

CITY OF HOLLISTER PLANNING COMMISSION BYLAWS

1 THE COMMISSION.

- 1.1 Name. The name of this body is the “City of Hollister Planning Commission.”
- 1.2 Composition. The Planning Commission shall be composed of five (5) members. Each member of the City Council shall nominate one member of the Planning Commission from their representative District subject to the approval of the City Council. The Mayor may appoint a member of the Planning Commission from any District, subject to the approval of the City Council.
- 1.3 Term of Office.
 - 1.3.1 The term of office of the members of the Planning Commission appointed by individual Council Member shall be the same as the term of the appointing Council Member, and thereafter until their successors have been duly selected and assume office. Any vacancy by in the membership of the city planning commission shall be filled by a nomination from the Council Member whose district the member represents. Applicants from another district may be appointed if there are no applicants from the Council Member’s district. Any vacancy by a member appointed at large shall be filled by a nomination of the mayor. All nominations for appointment are subject to the approval of the City Council.
 - 1.3.2 Each Commission member serves at the pleasure of the Council Member who appointed them and the Commission Member may be removed at any time, with or without cause.
 - 1.3.3 Attendance Policy: Commissioners are expected to attend all meetings of the Planning Commission. Attendance and ongoing participation are critical to the commission’s success. Any member of the Commission who has two (2) unexcused absences during a regular meeting, special meeting, or commission sanctioned events within one calendar year shall constitute an automatic resignation. Attendance records shall be kept and members shall be informed by letter when they have reached two absences from regular meetings, special meetings, or commission sanctioned events. Absences will be deemed as excused and recorded in the Planning Commission minutes if the Chairperson or City Staff is notified of the Commissioner’s absence.

2 OFFICERS.

~~2.1~~—Titles. The officers of this Commission are Chairperson, Vice-Chairperson, and Executive Secretary.

~~2.1~~

~~2~~

Chairperson. The Chairperson shall be the presiding officer at all meetings of the Planning Commission.

~~2.42.2~~

~~2.52.3~~ Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall preside. In the absence of both the Chairperson and Vice Chairperson, the Secretary shall preside temporarily and shall immediately call for the Commission to elect one of their numbers as a temporary presiding officer to serve until the arrival of the Chairperson or Vice Chairperson or until adjournment, whichever first occurs. A temporary presiding officer so elected shall be referred to by the Commission, City Staff, and the public as "~~Mister Chairperson~~" ~~or "Madame Chairperson"~~ ~~as appropriate to gender.~~

~~2.62.4~~ Executive Secretary. The Community Development Director or their designee is the Executive Secretary of the Commission and will carry out the administrative details of the Commission, including keeping the records of Commission meetings, acting as Secretary at all meetings or the Commission, recording all votes, preparing the agenda and minutes of the Commission meetings, serving as technical advisor to the Commission, and at the direction of the City Manager, providing necessary research and fact finding services.

~~2.72.5~~ Selection of Chairperson and Vice Chairperson.

~~2.7.12.5.1~~ Election of Officers. Each year at its first regular meeting in January, the Planning Commission shall elect from among its members a Chairperson and a Vice Chairperson to serve for a term of one year. The new Chairperson and Vice Chairperson shall be installed and sworn in immediately following their selection. These positions are limited to two consecutive terms of office.

~~2.7.22.5.2~~ Term of Office. The Chairperson and Vice Chairperson shall serve until the next meeting scheduled for selection of those offices, and thereafter until their successors have been duly selected and assume office.

~~2.7.32.5.3~~ Vacancy of Chairperson or Vice Chairperson. If the office of Chairperson or Vice Chairperson becomes vacant, the Commission will elect a successor from its membership at the next regular meeting, and such election will be for the unexpired term of the office.

~~2.82.6~~ Presiding Officer.

~~2.8.12.6.1~~ Participation of Presiding Officer. The presiding officer (except the Secretary, when acting as presiding officer) may move, second, and debate from the chair, subject only to such limitations of debate as are imposed on all Commission members.⁷ The presiding officer shall not be deprived of any of the rights and privileges of a Commission member by reason of acting as presiding officer.

~~2.8.22.6.2~~ Question to Be Stated. The presiding officer should restate or cause to be restated each question immediately prior to Commission debate and discussion and again prior to calling for the vote. Following the vote, the presiding officer should announce whether the question carried or was defeated and the vote totals. Before proceeding

to the next item of business, the presiding officer may also state the effect of the vote for the benefit of the audience.

2.6.3 Rulings of Presiding Officer Final Unless Overruled by Commission. In presiding over Planning Commission meetings, the presiding officer shall, with due consultation with the City Attorney, decide all questions of interpretation of these rules, points of order or other questions of procedure requiring rulings. Any such decision or ruling shall be final unless overridden or suspended by a majority vote of the Commission members present and voting and shall be binding and legally effective (even if clearly erroneous) for purposes of the matter under consideration.

