

PROTOCOLS FOR THE MOBILE HOME RENT REVIEW BOARD OF THE CITY OF SAN BUENAVENTURA *

- * The duties of the Mobile Home Rent Review Board are to receive, investigate, hold hearings on, and pass upon, the issues relating to mobile home park rent stabilization and adjust maximum rents upon completion of the hearings and investigations, including adoption of regulations which set forth amortization schedules for capital improvements and provide for a reasonable rate of interest to mobile home park owners on capital improvement costs.

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I. MEETINGS OF THE MOBILE HOME RENT REVIEW BOARD

A. Regular Meetings

Regular meetings of the Mobile Home Rent Review Board ("Board") shall be held quarterly on the third Thursday of the month (February, May, August, and November), and shall be held at City Hall. All regular meetings of the Board will be called to order at 3:00 p.m., unless advertised otherwise, cancelled or rescheduled.

B. Quorum

The Board shall consist of five (5) members. Three (3) members of the Board shall constitute a quorum, but a lesser number may adjourn from time to time.

C. Cancellation and Re-Scheduling of Regular Meetings

1. Cancellation in Advance

Any meeting of the Board may be canceled in advance by a majority vote of the Board.

2. Holidays

When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that day shall be scheduled to the following Thursday.

3. Board Member Absences

When Board members are planning on being absent from a meeting of the Board, prompt notification shall be provided to the Rent Administrator, who will then inform the Board Chairperson.

4. Lack of Quorum

In the event of lack of a quorum, the regularly scheduled meeting for that date shall be rescheduled to another date within a reasonable time thereafter by the Chairperson of the Board, or by a majority of those in attendance.

5. Notice of Change

a. Notice of a re-scheduled date shall be provided to members of the Board at least five (5) business days prior to the time of the meeting, delivered personally or by email. Notice shall also be provided to each local newspaper of general circulation, and to each radio or television station which has previously submitted a written request for notice. No notice will be required when a

regular meeting date falls on a holiday and it is automatically rescheduled to the following Thursday per Section I.3.B, above.

- b. Dispensation of Notice: Written notice will be dispensed with as to any member who is actually present at the meeting at the time it is rescheduled or when it convenes.

D. Special Meetings

A special meeting may be called at any time by the Chairperson of the Board or by two members of the Board by contacting the Rent Administrator to arrange. Written notice shall be delivered personally or by email at least twenty-four (24) hours before the time of a special meeting to each member and to each local newspaper of general circulation, and to each radio or television station which has previously submitted a written request for notice. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at the meeting.

E. Adjourned Meetings

The Board may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the procedures set forth in the Ralph M. Brown Act. Government Code Section 54950, *et seq* (the "Brown Act"). Once adjourned, the meeting may not be reconvened.

F. Workshop Sessions

1. Purpose

The Board may hold a workshop session as part of a regular, adjourned, or special meeting. In general, the purpose of such workshop session will be to gather information from staff, consultants, or members of the public regarding matters within the purview of the Board and, at most, provide further direction to staff while not rendering a formal decision or action on a particular matter.

2. Time and Notice

When a matter is set for a workshop session, the time allowed for individual public testimony time limits may be reasonably limited at the discretion of the Chairperson. Public notice for workshop sessions on specific matters for which public hearings are anticipated in the future shall be given to all interested parties who have requested such notice. A record of the workshop session shall be entered into the minutes of any public hearings at which the workshop is held indicating what information was received at the workshop sessions and taken into consideration as evidence at the subsequent public hearings.

G. Meetings of the Board

1. Public Meetings

All meetings of the Board shall be open and public, and all persons shall be permitted to attend in accordance with the terms, provisions, and exceptions consistent with the Ralph M. Brown Act (Government Code sections 54950, *et seq.*), except as specifically provided by law for closed sessions.

2. Closed Sessions

The Board may, upon the advice of the City Attorney, hold a closed session during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by state law to hear or consider in closed session.

- a. The Board may exclude from any such closed session any person or persons which it is authorized by State law to exclude.
- b. The general subject matter for consideration shall be expressed in an open meeting before such session is held.
- c. Board members may not reveal the nature of discussion or the decision from a closed session unless required by law.

H. Chairperson – Powers and Duties

The Board will vote to appoint the Chairperson and Vice-Chairperson of the Board.

