

AGENDA
REGULAR MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., FEBRUARY 10, 2015

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC15-02

1. ROLL CALL:

Chairperson Clemente
Commissioner Adeva
Commissioner Holzwarth
Commissioner Osborne
Commissioner Pal
Commissioner Ramos
Commissioner Smith

Pledge of Allegiance
Invocation

2. INTRODUCTION OF NEW COMMISSIONERS:

3. ELECTION OF CHAIR AND VICE-CHAIR:

4. INFORMATIONAL – BYLAWS:

5. ANNOUNCEMENTS:

None

6. MINUTES:

Approval of January 13, 2015 Planning Commission Minutes.

7. AUDIENCE COMMUNICATIONS:

This is a time for public comments for items that are not listed on this agenda. Comments should be brief. If you have an item that will require extended discussion, please request the item be scheduled on a future agenda.

CONFLICT OF INTEREST NOTIFICATION

(Any items on this agenda that might be a conflict of interest to any Commissioner should be identified at this time.)

8. PUBLIC HEARINGS:

For each of the following items, the public will be given an opportunity to speak. After a Staff Report, the Chair will open the Public Hearing. At that time, the applicant will be allowed to make a presentation. Members of the public will then be allowed to speak. After all have spoken, the applicant is allowed to respond to issues raised by the public, after which the Public Hearing is normally closed. Comments should be brief and to the point. The Chair reserves the right to limit repetitious or non-related comments. The public is reminded that all decisions of the Planning Commission are appealable to the City Council by filing a written Notice of Appeal with the City Clerk within ten (10) calendar days.

A. Workshop on Downtown Waterfront Specific Plan Update “Vision”.

6. GENERAL BUSINESS: Action to be taken where appropriate.

7. COMMUNICATION:

- A. Staff
- B. Commission
- C. Agenda Forecast

8. ADJOURN.

a&m/150210.pca

AGENDA TRANSMITTAL

MEETING DATE: February 10, 2015

PLANNING COMMISSION AGENDA ITEM: Information Item on Planning Commission Bylaws.

FISCAL IMPACT: The fiscal impact would be that of any administrative costs to prepare bylaws for the Commission.

BACKGROUND: At the January 13, 2015 Planning Commission meeting, the Commission asked staff to bring back an item for discussion regarding bylaws for the Planning Commission. Staff performed some cursory research and has assembled information relating to bylaws from other Commissions in California for reference.

STAFF REPORT: In response to the request at the January 13, 2015 Planning Commission meeting, staff has included five attachments for the Commission to review:

- Chapter 2.20 “Planning Commission” – Suisun City Municipal Code
- St. Helena Planning Commission Bylaws
- Milpitas Planning Commission Bylaws
- Placerville Planning Commission Bylaws
- Rosenberg’s Rules of Order

Suisun City Municipal Code

Chapter 2.20 “Planning Commission” provides the information contained within the Municipal Code regarding the Planning Commission with limited specifics. The ordinance that created the Planning Commission dates back to the 1955 and has only had a few amendments since

Sample Planning Commission Bylaws

Staff has provided examples from three jurisdictions in Northern California (St. Helena, Milpitas, and Placerville). There are countless other examples throughout California, but staff felt that by beginning with these examples would help initiate the conversation with the Commission. Bylaws for the Planning Commission may be adopted by the Planning Commission, as long as there are no inconsistencies with the Municipal Code.

Rosenberg’s Rules of Order

In consulting with the City Attorney’s Office, they suggested that the Planning Commission be aware of “Rosenberg’s Rules of Order” (Attachment 5) as many Commissions throughout the state have gone away from “Robert’s Rules of Order”. Staff would like to point out that “Rosenberg’s

PREPARED BY:

John Kearns, Associate Planner

APPROVED BY:

Jason Garben, Development Services Director

Rules of Order” are a much more concise set of rules/procedures. Staff again is just providing the Commission with this information for reference and future consideration.

As the Commission considers creation of bylaws, an important point that staff wants to make clear is that the bylaws cannot contradict the Municipal Code and an amendment to the Municipal Code must be initiated by City Council direction.

Staff is providing this information to the Planning Commission as an informational item, and any direction provided to staff can be brought back for future Commission consideration.

STAFF RECOMMENDATION: Planning Commission action is not required as this is an information item. Any direction provided to staff will be brought back at future meeting for formal consideration by the Commission.

ATTACHMENTS:

1. Chapter 2.20 “Planning Commission” – Suisun City Municipal Code
2. St. Helena Planning Commission Bylaws
3. Milpitas Planning Commission Bylaws
4. Placerville Planning Commission Bylaws
5. Rosenberg’s Rules of Order

Chapter 2.20 - PLANNING COMMISSION

Sections:

2.20.010 - Established.

A planning commission of the city is created and established.

(Ord. 268 § 1, 1955)

2.20.020 - Membership.

The planning commission of the city shall consist of five members, appointed by the mayor with the approval of the city council. All members shall be residents of the city.

(Ord. 469 § 1, 1983; Ord. 268 § 2, 1955)

2.20.030 - Powers and duties.

The planning commission shall have the powers and duties conferred upon it by the provisions of Title 7 of the Government Code of California, and any other laws of the state applicable thereto.

(Ord. 268 § 3, 1955)

2.20.035 - Compensation.

All members of the planning commission shall receive compensation as determined from time to time by the city council.

(Ord. 584 § 1, 1990)

2.20.040 - Terms.

Terms of office shall expire on January 5th in odd years. Planning commissioners shall serve until a successor is appointed.

(Ord. 644 § 1, 1998; Ord. 505 § 2, 1984; Ord. 268 § 4, 1955)

2.20.050 - Failure to attend meetings.

If any commissioner fails to attend three meetings of the commission scheduled in any fiscal year without any such absence being excused by the commission, his or her office as commissioner shall automatically and immediately become vacant.

(Ord. 469 § 2, 1983; Ord. 268 § 5, 1955)

ST. HELENA PLANNING COMMISSION

BY-LAWS

The following rules shall be applicable to the organization of the St. Helena Planning Commission, to the convening or calling of meetings, and to the transaction of business when the Commission has convened and acts or serves in an official capacity, pursuant to law.

ORGANIZATION AND ELECTION AND DUTES OF OFFICERS

RULE 1. The Commission shall elect a Chairperson and Vice Chairperson and designate a Secretary at the first regular meeting of the Planning Commission in July to serve for a period of one year from the date of their election.

RULE 2. The Chairperson of the Planning Commission shall preserve order and decorum and shall decide questions of order. The Vice Chairperson shall preside in the absence of the Chairperson.

RULE 3. The Chairperson of the Planning Commission may second any motion and present and discuss any matter as a member of the Commission without having to step down from the Chair and shall be entitled to vote on all matters before the Planning Commission.

RULE 4. The Secretary shall be a City Employee, normally the Planning Director.

RULE 5. The Secretary shall be responsible for the preparation of the Planning Commission minutes and shall assure that all official actions or decisions by the Commission shall be recorded within the minutes. Consistent with Municipal Code section 2.60.030, the Commission shall keep a public record of its resolutions, transactions, findings and determinations. Those records are kept as minutes that summarize Commission action, in the same manner as City Council minutes.

RULE 6. The City Attorney of the City of St. Helena shall be the legal counsel to the Planning Commission.

SCHEDULE OF MEETINGS

RULE 7. The Planning Commission shall hold at least two Regular Meetings per month, which shall be held on the first and third Tuesdays of the month. In the event the first or third Tuesday is a holiday, an alternate meeting may be held. An additional Adjourned Meeting may be held, if necessary. Such regular meetings may be canceled by a vote of the majority of Commission members present at a regular or special meeting or when a quorum is not available. Meetings shall be held in the same locale used by the City Council or at City Hall or the Fire Department starting at 7:00 P.M. Adjourned Meetings, Special Meetings, meeting relocation, or revised starting time shall be by a three-fifths vote of the Planning Commission. Notice of such meeting shall be given in accordance with State law.

RULE 8. Emergency or special meetings may be called as provided in Section 54956 of the Government Code of the State of California.

RULE 9. In the absence of a quorum all items on the agenda shall be continued to the next scheduled meeting.

AGENDA

RULE 10. An agenda shall be prepared by the Secretary of the Planning Commission for each meeting of the Planning Commission.

RULE 11. All matters to be considered by the Commission shall be properly filed with the City in compliance with the provisions, standards, and procedures established by adopted City Ordinances. The Secretary shall not accept for presentation to the Commission any matter unless it is properly made on the prescribed forms properly filled out with all data attached.

RULE 12. Any matter that comes before the Commission orally under Public Forum shall not be discussed or acted upon by the Commission unless and until it is heard as a scheduled agenda item at a Regular, Adjourned, or Special meeting of the Commission.

RULE 13. Request for informal or advance decisions concerning potential future developments or plans will not be considered by the Planning Commission.

