTEST:


County Clerk and Ex-Officio Clerk
of the Board of Supervisors of the
County of Calaveras