2.6.4 Meeting with City Staff. The Chairperson may choose to meet with City staff prior to a meeting of the Planning Commission to discuss the agenda. No other officers shall attend this conversation in compliance with Open Meeting Laws in Government Code section 54950 et seq.

3 MEETINGS.

3.1 Regular Meetings.

3.1.1 Time and Place. Regular meetings of the Planning Commission shall be held on the fourth Thursday of each month at 6:00 p.m. in the City Council Chambers of City Hall, with the exception of July, where there shall be no Planning Commission meeting, and November and December, where the regular meeting of the Planning Commission shall be on the third Thursday of the month at 6:00 p.m., or such other time and place as shall be specified by the Planning Commission. When necessary, the Planning Commission may also meet on the second Thursday of the month at 6:00 p.m.

3.1.2 Agenda.

3.1.2.1 Agenda Items. The Secretary of the Planning Commission determines which items are placed on the agenda and the timing for scheduling such items. Any member of the Planning Commission may request to have an item placed on an agenda.

3.1.2.2 Changes in Agenda. Except with the consent of the majority of the Planning Commission, items shall not be taken out of the prescribed order. No matters other than those listed on the agenda shall be acted upon by the Planning Commission except as permitted under applicable state law.

3.1.2.3 Delivery and Posting of Agenda. Barring insurmountable difficulties, the agenda for each regular meeting of the Planning Commission, and reports and other documentation related thereto, shall be delivered to the Commissioners and made available to the public no later than seventy-two hours preceding the meeting to which the agenda pertains. The agenda shall conform to, and be posted in accordance with, applicable requirements of the California

Government Code. Agendas shall be posted at least 72 hours prior to the time scheduled for the meeting on the bulletin board outside City Hall and at such other places within the City as has been designated for posting notices of Planning Commission meetings.

3.2 Adjourned Meetings. Any meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened.

3.3 Study Sessions.

3.3.1 -Notice and Agenda. A study session is a meeting of the Planning Commission, provided a quorum is present. Regular study sessions shall be noticed, agendized, and conducted in compliance with state laws governing regular meetings of the Planning Commission. Special study sessions may be called in accordance with the procedures for special meetings of the Planning Commission and shall be noticed, agendized, and conducted in accordance with state law governing special meetings.

3.3.2 Lack of Quorum. In the event that a quorum is lacking for a study session, the meeting may proceed as a briefing at the request of the commissioners present, but shall not be considered a meeting of the Planning Commission, and no minutes shall be kept and no direction shall be given to staff by majority consent except to place an item on a future agenda. The proceedings shall continue to be open to the public, public comments shall be taken as for regular study sessions, and all other rights of the public with respect to Planning Commission meetings shall be observed.

3.3.3 -Limited Actions. Notwithstanding that a study session is a meeting of the Planning Commission, the Commission by these rules has determined that study sessions are limited purpose meetings and that no formal vote or final action of the Planning Commission shall be taken, unless specifically noted on the agenda. The commissioners may individually express their opinions and ask questions concerning a study session item, and may, by majority consent, give general direction to staff concerning further action to be taken prior to formal consideration of the item, but any final action or formal motions or vote required to effect Commission approval or denial shall take place at a regular Commission meeting. However, commissioners shall not express opinions, nor give directions to staff indicative of any opinions, regarding the approval, disapproval, granting or denial of any item for which a subsequent public hearing will be required prior to final action.

3.3.4 Time and Place. Study sessions may be held at a time or place determined by the Planning Commission if noticed and agendized as a special meeting and designated as a study session. A special meeting designated as a study session shall be subject to Section 1.4.

3.4 Special Meetings.

- 3.4.1 Notice. The Chairperson or a majority of the members of the Commission may call special meetings of the Planning Commission upon not less than 24 hours notice and in accordance with Section 54956 of the California Government Code, and other applicable state statutes, as amended from time to time.
- 3.4.2 Matters Considered. Only matters contained in the notice of the special meeting may be considered.
- 3.4.3 Public Input. Public input is limited to those items listed on the special meeting agenda.
- 3.5 Special Joint Meetings.
 - 3.5.1 Calling of Meeting. Special Joint Meetings of the Planning Commission and the City Council or other planning agencies (other than those whose governing boards are comprised of the City Council members) may be called and noticed in accordance with the rules for calling special meetings.
 - 3.5.2 Rules of Procedure. The rules of procedure governing such joint meetings shall be agreed to by the Commission Chairperson and Mayor or the chairperson of the other planning agency. All rules and agenda formats shall conform to all applicable state and city laws and regulations.
- 3.6 Closed Sessions. Closed sessions are regulated pursuant to the Brown Act. No member of the Commission, employee of the City, or anyone else present shall disclose or mention to any person the content or substance of any discussion which takes place in a closed session, or information contained in confidential materials. All written materials and verbal information regarding closed session items or that are provided in connection with closed session matters, such as litigation, shall remain confidential to ensure that the City's position is not compromised. All public statements, information, and press releases relating to closed session items shall be handled by the designated staff spokesperson.