RULE 14. The regular order of business of the Commission shall be:

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE & ROLL CALL
3. MINUTES APPROVAL
4. PUBLIC FORUM
5. COMMUNICATIONS & PETITIONS
6. RECOMMENDED CONSENT CALENDAR
7. CONTINUED ITEMS
8. SIGN PERMIT/ADMINISTRATIVE DETERMINATION
9. PUBLIC HEARINGS - PLANNING COMMISSION ACTION IS FINAL (DR/UP/VAR/LLA/TPM)
10. PUBLIC HEARINGS – PUBLIC HEARINGS/RECOMMENDATIONS TO CITY COUNCIL (TSM/ZOTA/GPA/REZONE)
11. NAPA COUNTY REFERRALS
12. SCHEDULED MATTERS
13. REPORTS BY STAFF AND PLANNING COMMISSION
14. AGENDA FORECAST
15. ADJOURNMENT

RULE 15. The Chairperson may revise the order of the agenda for a particular meeting in order to expedite business for the convenience of the public or for improved continuity.

RULE 16. Commission meetings may remain in session up to, but no later than 11:00 P.M. However, the Commission may, by a majority vote, extend the meeting if the Commission deems such extension necessary. Otherwise, the meeting shall be adjourned to another day acceptable to the Commission, or unfinished business may be continued to the next Regular Meeting.

CONDUCT OF PUBLIC HEARINGS

RULE 17. Letters, petitions, or other written material pertaining to any item on the agenda may be filed with the secretary of the Commission prior to the time of the public hearing or may be presented to the Commission at the time of the public hearing. The Commission shall consider such material in deciding any issue before it. All written material shall become part of the Commission's file on the agenda item.

RULE 18. Items submitted after packet distribution: Materials related to any item on the Agenda submitted to the Planning Commission after distribution of the agenda packet are available for inspection in the Secretary of the Commission's office at 1480 Main Street, St. Helena, CA during normal business hours. All such materials will be brought to the meeting and will be available for public inspection at the meeting site. Either City Staff or the Chairperson at the hearing shall give public notice of any such materials. If copies are not available in sufficient quantity for interested parties or members of the public at the hearing, the Chairperson shall take reasonable steps to afford all such persons the opportunity to inspect the materials before the start of the hearing on a scheduled matter. The purpose of the foregoing is to avoid the interruption of testimony with requests for inspection of materials.

RULE 19. Any person desiring to address the Planning Commission may, when recognized by the Chairperson, give his or her name and address. A person appearing in a representative capacity shall provide the name and address of each represented party.

RULE 20. Testimony and argument relative to any item scheduled on the agenda as a Public Hearing shall, unless otherwise ordered by the Chairperson, be presented in the following order and within the time limits specified.

- a. The Chairperson shall declare the Public Hearing to be open.
- b. Staff Report.
- c. Commission discussion for purposes of clarification of Staff Report.
- d. Presentation and arguments in support of the project by applicants, and/or agents/consultants directly associated with the project. (10 minutes)
- e. Acknowledge and/or reading of written testimony.
- f. Public Testimony in support or opposition of the project. (5 minutes per person)

- g. Applicant's rebuttal. (5 minutes)
- h. Supporters or opposition rebuttal. (3 minutes per person)
- i. Applicant's rebuttal. (3 minutes)
- j. Chairperson declares public hearing to be closed.
- k. Planning Commission debate.
- l. Question and vote.

Note: At the option of the Chairperson the public may give further testimony on the question provided it is directly related to the motion.

RULE 21. The Chairperson may, in the interest of facilitating the business of the Planning Commission, limit the amount of time that a person may use in addressing the Planning Commission. Opponents and proponents shall be given equal opportunity for presentation.

RULE 22. The applicant or his or her appointed representative may, with the permission of the Planning Commission, withdraw any matter pending before the Commission at any time prior to the Commission acting on such matter.

VOTING

RULE 23. A majority of the members of the Commission shall constitute a quorum. Unless otherwise required by federal, state or local regulation, the affirmative vote of a majority of the quorum is necessary to take action. If a majority is unable to be assembled on any motion (including a motion to continue a matter to a specific time) relating to a specific project for which the Commission must make a recommendation to the City Council, the project shall be referred to Council with a divided recommendation which reflects the individual votes of the Commissioners. If a majority is unable to be assembled on any motion (including a motion to continue a matter to a specific time) relating to a specific project for which the Commission has final authority, the matter before the Commission shall be deemed denied and the applicant may appeal such decision in accordance with the applicable rules. A tie vote, or deadlock, constitutes a denial unless the applicant requests a continuance of the item to a subsequent meeting at which a quorum is present.

RULE 24. On matters of procedure or order of business the Chairperson may make a motion and without a second and after calling for objection and hearing none, so order. In the event of objection, the Chairperson shall call for a second and a roll call vote.

MISCELLANEOUS

RULE 25. Unless otherwise provided by these Rules, all proceedings before the Commission shall be conducted in accordance with and pursuant to the parliamentary rules of procedure as prescribed in "Robert's Rules of Order."

RULE 26. Testimony and argument relative to any other item on the agenda shall generally follow the procedure for a Public Hearing as may be modified at the discretion of the Chairperson.

RULE 27. Any rule of these By-Laws may be altered, amended, or repealed by majority vote of the Commission, except that such alteration, amendment, or repeal shall not affect any pending matter.

RULE 28. Any rule of these By-Laws may be temporarily suspended by unanimous consent of the Commission.

RULE 29. A Resolution of the Planning Commission may be adopted conditionally and referred to the Secretary of the Commission for drafting in proper form.

RULE 30. Commission members shall decide for themselves whether they have a conflict of interest on any matter before the Commission. Such determination shall be made in accordance with State law and Sec. 5 of City Council Resolution 1264 or any amendment thereto. When a member has disqualified himself/herself, he/she shall remove himself/herself from the dais stating their reasons for conflict of interest. The member shall also remove himself/herself from the meeting room, unless they are permitted to remain for a qualified interest as set forth in State law.

RULE 31. Failure to adhere to any of these rules does not result in the invalidation of any decision or action of the Planning Commission.

RULE 32. Any violation of these rules does not result in a cause of action against the City of St. Helena.

Approved and Adopted at a Regular Meeting of the Planning Commission on May 17, 2011 by the following roll call vote:

IT WAS MOVED BY COMMISSIONER KISTNER, SECONDED BY COMMISSIONER HEIL, TO APPROVE THE UPDATED BYLAWS AS PREPARED BY STAFF AND REFLECTING AGREED-UPON ADDITIONS AND CHANGES AS SUGGESTED BY COMMISSIONER INPUT:

AYES:	COMMISSIONERS KISTNER, HEIL, PITTS, & CHAIRMAN GALBRAITH
NOES:	NONE
ABSENT:	COMMISSIONER PARKER
ABSTAIN:	NONE

**CITY OF MILPITAS
PLANNING COMMISSION
BYLAWS**



October 2004

TABLE OF CONTENTS

Section 1 - Preface.....	3
Section 2 – Adoption and Amendment	3
Section 3 - Membership.....	3
Section 4 – Subcommittees.....	4
Section 5 – Commission Officers and Duties	6
Section 7 - Meetings.....	8
Section 8 – Agendas and Minutes.....	9
Section 9 – Meeting Conduct.....	10
Section 10 – Commissioner Conduct	13

**BYLAWS
of the
CITY OF MILPITAS PLANNING COMMISSION**

Section 1 - Preface

As set forth in Title I, Chapter 500, Section 1.08 of the City of Milpitas Municipal Code (“Code”), the Planning Commission shall adopt written rules and regulations as to the time, place and date of its regular meetings and shall adopt such rules and regulations as it deems necessary to conduct its business including rules of procedure. Such rules and regulations shall not be inconsistent with the laws of the State of California or with the ordinances, resolutions or regulations of the City of Milpitas.¹ These bylaws are prepared to serve this purpose.

The City Council of the City of Milpitas established the Planning Commission and granted to it responsibilities in the area of land use, redevelopment issues, and planning permit decisions. These bylaws are intended to assist and be used by the Planning Commission in performing its duties and conducting its meetings. If a conflict arises between these bylaws and the City of Milpitas Municipal Code, the Code shall control.

Section 2 – Adoption and Amendment

2.01 Planning Commission Adoption and Amendment

These bylaws shall be adopted by and may be amended by resolution of a majority of the Commissioners present at any Milpitas Planning Commission meeting.

