



Tulare County Counsel
COUNTY OF TULARE
AGENDA ITEM

BOARD OF SUPERVISORS

ALLEN ISHIDA
 District One
 PETE VANDER POEL
 District Two
 PHILLIP A. COX
 District Three
 J. STEVEN WORTHLEY
 District Four
 MIKE ENNIS
 District Five

Revised

AGENDA DATE: February 24, 2009

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)						
	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
CONTACT PERSON: Julia J. Roberts PHONE: 559-733-6263						

SUBJECT: Joint Board of Supervisors and Tulare County Planning Commission Workshop on Due Process, Entanglement, Bias and Conflict of Interest in Land Use Matters Presented by County Counsel

REQUEST(S):
 That the Board of Supervisors:
 Hold a Joint Workshop with the Tulare County Planning Commission and receive a presentation by County Counsel on Due Process, Entanglement, Bias and Conflict of Interest in discretionary Land Use Matters.

SUMMARY:
 The Tulare County Planning Commission is a "first level" decision-maker on property owner applications for discretionary land use entitlements, such as special use permits, variances, surface mining permits, subdivision maps, and parcel maps. Decisions by the Planning Commission may be appealed to the Board of Supervisors.

The decisions by both bodies in these matters are subject to constitutional Procedure Due Process requirements and questions regarding entanglement, bias and conflict of interest may sometimes arise.

The last training provided by County Counsel to the Board of Supervisors and the Planning Commission on this process and these questions was in 2001. Since that

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time, there has been a significant change in membership in both bodies and the law in this area has continued to evolve. Consequently, this joint workshop was scheduled so that County Counsel could make a presentation to the Board and Planning Commission on these matters.

FISCAL IMPACT/FINANCING:

None

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The Mission of the County of Tulare Strategic Business Plan is to provide the residents of Tulare County with quality service in order to improve and sustain the region's safety, economic well-being and quality of life. The Vision of the Strategy Business Plan is to earn the trust, respect and support of the residents of Tulare County through collaboration and fair and effective service. This workshop presentation will provide training to assist the Board and Planning Commission to meet this Mission and Vision. Such training will also provide tools to further the ideals under the Quality of Life and Organizational Performance Strategic Initiatives for the Plan

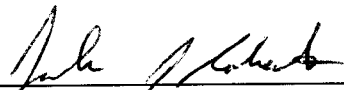
ALTERNATIVES:

The Board may decide not to hold this workshop or may continue it to a different time.

INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

The Planning Commission has scheduled a Special Meeting in order to attend this workshop. The Tulare County Resource Management Agency is also interested in the matters addressed.

ADMINISTRATIVE SIGN-OFF:



Name: Julia J. Roberts
Title: Chief Deputy County Counsel

Cc: Auditor/Controller
County Counsel
County Administrative Office (2)
Director, Resource Management Agency
Tulare County Planning Commission