4 REGULAR MEETING AGENDA/ORDER OF BUSINESS

- 4.1 Call to Order. The Chairperson (generally referred to as "the presiding officer") shall call the meeting to order as soon as a majority of the Planning Commission is present but no sooner than the time the meeting has been posted to commence. If the Chairperson or the Vice Chairperson is not present, the Secretary of the Commission shall call the meeting to order and shall immediately call for the selection of a temporary presiding officer.
- 4.2 Pledge of Allegiance. The presiding officer shall designate any individual at the meeting to lead the Planning Commission, staff, and the public in reciting the Pledge of Allegiance to the United States flag.
- 4.3 Roll Call. The Secretary of the Commission shall take a verbal roll call of all commissioners present at the meeting immediately after the Chairperson calls the meeting to order and the names of those present and absent shall be entered in the minutes. The order of roll call shall

be left to right, except that the Chairperson shall be called last. If a majority of the Planning Commission is present, the presiding officer shall declare for the record that a quorum is present.

4.4 Petitions, Remonstrances and Communications.

4.4.1 Public Input. The public shall have an opportunity to directly address the Planning Commission on any item of interest to the public that is not on the agenda but is within the subject matter jurisdiction of the Planning Commission. Persons wishing to address the Planning Commission shall complete a Speaker's Card and give it to the Secretary of the Commission prior to addressing the Commission. When called by the presiding officer, speakers shall identify themselves at the podium by name for the record. Each speaker shall be entitled to speak during the public input period for a total of three (3) minutes, unless further time is granted by the Planning Commission. In cases where it appears that a large number of persons desire to address the Commission on one subject, the presiding officer may limit public comments on any one subject to an aggregate of 15 minutes.

4.4.2 Commissioner Responses. The Planning Commission is prohibited by state law from discussing or taking action on any item not appearing on the agenda unless the action is otherwise authorized by law. However, after being recognized by the presiding officer, commissioners may "briefly respond" to comments or questions from members of the public, ask a question for clarification, refer to staff for factual information, direct staff to report back at a subsequent meeting or direct staff to place the issue on a future agenda. Any statement or response offered by a commissioner during this portion of the agenda shall be deemed to express the individual position or opinion of the commissioner offering the same, and shall not be construed to bind the Planning Commission or the City in any manner.

4.4.3 Limitations on Public Comments. The making of oral communications to the Planning Commission by any member of the public during the "public comments" portions of the agenda shall be subject to the following limitations. These limitations shall apply in circumstances where the presiding officer is aware or is informed by the Secretary of the Commission or other staff member that they apply.

4.4.3.1 *Issues pending before other bodies.* No speaker shall be permitted to address the Planning Commission on a topic which is currently before or about to be submitted for consideration by the City Council or another commission or legislative body at a public hearing before which the speaker should make their presentation, until that latter body has completed its deliberations and taken its final action.

4.4.3.2 *Public hearing.* No speaker shall be permitted to address the Planning Commission on a topic that is scheduled to be heard and determined by the Commission in a public hearing at a subsequent time. Any speaker indicating a desire to speak on such a matter shall be informed of the date, time, and place of the hearing and directed to make comments during the public testimony

portion of the public hearing, or, alternatively, to submit comments in writing and request that they be included in the record of such hearing.

4.4.3.3 *Issues subject to appeal.* Where an appeal to the Planning Commission is or may become available to the speaker, no public comments shall be taken on the subject outside of the appeal hearing. Rather, the presiding officer should direct the person to follow the appeal procedure and present comments and evidence in the appeal hearing.

4.5 Consent Agenda. All items listed under consent agenda will be enacted by one motion authorizing actions indicated for those items so designated. There will be no separate discussion of these items unless required by a member of the Planning Commission, a staff member, or a member of the public.

4.5.1 Minutes. Minutes of previous meetings will be agendized for approval by the Commission under the Consent Agenda.

4.5.2 Planning Commission Discussion of Consent Agenda Items. The Planning Commission may ask brief questions of clarification on any item on the consent agenda without pulling the item for further discussion. However, detailed discussion of any item listed on the agenda shall require the item to be pulled from the consent agenda for further deliberations.

4.5.3 Public Comment on the Consent Agenda. Prior to requesting a motion on the Consent Agenda, the Presiding Officer shall allow for member of the public to speak on any item or items on the consent agenda. Public comments shall be made in accordance with Section 5, and shall be on any and all items agendized on the Consent Agenda so desired to be discussed by the speaker. After public comment is made, there shall be no further public comment on Consent Agenda items, even if pulled for further discussion by the Planning Commission or a staff member.