2.02 City Council Adoption and Amendment

Upon adoption or amendment by the Planning Commission, such bylaws shall be submitted to the City Council for review. The City Council shall have the power to approve, disapprove or modify said bylaws, as it deems necessary.¹

Section 3 - Membership

3.01 Composition

The Planning Commission shall consist of seven (7) members. The initial selection of the members shall be as set forth in a resolution approved by the City Council. Thereafter, the members shall be appointed by the majority of the City Council.¹

3.02 Qualifications

At all times during the term of office, a Planning Commissioner shall be a registered voter of the City of Milpitas and a resident of the City of Milpitas. A Planning Commissioner shall not hold any other public office or employment in the government of the City of Milpitas.¹

3.03 Application for Appointment

All applications for Planning Commissioners may be reviewed by any City Councilmember. In addition to any other process for the selection of Planning Commissioners, any City Councilmember may recommend to the Mayor a candidate for appointment to the Planning Commission from the entire pool of applicants.¹

3.04 Terms of Office

The term of office for each Planning Commissioner shall be three (3) years, commencing on the first day of January and concluding on the 31st day of December of the third year thereafter. These regulations intend to preserve the concept of staggered terms for members of the Planning Commission (established by earlier City ordinances).¹

3.05 Removal from Office

Any or all Planning Commissioners may be removed from office prior to the expiration of the normal term of office without cause upon an affirmative vote of three (3) City Councilmembers, at a regular meeting of City Council.¹

3.06 Vacancy

Any vacancy on the Planning Commission shall be filled by the Mayor with the approval of the City Council within sixty (60) days of the date the vacancy is created. Any Commissioner appointed to fill a vacancy shall complete the unexpired portion of the normal term of the Commissioner whose office has become vacant.¹

Except in the case of a Commissioner who has been removed from office by vote of the City Council, a Commissioner shall remain in office until his/her successor has been appointed and takes office.

3.07 Compensation

Each Planning Commissioner shall receive compensation in the amount of \$25.00 for attending any regularly or specially scheduled Planning Commission meeting. Such compensation shall not be provided for attending subcommittee meetings.¹

Section 4 – Subcommittees

4.01 Creation of Subcommittees

The Planning Commission may create subcommittees composed of at least two (2) members of the Planning Commission.¹

4.02 Minor Site, Architectural and Landscaping Modifications Subcommittee

Duties

The duties of this Subcommittee are set forth in XI-10-42.10 of the City of Milpitas Zoning Code and shall generally pertain to minor site modifications and modifications to architecture and landscaping.

Meetings

The Subcommittee meeting shall be held prior to the start of the regularly scheduled Planning Commission meeting. The agenda items for the Subcommittee shall be included on the Planning Commission agenda.

Attendance

The Subcommittee shall consist of two (2) members and an alternate. Attendance of the two (2) members at Subcommittee meetings is required and attendance of the alternate is highly recommended.

Terms

Subcommittee terms shall be a period of three months. The terms shall run from January 1st through March 31st, April 1st through June 30th, July 1st through September 30th, and October 1st through December 31st. At a regularly scheduled Planning Commission meeting, prior to the beginning of a new term, Planning staff shall announce the Subcommittee members serving on the upcoming term based on the rotation schedule below.

In order to avoid, where possible, having recently-appointed Planning Commissioners with no previous experience on the Planning Commission serving on the Subcommittee, Planning staff shall assign to each Planning Commissioner upon appointment to the Planning Commission a position in the rotation schedule below. Each member of the Planning Commission shall begin his/her service on the Subcommittee as an alternate member for one term. The same Commissioner shall then occupy the 1st active member position for a subsequent term, and proceed to the 2nd active member position for the final term of the rotation. Nine months of service completes a full rotation on the Subcommittee.

Subcommittee Term	Alternate	1st Active	2nd Active
January 1 st through March 31 st	A	B	C
April 1 st through June 30 th	G	A	B
July 1 st through September 31 st	F	G	A
October 1 st through December 31 st	E	F	G

January 1 st through March 31 st	D	E	F
April 1 st through June 30 th	C	D	E
July 1 st through September 31 st	B	C	D
October 1 st through December 31 st	A	B	C

Inability to Serve Due to Conflicts of Interest

In order to maintain the effectiveness of the Subcommittee, each Commissioner, prior to becoming a Subcommittee member, shall consult with the Planning staff and City Attorney to determine the likelihood of facing regular conflicts due to involvement in a real estate related profession. Should a Commissioner determine, based on the advice of the City Attorney, that s/he is likely to face regular conflicts of interest, the Commissioner shall abstain from participating on the Subcommittee as either a member or alternate. If a member cannot participate on the Subcommittee due to such a conflict, the Planning Commission Chair shall serve in his/her place. If the Chair cannot serve due to a conflict, then the Planning Commission Vice-Chair shall serve. If neither the Chair nor Vice Chair can serve due to such conflicts, the Commissioner with the longest years of service shall serve.

4.01 Planning Commission Representation on City Subcommittees

Upon the request of the City Council or City staff, Planning Commission representation may be required on various City subcommittees, such as the Transportation Subcommittee and the Flood Plain Subcommittee. The appointment of a representative shall be made annually by the majority vote of the Planning Commission at the regularly scheduled meeting when the Chair and Vice Chair are appointed, unless a particular representative has been specified by the City Council.

Section 5 – Commission Officers and Duties

5.01 Officers

The officers of the Planning Commission shall consist of a Chair, Vice-Chair, and a Secretary.

5.02 Selection

At its first regular meeting held for the transaction of business during July, the Planning Commission shall elect a Chair and a Vice Chair for such fiscal year. When a vacancy exists in the office of Chair or Vice Chair, the Planning Commission shall elect a member to serve in such capacity for the remainder of the fiscal year. The City of Milpitas staff liaison to the Planning Commission shall serve as the Planning Commission Secretary unless the Planning Commission chooses to appoint its own secretary at said meeting.

The Secretary shall preside over the elections of the Planning Commission officers. Election of the officers shall be placed on the agenda after approval of the agenda.¹

5.03 Duties

The duties of the Planning Commission officers shall be as follows:

Chair

The Chair shall preside over all meetings of the Planning Commission.

Vice Chair

The Vice-Chair shall assist the Chair in the execution of his/her office and to act in his/her absence.

Secretary

It shall be the duty of the Secretary to keep records of all meetings of the Planning Commission.

Section 6 – Commission Duties

6.01 General Duties

The Planning Commission is the Planning agency for the City of Milpitas. The Planning Commission shall perform all of those duties related to planning and land use, which have been delegated to it by the City Council. These duties are set out in Title XI, Chapter 1 (subdivisions) and Title XI, Chapter 10 (zoning) of the City of Milpitas Municipal Code, and include such actions as making decisions on use permits, site and architectural reviews, variances, making recommendations on general plan, specific plan and zoning amendments, and participating in the CEQA compliance process.

Each Planning Commissioner and the Planning Commission shall have the following duties and powers:

- a. Those specifically authorized by the law of the State of California.¹
- b. Such duties as are assigned to the Planning Commission by minute action, resolution, or ordinance of the City of Milpitas.¹
- c. Such powers as are reasonable and necessary in order to enable the Planning Commission to fulfill and carry out its planning functions (see Government Code, Section 65102).¹
- d. Such powers as are reasonable and necessary in order to enable the Planning Commission to advise the City Council with respect to redevelopment functions set forth in the Health and Safety Code, and to make recommendations regarding owner participation agreements.¹

6.02 General Plan

The Planning Commission shall review, evaluate, and recommend for adoption a comprehensive, long range, general plan for the physical growth and development of the City of Milpitas and its environs.

6.03 Specific Plan

The Planning Commission shall review, evaluate, and recommend for adoption specific plans designed to effectuate and implement the General Plan.

Section 7 - Meetings

7.01 Regular Meetings

The Planning Commission regular meetings shall be the 2nd and 4th Wednesdays of each month at 7:00 p.m. in City Hall. The Planning Commission shall not hold less than one (1) meeting per month. At the last regular meeting of the calendar year, the Planning Commission shall approve a meeting schedule for the upcoming year.¹

7.02 Special Meetings

Special meetings of the Commission are meetings called in addition to those on the approved meeting schedule. Special meetings may be called by the Chair with the consent of at least three (3) other members or called with the consent of four (4) members of the Commission. The Brown Act requires the agenda for special meetings to be posted twenty-four (24) hours prior to the meeting. It is a policy of the Planning Commission to provide seventy-two (72) hours when possible to allow staff to prepare appropriate support materials. However, lack of seventy-two (72) hour notice will not preclude action if the Brown Act notice requirements are met.²

7.03 Other Meetings

Workshops

Workshops are meetings convened for informational purposes, Planning Commission training, and study sessions and do not require the Planning Commission to take any action. Workshops and agendas posted for workshops are subject to the Brown Act.²

Emergency Meetings

The Brown Act allows for emergency meetings, however, given the Planning Commission's authority it is unlikely that this will be necessary.²

7.04 Attendance and Punctuality

Commissioners are expected to arrive on time and be present for the entire meeting. Commissioners are important City officials whose actions and decisions impact the quality of life in the city. Therefore, only in rare, unavoidable circumstances should Commissioners miss meetings or workshops. If a Planning Commissioner misses three (3) meetings or workshops during a calendar year, the Secretary shall forward this

information to the City Clerk to request Council review of the Commissioner's attendance record. The purpose of this review will be to determine any extraordinary reasons or other explanations for the Commissioner's absence. The said review will be held during a regularly scheduled City Council meeting and at the conclusion of said review the City Council will hold a vote to determine if the Planning Commissioner should be removed from office.

