



Los Angeles County  
Department of Regional Planning


*Planning for the Challenges Ahead*



Amy J. Bodek, AICP  
Director

March 1, 2018

TO: David W. Louie, Chair  
Elvin W. Moon, Vice Chair  
Doug Smith, Commissioner  
Laura Shell, Commissioner  
Pat Modugno, Commissioner

FROM: Amy J. Bodek, AICP   
Director

**REGIONAL PLANNING COMMISSION – AMENDED RULES OF PROCEDURE**

As new commissioners are appointed to the Regional Planning Commission, the Department is required to provide the Rules of Procedures to each Commissioner so they comprehend the Commission's rules. In the event you did not receive this information upon your appointment, I am providing the following correspondences to assist you in understanding the role of the Commission.

- Attached are the current Rules of Procedure for the Regional Planning Commission, as amended on February 26, 2003. There is a minor change that was made to the Rules that appears on the last line of page 6.
- Also attached for your information is a copy of the Board of Supervisors' motion of October 15, 2002, asking for a report from County Counsel regarding the Regional Planning Commission's rules on voting, and the response from the Office of the County Counsel.

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

AJB:lg

Attachments

c: Sorin Alexanian  
Mark Child  
Mitch Glaser  
Jon Sanabria  
County Counsel (Jill Jones)

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COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION  
500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012-2713

LLOYD W. PELLMAN  
County Counsel

March 4, 2003

TDD  
(213) 633-0901  
TELEPHONE  
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TELECOPIER  
(213) 617-7182

TO: HAROLD V. HELSLEY, Chair  
LESLIE G. BELLAMY, Vice-Chair  
ESTHER L. VALADEZ, Commissioner  
WAYNE REW, Commissioner  
PAT MODUGNO, Commissioner  
Regional Planning Commission

FROM: JUDITH A. FRIES *JAF*  
Principal Deputy County Counsel  
Public Works Division

RE: **Amended Rules of Procedure**

Attached are the current Rules of Procedure for the Regional Planning Commission, as amended on February 26, 2003. The only change that was made to the Rules appears on the last line of page 6.

Also attached for your information is a copy of the Board of Supervisors' motion of October 15, 2002, asking for a report from County Counsel regarding your Commission's rules on voting, and the response from our office.

JAF:cnz

c: James E. Hartl, Director  
Frank Meneses, Acting Administrator  
Ron Hoffman, Administrator  
John Calas, Administrator  
Department of Regional Planning

RULES OF PROCEDURE FOR  
REGIONAL PLANNING COMMISSION

SECTION 1. DEFINITION. 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.

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

(c) Evidence. As used herein "evidence" shall mean factual information, including testimony, written materials, objects or other things that are offered to prove the existence or nonexistence of a fact, as defined in Section 140 of the California Evidence Code.

(d) 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. If any person desires to have a hearing reported by a stenographic reporter, he or she may employ one directly at his or her expense, or may request that the Clerk arrange, at the requesting party's expense, for a reporter. Any such request to arrange for a reporter shall be submitted to the Clerk in writing at least two working days before the hearing.

SECTION 3. COMMISSION MEETINGS. 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. A special meeting may be called by the Commission, with notice given as provided by law.

SECTION 4. AGENDA. Seventy-two hours prior to the beginning of all 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.

SECTION 5. STAFF REPORTS.

(a) When a written staff report exists, copies of such report shall be available for public inspection at the office of the Clerk at least 24 hours prior to the commencement of the hearing; provided, however, the Commission may allow in its discretion the filing of supplemental reports which shall be made public at the commencement of the hearing.

(b) 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. Said report shall discuss each issue upon which a finding

must be made and shall include all relevant area, topographical, street and other maps, site plans and diagrams applicable to the hearing, as necessary.

(c) The staff report shall also be distributed to each member of the Commission within a reasonable time to assure adequate notification prior to the scheduled public hearing.

SECTION 6. QUORUM AND VOTING. (a) Three voting members, excluding any members who abstain, constitute a quorum at any meeting of the Commission. Approval or disapproval of any legislative recommendation (for example, a general plan adoption or amendment, specific plan adoption or amendment, or zone change) or of any application for a land use approval (for example, a permit, variance, nonconforming use or structure review, or subdivision) requires the affirmative vote of a majority of the Commission, *i.e.*, at least three members. Except as otherwise provided by Robert's Rules of Order, approval of any other motion requires the affirmative vote of a majority of those members of the Commission present and voting. If a Commission member 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 all Commissioners are present, on a motion to approve or disapprove a legislative recommendation or an application for a land use approval, an abstention shall constitute concurrence with the majority of those who vote.