4.6 Public Hearings. Legislative vs. Quasi-Judicial. The majority of Public Hearings involve adjudicative or quasi-judicial decisions, as opposed to legislative decisions. A legislative act is the formulation of a rule which is to be applied in all future cases. An adjudicative or quasi-judicial act involves the actual application of such a rule to a specific set of existing facts. Generally, quasi-judicial public hearings are those involving a request for an exception to be made to a City ordinance or policy or those involving an appeal of the application or interpretation of a particular ordinance or policy to a specific property, individual, interest or situation. These hearings often involve land use matters. They require procedural due process including notice and opportunity to be heard. A quasi-judicial public hearing requires the Planning Commission to make specific factual findings, based upon the evidence and testimony presented to the Commission.

4.6.1 Order of Proceedings. Generally, public hearings shall be conducted in the following order: Staff review and report; questions of staff by Planning Commission; hearing opened by Chairperson; presentation by proponent, applicant, or appellant; questions of proponent, applicant, or appellant by Commission or staff; public testimony; rebuttal

by proponent, applicant, or appellant if desired; hearing closed; questions by Planning Commission; discussion by Commission; action by Planning Commission.

4.6.2 Public Testimony.

4.6.2.1 *Presentation by proponent, applicant, or appellant.* Upon opening of the public hearing, the project proponent, applicant, or appellant shall be granted an opportunity to present to the Planning Commission if desired. This presentation shall be no more than five (5) minutes in length. After presenting, the Planning Commission or staff shall have an opportunity to ask questions of the proponent, applicant, or appellant if desired.

4.6.2.2 *Time Limits.* Questions, comments, and testimony from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the presiding officer may, at the beginning of the hearing, limit testimony from the public, but in no event to more than three (3) minutes per individual. The proponent, applicant, or appellant shall be granted an opportunity for rebuttal following other public testimony during the hearing. Rebuttal shall be limited to no more than three (3) minutes. Any person may speak for a longer period of time, upon approval of the Planning Commission, when this is deemed necessary in such cases as when a person is speaking as a representative of a group or has graphic or slide presentations requiring more time.

4.6.2.2.1 *Translation.* Persons providing public testimony who require translation by a translator shall be provided double the time limit provided for public testimony on the item.

4.6.2.3 *Testimony After Closure of Hearing.* Once the hearing has been closed, no additional public testimony will be taken without a majority vote of the Planning Commission to reopen the hearing, even in cases where the item is continued to a future date for Commission consideration. In the event that public testimony is reopened to allow additional information or additional speakers, the proponent, applicant or appellant shall be permitted a reasonable time for rebuttal. Any request for reopening of the hearing shall be submitted in writing to the Secretary of the Commission, who shall deliver it to the presiding officer in a manner calculated to be least disruptive to any proceedings under way.

4.6.3 Written Testimony. Testimony submitted in written form shall be added to the record of the hearing.

4.6.4 Testimony Under Oath. In any hearing before the Planning Commission, notice of which is to be published or posted, if the Planning Commission or any member thereof, or a proponent or opponent of the matter, requests that any or all participants in the proceedings testify under oath or affirmation (under penalty of perjury), the making of such request shall be set forth in the notice of hearing. Additionally, the notice of

hearing shall state that the giving of testimony under oath or affirmation shall be voluntary as to each person wishing to be heard in the matter, and that any persons having a question or concern regarding the giving of testimony under oath or affirmation should consult an attorney of their own choosing and at their own expense. Each person testifying under oath or affirmation in any such proceeding shall, before so testifying, state on the record agreement to testify under oath or affirmation in the matter and having had an opportunity to choose and to consult with an attorney in respect thereto. Testimony submitted in written form shall be included as part of the record of the hearing if it is made under penalty of perjury. Upon request to the Secretary of the Commission, each Commissioner will receive sufficient notice prior to the time of publishing or posting of any hearing notice in order to make such a request.

4.6.5 Absent Commissioner. If a decision is to be rendered at a meeting other than the meeting during which the public hearing took place, a Commissioner who is absent during the public hearing shall not participate in the decision unless the Commissioner has listened to or watched a tape of the entire public hearing.

4.6.6 Fair Hearing. Commissioners may discuss with any member of the public or listen to discussion of the facts of any quasi-judicial matter while such matter is pending before the Commission, if the following guidelines are followed. (Matters involving permits are pending before the commission when an application for a permit has been filed with the appropriate City department; otherwise a matter is pending when the appropriate notice of appeal has been filed.)

4.6.6.1 The fact of such discussions, and any content of such discussion which is germane to the pending matter, shall be disclosed on the record at the beginning of the public hearing prior to the taking of any statements from the public or permit applicants.

4.6.6.2 Commissioners may attend noticed public hearings before other boards and commissions but should not comment or engage in any discussion at such hearings. Information and evidence gained by Commissioners via their attendance at noticed public hearings before other boards and commissions need not be disclosed at later Commission consideration of the same or related matter.

