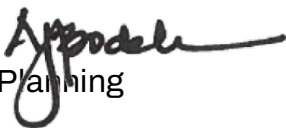


October 18, 2023

TO: Michael R. Hastings, Chair
Pam O'Connor, Vice Chair
Yolanda Duarte-White, Commissioner
David W. Louie, Commissioner
Elvin W. Moon, Commissioner

FROM: Amy J. Bodek, AICP 
Director of Regional Planning

RULES OF PROCEDURE FOR THE REGIONAL PLANNING COMMISSION

At the Regional Planning Commission (RPC) hearing of September 13, 2023, the Commission adopted the updated "Rules of Procedure for the Regional Planning Commission" with the revisions recommended by the Commission. The amended Rules dated September 13, 2023, are attached, and will assist you to understand the role of the Commission.

The RPC should start operating pursuant to the updated Rules of Procedure commencing with the next Commission meeting.

If you have any questions, feel free to contact me.

AJB:lg

Attachment

c: Regional Planning: Dennis Slavin, David DeGrazia, Connie Chung, Jon Sanabria, Mitch Glaser, Susan Tae, Edward Rojas, Alex Garcia, Kevin Finkel and Elida Luna
County Counsel: Starr Coleman and Elaine Lemke

S_EO_10_18_2023_M_RulesOfProceduresforRPC

RULES OF PROCEDURE FOR REGIONAL PLANNING COMMISSION

Updated/Revised: September 13, 2023

**RULES OF PROCEDURE FOR
REGIONAL PLANNING COMMISSION**

SECTION 1. DEFINITIONS. These definitions shall govern the construction and application of these rules:

(a) Clerk. As used herein, "Clerk" shall mean the officially designated clerk or secretary of the Regional Planning Commission appointed by the Director of the Department of Regional Planning.

(b) Commission. As used herein, "Commission" shall mean the Regional Planning Commission.

(c) County. As used herein, "County" shall mean Los Angeles County.

(d) Department. As used herein, "Department" shall mean the County Department of Regional Planning.

(e) Evidence. As used herein, "evidence" shall mean factual information, including oral or written testimony, writings, images, videos, objects or other things that are offered to prove the existence or nonexistence of a fact.

(f) Hearing. As used herein, "hearing" shall mean a noticed public hearing required by State law or County ordinance relating to planning, zoning, and land use.

SECTION 2. RECORD. The Clerk shall cause a record of any hearing to be made. If a hearing is tape recorded, a copy of the tape may be purchased at its reproduction cost from the Clerk provided that a deposit in an amount estimated by said Clerk to cover the cost of reproduction shall first be made. Alternatively, the Department may direct a person requesting a recording to the Department website and its link to meeting recordings.

SECTION 3. COMMISSION MEETINGS.

(a) The regular meetings of the Regional Planning Commission shall be on Wednesday of each week, commencing at 9:00 a.m. in the Hearing Room of the Hall of Records, Room 150, 320 West Temple Street, in the City of Los Angeles. The meeting shall also be livestreamed over the internet and the public may participate in the meeting either in person or virtually (online or by telephone), based on best-available technology.

(b) A special meeting may be called as follows:

- (1) By the Commission on a majority vote of those present at a regular meeting, setting its time and place and identifying the business to be conducted or transacted, with at least 24 hours written notice before the special meeting provided to Commissioners absent from the regular meeting, on the Department's website and in a location freely accessible to the public; or
- (2) By the Chair or a majority of the Commissioners by delivering written notice 24 hours in advance of the meeting to each Commissioner and a newspaper of general circulation, and by posting notice on the Department's website.

Notices given pursuant to this section shall specify the time and date of the meeting and the business to be conducted or transacted. Written notice to Commissioners may be dispensed with as to any Commissioner who at or prior to the time the special meeting commences files with the Clerk a written notice of waiver. The waiver may be given in person, by facsimile, e-mail, or telegram. No business may be conducted at the special meeting other than what is included in the meeting notice.