(b) An application 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; unless another motion is thereafter approved by the required majority vote, the

application is deemed denied. In the case of an appeal, if an affirmative vote does not occur, the decision appealed stands as decided by the decision-maker from which the appeal was taken.

SECTION 7. ORDER OF EVIDENCE. The order of presentation of evidence, unless otherwise directed by the Commission, shall be as follows:

- (a) Staff report;
- (b) Environmental Impact Assessment, as applicable;
- (c) Disclosures by members of the Commission, unless previously disclosed;
- (d) Applicant's evidence;
- (e) Evidence in favor of proposal;
- (f) Evidence in opposition to proposal;
- (g) Other evidence concerning the proposal;
- (h) Rebuttal by applicant, subject to the discretion of the Commission;
- (i) Closing of public hearing;
- (j) Discussion by Commissioners and statement of intended decision;
- (k) Questions by Commissioners will be in order at any time following any party's presentation, subject to time limitations;

SECTION 8. RULES OF EVIDENCE. The following rules of evidence shall apply:

- (a) The hearing need not be conducted according to technical judicial rules of evidence.

(b) Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

(c) Witnesses will be sworn prior to the hearing.

SECTION 9. CONTINUANCE. Any hearing may be continued by the Commission to a subsequent meeting. 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. One or more continuances may be granted to the proponents of each position being presented to the Commission upon request, and upon a showing of good cause therefor to the satisfaction of the Commission. Where during the course of a hearing it appears desirable that the applicant or the planning staff or other interested person submit a revised or modified plan for incorporation in the decision of the Commission, the Commission shall continue the hearing to permit the filing thereof. The Commission will not consider any revised or modified plan to be filed after the close of a hearing.

#### SECTION 10. ABSENCE FROM HEARING.

(a) A Commissioner who was absent from a hearing or a portion of a hearing conducted by the Commission may vote on the matter provided that the Commissioner:

(1) Listens to the tape recording or reads the transcript made of the entire hearing or the entire portion of the hearing from which the Commissioner was absent; and

(2) Examines all of the documentary material received in evidence during the hearing or portion of the hearing, from which the Commissioner was absent; and

(3) Deems oneself to be as familiar with the record and with the evidence presented at the hearing as the Commissioner would have been had he or she personally attended the entire hearing, and so states in public session for the record.

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

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

#### SECTION 11. RECEIPT OF EVIDENCE OUTSIDE OF HEARING.

(a) . The Commission does not encourage the receipt of evidence on a pending application outside the public hearing. If a Commission member talks with an applicant or other interested party, visits a site independently or receives any other evidence pertinent to a pending matter outside the public hearing, the Commissioner shall disclose the contact and evidence received during the hearing on the matter as provided in Section 13. The applicant, appellant or any other interested party shall have the opportunity to supplement or rebut the evidence disclosed, and failure to do so shall be deemed a waiver of any objection regarding the evidence.

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



(1) Matters which have broad application in the County 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.

(c) If necessary to permit additional testimony or other evidence, a public hearing may be reopened during Commission deliberation at the meeting in which the hearing was held without further public notice.

SECTION 12. VIEW OF PROPERTY. Where, during the course of a hearing it appears that one or more Commission members desire to view the subject property, the hearing shall be continued for that purpose. When the hearing is continued and if the members of the Commission so desire, they may individually view the site and shall thereafter report their observations at the continued hearing, or as a body they may view the site and may be accompanied by proponents, opponents, and other interested persons.

SECTION 13. DISCLOSURE. A Commission member who has received evidence outside of a hearing or has viewed the subject property, or is familiar with the subject property, shall fully disclose at the hearing such evidence and his or her observations and familiarity with the property so that the applicant, opponent, interested person, planning staff, and other members of the Commission may be aware of the facts or evidence upon which he or she is relying and have an opportunity to support or

controvert the facts or evidence. All written evidence received outside of the hearing shall be filed with the Clerk.

#### SECTION 14. DECISION.

(a) Except as provided in Section 11(b), members of the Commission who receive evidence after conclusion of a hearing shall not participate in the vote on the matter except where the matter is reheard, or reopened, after appropriate notice pursuant to order of the Commission.

(b) Subsequent to the statement of intended decision, the Commission shall adopt written findings or a resolution constituting final action of the Commission.

(c) All final actions relating to subdivisions, permits, variances and other adjudicatory proceedings shall be accompanied by written findings of fact supporting the decision. In all other cases, the Commission may direct that written findings of fact supporting the decision shall accompany the final action.

(d) No application for rehearing of final actions involving approvals or denials of major and minor subdivision maps, special use permits, variances and other adjudicatory proceedings will be entertained by the Commission.