4.6.6.3 Commissioners may visit sites and properties that are the subject of pending proceedings, as long as the fact of such visits and any observations which are germane to the subject matter of the proceeding are disclosed on the record at the beginning of the public hearing prior to the taking of any statements from the public or permit applicants.

4.7 Reports of Commissioners. A Commissioner may, during the time for reports and comments, report on activities representing the Commission before other governmental agencies and at public events. Each Commissioner may also bring to the Commission's attention any item of new business under this portion of the agenda. Action on any matter of business not listed on the agenda shall be deferred until properly listed on the agenda for a subsequent Planning

Commission meeting unless properly added to the agenda due to a need for immediate action pursuant to state law. If a Commissioner requests that an item be added to a future agenda, the Planning Commission shall give direction to staff as to whether the matter should be placed on the agenda for a regular Council meeting, a study session, or a special meeting.

4.7.1 Recommendations for City Council Consideration. The Planning Commission may recommend future City Council agenda items for City Council consideration.

4.7.1.1 Future City Council Agenda Item Request. Commissioners wishing to have an item included on a future City Council agenda must first bring the item before the Planning Commissioners. Any Commissioner requesting an item for a future City Council agenda must complete a "City Council Future Agenda Item Request" form which includes additional information needed for staff to prepare a Planning Commission agenda item on the topic.

4.7.1.2 Limit of Items. Commissioners will be allowed ~~one~~ to place one topic for a future City Council agenda per member per meeting.

4.7.1.3 Consideration of Item. The Planning Commission will discuss and consider any proposed future City Council agenda items. Discussion and consideration should be limited to ~~the whea~~ whether the item should be recommended to the City Council for consideration.

4.7.1.4 Approval. A majority vote is required to submit a future City Council agenda items to the City Council. If the item fails to receive a majority vote, the item will not be submitted to the City Council for future consideration. If the item does receive a majority vote, the item will be added to the Informational Reports – Council Reports – Planning Commission Requests for Future Agenda Items section of the next available City Council meeting. The City Council will handle this item in the same manner as it handles City Council Requests for Future Agenda Items - if the City Council determines, by a majority vote, that it would like to consider the item, it will be added to a future City Council meeting agenda.

4.7.1.5 Affect on City Council. This process is not intended to bypass or surplant City Council process for Future Agenda Items or to mandate action by the City Council.

5 PUBLIC COMENTS AND ADDRESSING THE COMMISSION

5.1 Manner of Addressing the Planning Commission.

5.1.1 Speaker Cards. Any member of the public desiring to address the Planning Commission shall fill out and present a speaker card to the Secretary prior to the presiding officer calling the item of business which the person desires to address, and when called by

the presiding officer, shall proceed to the podium. After being recognized, the individual shall state the individual's name for the record.

- 5.1.2 Address Presiding Officer. All remarks and questions shall be addressed to the presiding officer or to the Planning Commission and not to any individual Commissioner, staff member, or other person. No person shall enter into any discussion without being recognized by the presiding officer. It shall be the presiding officer's prerogative to determine the order of speakers on any agenda or non-agenda items, except to the extent that the order of speakers is determined by other policies.
 - 5.1.3 Subject Under Discussion. During public comments on matters on the agenda and public hearings, all remarks shall be limited to the subject under consideration.
 - 5.1.4 Addressing the City Council after the public comment period. After the public comment period has been concluded for any item, no member of the public shall address the Planning Commission on that item without first securing permission from a majority of the Commission.
 - 5.1.5 Repetitious and Irrelevant Commentary. Irrespective of any time limits, the presiding officer may regulate or terminate the comments of a speaker when the presiding officer reasonably determines that the speaker is being unduly repetitious or engaging in extended discussion of irrelevancies. The presiding officer shall first issue a warning to the speaker and explain the reasons for the warning prior to terminating the speaker's time.
 - 5.1.6 Multiple Speakers. If it appears that several speakers desire to speak regarding a single topic, the presiding officer may reasonably limit the number speaking as to each side of an issue. Preference may be given to speakers who represent groups of persons who have designated a spokesperson. In the presiding officer's discretion, if beneficial to the Commission's understanding of an issue or more efficient in conducting Planning Commission business, the presiding officer may, but shall not be required to, allow grouping of speakers into a coordinated presentation.
- 5.2 Written Correspondence
- 5.2.1 Included in Agenda Packet. Any written communication relating to a matter pending, or to be brought before the Planning Commission shall, whenever possible, be included in the agenda packet for the meeting at which such item is to be considered. If received after the delivery of the agenda packet, it shall be distributed to all persons receiving the agenda packet and all others requesting such information as soon as practicable after receipt.
 - 5.2.2 Letters of Appeal. Letters of appeal from administrative or commission decisions shall be processed under applicable provisions of the municipal code, or other ordinances.