1. Authority of Chairperson

The Chairperson shall have authority to preserve order at all Board meetings, to remove any person from any meeting of the Board for disorderly conduct, to enforce the rules of the Board and to determine the order of business under the rules of the Board. The Chairperson shall also have the power to administer oaths and affirmations.

2. Absence of Chairperson

The Vice-Chairperson shall act as Chairperson in the absence or disability of the Chairperson.

3. Absence of Chairperson and Vice-Chairperson

When the Chairperson and the Vice-Chairperson are absent from any meeting of the Board, the members present may choose another member to act as Interim Chairperson, and that person shall have the power of the Chairperson for the duration of that meeting, or until either the Chairperson or Vice-Chairperson shall be present at that meeting.

I. Minutes and Recordings

Minutes and recordings of Board meetings will be kept and maintained as follows:

1. Public Meetings

Minutes of the Board will be action minutes, which include final motions with votes. Action minutes will be kept of all Board meetings that are open to the public. They will include the final motions with votes. The minutes will also reflect the names of public speakers. If a Board member desires for a comment to be included in the minutes, it is his or her responsibility to indicate that the statement is “for the record” before making the comments. Such minutes will be taken by the Rent Administrator or designee, will generally be submitted to the Board within two weeks of the next regularly scheduled meeting for approval, and will be made available to the general public for review and copying at all times following Board approval.

2. Recording of Formal Hearings

Meetings will generally not be recorded by electronic device. However, when the Board is to hold a formal public hearing and review a discretionary increase, the hearing shall be recorded by electronic device (e.g., audio cassette or video tape or other media) and duly preserved. When a matter is contested and a request is made in writing to the Rent Administrator before the date of the hearing, the contested matter shall be recorded by electronic device and duly preserved. A copy of any such recording may be purchased at its reproduction cost.

3. Closed Sessions

Except as otherwise provided herein, minutes shall also be kept of all Board closed session meetings. Closed session minutes will include the topics discussed and decisions made with votes. The minutes will be taken by a City employee within the City’s confidential employee unit, as designated by the Chairperson

4. Preservation of Recordings of Meetings

Any video and/or audio recordings of proceedings are maintained by the Rent Administrator or designee for a period of two years or as may be otherwise specified by the City Council in its adoption of City-wide records retention policies.

5. Board Correspondence

- a. Availability to the Public: Correspondence and other writings addressed to the Mobile Home Park Rent Review Board which are received by the Mobile Home Rent Administrator or any other officer or employee of the City shall not be public records until received and considered by the Board at a public meeting. Such public records shall be made available for public inspection in conformity with Government Code §54957.5. Correspondence shall not be placed on the agenda unless it concerns matters, determined by the Chairperson, majority of the Board, City Mobile Home Rent Administrator, or City Attorney, which should be considered by the Mobile Home Park Rent Review Board at a public meeting. Such correspondence shall not be read aloud at a Board meeting unless requested by a majority vote of the Board.
- b. Authority of the Rent Administrator: The Mobile Home Rent Administrator is authorized to open and examine all mail or other written communications except personal mail addressed to the Mobile Home Park Rent Review Board and to give it immediate attention to the end that all administrative business referred to in said communication and not necessarily requiring Board action may be acted upon between Board meetings. Copies of all such correspondence, handled by the Mobile Home Rent Administrator, shall be distributed to each member of the Board.

II. ORDER OF BUSINESS

A. General Order

The business of the Board at its meetings will generally be conducted in accordance with the following order of business unless otherwise specified. A closed session may be held at any time during a meeting consistent with applicable law.

ROLL CALL
PLEDGE OF ALLEGIANCE
CLOSED SESSION REPORT
BOARD COMMUNICATIONS
CONSENT ITEMS (including APPROVAL OF MINUTES)
PUBLIC HEARINGS
FORMAL HEARINGS
WORKSHOPS
PUBLIC COMMUNICATIONS

STAFF COMMUNICATIONS ADJOURNMENT

1. Action Agenda Items

In accordance with the Brown Act, the Board may not discuss or take action on any item that did not appear on the posted regular Board meeting agenda at least 72 hours prior to the meeting unless an exception is made, as permitted under Government Code Section 54954.2. Copies of the Board's agenda shall be posted within the public display case at the rear entrance to City Hall and made available to any person at the City Clerk's public counter at least 72 hours before a regular meeting.