(e) 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, may be entertained by the Commission only in those instances involving intentional or negligent misrepresentation of facts at the original hearing.

(f) Notwithstanding the provisions of subsections (d) and (e) above, in cases where the Commission lacked jurisdiction to make the original decision, whether

due to improper notice or other defect, an application for a rehearing on such matter will be entertained by the Commission.

(g) At any time following closing of the public hearing and prior to final action, the Commission may reopen the public hearing, with notice given as required by law. The basis of the reopening shall be either that there is relevant new evidence which, in the exercise of reasonable diligence, could not have been presented at the hearing on the matter or that an error of fact or law has occurred which has the potential of altering the intended decision.

#### SECTION 15. CONTACT WITH STAFF ON NON-HEARING MATTERS.

No member of the Commission shall request from planning staff the preparation of a report or other written compilation of material, not readily available and involving the expenditure of significant staff time, unless the Commission by motion duly made and adopted shall have approved the preparation of a report or the compilation of the material.

#### SECTION 16. SUPPLEMENTAL RULES OF PROCEDURE.

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

(b) 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 ground that such suspension will promote the public interest, convenience or welfare.

(c) Except where these rules provide to the contrary, the meetings shall be governed by the latest edition of Robert's Rules of Order.

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

SECTION 17. TRAINING. County Counsel shall for each member of the Commission, upon the member's election or appointment thereto, conduct a training course upon the State laws and County ordinances relating to planning and zoning and land use. County Counsel shall also, for all members of the Commission, conduct at least each year a supplemental training course to keep said members apprised of current developments and changes in laws and ordinances relating to planning, zoning and land use.

SECTION 18. CHAIRMAN AND VICE-CHAIRMAN. The chairmanship and vice-chairmanship of the Commission shall rotate on the basis of seniority. The chairman shall be the senior member of the Commission in terms of continuous service who has not yet served as chairman, or, if all members have served as chairman, whose term of service as chairman is most remote in time. The vice-chairman shall be the second most senior member as defined above. Should two or more members have equal seniority, seniority among them shall be determined by lot. The terms of the chairman and vice-chairman shall be one year, starting January 1 and concluding December 31. At the beginning of the following year, upon the vote of the Commission, the vice-chairman shall become the chairman, except that if the vice-chairman is unable to serve as chairman, the next most senior member as defined above shall become chairman upon the vote of the Commission. Notwithstanding anything contained herein

to the contrary, no person shall serve as chairman until he or she has completed at least six months of continuous service as a Commissioner.

ADDENDUM TO  
RULES OF PROCEDURE FOR  
REGIONAL PLANNING COMMISSION

1. California Evidence Code Section 140: "Evidence" means testimony, writings, material objects, or other things presented to the senses that are offered to prove the existence or nonexistence of a fact.

2. Form of oath used to swear in a witness prior to a hearing: "Do you (and each of you) swear or affirm, under penalty of perjury, that the testimony you may give in the matter(s) now pending before the Commission shall be the truth, the whole truth, and nothing but the truth?"

3. In accordance with the Communications Act of 1934, as amended by the Telecommunications Act of 1996, evidence concerning alleged actual or potential health effects of radio frequency emissions is not relevant evidence in an application for a wireless telecommunications facility. ( 47 U.S.C. Section 151 *et seq.*)



MINUTES OF THE BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer  
Clerk of the Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
Los Angeles, California 90012

County Counsel



At its meeting held October 15, 2002, the Board took the following action:

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Supervisor Antonovich made the following statement:

"It recently came to my attention that the Regional Planning Commission rules of procedure provide that, except for a legislative recommendation which requires the affirmative vote of a majority of the commission, approval of many motions require only a majority of those members of the commission present. For example, this means that it takes only two commissioners to approve a conditional use permit if only three members are present on a given day.

"The rules of this Board require at least an affirmative vote of a majority of the Board (at least three members) to approve any motion."

Therefore, on motion of Supervisor Antonovich, seconded by Supervisor Molina, unanimously carried, the Board took the following actions:

1. Requested the Regional Planning Commission to amend its rules of procedure to require the affirmative vote of a majority of the Commission (at least three members) to approve any motion; and

(Continued on Page 2)

Syn. 63 (Continued)

2. Instructed County Counsel to report back to the Board on the rules of procedure utilized by the Regional Planning Commission regarding voting on recommendations, the ability of the Board to require that a majority of all members constitutes a majority, including the option of utilizing a charter amendment.

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Copies distributed:

Each Supervisor  
Chief Administrative Officer  
Director of Planning

Letter sent to:

Chair, Regional Planning Commission