SECTION 4. AGENDA. At least seventy-two (72) hours prior to the beginning of all meetings and hearings, copies of the Commission's agenda shall be available at the office of the Clerk and posted pursuant to Government Code Section 54954.2. The agenda shall include information regarding how to participate in the meeting virtually (online or by telephone), if applicable, in compliance with the Department's Language Access Policy.

SECTION 5. STAFF REPORTS.

(a) When any hearing is held, a written staff report with recommendations and the basis for such recommendations shall be filed as a part of the record of the hearing. The written staff report, which may include attachments, shall discuss each issue upon which a finding or recommendation must be made and shall include all relevant information applicable to the hearing, such as area, topographical, street, and other maps, site plans, and diagrams. The written staff report shall be distributed to each Commissioner within a reasonable time to assure adequate notification prior to the scheduled hearing.

(b) When a written staff report exists, copies of such report shall be available for public inspection at the office of the Clerk and on the Department's website at least 24 hours prior to the hearing, and sooner if possible. The Commission, however, has discretion to allow the filing of supplemental reports. Supplemental reports shall be made part of the record and posted on the Department's website prior to the hearing as feasible.

SECTION 6. QUORUM.

(a) Based on a Commission composed of five members, three voting members constitute a quorum at any meeting of the Commission.

(b) If all Commissioners are absent from any regular or special meeting, the Clerk may declare the meeting adjourned to a stated time and location and shall provide written notice of the adjournment to each member. Notice of the adjournment shall be posted on or near the door of the place where the regular or special meeting was to be held within 24 hours after the time of the adjournment.

(c) If less than a quorum is present at any meeting, the Commissioners present may adjourn the meeting to a time and place specified in the order of adjournment.

SECTION 7. CONTINUANCE.

(a) The Commission may continue any hearing to a subsequent meeting, either to a date certain or to an unspecified date, if a continuance will not result in an excess number of hearings allowed by State law. If the Commission continues the hearing to a date certain and specified location, no further notice of the hearing is required except as stated in this section. If the Commission continues the hearing to an unspecified date, subsequent notice of the hearing shall be provided as required by law. The Clerk shall give notification of the continuance to any person who, prior to such continuance, has filed with the Clerk a written request for such notice.

(b) Upon request, the Commission may grant one or more continuances to the proponents of each position being presented to the Commission, provided that the requestor has shown good cause for a continuance to the satisfaction of the Commission, and, if a continuance will not result in an excess number of hearings allowed by State law.

(c) The Commission shall continue the hearing to allow for the submittal of a revised or modified project for its consideration if, during the course of a hearing, it appears desirable that the applicant, Department staff, or another interested person submit a revised or modified project for incorporation in the decision of the Commission,

and if a continuance will not result in an excess number of hearings allowed by State law. The Commission shall not consider any revised or modified project submitted after the close of a hearing.

(d) The Commission may continue the hearing to allow for a project site visit as provided in Section 12 if a continuance will not result in an excess number of hearings allowed by State law.

SECTION 8. ABSENCE FROM HEARING.

(a) The provisions of this section do not apply to a Commissioner's absence due to a project site visit as provided in Section 12.

(b) If the Commission has not taken final action on a project subject to a hearing, a Commissioner absent from a hearing or a portion of the hearing conducted by the Commission may vote on the matter, provided that the Commissioner:

- (1) Watches and listens to the audio-visual recording, listens to the tape recording, or reads the transcript, if available, made of the entire hearing or the entire portion of the hearing during which the Commissioner was absent;
- (2) Examines all the documentary material received in evidence during the hearing or during the portion of the hearing, from which the Commissioner was absent; and
- (3) States in public session for the record 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 attended the entire hearing.

(c) Upon request, the Clerk shall provide a Commissioner with the tape recording and all documentary material received in evidence during the hearing or during the portion of the hearing from which the Commissioner was absent.

SECTION 9. ORDER OF EVIDENCE AND PROCESS FOR HEARINGS.