B. Special Presentations

1. Members of the Public requesting an item to be placed on the Agenda must submit their request and any information, evidence, documents, etc., along with their request, to the Rent Administrator at least ten (10) business days prior to the Board's regularly scheduled public meeting at which the member(s) of the Public wish their matter considered.
2. All special presentations will be calendared and coordinated through the Rent Administrator.
3. In the conduct of the presentation, members of the public should abide by the Rules of Conduct (below) for their presentation, as well as any other provisions in these protocols that may apply.

C. Staff Reports

When staff reports exist, copies shall be made available to view electronically or in hardcopy format at least 72 hours prior to a regular public meeting. Copies shall also be made available at the regular public meeting. If more members of the public request staff report copies than are available at the meeting, copies shall be provided to those members of the public as soon as reasonably possible after the meeting in a manner consistent with the State Public Records Act. Staff reports shall be prepared with recommendations and the basis for recommendations, and included in the hearing record.

D. Board Members – Staff Communications

Board members may contact staff for clarification of staff materials and to ask questions prior to and at public hearings. If contact occurs prior to a public hearing, and for the benefit of all Board members and members of the public,

staff is to: a) provide a written clarifying statement summarizing the question and providing an answer to all Board members prior to a meeting and to verbally share the clarifying statement at the appropriate public hearing; or b) provide a verbal clarifying statement summarizing a Board member's question and providing an answer during the staff presentation at the appropriate public hearing.

E. Consent Items

Agenda items removed from the consent agenda by Board members or staff will be considered after the remainder of the consent calendar has been voted upon. Members of the public may comment on consent items prior to the Board's consideration of the consent agenda. A Board Member may vote "no" on any consent item without pulling the item from the consent calendar. The Board may make a comment without pulling a consent calendar item. Questions or discussion on a consent item will require the pulling of the item from the consent calendar. A separate motion and vote will be considered for all pulled consent calendar items.

F. Adjournment

The Board will generally adjourn its meetings at 5:00 p.m., with any unfinished business being continued to the next regular meeting. The Board will not hear any new item after 5:30 p.m., without agreement of the entire Board.

If agenda items remain after the 5:00 p.m. adjournment, and adjourned regular or a special meeting may be scheduled or the items deferred, until the next regularly scheduled meeting. Deferred items will appear first under Formal Items of the agenda for the next regularly scheduled meeting.

III. **RULES OF CONDUCT DURING BOARD MEETINGS**

A. General Procedure

It is the policy of the Board to abide by Rosenberg's Rules of Order, as supplemented by these protocols, during all Board meetings. Consistent with the City Charter, Rosenberg's Rules of Order (Appendix A), and any applicable City ordinance, statute, or other legal requirement, any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for herein may be determined by the Chairperson, subject to appeal to the entire Board. The Board may waive or modify any rule by a majority vote.

B. Addressing Members of the Public and Staff

In addressing the public and members of the City's staff, Board members will generally refer to persons as Mr., Mrs., or Ms. followed by their surname.

C. Authority of the Chairperson

Subject to appeal to the entire Board, the Chairperson shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Board by ruling any such matter out of order. In so ruling, the Chairperson shall be courteous and fair and should presume that the moving party is acting in good faith.

D. Chairperson to Facilitate Board Meetings

The Board has delegated the responsibility and expanded the role of the Chairperson to include the facilitation of Board meetings. In the role as facilitator, the Chairperson will assist the Board to focus on their agenda, discussions, and deliberations.

E. Board Deliberation, Order of Board Member Speakers, and Obtaining the Floor

The Chairperson has been delegated the responsibility to control the debate and the order of speakers. Board Members wishing to speak will generally be called upon in the order the request to speak buttons are pushed. Any member of the Board wishing to speak must first obtain the floor by being recognized by the Chairperson. The Chairperson must recognize any Board member who seeks the floor when appropriately entitled to do so.

F. Questions Addressed to Another Board Member

With the concurrence of the Chairperson, a Board member holding the floor may address a question to another Board member and that Board member may respond while the floor is still held by the Board member asking the question. A Board member may opt not to answer a question while another Board member has the floor.

G. Limit Deliberations to Item at Hand

Board members will limit their comments to the subject matter, item, or motion being currently considered by the Board.