- 5.2.3 Written Public Comments. Public comments submitted in written form shall be copied and distributed to all members of the Planning Commission, the Secretary of the Commission, the Planning Manager, and the City Attorney.
- 5.2.4 Written materials may be presented to the Secretary of the Commission during the public hearing, and will be distributed to the Planning Commission, the Planning Manager, and the City Attorney following the meeting.
- 5.3 Persons Authorized to Be Within Platform Area. While the Planning Commission is in session, no person except City officials shall be permitted within the area of the Council Chambers forward of the speaker's podium without the invitation or consent of the presiding officer.
- 5.4 Public Comments at Regular and Adjourned Regular Meetings.
 - 5.4.1 Public Comments on Matters not on the Agenda - see Section 4.6 above.
 - 5.4.2 Public Comments On Matters on the Agenda. Public comments shall be taken for each item as the presiding officer calls that item for consideration. Each member of the public requesting to speak shall be allowed three (3) minutes to complete comments.
 - 5.4.3 Public Comments at Special Meetings. At special meetings of the Planning Commission, no public comments will be taken on matters not on the agenda. Public comments on matters on the agenda shall be taken for each item as the presiding officer calls that item for consideration. However, with respect to special joint meetings with the City Council or other planning agencies, public comments on matters on the agenda shall be taken in any manner consistent with state law and agreed to under Section 1.5 above. Each member of the public requesting to speak shall be allowed three (3) minutes to complete comments.
 - 5.4.4 Public Comments at Study Sessions. A public comment period, entitled "Public Comments on Matters Either on the Agenda or not on the Agenda Under the Jurisdiction of the Planning Commission" shall be included as part of the study session agenda. Such public comments shall be taken prior to the Commission taking up any business items. A limit of three (3) minutes shall be imposed upon each person so desiring to address the Commission during the public comment period.
 - 5.4.5 Public Comments on Matters on Closed Session Agendas. The public shall be permitted to make comments on matters on the closed session agendas prior to the holding of each closed session in accordance with state law. Each speaker shall be limited to three (3) minutes.

6 CONDUCTING BUSINESS AT MEETINGS

- 6.1 Notice of Meetings. Notice of regular meetings, special meetings, study sessions and adjourned meetings shall be given in accordance with state law. Notice of all meetings shall be posted as required by state law at the same locations where City Council notices are posted. Inadvertent failure of the Secretary to post notice at that location shall not invalidate any meeting so long

as the posting actually done by or under the direction of the Secretary complies with state law for posted notices.

6.2 Quorum and Required Majorities.

6.2.1 Majority Quorum and Majority Vote. Unless otherwise provided for in the Municipal Code or by state law, a majority of the Planning Commission shall be a quorum sufficient to do business. Except as provided by law, motions may be passed 2-1 if only 3 of the commissioners are in attendance.

6.2.2 Emergency Items. Discussion and action on an item not appearing on the posted agenda of regular meetings, regular study sessions, and closed sessions may occur if an emergency situation as defined in California Government Code Section 54956.5 is determined to exist by a majority vote of the Commission.

6.2.3 Need For Immediate Action. Discussion and action on an item not appearing on the posted agenda may occur if the legislative body determines by a two-thirds vote of the members of the legislative body present at the meeting (or a unanimous vote if less than two-thirds of the members are present) that there is both: a) the need to take action immediately, and; b) that the need for action came to the attention of responsible officers of the City after the agenda was posted.

6.3 Legally Required Participation. If a majority of the Planning Commission is disqualified to vote on a matter by reason of a conflict of interest, the Commission shall select by lot or other means of random selection, or by such other impartial and equitable means as the Commission shall determine, that number of its disqualified members which, when added to the members eligible to vote, shall constitute a quorum. Any disqualified member so chosen shall not participate in any discussion of the item and shall participate in voting only to the minimum extent required for a lawful and legal decision.

6.4 Conclusion of Meetings. The Commission shall endeavor to adjourn all regular, adjourned or special meetings of the Planning Commission, including study sessions, at 10:00 p.m. or as soon thereafter as any matter then being considered is concluded. The Commission may, by motion and majority vote, continue the meeting after such time. However, continuing the meeting after such time without such motion or vote shall not invalidate any action taken.

7 RULES, DECORUM, AND ORDER

7.1 Maintenance of Order. The presiding officer is responsible for the maintenance of order and decorum at all times.

7.2 Points of Order. The presiding officer shall determine all points of order subject to appeal to the Planning Commission. If any appeal is taken, the question shall be "Shall the decision of the presiding officer be sustained" in which event a majority vote shall govern and conclusively determine such question of order.