7.05 Quorum

A meeting cannot be conducted without a quorum of the Planning Commission and a quorum shall consist of a majority of the entire Commission. If enough Commissioner's abstain due to a conflict of interest so as to lose a quorum, the Commission shall exercise the rule of necessity to regain a quorum. Otherwise disqualified Commissioners shall be chosen by a draw of straws until a quorum is reached. The Commissioner so chosen shall continue to participate in that matter until concluded.

Section 8 – Agendas and Minutes

8.01 Agenda Preparation and Distribution

Not less than nine (9) days prior to any regular scheduled meeting, the secretary of the Commission shall prepare an agenda which shall list all matters to be considered by the Commission at the meeting for which the agenda is prepared. This agenda is a public record and shall be distributed no less than five (5) days prior to the scheduled meeting to all members of the Commission, staff, anyone requesting such agenda and to other persons as the Commission and City Council may direct.

8.02 Agenda Contents

The agenda shall contain the place, date and time of the meeting and items to be discussed at the meeting, consistent with the Brown Act.²

Items can be placed on the agenda by staff as part of their responsibility in reviewing planning applications and administering city projects. In addition, the City Attorney may recommend, where appropriate, pending litigation matters be placed on the agenda as closed session items, consistent with the Brown Act.²

Any Commissioner may request to place an item on a future Commission agenda. Staff shall advise the Commission how much time may be necessary to prepare background materials related to the requested item and when the next available agenda opening would be. By majority vote, the Planning Commission may place the requested item on a future available agenda.

The Chair shall have the authority to independently place items on the next available or other upcoming Commission agenda by presenting said items to the Secretary. It is a policy of the Planning Commission to provide seventy-two (72) hours when possible to allow staff to prepare appropriate support materials.

Items of “immediate need” may be added to the agenda at the same meeting, subject to the provisions of the Brown Act.²

8.03 Minutes

The Planning Commission shall keep a record of its resolutions, transactions, findings and determinations. The Secretary shall maintain minutes of all proceedings. The meeting agenda and minutes are a public record and available for inspection.

The minutes shall reflect the maker of the motion and the second for all actions. The vote of each Commissioner shall be recorded in the minutes.

Section 9 – Meeting Conduct

9.01 Purpose

The Planning Commission is a public agency with land use planning and decision-making duties. It is the policy of the Planning Commission to encourage free and open discussion of issues on a Planning Commission meeting agenda, but also to ensure that the Commission completes the agenda in a timely manner and in a process that accords courtesy and respect to all participants.

9.02 Rules

Robert’s Rules of Order, Revised, except where inconsistent with the express provisions of law, these bylaws, or other resolutions of the Commission, shall govern the conduct of meetings of the Commission.

9.03 Close of Public Hearing

No evidence shall be taken after the public hearing is closed on a matter. The public hearing may be reopened to take additional evidence, at the discretion of the Commission, prior to action on the matter.

9.04 Addressing the Commission

As per the Brown Act², the public may comment on any agenda item, however shall do so in the following manner:

Each person addressing the Commission shall give his/her name and address in an audible tone of voice for the record and shall write the same on a speaker register used to prepare the meeting minutes. He/she shall state whether he/she is appearing as a representative or in a professional capacity such as an attorney, engineer, etc., and shall state the name of the individual or organization he/she is representing. Unless additional time is granted by the Chair, all remarks shall be limited to two (2) minutes and shall be addressed to the Commission as a body and not to any individual member thereof. The Chair may limit repetitive testimony in the interest of time. No person, other than members of the Commission and the person having the floor, shall be permitted to enter

into any discussion, either directly or through a member of the Commission, except through the Chair. Any person who wishes to address the City Attorney or staff shall do so through the Chair and not pose questions or remarks to the Attorney or staff directly.

9.05 Motions

When making a motion, the following options are available:

- (a) Deny without prejudice
- (b) Deny with prejudice
- (c) Approval
- (d) Approval with conditions
- (e) Continue (table)

9.06 Voting

The Chair has the right to vote and make a motion on any issue before the Commission. He/she need not exclaim his/her vote except to break a tie and if not exclaiming his/her vote, it will be recorded with the majority unless so designated otherwise.

The vote of all Planning Commissioners, including the Chair, shall be recorded and no vote shall be taken in secret. All Planning Commissioners are required to vote on an item when legally able to do so.

9.07 Super-Majority Vote

Some planning actions, such as approval recommendations for general plan or specific plan amendments, require a super-majority vote, i.e., the affirmative vote of not less than a majority of the total membership of the Planning Commission. The super-majority vote requires the affirmative vote of four (4) of the seven (7) Planning Commissioners.

9.08 Tie-Vote, Lack of Majority Vote

A tie-vote occurs when there is an equal number of Commissioners who voted in favor of a motion as have voted not in favor of a motion, such as a 3-3 vote. A lack of majority of vote occurs when less than half of the votes cast support the motion, such as a 3-4 vote. When either a tie-vote or lack of majority vote occurs the motion fails, thereby resulting in no action. A majority vote is necessary to take an action on an item, regardless of whether the Planning Commission has final authority or advisory authority.

In the event of a tie-vote, the Planning Commission may consider continuing the item in order to obtain of a majority vote. However, the tie-vote shall be resolved in a timely manner to ensure no project is inadvertently deemed approved under the Permit Streamlining Act.

The failure of the Planning Commission to make a majority recommendation to the City Council regarding amendments to the General Plan results in the item not going forward to the City Council, unless the applicant appeals. In all cases, the Planning Commission shall work towards formulating a majority recommendation. If this cannot be achieved, the Planning Commission shall clearly summarize their issues to provide direction to the applicant or to the City Council.

9.09 Abstentions

Prior to taking action, the Commission must receive and weigh all presented evidence and testimony. In cases where a Commissioner is not present for public testimony on an item, the Commissioner should abstain from voting. In cases where an item has been continued from a meeting at which a decision-maker has been absent, the decision-maker can review the videotape of the meeting or the meeting minutes and participate in the continued hearing and vote.

A Planning Commissioner abstaining from voting shall state a reason. The abstention shall generally be counted as a vote with the majority. Examples of abstentions that would not be recorded as a vote for the motion include, but are not limited to, abstentions due to a conflict of interest, when an affirmative vote is required for the matter, or if the abstention would break a tie vote.

9.10 Passing the Gavel

When neither the Chair nor the Vice Chair is present or able to vote due to a conflict of interest, the gavel shall be passed to the Commissioner with the longest years of service as a Planning Commissioner to preside over the meeting and/or the agenda item.

9.11 Seating Arrangement

To encourage the integration of recently appointed Commissioners, a meeting seating arrangement shall be established by the Chair.

9.12 Exhibits

All exhibits filed in connection with any pending matter become part of the record of the proceedings and shall be retained subject to compliance with applicable records retention policies of the City.

9.13 Order of Procedure, Public Hearing Guidelines

The following guidelines are for general agenda items. Variations on the guidelines for public hearing items are noted in parentheses.

- Staff report
- Clarifying questions to staff
- Applicant presentation
- Clarifying questions from Commissioners to Applicant
- Public comment on item (Chair opens public hearing)
- Applicant responds to questions, comments for clarification, amplification
(Close public hearing by motion of Commission)
- Commissioners deliberate, discuss the item
- Commissioners vote

The Chair may vary the order otherwise provided above.

9.14 Notice of Hearings

The Commission may require a notice in addition to that required by law. In such cases, the Chair shall direct that notice be given by a specified method. Failure to provide this additional notice shall not be grounds for the Planning Commission to deny or not consider the request.

9.15 Reports by Staff or its Consultants

Written reports by staff or its consultants shall be considered a part of the official record of the proceeding to which they relate. Copies of any such written report shall be made available to the public at any hearing held on the proceeding to which such report relates

Section 10 – Commissioner Conduct

10.01 Purpose

The Planning Commission recognizes that differences of opinion are inherent in its land use subject matter and duties, whether they are differing opinions among Commissioners, or, between Commissioners and staff, or Commissioners and the public. The Commission also recognizes that discussion and resolution of such differences are often the basis for crafting land use decisions that are most appropriate for the City and its neighborhoods. It is the policy of the Planning Commission to recognize such differences and to provide a forum that allows them to be expressed in a respectful, courteous manner.

10.02 Recognition from Chair to Make Remarks

A Commissioner shall obtain recognition from the Chair and address all remarks including those to staff and the City Attorney to the Chair. Once a Commissioner has the floor, questions to the City Attorney and staff shall be directed through the chair.