H. Length of Board Comments

Board members will govern themselves as to the length of their comments or presentation. Board members are limited to speaking only twice on any agenda item. As a courtesy, the Chairperson will signal by hand to a Board member who has been speaking for over five minutes. The intent of the hand signal is a courtesy to let the Board member know they have been speaking for about five minutes and may want to consider wrapping up their comments. This procedure

is not meant to limit debate or to cut comments short, but rather to assist Board members in their efforts to communicate concisely.

I. Use of Email, Text Messages or Other Electronic Communication During Board Meetings

Board members shall not during meetings use electronic devices to send or receive electronic communications such as email, text messages or other electronic communications concerning the subject matter before the Board at the time of the communication.

J. Serial Meetings

1. Definition

Serial meetings are meetings that at any one time involve only a portion of a legislative body, but eventually involve a quorum. Serial meetings yield a process which deprives the public the opportunity for a meaningful contribution to the decision-making process.

2. Conferring Among Board Members

Serial meetings may be a chain, in which member A contacts or emails member B, B then contacts C, C contacts D, and so on, until a quorum is involved. To avoid the potential of serial meetings, members shall refrain from using the “reply all” feature when responding to emails. An elected official has the right to confer with a colleague about public business. But if and when a “collective concurrence as to action to be taken” is reached, the Brown Act is violated.

3. Board members are cautioned to avoid the possibility of serial meetings when engaging in discussion with their colleagues on a matter within the subject jurisdiction of the City.

K. Non-Observance of Rules

These protocols and Rosenberg’s Rules of Order (Appendix A) are approved only to expedite and facilitate the transaction of the business of the Board in an orderly fashion and shall be deemed to be procedural only. Failure to strictly observe any such rules shall not be deemed to invalidate any action taken by the Board. Nonetheless, failure to observe some of these protocols may be considered a violation of the Brown Act, Conflict of Interest rules, or other laws which may apply and may carry legal penalties.

IV. PRESENTATION OF AGENDA ITEMS

A. General Procedure

The Board's procedure for the conduct of public hearings is generally as follows:

1. The Chairperson opens the public hearing.
2. Staff presents its report.
3. Board members may ask questions of staff if they so desire.
4. Addressing the Board

Any person desiring to address the Board must first be recognized by the Chairperson. All comments should be made clearly and audibly, and all speakers should first state their full names and the names of any persons on whose behalf they are appearing.

5. Presentation by Applicant for Rent Increase
The rent increase applicant shall have a total of fifteen (15) minutes for the presentations. The initial comments or presentation shall be limited to ten (10) minutes and the rebuttal or concluding comments shall be limited to five (5) minutes.
6. Opportunity for Members of the Public to provide comment
 - a. Speaker Cards: Prior to the meeting, or during the meeting prior to a matter being reached, persons wishing to address the Board on a matter on the agenda should fill out a speaker card and submit it to the Board staff in a timely manner. Speaker cards will not be accepted after the beginning of the discussion on an item in order to allow for fair allocation of time amongst the known speakers.
 - b. In order to conduct orderly and timely meetings, oral presentations ~~by the public may not exceed a cumulative total of five (5) minutes for a single meeting. Oral presentations~~ to the Board made by mMembers of the public ~~making~~ in connection with one or more agenda items at a single meeting are limited to ~~three (3)~~five minutes on any agenda item ~~with a cumulative total of five (5) minutes for all agenda items at such meeting unless otherwise provided.~~ If the Chairperson deems it appropriate, in extraordinary circumstances he or she may extend the time limit for any speaker. The Chairperson may also limit the time provided to speakers in order to ensure an orderly and timely meeting. Except when necessary for immediate clarification of a particular point, no person shall be allowed to speak a second time until all others wishing to be allowed to speak have had an

opportunity to do so, and then only at the discretion of the Chairperson.

- c. Repetitious or Dilatory Comments Prohibited: A speaker shall not present the same or substantially same items or arguments to the Board repeatedly or be repetitious or dilatory in presenting their oral comments. If a matter has been presented orally before the Board, whether the Board has taken action or determined to take no action, the same or substantially same matter may not be presented orally by the same person any further. Nothing in the foregoing precludes submission of comments to the Board in writing for such action or non-action as the Board, in its discretion, may deem appropriate.

7. Selection of Spokesperson to Present on Behalf of Group

In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged.