(a) Usual time allotted to each speaker at Commission meetings are set forth in the Commission agenda, but the actual time allotted is in the discretion of the Commission and may be modified at any time before or during a particular hearing. The order of presentation of evidence for hearings shall be as follows, unless otherwise directed by the Commission:

- (1) Staff report, including discussion of the California Environmental Quality Act document or exemption related to the project;
- (2) Disclosures by members of the Commission required by Section 13, unless previously disclosed;
- (3) Applicant's evidence, if applicable;
- (4) Testimony or receipt of written materials from the public attending the hearing in person and virtually, heard in order of registration to speak;
- (5) Other evidence concerning the project;
- (6) Rebuttal by applicant, subject to the discretion of the Commission, if applicable;
- (7) Closing of public hearing; and
- (8) Discussion by Commissioners and possible action on a decision.

(b) Questions by Commissioners are permitted at any time following any party's presentation, subject to time limitations.

(c) If necessary to permit additional testimony of other evidence, the Commission may reopen a hearing during their deliberation at the meeting in which the hearing was held.

SECTION 10. RULES OF EVIDENCE AND MEETING DECORUM.

(a) The following rules of evidence shall apply:

- (1) The hearing does not need to be conducted according to technical judicial rules of evidence;
- (2) Any relevant evidence that reasonable persons are accustomed to relying upon in the conduct of serious affairs may be admitted; and,
- (3) All speakers will be sworn in prior to the hearing.

(b) When speaking on an item on the agenda, speakers should address that item only, not other issues. Any person speaking during public comment shall limit their comments to issues which are within the jurisdiction of the Commission. Speakers who do not comply with this rule may lose the right to continue to speak on the agenda item, or other agenda items, if directed by the Chair.

(c) Conduct disruptive of the orderly progression of the Commission meeting, whether in person, online, or by telephone is prohibited. Therefore, all demonstrations, including cheering, yelling, whistling, hand clapping, and foot stomping, are prohibited.

(d) At the discretion of the Chair or upon a majority vote of the Commission, and after a warning from the Chair or County Counsel to the person that failure to cease the behavior may result in their removal from the meeting, the Chair may order removal of a person from the hearing room or from the virtual connection (online or telephonic) if they commit any of the following acts of disruptive conduct in a meeting of the Commission:

- (1) Disorderly, contemptuous or insolent behavior toward the Commission, any Commissioner, or Department staff that disrupts the due and orderly course of the meeting;
- (2) A breach of the peace, boisterous conduct, or violent disturbance, that disrupts the due and orderly course of the meeting; and
- (3) Any other unlawful interference with the due and orderly course of the meeting.

If a person is removed from a meeting, they shall not be allowed to further attend that meeting unless the Commission adopts a motion by majority vote allowing that person's further attendance.

SECTION 11. RECEIPT OF EVIDENCE OUTSIDE OF HEARING.

(a) The Commission does not encourage receipt of evidence on a pending project outside the public hearing unless it is submitted to the Commission as part of the public hearing process.

(b) During the hearing, a Commissioner shall disclose if they communicated in any manner or form with an applicant or other interested party, visited a site independently which may include an in-person physical visit or review or view of images or maps of the site or surrounding area online, or received any other evidence pertinent to the pending matter outside the hearing as provided in Section 13. Simply driving by a site inadvertently or as part of a regular drive or commute does not constitute a site visit. The applicant, appellant or any other interested party shall have the opportunity to supplement or rebut the evidence that the Commissioner disclosed. The Commission shall deem the failure to do so as a waiver of any objection regarding the evidence.

(c) The provisions of subsection (b) do not apply to the following:

- (1) Matters which have broad application in the County or large areas of the County, such as Countywide standards or policies or Community Standards Districts, as distinguished from specific application to individual parcels of property;
- (2) Receipt of evidence after the close of a hearing for the limited purposes of (i) clarifying information received during the hearing by directing questions to County staff or to the public or (ii) determining whether to order that the matter be reheard; or
- (3) Factual inquiries made to and received from County staff.