10.03 Appropriate Remarks

A Commissioner should confine remarks to the merits of the pending question. All statements should have bearing on the adoption of the immediately pending question.

A Commissioner should refrain from offensive remarks directed towards another Commissioner or staff.

A Commissioner should not read lengthy passages from reports, books, quotations, etc., without permission of the Commission.

10.04 When to Withdraw a Motion

The maker of a motion who no longer supports his/her motion should ask permission to withdraw the motion. The maker of a motion may vote against the motion but cannot speak against it.

10.05 Courtesy to Others

A Commissioner should refrain from disrupting the Commission and give courteous attention to other speakers.

No member should speak a second time on a question if any member who has not yet spoken on the question wants to do so.

A Commissioner should be open to all concerns and listen to all participants with an open mind, even if he/she disagrees with them.

10.06 Ex-parte Communication

Commissioners are discouraged from suggesting any change to any project to the applicant or staff, before the project is considered by the Commission as a whole. In addition, to ensure that all Commissioners receive the same information relative to a project that will be reviewed by the Commission, third party contacts are discouraged. Any such communications should be disclosed by the Commissioner at the Commission meeting, prior to the item being considered.

10.07 Communications with the Press

When speaking to the press, Commissioners should be very specific in stating that they are speaking for themselves only and not for the Commission as a whole.

10.08 Professionalism

Commissioners are expected to exhibit a professional demeanor during public meetings at all times, to ensure decorum and respect to fellow Commissioners, City staff and the public.

As Milpitas City officials, it is important that Commissioners dress professionally. During the summer months, from July through September, Commissioners may dress for very warm weather, however, attire should be appropriate for public meetings.

10.09 Continued Training

Commissioners should continually strive to improve their land use knowledge and skills.

Members of the Planning Commission are encouraged to annually attend the League of California Cities Planner's Institute and may additionally attend the League's Annual Conference. Planning Commissioners may choose to attend local conferences or trainings rather than the League's Conference if the following two factors are satisfied: (1) the conference or training is related to planning issues applicable in Milpitas, and (2) the amount of money expended by any one Commissioner does not exceed the cost of attending the two League Conferences, as budgeted for the year.

10.10 Meeting Preparation

The General Plan is the City's vision for itself and all Planning Commission decisions must be consistent with it. The Zoning Ordinance is a tool used by the Commission to implement the General Plan. These are Council approved documents and legally binding. It is the responsibility of each Planning Commissioner to read and comprehend both the

General Plan and the Zoning Ordinance in order to make sound decisions on issues brought before the Commission.

The effectiveness of the Planning Commission requires the Commissioners thoroughly prepare themselves prior to a public meeting. This may include site visits, research or calling upon city Planning staff for clarification and understanding of what is to be discussed.

10.11 Meeting Participation

Each Commissioner's input is important and valued. All Commissioners in attendance are expected to participate.

10.12 Position Justification

Public decisions must be accompanied with coherent reasons since statements are incorporated into the legal record.

10.13 Staff and Commissioner Roles

Staff's Role

Planning staff's role is to provide the Commission with the information it needs to make an independent decision and to provide the Commission with a professional recommendation supported with analysis. Staff's responsibilities include public noticing and reviewing of applications for completeness and compliance with all local and state codes, including the California Environmental Quality Act (CEQA). In addition, staff shall assist with facilitating meetings, when needed.

Commissioner's Role

A Planning Commissioner's role is to review the information provided by staff, evaluate written and oral testimony provided by the general public and the applicant, to analyze the project proposal itself, and to make an independent decision which is in the best interests of the City and in conformance with applicable laws and regulations.

10.14 The Brown Act

The Brown Act is the California Open Meeting Law. The Planning Commission and Commissioners are subject to its provisions.² Commissioners with questions should contact the City Attorney, the Planning Commission Chair or Planning staff.

10.15 Addressing Others

The appropriate title should be used when acknowledging a meeting participant, such as "Mr.", "Ms.", "Commissioner", "Chair", "Vice-Chair", etc. This shows respect, professionalism and avoids the appearance of favoritism.

10.16 Conflicts of Interest/Code of Ethics

The City Attorney can provide advice on avoiding legal and perceived conflicts of interest. Questions on a possible conflict should be addressed to the City Attorney prior to the meeting. Any member of the Planning Commission who has a conflict of interest

with an item on the agenda shall excuse him/herself prior to the introduction of the agenda item.

If at a meeting, an unresolved issue arises as to whether a Planning Commissioner may have a conflict of interest on an agenda item, the Planning Commission may seek the advice of the City Attorney. The Planning Commission may continue the item to a future agenda for resolution of the matter, with consideration of any applicable Permit Streamlining Act provisions.

Each Commissioner should work towards maintaining the highest actual and perceived integrity level while sitting on the Commission. In addition, Planning Commissioners shall adhere to the Code of Ethics adopted by City Council Resolution 2714, attached in the Appendix.

¹ These provisions are based on City of Milpitas Municipal Code Title I Chapter 500 (Ordinance 41.8 (part), 1997). Any modifications to these provisions must be consistent with the underlying Code provisions.

² Brown Act, California Open Meeting Law, Government Code Sections 54950-54962. The Brown Act generally requires that Planning Commission business occur at public meeting, with notice provided through a posted agenda. The agenda both guides and limits the scope of the Commission business considered at the meeting. Additional notice for specific agenda items may be required pursuant to other statutes and ordinances.

**CITY OF PLACERVILLE
PLANNING COMMISSION**

BYLAWS

(Revised April 1, 2014)

ARTICLE 1. AUTHORITY

The following Bylaws of the Planning Commission of the City of Placerville, hereinafter referred to as the Commission, are hereby adopted pursuant to Section 65802 of the Government Code of the State of California, and Title II, Chapter 2 of the City Code of the City of Placerville.

ARTICLE 2. MEMBERS

The members of the Planning Commission shall be appointed pursuant to Section 2-2-3 of the Placerville City Code and their terms of appointment shall be as provided in Section 2-2-4 of the Placerville City Code. There is no limit as to the number of terms a Commissioner may serve.

ARTICLE 3. OFFICE

The principal office of the Planning Commission shall be at the City Hall of the City of Placerville, Placerville, California.

ARTICLE 4. MEETINGS

- (a) Regular meetings of the Commission shall be held in the City Council Chambers, 549 Main Street, Placerville, starting at 6:00 p.m., on the first and third Tuesday of each month. When either date falls on a legal holiday, the meeting may be held on the next City business day with the consensus of the Commission.
- (b) Special meetings of the Commission may be called in accordance with Government Code Section 54956.
- (c) The Planning Commission normally ends its meetings by 10:00 p.m. even if it necessitates carrying items over to another meeting. The Planning Commission will consider only "Reports of the Commission and Staff" on the agenda after 9:30 p.m., unless otherwise changed by a majority vote of the quorum.
- (d) Meetings may be adjourned to another time and place by the Chair. The Chair shall give public notice of the time and place during the meeting so adjourned.

ARTICLE 5. OFFICERS

- (a) The officers of the Commission shall consist of a Chair and a Vice Chair.
- (b) The Chair and Vice Chair shall be elected for a one-year term from the voting members of the Commission at the first regular meeting on or after March 1st, or the first regular meeting after the appointment of new Planning Commissioners. The Chair shall take office at the following meeting. Vacancies shall be filled in the same manner, at the regular meeting immediately following the time the vacancy occurs.
- (c) The Chair shall act as the presiding officer at all meetings of the Commission.
- (d) The Vice Chair shall preside and exercise all the duties of the Chair in the absence of the Chair. In the absence of both the Chair and Vice Chair, a Temporary Chair shall be elected by the quorum to act as Chair until the return of the Chair or Vice Chair.
- (e) The Development Services Director shall designate an Executive Secretary to the Planning Commission. The Executive Secretary shall govern the keeping of minutes of all proceedings, prepare correspondence, reports, sign all documents on behalf of the Commission and perform other duties as directed by the Commission.
- (f) The Development Services Director shall designate a Recording Secretary to the Planning Commission. The Recording Secretary shall keep the minutes of all meetings of the Commission. The Recording Secretary shall call the roll and note in the minutes of each meeting the names of the Commissioners present and absent. The Recording Secretary shall poll the Commission and show the vote of each member upon each question requiring an individual vote, or if a member is absent or fails to vote shall indicate such fact.

ARTICLE 6. COMMITTEES

- (a) When desirable or necessary, the Chair, with the approval of the Planning Commission, shall appoint standing committees and may appoint special committees.
- (b) Special committees shall be discharged at the end of their assignment.

ARTICLE 7. PROCEDURES

- (a) Meetings shall be conducted in such manner as the Chair directs, within the rules herein set forth, and any regularly adopted agenda therefore.