Whenever any group of persons, all of whom are present at the time the item is called, wishes to address the Board on the same subject matter, the group is encouraged to designate a spokesperson to address the Board. ~~The spokesperson may identify those persons or groups he or she is representing; however, time limits for the spokesperson may not be augmented unless the Chairperson deems increasing time would be appropriate. Each member of the group shall complete a speaker card in advance of the matter being called and shall note on the card the person whom they wish to have speak on their behalf. By allowing another person to speak on their behalf, each group member shall relinquish their right to speak on the matter. With the consent of a majority of the Board members present, the Chairperson may then extend the time allocation for the designated spokesperson from three (3) minutes up to a maximum of ten (10) minutes depending upon how many cards have been submitted.~~

8. Comment Cards

Comment cards may be used by members of the public who do not wish to or cannot verbally address the Board during a meeting. A person may indicate their comments and their opposition or support for an agenda item on a comment card prior to or during the Board's consideration of the item.

During the public testimony of the item, the Chairperson will indicate that the Board has received comment cards from (name of person) in support of the project or issue and comment cards from the (name of person) in opposition to the project or issue. The minutes will reflect

the Board's receipt of comment cards in opposition and support of a proposed project or other subject.

9. PowerPoint Presentations

Any person addressing the Board may present a PowerPoint software or other visual media presentation to the Board utilizing the City's audio/visual equipment.

- a. All PowerPoint presentations must comply with the applicable time limits for oral presentations and cumulative time limits. Presentations should be planned with flexibility to adjust to any changes in these time limits.
- b. Each slide of the PowerPoint presentation must identify that this is the "Personal Comments of Private Citizen [first and last name]."
- c. All PowerPoint presentations must be submitted on suitable media already formatted in PowerPoint format and be submitted to the Rent Administrator no later than noon two (2) days before of the Board meeting to allow for virus checks and compatibility with City equipment.
- d. Any discs submitted that are thought to contain viruses or unable to be scanned for viruses by City equipment will not be permitted to be used.
- e. If compatibility or viruses are at issue, a member of the public may provide nine (9) printed hardcopies of the PowerPoint presentation during their presentation.

10. Limitation of Time

Any of the time limits in this section may be reduced at the discretion of the Chairperson, or a majority of the Board present, if determined necessary or desirable for the efficient and orderly conduct of the meeting.

11. Conduct of Speakers

No person shall use loud, profane, threatening or personally abusive language, or engage in any other disorderly conduct so as to disrupt or otherwise significantly impede the orderly conduct of any Board meeting. Persons who violate this rule may be barred from attendance for the remainder of the Board meeting, provided that the Chairperson has notified the person conduct him or herself in a manner consistent with this rule, and warned the person that they will be removed if they continue to disrupt the Board meeting.

B. Written Evidence; Errata Memo

Members of the public who may not be able to attend a meeting or hearing may submit letters or written comments. The written evidence from members of the public not at the meeting shall be presented to the Board not later than seventy-two (72) hours before the meeting in order to be sent to the Board members in advance of consideration of the item.

Members of the public who wish to submit written information for consideration by the Board must submit (9) copies of the material prior to the meeting in order to assure it is considered by the Board. Materials will not be considered by the Board unless presented at least seventy-two (72) hours before the board meeting.

An Errata Memo is a change to the staff report that describes the change to the Board members. This errata memo will be provided to the Chairperson on the dais prior to the start of the meeting.

1. Copying and Distribution

The submitting party must provide nine (9) copies to the Board Secretary; the Board Secretary will not make copies. The Board Secretary will distribute all complying submissions, as defined below. Non-complying submissions will be stamped, filed, and not distributed.

2. Regular Submissions

All materials delivered in advance of the staff report becoming publicly available, must be submitted ten (10) days prior to the Board meeting. Nine (9) copies of the materials must be delivered or mailed to the Rent Administrator at 501 Poli Street, Room 101, Ventura, CA 93001. The Rent Administrator will send these submissions to the Board together with the staff reports.

3. Rebuttal Submissions

All materials delivered in response to either the staff report or opposing submissions must be submitted no later than 48 hours before the Board meeting. Submissions, including exhibits, may not exceed ten (10) pages and nine (9) copies must be sent to the Rent Administrator at 501 Poli Street, Room 101, Ventura, CA 93001. The Rent Administrator will deliver these submissions to the Mobile Home Rent Review Board within 24 hours of receipt. Electronic documents may be sent to mhrentadmin@cityofventura.net. The City will under no circumstances make copies of any document longer than ten (10) pages in length, but may do so in its sole discretion if it is feasible given the time and cost of doing so.