SECTION 12. PROJECT SITE VISIT. The Commission shall continue the hearing to allow for one or more Commissioners to view the project site if, during the course of a hearing it appears desirable to do so provided that continuance will not result in an excess number of hearings allowed by State law. When the hearing is continued, Commissioners may view the site individually or as a body. If a Commissioner views the site individually, they shall report their observations at the continued hearing. If Commissioners view the site as a body, they may be accompanied by proponents, opponents, County staff, and other interested persons.

SECTION 13. DISCLOSURE. During the hearing, a Commissioner shall fully disclose if they received evidence outside of a hearing, viewed the subject property, whether in person or online, or are otherwise familiar with the subject property, and their observations related to their familiarity with the property. This disclosure is intended to ensure that the applicant, opponent(s), interested persons, County staff, and other Commissioners are aware of the facts or evidence. All written evidence received outside of the hearing shall be filed with the Clerk.

SECTION 14. VOTING ON HEARING ITEMS AND OTHER MATTERS.

(a) Each motion made by any Commissioner shall require a second. Motions and seconds may be made by any Commissioner, including the Chair.

(b) Approval or disapproval of any legislative recommendation (e.g., a general plan adoption or amendment, specific plan adoption or amendment, or zone change) or any application for a land use approval (e.g., a permit, variance, nonconforming use or structure review, or subdivision) requires the affirmative vote of the majority of the Commission (i.e., at least three members).

(c) Approval of any other motion (e.g., a procedural motion such as adoption of minutes or cancellation of a future meeting) requires the affirmative vote of a majority of Commissioners present and voting except as otherwise provided by Robert's Rules of Order.

(d) If one or more Commissioners is absent from a meeting and a motion to approve or disapprove a legislative recommendation or an application for a land use approval fails to receive three votes either for or against the motion, the matter shall be continued to a date set by the Commission if a continuance will not result in an excess number of hearings allowed by State law.

(e) The Department's recommendation on an application for an adjudicatory matter (e.g., conditional use permits, variances) shall be deemed disapproved unless it is approved by the required majority vote as provided above. In the event of a tie vote, the motion fails, and the application is deemed denied unless another motion is subsequently approved at that same meeting by the required majority vote.

(f) The Department's recommendation on a legislative matter (e.g., an amendment to the Zoning Code or General Plan) shall be deemed disapproved unless it

is approved by the required majority vote as provided above. In the event of a tie vote, the motion fails, and the proposal is deemed denied unless a subsequent motion is subsequently approved at the same meeting. In the case of a denial of a legislative matter not associated with an adjudicatory matter, the Commission's decision shall be forwarded to the Board along with a report as to the bases for the Commission's decision for the Board's consideration consistent with Government Code Sections 65855 and 65856. Alternatively, the Commission may direct the Department to revise the proposal, providing specific guidance on desired changes, and return to the Commission with a revised proposal for Commission consideration consistent with subsection (h) below.

(g) In the case of an appeal, if an affirmative vote in favor of the appeal does not occur, the appeal is deemed denied and the decision made by the previous decision-maker stands.

(h) If the Commission requests changes to the Department's recommendation for a project, the Commission motion should identify the requested changes and direct that those changes be included in the project findings related to the project, or conditions, if applicable.

SECTION 15. FINAL ACTION.

(a) The Commission may reopen the hearing only if there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing, or if an error of fact or law has occurred which has the potential of altering the intended decision.

(b) Commissioners who receive evidence after conclusion of a hearing shall not participate in the vote on the matter except as provided in Section 11(c) or except

when the matter is reheard, or reopened, after appropriate notice pursuant to order of the Commission.

(c) For legislative actions, the Commission shall adopt findings, and/or a resolution constituting final action of the Commission, including recommendations to the Board of Supervisors for approval, if applicable, and if denied, findings setting forth the bases therefor, to be forwarded to the Board for its consideration.

(d) All final actions relating to subdivisions, permits, variances, and other adjudicatory proceedings shall be accompanied by written findings of fact supporting the decision, and include conditions for approval, if applicable.