- (b) Three voting members of the Commission shall constitute a quorum for the transaction of business. The only action which may be taken at a meeting attended by less than a quorum is to adjourn the meeting to a time certain or sine die.
- (c) At each meeting of the Commission, the minutes of the prior meeting shall be presented for approval.
- (d) To be passed, all motions and resolutions must receive the affirmative votes of no less than the majority of the voting members constituting a quorum. The abstention of voting by any member shall not break the quorum.
- (e) All reports and recommendations of the Commission to the City Council shall be in writing and presented to the City Council by the Development Services Department on behalf of the Commission.
- (f) Members of the Commission who are unable to attend a meeting shall, if possible, so inform the Chair or the Executive Secretary in advance of said meeting in order to determine a quorum in advance. In addition, Members must adhere to the attendance policy of the *City of Placerville Committee, Commission and Board Policy Manual*.
- (g) There must be five members present to vote on election of officers and to repeal, amend, or add to Bylaws.
- (h) Newly appointed members may vote on items immediately after appointment provided they have reviewed the record, including tapes, minutes, reports and files on the item upon which they are voting.

ARTICLE 8. VOTING

- (a) Every official act taken by the Planning Commission shall be by resolution or motion adopted by the affirmative vote of the majority of the members constituting a quorum. Other general and routine matters may be approved by general consent.
- (b) The usual voting sign on all Planning Commission matters will be by the Recording Secretary orally polling the Commission.
- (c) In the event a formal application fails to be either approved or denied by the Planning Commission, the application will automatically be forwarded to the City Council for action.

ARTICLE 9. ORDER OF BUSINESS at regular meetings shall be as follows:

- (a) Adjourn to Closed Session (if applicable)

- (b) Call to Order
- (c) Roll Call
- (d) Election of Chair Pro-Tem in the event of the absence or inability to act by both the Chair and Vice Chair
- (e) Closed Session Report (if applicable)
- (f) Consent Calendar

All matters listed under the Consent Calendar are considered routine and will be enacted by general consent, unless any Commissioner requests a roll call vote, or unless any member of the Commission or Staff or audience wishes to remove an item for discussion. The reading of the full text of all Resolutions will be waived unless a Commission member requests otherwise.

Typical Consent Calendar items: Adoption of Minutes and Agenda, follow-up items or conditions specific to an approved entitlement, such as a Conditional Use Permit or site plan review.

- (g) Items Pulled From Consent Calendar
- (h) Items of Interest to the Public (the Planning Commission shall not take action on this item)

This portion of the meeting is reserved for persons wishing to address the Commission on any matter not on the Agenda that is within the subject matter jurisdiction of the Planning Commission. State law prohibits the Commission from acting on items not listed on the Agenda except by special action of the Planning Commission under specified circumstances. The Chair reserves the right to limit the speaker's time to three minutes. The Chair will recognize the speaker and ask that they state their name for the record. Personal attacks on individuals or comments which are slanderous or which may invade an individual's personal privacy will not be tolerated.

- (i) Communications
- (j) Presentations and Educational Workshop Sessions
- (k) Environmental Assessments/Public Hearings
- (l) Continued Items
- (m) New Business

- (n) Matters from Commissioners and Staff
- (o) Adjournment

ARTICLE 10. ORDER FOR EACH SPECIFIC AGENDA ITEM

- (a) Chair announces matter next to be discussed
- (b) Chair calls on Planning staff to:
 - 1) Present staff report and describe findings
 - 2) Explain application and outline any unique problems
 - 3) Present staff recommendations
 - 4) Present summary alternatives and necessary recommendations
 - 5) Read communications received which are concerned with application
 - 6) Answer questions of the Commission
- (c) Chair calls on applicant, counsel or agent to:
 - 1) Present request
 - 2) Attempt to prove, when necessary, that the granting of the request will be in the public interest
- (d) Commission hears those present:
 - 1) Each person speaking is invited to the lectern, state their name and address (and spell name if necessary)
- (e) Commission acts to:
 - 1) Close or continue hearing until later date
 - 2) Discuss
 - 3) To approve, conditionally approve, deny or take under advisement
 - 4) To recommend approval, conditional approval, or denial to the City Council

ARTICLE 11. OTHER

- (a) Any person may have a matter placed on the Commission's agenda by making the request to the Executive Secretary no later than twenty-one days preceding the meeting. The Executive Secretary will plainly mark on all applications or date filed with the Development Services Department the date of filing, then set a time on the agenda, stating the name of the party and the purpose of the appearance.
- (b) The Development Services Director or his designee shall post the Planning Commission Meeting Agenda 72 hours prior to such meeting in the front window of City Hall and shall maintain record of the date and time such agenda was posted.
- (c) The Development Services Director or his designee shall act as Technical Advisor for the Planning Commission.
- (d) The City Attorney of the City of Placerville shall be attorney for the Planning Commission and will attend its meetings upon request.
- (e) Any question of procedure not governed by the rules herein set forth, shall be decided in accordance with the latest revised edition of Robert's Rules of Order.
- (f) The Commission, by motion passed by a majority of the quorum, may suspend or vary the application of the rules with regard to any proceedings, or to any particular problem before the Commission.



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes *Western City* magazine.

© 2011 League of California Cities. All rights reserved.

ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



TABLE OF CONTENTS

About the Author	ii
Introduction	2
Establishing a Quorum	2
The Role of the Chair	2
The Basic Format for an Agenda Item Discussion	2
Motions in General	3
The Three Basic Motions	3
Multiple Motions Before the Body	4
To Debate or Not to Debate	4
Majority and Super-Majority Votes	5
Counting Votes	5
The Motion to Reconsider	6
Courtesy and Decorum	7
Special Notes About Public Input	7



INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.


The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”


The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”



The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be

as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate


The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to **immediately take a recess**. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.



Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.


Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?
Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



1400 K Street, Sacramento, CA 95814
(916) 658-8200 | Fax (916) 658-8240
www.cacities.org

To order additional copies of this publication, call (916) 658-8200.

\$10

© 2011 League of California Cities. All rights reserved.

♻️ Printed on recycled paper.

MINUTES
REGULAR MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., JANUARY 13, 2015

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC15-01

1. ROLL CALL:

Chairperson Clemente
Vice-Chair Wade
Commissioner Adeva
Commissioner Harris
Commissioner Holzwarth
Commissioner Mirador
Commissioner Ramos arrived at 7:02 pm

2. ANNOUNCEMENTS:

None

3. MINUTES:

Commissioner Harris moved to approve December 22, 2014, Planning Commission Minutes. Commissioner Mirador seconded the motion. Motion passed 7-0.

4. AUDIENCE COMMUNICATIONS:

None

CONFLICT OF INTEREST NOTIFICATION

None

5. PUBLIC HEARINGS:

A. A Resolution of the City of Suisun City Planning Commission Approving Conditional Use Permit No. 14/15-003 by Amending Conditional Use Permit No. 11/12-009 to Allow for Expanded Hours of Operation at 600 Marina Center for the Blue Devils Bingo Center, apn 0032-440-030. (Continued Public Hearing from December 22, 2014)

John Kearns presented the staff report. He briefly explained that a Conditional Use Permit (CUP) for a bingo center was originally approved on July 24, 2012 and on May 21, 2013 the City Council granted the Blue Devils a Bing License which was a condition of the CUP. Mr. Kearns stated that the Blue Devils were requesting an amendment to the CUP to allow for expanded hours of operation.

He further explained at the December 22, 2014, meeting, staff asked the Commission to continue the item to the January 13, 2015, meeting to allow for the Suisun City Police Department to investigate a complaint received by the City. Mr. Kearns stated that a thorough investigation was conducted and that each of the allegations brought forward in the complaint were investigated by the Police department through site visits and interviews. Further stating, that based on the information obtained and a review of State Laws governing the activities, the allegations brought forward are unfounded.

Police Chief Tim Mattos stated the department did a thorough investigation regarding complaints received. He further stated that he spoke with Blue Devils operator Tom Hope and has received no other complaints from the community and have had no calls for service.

Commissioner Adeva asked exactly what the complaints were. Chief Mattos explained the complaints included children inside the bingo hall was related to the Subway which is open to the public, allegations of the size of prize monies when checked were within the laws and are not outside the boundaries due to the issuance of serialized card and one other complaint regarding the Subway and was completely unfounded.

Chairperson Clemente closed the Public Hearing.

Commissioner Adeva asked about Condition No 11 (iii) regarding excessive calls. Chief Mattos explained that businesses are audited on a quarterly basis. If there is an increase in calls for service, calls are logged based on the types of calls, the length of time on the call, how many officer hours it is taking. He stated that looking back on the Bingo establishment there were two calls for things happening outside the establishment that Bingo was bringing to the attention of the Police. He further stated that during Bingo operating hours the Police Department has noticed a decrease in loitering in the shopping center in general so Bingo has actually helped the center overall.

Commissioner Adeva noted that Condition No. 17 needed to have the term “Community Development Director” corrected to be consistent with the rest of the Resolution.