4. Day of Hearing Submissions

Submissions may not be more than two (2) written pages, including exhibits. Nine (9) copies of the submission must be given to the Board Secretary who will distribute them to the Board when the agenda item is called. A reasonable number of photographs, posters, and short (5 minutes maximum) PowerPoint presentations may be accepted by no later than 3:00 p.m. on the day before the hearing. The City will under no circumstances make copies of any document longer than two (2) pages in length, but may do so in its sole discretion if it is feasible given the time and cost of doing so.

5. Non-complying Submissions

Submissions, which do not fall within the above prescriptions, will be entered into the record and not delivered to the Mobile Home Rent Review Board. These submissions will be marked "File Copy. Non-Complying Submission", and placed into the official public record file, but not be a part of any hearing record. The Board will be under no obligation to consider the evidence contained in any non-complying submission.

C. Questioning of Speakers

Any person other than a Board member desiring to direct a question to a speaker or staff member shall submit the question to the Chairperson, who shall determine whether the question is relevant to the subject of the hearing and whether or not it should be answered by the speaker or staff member. Direct questioning of speakers or staff members may be allowed in extraordinary circumstances, only at the discretion of the Chairperson.

D. Review on Applications for Discretionary Rent Adjustment

In order to implement a discretionary rent increase as permitted under section 6.600.070 of the San Buenaventura Municipal Code ("SBMC"), the owner of a park must file with the Board a fee of \$1,200.00 and an acceptable rent increase application on the form provided by the Board, no less than 90 days before the effective date of the proposed rent increase. No later than 60 days from the filing of an acceptable application, the Board shall meet and review the application. If the Board determines that the application is not complete, accurate, and/or in compliance with SBMC Chapter 6.600, it may deny the increase without prejudice based on the deficiency and inform the owner of the deficiency or take or direct other appropriate action. If the owner requests an increase above that allowed by formula, the owner shall submit an additional \$1,200.00 as a processing fee and the Board shall set a hearing.

1. Rules of Procedure for Hearings

- a. All testimony shall be given under oath administered by the Board secretary or Chairperson. The oath shall be in substantially the following form: "Do you swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?"
- b. The Board reiterates the evidentiary standard established by its existing rules of procedure as follows: "Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs."
- c. Preponderance of the evidence: A preponderance of the evidence proves the fact at issue. A preponderance is just enough evidence to make the fact more likely than not.
- d. Ex Parte contacts are strictly prohibited. Meetings or conversations with staff or other parties outside of the hearing are not allowed. All evidence must be received during the hearing.
- e. The Board abides by the following rules concerning questioning speakers: Any person other than a Board member desiring to direct a question to a speaker or staff member shall submit the question to the Chairperson, who shall determine whether the question is relevant to the subject of the hearing and whether or not it should be answered by the speaker or staff member. Direct questioning of speakers or staff members may be allowed in extraordinary circumstances, at the discretion of the Chairperson.

2. Order of Presentation on Applications for Discretionary Rent Adjustment

In evaluating a discretionary rent increase, the Board shall consider, along with all relevant factors, changes in costs to the owner attributable to increases or decreases in master land and/or facilities lease rent, utility rates, property taxes, insurance, advertising, variable mortgage rates, governmental assessment and fees, incidental services, employee costs, normal repair and maintenance, capital improvements, upgrading, and addition of amenities or services, net operating income, and the level of rent necessary to permit a just and reasonable return on the owner's investment property.

The procedure for the conduct of public hearings is generally as follows:

