



COUNTY ADMINISTRATIVE OFFICE
MANAGEMENT & BUDGET TEAM
COUNTY OF HUMBOLDT

825 5th Street, Suite 111, Eureka, CA 95501-1153
Telephone (707) 445-7266 Fax (707) 445-7299
cao@co.humboldt.ca.us

INTEROFFICE MEMORANDUM

TO: BOARD OF SUPERVISORS
FROM: PHILLIP SMITH-HANES, COUNTY ADMINISTRATIVE OFFICER *PSH*
SUBJECT: RESPONSE TO 2011-12 GRAND JURY REPORT 2012-L&J-01
DATE: JUNE 22, 2012

The 2011-12 Grand Jury has issued report 2012-L&J-01 and the Board of Supervisors is required to respond to recommendations R1 through R8. I recommend that the Board respond as follows:

Recommendation R1: *Provide training to the members of the Planning Commission. Perhaps having specialized training in different areas for different members could lend depth to the knowledge required for analyzing particular recommendations.*

This recommendation will be partially implemented when funds are available.

The Board of Supervisors agrees that training for all Planning Commissioners should be available dependent upon adequate funding. However, the Board of Supervisors does not agree that individual Planning Commissioners should receive more specialized training over other Planning Commissioners and will not implement this portion of the Grand Jury's recommendation.

Recommendation R2: *Provide support staffing to the PC for validating findings upon which planning decisions are based. Such support staffing needs to be independent of the CDSO. Also political guidance by the BOS may need to be provided for particularly sensitive recommendation to facilitate implementation of those recommendations.*

This recommendation will not be implemented, because it is not warranted.

The Planning Commission reviews and acts on matters related to planning and development as the Planning Agency for the County of Humboldt. Making and validating findings is the responsibility of the Planning Commission. The Board of Supervisors should not offer political guidance to the Planning Commission on matters pending before them as this may be construed as unfairly influencing a land use decision. Planning staff is delegated the authority to advise the Commission on plans, ordinances, and policies and to provide professional and technical advice and make recommendations as required by law. The Planning Commission reviews all evidence presented by Planning staff and makes independent decisions and recommendations to the Board of Supervisors after conducting public hearings. There is no need to create a separate support staff, nor is there sufficient funding to duplicate this job.

Recommendation R3: *Provide sufficient time to the PC for evaluating materials provided by the CDSO. Involving Planning Commissioners with expertise in a particular topic addressed within a given CDSO staff report during the development of that report could facilitate analysis and shorten evaluation time.*

This recommendation will be implemented where warranted.

The Board of Supervisors agrees that the Planning Commissioners should have sufficient time to review materials. However, staff cannot, by law, prevent applicants, opponents or third parties from giving the Planning Commission information of whatever length at the last minute.

Involving Planning Commission members during the development of a staff report may create a conflict of interest or perception of a conflict of interest. This recommendation could also possibly create a Brown Act violation.

Recommendation R4: *The PC should present their decisions upon appeal, or factual findings upon request directly to the BOS, and to be available to support their reasoning. Recommendations which differ from those of the PC should be independently presented to the BOS.*

This recommendation will be implemented where warranted.

The Board of Supervisors agrees that a Planning Commissioner may choose to communicate directly with the Board of Supervisors in an open meeting. However, this is not necessary as the Planning Commission's decisions and the reasons supporting their decisions are captured by a resolution, findings, and/or the minutes. These documents are conveyed to the Board of Supervisors.

Recommendation R5: *Increase the frequency of the PC's meetings.*

This recommendation will be implemented where warranted.

The Board of Supervisors agrees that the frequency of Planning Commission meetings should increase dependent upon community and project needs. However, to increase the meetings arbitrarily would place an undue burden on the volunteer Planning Commissioners.

Recommendation R6: *The BOS should instruct the PC to request estimates of required time from citizens appearing before the PC before their appearance and schedule those citizens accordingly.*

This recommendation will not be implemented, because it is not warranted.

The Board of Supervisors agrees that the Planning Commission should request the number of speakers per meeting and proceed with their agenda accordingly. However, it would not be good practice to allow some speakers more time than others. Giving all speakers an equal amount of time promotes ethical and equitable practices and also gives everyone an opportunity to express their opinions.

Recommendation R7: *Establish a limit of two consecutive 4-year terms to assure a periodic turn over in the PC's make-up.*

This recommendation will not be implemented, because it is not warranted.

The Board of Supervisors disagrees with this recommendation as acquiring a set of skills related to land use matters can take some time and it would therefore be ineffective to limit the term of a Planning Commissioner. In addition, Planning Commissioners serve on an at will basis, meaning the Board of Supervisors can either fill or vacate their Planning Commission member at any given time.