Commissioner Holzwarth moved to approve Resolution No. PC 15-01 with correction of Condition No. 17. Commissioner seconded the motion. Motion passed 7-0.

6. GENERAL BUSINESS:

None

7. COMMUNICATION:

John Kearns stated there would be no meeting on January 27, 2015. The February 10, 2015 meeting would be the Downtown Specific Plan and a possible Use Permit.

Mr. Kearns stated that Wal-Mart was close to receiving their Temporary Certificate of Occupancy. There are a few staff items that need to be completed to accomplish that.

Commissioner Holzwarth asked if there would be a tire service center. Both Mr. Kearns and Mr. Garben indicated that they were not certain but would check the plans and send an email with the information.

Commissioner Harris questioned the election of officers policy. He stated that 3 of the existing Commissioners terms expire and new Commissioners could be appointed. He stated that the Municipal Code only indicated how the Parks and Recreation Commission elected their officers and it states every 2 years. He was concerned that the Planning Commission did not have any reference in the Municipal Code.

Chairperson Clemente was also concerned with the fact that election of officers was not held until April, 2014. He also stated that he has not been able to locate any Bylaws for the Commission.

Mr. Garben indicated that staff would do research on the matter and bring an Ordinance that would clearly define Bylaws and election of officers.

Commissioner Harris also stated that the term of office expiration date was confusing as it gives a specific date of January 5 and in the next sentence states a Commissioner serves until a successor is appointed. He felt that needed to be made clearer.

Commissioner Adeva thanked staff and her fellow Commissioners for their understanding and support during absence for her recent health issues. She stated that she was feeling great and had another procedure ahead of her and asked for their continued prayers.

8. ADJOURN.

There being no further business the meeting was adjourned at 7:35 pm.

Anita Skinner, Commission Secretary

a&m/150113.pca

AGENDA TRANSMITTAL

MEETING DATE: February 10, 2015

PLANNING COMMISSION AGENDA ITEM: PUBLIC HEARING: Workshop on Downtown Waterfront Specific Plan Update “Vision”

FISCAL IMPACT: The Downtown Waterfront Specific Plan Update project is fully funded through a \$163,000 grant. The City’s required match for this project will be \$21,118 (or 11.47%). Staff time to administer the grant and manage the work of outside consultants is being used to meet the match requirement.

BACKGROUND: The Downtown Waterfront Specific Plan was last comprehensively amended in 1999 after initially being referenced as an implementation measure of the 1979 General Plan and subsequently being created in 1983. The 1979 General Plan realized the need for special treatment of the Historic Downtown and Waterfront.

The Plan currently provides more detailed level of planning for the area generally south of Highway 12, Hill Slough to the east, the Union Pacific Railroad to the west and Peytonia Ecological Reserve and Pierce Island to the south.

On November 13, 2014, staff held a Community Involvement Meeting at the Suisun Harbor Theater to solicit input on updates of the General Plan and Downtown Waterfront Specific Plans. Notes taken by staff from this meeting have been included as an attachment. This meeting acted as the kick-off for the Specific Plan Update project.

STAFF REPORT: The update of the Downtown Waterfront Specific Plan is intended to retain its current core structure. However, there is a need for clarification and further detailed planning in the Plan. A goal of the update is to increase both the function and user-friendliness of the Plan.

The one proposed change to the Downtown Waterfront Specific Plan boundaries is to include the lands that are bounded by Highway 12, Marina Boulevard, and the Union Pacific Railroad to the Specific Plan area. This is illustrated in the exhibits for the 2035 General Plan Update and would be consistent with the Suisun City Downtown Waterfront Priority Development Area boundaries. Including these areas in this update process would allow the City the ability to better leverage the asset of the Suisun-Fairfield Train Depot in its land use planning of this broader area, and to create an entrance from the north to the Waterfront District south of Highway 12

On January 29, 2015, staff provided a two-page survey to the mailing list of those who attended the Community Involvement Meeting in November. Staff asked that they take some time to respond to the questions by completing the survey, providing comments to staff, or attending the Planning Commission and/or City Council meetings. The survey is provided as an attachment to

PREPARED BY:

John Kearns, Associate Planner

APPROVED BY:

Jason Garben, Development Services Director

this staff report. Subsequently, staff has outreached through Facebook, Nextdoor, and the Suisun City website in order to encourage participation and gain additional interest and input from the public in this most important project.

The two-page ‘Key Questions in Developing a Consensus Vision – January 20, 2015’ document consisted of the following questions:

1. How should the City apply the Guiding Principles in the Downtown Waterfront Area? Where, within the Downtown Waterfront Area, should these principles be applied?
2. How can the Downtown Waterfront Area develop in a way that takes better advantage of these unique local assets?
3. How can the City partner with property owners, business owners, and developers to help local businesses expand, attract new businesses, and attract housing (and customer base) that will allow businesses to succeed in the Downtown Waterfront Area?
4. Please think about a place you love to visit or where you really enjoyed living. Are there things that were special about that place that could be developed in the Downtown Waterfront Area? What do the businesses look like? What about the housing?
5. Considering Allowable land use, waterfront image, Suisun Channel, Transportation: roadways, rail, water, bicycle, pedestrian, Marina, and parking; Area there specific topics within the list above that should receive special attention? Are there important topics that are left out of the list above we should consider?

Common Ideas or Responses

As of the release of the Planning Commission agenda packet, the following ideas or responses were found to be provided frequently through the survey and responses received:

- Keep the “small town” feel or character of the downtown area.
- Reface storefronts along Main Street.
- Create a more family-oriented atmosphere.
- Ensure safety in downtown area.
- What is the plan for vacant and/or underutilized lots throughout downtown?
- Making downtown a destination.
- Provide for accessible parking.
- Assure that new construction and historic buildings blend.
- Allow for mixed use and a mix of uses.
- Maintain and expand public facilities (both buildings and infrastructure).

As stated above, this information was provided as of release of the agenda packet. If staff receives more information prior to the Commission meeting it will be relayed accordingly.

The next step is to discuss the “vision” with the City Council on February 17. Staff will take all the comments received (including those provided at the Planning Commission meeting) and present those to the Council. The Public will also be encouraged to provide comments and feedback at the Council meeting. The intention is to develop a final vision for the Downtown Waterfront Specific Plan following the February 17 Council meeting. The next task will be to discuss alternatives for

the Downtown Waterfront Specific Plan which will include meetings with the Commission and Council.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission:

- Open the Public Hearing;
- Take any Public Comments;
- Close Public Hearing;
- Provide Commission Comments.

ATTACHMENTS:

1. 2035 General Plan and Specific Plan Update Community Involvement Meeting – November 13, 2014.
2. Downtown Waterfront Specific Plan Key Questions in Developing a Consensus Vision – January 20, 2015.
3. Downtown Waterfront Specific Plan Boundary Map

**2035 General Plan and Downtown Waterfront Specific Plan Update
Community Involvement Meeting
November 13, 2014 Suisun Harbor Theater**

General Plan

34 people attended the community meeting as well as two Council members and a Planning Commissioner.

Staff provided those in attendance a presentation on the General Plan Update summarizing the outreach efforts to-date including: (1) Development of Guiding Principles, (2) Preferred Land Use Alternative; and (3) Notice of Preparation for the Environmental Impact Report (EIR). A thorough explanation was provided regarding the current 45-day public review period for the Draft General Plan EIR.

- Timeline for General Plan to start happening? *Staff responded that the General Plan looks at a horizon year of 2035, but would take effect following Council adoption of the Final General Plan and EIR.*
- What is City doing to populate the Marina Shopping Center? *Staff has worked closely with the property owner and been willing to help any way possible.*
- Can “Jobs/Housing Balance” be achieved in the city? City needs to focus on its strengths.

Specific Plan

Staff communicated this meeting was a “kick-off” to the process of updating the Downtown Waterfront Specific Plan. Staff also communicated that the current plan has a good base and that the focus would be to limit changes to technical aspects of the plan. Staff did point out that the update is grant funded and that there are targets of 920 Jobs and 1,040 housing units in the PDA by 2040.