- a. The Chairperson opens the public hearing and Chairperson announces the Item.
- b. City staff presents its report.
- c. Questions of staff by members of the Board: Any member of the Board wishing to speak must first obtain the floor by being recognized by the Chairperson. The Chairperson must recognize any Board member who seeks the floor when appropriately entitled to do so.
- d. Presentation by applicant for rent adjustment: Applicant and/or applicant Representative gives an overview of the basis(es) for adjustment. The initial comments or presentation shall be limited to ten (10) minutes and the rebuttal or concluding comments shall be limited to five (5) minutes. Chairperson has the ability to grant additional and/or less time. The applicant shall allocate its time allocation among its entire team of representatives, if there is more than one.
- e. Chairperson opens the meeting for members of the public to speak. The public may speak three (3) minutes unless changed by Board action.
- f. Chairperson closes the public hearing.
- g. Board members may ask questions and provide comments on the subject.
- h. Board members deliberate and reach a decision.
- i. If the Board raises new issues through deliberation and seeks to take additional public testimony (questions of the staff, public, applicant, or appellant), the public hearing must be reopened. At the conclusion of the public testimony, the public hearing is again closed.
- j. The Board deliberates and takes action.
- k. The Chairperson may announce the final decision of the Board at the hearing or may provide it no later than ten (10) days after the conclusion of the hearing. The Board's decision shall be based on the preponderance of the evidence submitted at the hearing. The Board may permit the increase in whole or in part, deny it, or order a reduction in rent to a rate determined by the Board, which may include a refund. The decision of the Board is final, and there is no right of appeal to the City Council.

3. Rules of Evidence

Hearings and meetings before the Mobile Home Rent Review Board need not be conducted according to formal rules of evidence. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs. The Chairperson may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings while ensuring basic fairness and full consideration to the issues involved. Evidentiary objections shall be deemed waived unless made in a timely fashion before the Board.

4. Burden of Proof

The burden of proof of all legal prerequisites to the granting of the relief or action sought shall be upon the party requesting such relief or action.

V. MOTIONS OF THE BOARD

A. Motions

Any Board member may make a motion, including the Chairperson, providing that before the Chairperson offers a motion, the opportunity for making a motion should be offered to other members of the Board. Any member of the Board, other than the person offering the motion, may second a motion

B. Motion of Intention

1. A Motion of Intention process is generally limited to matters legally required to be supported by findings.
2. In proceedings identified as quasi-judicial on the agenda, when the Board takes an action that is substantially different from the staff recommendation, the Board may utilize the Motion of Intention process.
3. A Motion of Intention provides staff direction as to the Board's action through a formal motion.
4. Based on this motion, staff revises the necessary findings, resolutions, and/or implementing documentation for the Board's action at the next scheduled meeting.
5. Upon receiving a motion of intent by a Board member, the Mayor should make sure that the hearing on any matter resulting in the motion is closed prior to a vote.

VI. DECISION-MAKING

A. Voting

Approval of any motion brought before the Mobile Home Rent Review Board shall require the affirmative vote of a majority of the members present and voting, unless otherwise specified by law. Any Board member present at a meeting when a question comes up for a vote should vote for or against the measure unless he/she is disqualified from voting and abstains because of such disqualification. The Board shall vote by roll call or electronic means. Regardless of the manner of voting, the results reflecting all “ayes” and all “noes” must be clearly set forth for the record. Resolutions granting or denying quasi-judicial approvals shall be adopted by a majority of those Board members present.

B. Abstentions

1. If a Board member abstains because of a conflict arising under the Political Reform Act of 1974, he/she is not counted as present for quorum purposes and is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those members present and voting.”
2. When a Board member abstains or excuses them self from a portion of a Board meeting because of a conflict of interest arising under the Political Reform Act, the Board member must state on the record the nature of the conflict. The inclusion of this information in the public record is required by law.
3. If a Board member abstains because of a conflict other than one arising under the Political Reform Act, he/she is counted as present for quorum purposes and is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting."

C. Tie Votes

Any tie vote shall constitute a denial of the motion. In such an instance, any member of the Board may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-maker from which the appeal was taken. When the Board has a tie vote and the motion fails, a Board member who was

absent for a vote may request that a second vote be conducted with the entire Board present.

D. Roll Call

Voting upon a motion may, at the discretion of the Chairperson, and shall, upon the request of any member, be by roll call. When voting is not by roll call, the Chairperson may, in the absence of objection by any member of the Board, declare an item to be unanimously approved.

E. Motions Include Staff Recommendations

A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adopting of all proposed findings, proposed conditions of approval and execution of all related actions recommended in the staff report on file on the matter.

F. Absentees

A Board member who is absent from any portion of a public hearing may vote on the matter at the time it is acted upon, provided that, he or she has listened to a tape recording of the entire portion of the hearing from which he or she was absent, if such a audio, video, or digital recording exists, and if he or she has examined all of the exhibits presented during the portion of the hearing from which he or she was absent and states for the record before voting that the member deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.