(e) If the Commission intends to act contrary to the Department's recommendation on a project and Department staff have not prepared findings supporting that action, the Commission shall indicate its intended final action, identify the reasons therefore, instruct Department staff to prepare findings, and, if necessary, conditions consistent with the Commission's intended action, and instruct Department staff to place the matter on the consent agenda for consideration by the Commission at a future meeting.

(f) Notwithstanding any contrary provision in Title 22 of the County Code, the Commission may reconsider legislative projects not associated with adjudicatory decisions prior to the expiration of one year.

SECTION 16. REHEARINGS.

(a) Except as set forth above, the Commission shall not entertain an application for rehearing of final actions involving approvals or denials of land use approvals (e.g., subdivisions, permits, variances and other adjudicator proceedings).

(b) The Commission may entertain an application for rehearing of final actions involving amendments to the zoning ordinance, including but not limited to, reclassification of land, general plan adoptions and amendments, and specific plan adoptions and amendments, only if the final action involved intentional or negligent misrepresentation of facts at the original hearing.

(c) Notwithstanding the provisions of subsections (a) and (b) above, the Commission shall entertain an application for a rehearing in cases where the Commission lacked jurisdiction to make the original decision, whether due to improper notice or another defect.

SECTION 17. CONTACT WITH COUNTY STAFF ON NON-HEARING MATTERS. No Commissioner shall ask County staff to prepare a report or other written compilation of material, not readily available and involving the expenditure of significant staff time, unless the Commission adopted a motion directing County staff to prepare a report or other written compilation of material.

SECTION 18. SUPPLEMENTAL RULES OF PROCEDURE.

(a) Commission meetings shall be governed by the latest edition of Robert's Rules of Order except when they conflict with these rules.

(b) The Commission may amend these rules and adopt additional and supplemental rules of procedure governing the conduct of its meetings.

(c) The Commission may suspend any of these rules for the duration of the meeting or for a particular item by an affirmative vote of a majority of those members of the Commission present and voting unless such suspension would violate any applicable laws or ordinances. A motion to suspend any of these rules shall be made on the grounds that such suspension will promote the public interest, convenience, or welfare. For

example, the Commission may allow reopening a hearing on grounds other than stated in Section 15.

(d) Failure of the Commission to follow these rules of procedure shall not invalidate or otherwise affect any action of the Commission.

SECTION 19. TRAINING. Upon a Commissioner's appointment, County Counsel shall conduct a training course regarding the State laws and County ordinances relating to planning, zoning, and land use. County Counsel shall also conduct a supplemental training course for all Commissioners or provide written updates as necessary to apprise Commissioners of current developments and changes in laws and ordinances relating to planning, zoning, and land use. Department staff may also provide training to Commissioners on State, County, and Department policy or regulations with respect to planning, zoning, and land use issues.

SECTION 20. CHAIR AND VICE-CHAIR.

(a) The Commission Chair and Vice-Chair shall rotate based on seniority. The Chair shall be the senior Commissioner who has served the longest continuously and has not yet served as Chair. If all Commissioners have previously served as Chair, the Chair shall be the Commissioner whose previous term of service as Chair is furthest in the past. The Vice-Chair shall be the next most senior Commissioner. If two or more Commissioners have equal seniority, seniority among them shall be determined by lot. Notwithstanding the above, a Commissioner cannot serve as a Chair until they complete at least six months of continuous service.

(b) The terms of the Chair and Vice-Chair shall be one year, starting on January 1 and concluding on December 31. Upon the vote of the Commission at the last meeting of the year, the Vice-Chair shall become the Chair at the beginning of the following year.

However, if the Vice-Chair is unable to serve as Chair, upon the vote of the Commission at the last meeting of the year, the next most senior Commissioner shall become the Chair at the beginning of the following year.

(c) If both the Chair and Vice-Chair are absent or otherwise unable to act as Chair at a meeting or hearing, the Commissioners shall select a Commissioner to serve as Chair for that meeting or hearing.