- 7.3 Language. All Commission members, staff members, and members of the public should speak respectfully and avoid the use of profanity, vulgarity and slanderous comments. The presiding officer shall use their best efforts, short of enforcement action, to remind and encourage all participating in the meeting to keep their speech respectful towards others and within bounds appropriate for children and persons of sensitivity toward coarse language as a courtesy to others present or otherwise viewing Commission meetings.
- 7.3.1 Disruption of Meeting. No person who addresses the Commission shall make any belligerent, personal, impertinent, irrelevant, redundant, slanderous, loud, threatening, abusive or disparaging remark, statement or commentary toward the Commission, staff, or other individuals in a manner which disrupts, disturbs, or otherwise impedes the orderly conduct of the Commission meeting, nor shall any person engage in any other disorderly conduct which so disrupts, disturbs or impedes the orderly conduct of the meeting. Any violation of this rule shall be grounds for terminating the citizen's comment period. Continued inappropriate behavior or comments, after having been directed to discontinue, shall be grounds for removal from the meeting. Commission members shall not be belligerent or make disparaging commentary toward the speaker. The presiding officer may call for a short recess should a member of the public become disruptive or agitated so as to interfere with the normal conduct of business. Nothing in this section shall prohibit or discourage orderly criticism of any City decision or policy within the limits of these rules.
- 7.3.2 Clearing the Room. As set forth in Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or groups of persons so as to render the orderly conduct of such meeting infeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the presiding officer of the Planning Commission may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the Planning Commission from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.
- 7.4 Decorum and Order – Commission Members.
- 7.4.1 Manner of Speaking. Any Commissioner desiring to speak shall first address the presiding officer. Upon recognition by the presiding officer, the Commissioner shall speak only to the question under debate.
- 7.4.2 Questioning Staff. A Commissioner desiring to question the staff should address their question to the Planning Manager, or, in appropriate cases, to the Secretary or City Attorney, who shall be entitled either to answer the inquiry or to designate some staff member for that purpose. Such a designation may be made at the time of any staff presentation or on the agenda listing for the item.

- 7.4.3 Interruptions. Once recognized, a Commissioner shall not be interrupted while speaking unless called to order by the presiding officer, or unless a point of order is raised by another Commissioner, or unless the speaker chooses to yield to questions from another Commissioner.
- 7.4.4 Limitation of Debate. No Commissioner shall speak for more than five (5) minutes each time that member has the floor, without the approval of a majority vote of the Planning Commission. No Commissioner normally should speak more than once upon any one subject until every other member choosing to speak thereon has spoken. The five-minute limit set forth herein shall not apply to remarks by a Commissioner under Reports of Commission.
- 7.4.5 Dissents, Protests, and Comments. Any Commissioner shall have the right to express dissent from, or protest to, or comment upon, any action of the Planning Commission and have the reason entered in the minutes. If such dissent, protest or comment is desired to be entered in the minutes, this should be made clear by language such as, "I would like the minutes to show that I am opposed to this action for the following reasons . . ."
- 7.4.6 Commissioner Conduct. Members of the Commission shall not engage in debate with a member of the public at Planning Commission meetings since these debates seldom resolve concerns and many times inflame feelings at a public meeting. Commissioners are expected to interact with one another with mutual respect and courtesy. Derogatory, snappy, or sarcastic comments towards another Commissioner or a member of the public are inappropriate. Commissioners shall treat city employees with courtesy and respect. If a Commissioner is concerned or has a question about an employee's performance, the matter should be addressed through the city manager. Commissioners shall refrain from publicly criticizing the conduct or performance of a particular employee.
- 7.4.7 Representing Majority Decision vs. Individual Opinion. If a member of the Planning Commission appears before another governmental agency or organization to give a statement on an issue affecting the City, the Commissioner should first indicate any majority position and opinion of the Commission. Personal opinions and comments may be expressed only if the Commissioner clarifies that these statements do not represent the position of the Planning Commission.
- 7.5 Decorum and Order - Members of the Public. Members of the audience shall not address the Commission, the presiding officer, the staff or other members of the public except during public comment periods. When a member of the audience has important information, answers to questions raised during Commission deliberations, or new evidence for Commission consideration after the closing of the public comment period applicable to that item, the member of the public shall request to be recognized by the presiding officer by means of a speaker form submitted to the Secretary, or by silently standing or raising a hand. Persons unable to stand or raise a hand may use such other means, including speaking out loud, if necessary, as are reasonably calculated to attract the attention of the presiding officer with the least disruption to the proceedings. The presiding officer shall have discretion to deny the

request or briefly question the person regarding the general nature of the information held by the audience member, or the relevance and importance of the information. If the presiding officer deems the answers to such questions worthy of Commission consideration, the presiding officer shall ask for the Commission to indicate, by majority consent, whether they wish to hear and consider the comments.

7.6 Decorum and Order - Employees. The City Manager shall ensure that all city employees observe proper rules of decorum. Any staff members, including the City Manager, desiring to address the Planning Commission or members of the public shall first be recognized by the presiding officer. All remarks shall be addressed to the presiding officer or to the Planning Commission and not to any one individual Commissioner or member of the public.