G. Findings

On any matter for which state law or City ordinance requires the preparation of written findings, the staff report or draft resolution submitted on the matter will contain findings proposed for adoption by the Mobile Home Rent Review Board. Any motion directly or impliedly rejecting the proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable period of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the decision which is anticipated.

H. Consent Items

Items that require little or no discussion by the Mobile Home Rent Review Board may be considered as Consent Items. The Board will act on these items in one

motion at the beginning of the meeting. Approval by the Board of consent items means that the staff recommendation was approved along with the findings and conditions set forth in the staff report. Any member of the Board, the applicant, or members of the public may request that Consent Items be considered in their regular order on the agenda.

I. Continuances

Upon a showing of good cause and by request of the applicant, member of the public, or member of the Mobile Home Rent Review Board, the Chairperson, at the time set for a hearing on a particular item, may with the concurrence of a majority of the Board members present, order the hearing to be continued to a specified date and time. Upon the request of any member of the Mobile Home Rent Review Board, continuance decisions shall be made by roll call vote of all members present.

VII. **Board Code of Ethics**

A. Statement of Purpose

The residents of the City of San Buenaventura are entitled to responsible, fair, and honest City government. Public officials should conduct their official and private affairs so as not to give a reasonable basis for the impression that any such official can be improperly influenced in the performance of his/her public duties. Accordingly, the San Buenaventura City Council has approved this Code of Ethics as a guideline in addition to the Core Ethical Principles established by City of San Buenaventura employees, and the Board adopts this Code: Respect, Equitable Treatment, Impartiality, Honesty, Responsibility, and Trustworthiness.

B. Responsibilities of Public Office

1. Act in the Public Interest

Officials shall work for the common good of the people of the City of San Buenaventura and not for any private or personal interest and they will assure fair and equal treatment of all persons, claims, and transactions coming before the Board.

2. Comply with the Law

Officials shall comply with the laws of the nation, the State of California, and the City of San Buenaventura in the performance of their duties including but not limited to: the United States and the State of California Constitutions and City ordinances and policies.

3. Conduct of Board Members

The professional and personal conduct of officials must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other members of the Board, this Board; other Council Advisory Boards, Boards, and Committees; the public; and staff.

4. Gifts and Favors

Officials shall refrain from accepting any gifts or favors, which might compromise their independence of judgment or action or give the appearance of being compromised.

5. Enforcement

This Code of Ethics is intended to be self-enforcing, and is an expression of standards of conduct for officials expected by the City. However, the Chairperson has the additional responsibility to intervene when actions of members that appear to be in violation of this code are brought to his/her attention.

6. Use of Public Resource

City officials shall not use public resources unavailable to the public in general, such as City staff time, equipment, supplies, or facilities, for private gain or personal purpose.

7. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, Board members shall not be connected with the real estate or the rental housing industry for their personal gain, they shall not be residents in or have any financial interest (as defined by state law) in any mobile home or mobile home park, and they shall not use their official positions to influence government decision in which they have a material financial interest or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

VIII. CONSTRUCTION AND EFFECT

A. Construction

These procedural rules shall be construed and applied so as to ensure a full and fair hearing of relevant evidence that is offered on a mobile home rent review matter and to facilitate an orderly analysis of evidence and issues by the Mobile Home Rent Review Board. Adoption and implementation of these rule is intended to be consistent with, comply with, and construed according to, the provisions of California Government Code Section 65010

B. Chairperson's Rules of Order

When there is no provision of these rules of procedure applicable to the conduct of the meeting, or hearing, of the Board or to a particular question of conduct, or order that may arise in the course of such meeting or hearing, the Chairperson shall suggest appropriate rules for consideration by the entire Board. The Board will, in turn, based upon a majority vote of those members present, adopt an ad hoc rule for any questions of conduct or point of order that may arise. In the event of a tie vote on any such ad hoc rule, the Chairperson's decision on the proposed ad hoc rule shall be final.

IX. **PROTOCOL ADMINISTRATION**

A. Biennial Review of Mobile Home Rent Review Board Protocols

The Board will review and revise the MHRR Board Protocols as needed or every two years.

B. Adherence to Protocols

During Board discussions, deliberations and proceedings, the Chairperson has been delegated the primary responsibility to insure that the Board, staff and members of the public adhere to the Board's adopted protocols.

C. City Attorney as Protocol Advisor

The City Attorney assists the Chairperson as a resource to confer with.