- Focus on maintaining community character.
- Neighborhood vitality – challenge to maintain with too much growth.
- Discussion of older buildings facing Main Street. Are they habitable? What can be done with them? Three options seemed to surface:
 - Could building be retrofitted?
 - Could the facades/fronts be saved with new construction behind?
 - Could elements (e.g. bricks) be saved and reused in a new building?
- Address health activities.
 - Limit on smoke shops/liquor stores.
 - Look at anti-smoking ordinance regarding parks.
- Focus on circulation plan (or safety services) during events (4th of July is best example) to provide adequate exits out of downtown.
- What is the status of the Main Street West DDA? *The amendment to the DDA is being reviewed by the Department of Finance. If approved, their project will move forward.*
- How much control on Specific Plan due to grant funding? Are there mandates for number of units and affordability? *The grant provides targets for both housing units and jobs. Staff conducted a thorough analysis prior to accepting the grant to make sure the City would be able to retain the historic small-town character.*

- Entries into downtown need to be attractive and well – landscaped. The General Plan does a good job of setting the stage for focusing on this.
- Development near railroad tracks brings issues like noise and vibration.
- Update design guidelines to maintain historic character.
- Downtown is a strength as a restaurant destination.
- Better access to the Marina Shopping Center. Caltrans will not allow a left turn from Highway 12, but there might be other things the city can look at to improve this.
- Planning Commission approval of all projects in the Specific Plan including design review. This will be a policy decision of the City Council.
- Has the city considered a pedestrian bridge from Marina/Railroad Avenue to Armijo area.
- Email responses to suggestions.
- What about Suisun Pacific Sign at the southeast corner of Marina and Highway 12?

Dot Exercise

Staff introduced a “dot exercise” similar to the exercise that was completed at the budget workshop held in March. Each participant was given three dots for a “Waterfront/PDA” poster and a “Public Investment” poster. The following results were tabulated at the conclusion:

Retail

- Specialty Food -7 dots
- Fine Dining – 7 dots
- Neighborhood Market – 2 dots

Destination Tourism/Entertainment

- Hotel / Full Service with meeting and Conference Facilities – 6 dots
- Wine Tasting – 6 dots
- Visitor / Truck Stop – Full Service – 4 dots

Other Non-Retail

- Single-Family-Low Density – 6 dots
- Condos – 4 dots
- Senior Housing – 2 dots
- Medical-Office – 2 dots

As a follow-up to the meeting, staff has assembled a mailing list of those who provided contact information and will make sure to keep them informed by providing updates as the projects progress forward.



Downtown Waterfront Specific Plan

Key Questions in Developing a Consensus Vision

January 20, 2015

I. Introduction

The City has embarked on an update to the 1999 Downtown Waterfront Specific Plan to implement the new 2035 Citywide General Plan. In the General Plan, the City has provided the policy framework to encourage development in the Downtown, create new transit-oriented development opportunities around the train station, connect historic and newer sections of the community, and enhance public access to waterways and the Suisun Marsh.

II. Guiding Principles

Guiding Principles were developed by the City Council and used to develop the General Plan. Several are relevant for the Downtown Waterfront Specific Plan and are listed below.

How should the City apply these Guiding Principles in the Downtown Waterfront Area?
Where, within the Downtown Waterfront Area, should these Principles be applied?

Community Character

- Preserve and restore historic resources and use design review to ensure compatibility with existing development.
- Focus higher-density and mixed-use projects in areas adjacent to the train station.

Destination Tourism and Entertainment

- Promote a vibrant Downtown that provides both daytime and nighttime activities to attract visitors.
- Provide a variety of high-quality passive and active recreation and leisure activities.
- Promote arts and culture in the community, including theaters, galleries, museums, music venues, and other activities.

Quality of Community Life

- Provide convenient linkages from the train station and other regional connectors to bring patrons to the Downtown.
- Provide transportation alternatives to the automobile, especially capitalizing on the location of the train station.

Public Safety

- Ensure safe and efficient walking, biking, driving, and parking in the Downtown.

Economic Vitality

- Strategically develop the Downtown Waterfront Area to provide convenient, attractive housing, shopping, services, and employment Downtown.
- Strategically develop vacant, underutilized, infill land... especially in the Downtown.

III. Economic Development

Economic development depends on local assets and advantages. Two of the most important assets for Suisun City are the **waterfront setting** and **access to the Capital Corridor**.



AECOM



How can the Downtown Waterfront Area develop in a way that takes better advantage of these unique local assets?

IV. Promoting Reinvestment

The City has had many successes in reinvestment and redevelopment. There are further opportunities for community revitalization, which could be promoted by actions by the City, collaborations with other public agencies, and public/private partnerships. Such coordinated efforts can help identify and remove constraints to development, invest in infrastructure and streetscape improvements, identify matching grants for property owners to make façade improvements or other on-site improvements, provide favorable fee structures for infill development, in addition to other strategies.

How can the City partner with property owners, business owners, and developers to help local businesses expand, attract new businesses, and attract housing (and customer base) that will allow businesses to succeed in the Downtown Waterfront Area?

V. Imagine a More Vibrant Downtown Neighborhood

Many of us have lived in, or visited downtowns or other special places with unique character, attractions and amenities, high quality public spaces, and other features.

Please think about a place you love to visit or where you really enjoyed living. Are there things that were special about that place that could be developed in the Downtown Waterfront Area? What do the businesses look like? What about the housing?

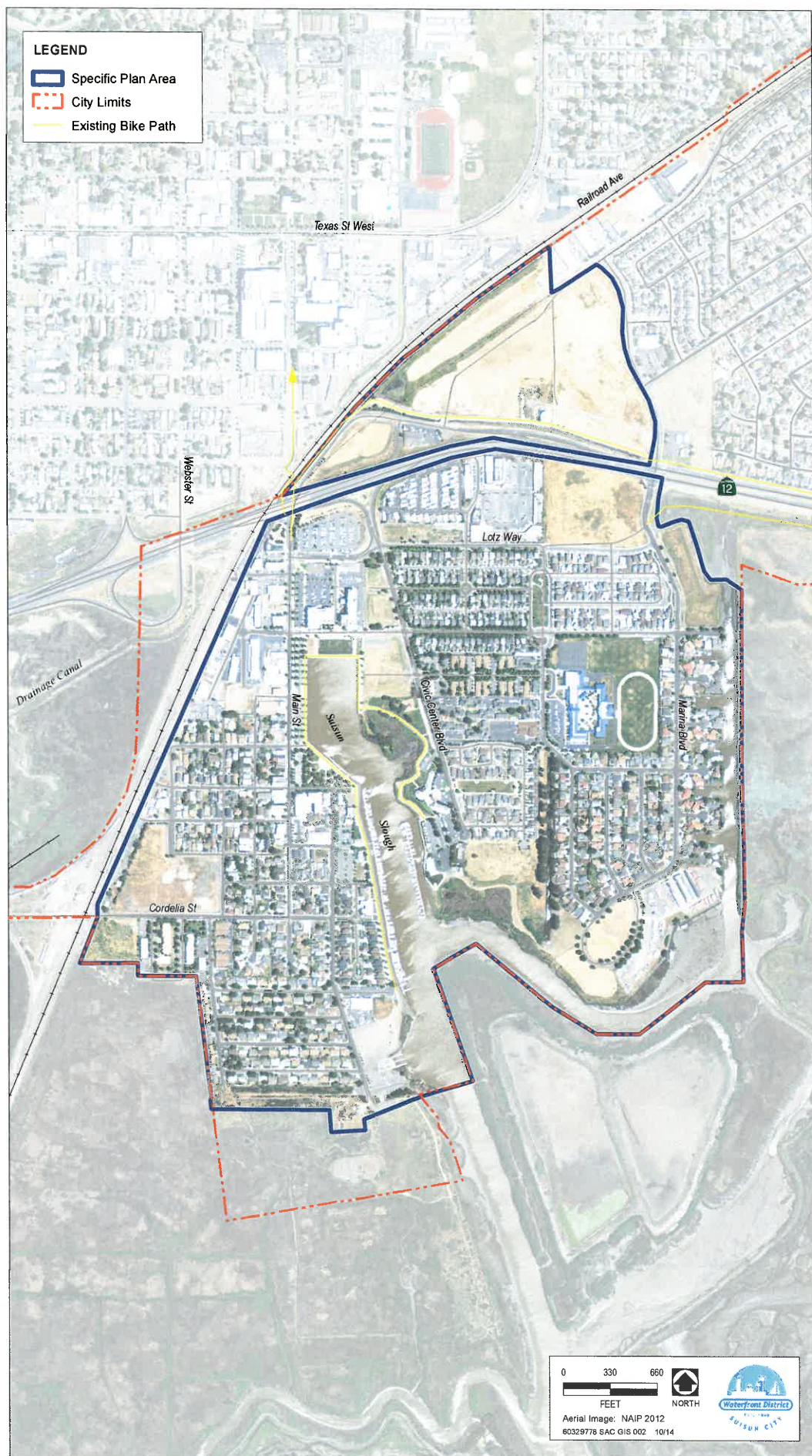
VI. Other Downtown Waterfront Specific Plan Topics

The 1999 Downtown Waterfront Specific Plan addressed a range of topics, including:

- Allowable land use
- Waterfront image
- Suisun Channel
- Transportation: roadways, rail, water, bicycle, pedestrian, Marina, and parking
- Community design standards and guidelines
- Project design review and approval process

Are there specific topics within the list above that should receive special attention? Are there important topics that are left out of the list above we should consider?





Source: City of Suisun City and AECOM

Downtown Waterfront Specific Plan Area