7.7 Conflict of Interest and Disclosure.

7.7.1 Applicable Law. All Commission members are subject to the provisions of conflicts of interest codes adopted by the City Council, and California law governing conflicts of interest, including, but not limited to, the Political Reform Act (Chapter 7, Title 9, of the California Government Code, Section 87100, et seq.,) and regulations adopted pursuant thereto; Government Code section 1090 relating to the making of contracts; and the common law doctrine against conflicts of interest.

7.7.1.1 *The Political Reform Act.* The Political Reform Act (“PRA”) prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know or have reason to know they have a financial interest. The definition of who is a public official, what constitutes a governmental decision and a financial interest, and the requirements of disclosure and disqualification, are contained in regulations adopted by the Fair Political Practices Commission.

7.7.1.2 *Government Code Section 1090.* City officers and employees are prohibited under Government Code section 1090 from having financial interests in contracts made by them or by any board or body of which they are members.

7.7.1.3 *Common Law Doctrine Against Conflicts of Interest.* The common law doctrine against conflicts of interest is the judicial expression of the public policy against public officials using their official positions for private benefit. This doctrine requires public officials to abstain from participating in cases where the public official’s private financial interest may conflict with their official duties.

7.7.2 No Participation. Any Commissioner prevented from voting because of a conflict of interest shall refrain from any participation with respect to that item, including but not limited to questions, comments, debate, and voting. Such Commissioner shall leave the Council Chambers during debate and voting on the issue.

8 PARLIAMENTARY AND VOTING PROCEDURE

- 8.1 Parliamentary Procedure. The purpose of parliamentary rules of procedure is to expedite the transaction of City business in an orderly fashion. All procedural matters not otherwise provided for in or controlled by state law or by any ordinance, resolution, rule or regulation of the City, shall be governed by Rosenberg's Rules of Order (League of California Cities 2003). A copy of said Rules shall be maintained on file in the Office of the City Clerk. However, no ordinance, resolution, or other action of the Planning Commission shall be invalidated or the legality thereof otherwise affected by the failure or omission of the Commissioners to observe or follow such rules. It is the intent of the Planning Commission not to become entangled over parliamentary procedure. Issues relating to the conduct of a meeting are determined by the Chairperson, subject to appeal to the full Commission.
- 8.2 Motions. A motion is the way that business is conducted by a group under parliamentary procedure. It is a proposal that an individual would like the group to consider and act upon. The steps in making, discussing and voting on a motion are as follows: The maker of the motion asks for recognition by the presiding officer. After the individual is recognized, they will say "I move that we ...". The presiding officer will ask if there is a second. Another member of the group should second the motion in order for it to be discussed. A second is made by saying "I second the motion." The presiding officer then restates the motion. "It has been moved and seconded that ...". The item is then open to discussion by the Commission. The presiding officer may make or second a motion.
- 8.2.1 Discussion. The presiding officer will recognize members who wish to comment on the motion. Only one motion may be discussed at a time. It is important that all members of the group are clear on what the motion is and what its effect will be. Spirited discussion helps to answer questions and explore different interpretations or impacts of the motion. At the end of the discussion period, the presiding officer will ask how many members are in support of the motion, how many are opposed and if there are any abstentions. A majority vote is needed for the motion to pass.
- 8.2.2 Common Motions. Other common motions include: Amending a motion - "*I move to amend the motion by ...*"; Delaying consideration - "*I move to table the motion until...*"; Closing debate- "*I move the previous question...*"; Requesting more study - "*I move to refer this to (staff or subcommittee) for further study...*"; Objecting to procedure - "*Point of order.*"
- 8.3 Voting Procedure. In acting upon every motion, the vote shall be taken by voice or roll call or any other method by which the vote of each Commissioner present can be clearly ascertained. The vote on each motion shall then be entered in full upon the record. The secretary shall call the names of all members seated when a roll call vote is ordered or required. The presiding officer shall be called last. Members shall respond "yes," "no," or "abstain." Unless a Commissioner at any Planning Commission meeting states that they are not voting, the member's silence shall be recorded as an affirmative vote.

- 8.4 Roll Call Voting. A roll call vote shall not be required unless requested by any Commissioner. The purpose of a roll call vote is not to allow members to explain their votes during roll call. Commissioners may change their votes before the next order of business is called.
- 8.5 Abstentions Discouraged. Every Commissioner should vote “yes” or “no” on each item unless disqualified for cause.
- 8.6 Reconsideration. Any Commissioner who voted with the majority may move for reconsideration of the action but only at the same meeting. The motion may be seconded by any Commissioner.
- 8.7 Tie Votes. Tie votes shall be lost motions. When all Commissioners are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Planning Commission takes other action to further consider the matter. If a tie vote results at a time when less than all members of the Planning Commission are present, the matter shall automatically be continued to the agenda of the next regular meeting of the Planning Commission, unless otherwise ordered by the Commission.