

## PLANNING COMMISSION BY-LAWS

1. **Purpose and Intent.** The membership and duties of the Planning Commission (the “Commission”) are prescribed in the San Bruno Municipal Code. These Bylaws set forth the procedural rules for the conduct of Commission meetings.
2. **Meetings.** The Commission shall conduct its business in accordance with Chapter 2.08 of the San Bruno Municipal Code, these Bylaws, the Ralph M. Brown Act (Government Code Section 54950 *et seq.*) and the Code of Conduct adopted by the City Council by way of Resolution No. 01-2604.
  - 2.1 **Regular Meetings.** The Commission shall hold regular meetings at 7:00 p.m. on the third Tuesday of each month, except that no meeting shall be held if a regular meeting day falls on a legal holiday. Regular meetings shall be held at the San Bruno Senior Center.
  - 2.2 **Special Meetings.** Special meetings may be called at any time by the Chair or by a majority of the Commission, by delivering written notice to each member of the Commission (hereinafter “member” or “members”) and by posting the notice in the designated posting locations. Such notice may be delivered by any means and must be received at least twenty-four hours before the time of such meeting as specified in the notice, unless notice is waived in writing. The notice shall specify the time and place of the special meeting and the business to be transacted, and no other business shall be transacted at that meeting other than that contained in the notice.
  - 2.3 **Adjourned Meetings.** All meetings may be adjourned to another specified time, place and date, but not beyond the next regular meeting. If all members are absent from any regular or adjourned regular meeting the Secretary may declare the meeting adjourned to a stated time and place, and shall cause a written notice of the adjournment to be given in the same manner as provided in paragraph 2.2 above for special meetings. A copy of the notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment.
  - 2.4 **Study Sessions.** The Commission may, from time to time, as part of a regular, adjourned or special meeting, meet in study session to focus on a particular matter within its jurisdiction. Action shall not be taken during a study session but direction may be provided.
  - 2.5 **Public Meetings.** All meetings and study sessions of the Commission shall be open to the public. Closed sessions may be held only when specifically authorized by the Brown Act.

**2.6 Cancellation of Regular Meetings.** The Commission may cancel an upcoming regular meeting for lack of a quorum. Notice of the cancellation shall be posted in lieu of an agenda.

**3. Organization of the Commission.**

**3.1 Establishment.** There is established a Planning Commission. The Commission shall consist of seven residents of the City, but not employees of the City. Members shall be appointed by and serve at the pleasure of the Mayor with the majority approval of the City Council, subject to removal at any time, pursuant to City Council procedures.

**3.2 Term.** The term of office of each member is four years.

**3.3 Compensation.** No person shall receive compensation for service as a member, except for reimbursement of all such expenses necessarily and legitimately incurred and authorized during the performance of official duties for payment for service as a proctor during administration of employment examinations.

**3.4 Officers.** The Commission shall elect from its membership a Chair, who shall preside over meetings. The Commission shall also elect a Vice-Chair, who shall preside in the absence of the Chair. The Chair and Vice-Chair are sometimes referred to herein as the “presiding officer.” The Chair shall have the following powers:

**3.4.1** To call to order the meeting and to conduct the order of business as set forth in the agenda.

**3.4.2** To adjust the agenda, if needed, at the time of the meeting with the approval of the Commission;

**3.4.3** To move, second, debate and vote;

**3.4.4** To rule motions in or out of order;

**3.4.5** To determine whether a speaker from the audience has exceeded his or her time or is otherwise out of order;

**3.4.6** To rule on questions of parliamentary procedure based generally on Robert's Rules of Order;

**3.4.7** To sign all resolutions and other documents necessitating his or her signature;

**3.4.8** To call a brief recess during a meeting;

**3.4.9** To appoint members to subcommittees with the approval of the Commission; and

**3.4.10** To maintain decorum.

The presiding officer's determination as to any of the above matters may be overruled by a majority of the members present.

**3.5** **Organizational Meeting.** At its first meeting in December, the members shall elect a Chair and Vice-Chair from among its members.

**3.6** **Term of the Chair and Vice-Chair.** The term of office of the Chair and Vice Chair shall be one year. A member may serve more than one consecutive term as Chair or Vice-Chair. Nothing shall prevent the Commission from removing and replacing the Chair or Vice-Chair at any time during their respective terms, provided that the item is properly on the agenda of the meeting.

**3.7** **Vacancy in the Office of Chair or Vice-Chair.** A vacancy in the office of Chair or Vice-Chair shall be filled for the remainder of the unexpired term by election at the next meeting provided the election has been noticed on the agenda.

**3.8** **Vacancy of a Member's Seat.** A member may resign by submitting his or her resignation in writing to the Chair. The resignation is effective and irrevocable when submitted. In the event of an unscheduled vacancy of any member's seat prior to the expiration of his or her term, the City Council (or in the case of an individual appointment, the applicable Councilmember) may appoint a member to serve the remainder of the unexpired term. The newly appointed member shall take and subscribe to the oath of office before the next regular meeting after his or her appointment by the City Council.

**3.9** **Quorum.** A majority of the total membership of the Commission shall constitute a quorum for the transaction of business. Where there is not a quorum present, the Secretary of the Commission shall announce that no meeting will be held due to lack of a quorum, and shall announce the date of the next regular or adjourned meeting. When a member is disqualified due to a financial conflict of interest, his or her presence shall not be considered in determining the presence of a quorum. Any decision of the Commission shall require a vote of the majority of the members present and qualified to vote.

**3.10 Subcommittees.** The Commission may from time to time establish either standing or ad hoc subcommittees consisting of any number less than a quorum of its membership for the purposes of studying a specific area of concern. Standing subcommittees (that have a regular meeting schedule or continuing subject matter jurisdiction) are subject to all of the requirements of the Brown Act. The Commission may refer matters to a subcommittee to report back to the full Commission at a future date. The subcommittee report will be considered advisory and its recommendations are subject to action by the full Commission.

**3.11 Absences from meetings.** If a member of the Planning Commission is absent from three successive regular meetings without being excused by the Commission, or is absent for any reason for more than six regular meetings in any twelve-month period, the office of such member shall be vacated and the Chair shall immediately notify the Secretary, who shall notify the City Council that said office is vacant. Upon such notification, a successor for the remainder of the term of such member shall be appointed as adopted by Council Policy on July 26, 1976. In order to request an excused absence, a member must notify the Chair or the Secretary of the anticipated absence in advance of the meeting and the request must be noted during call of the roll and reflected in the minutes of the meeting, and is subject to denial by the Commission.

**3.12 Oath of Office.** Newly appointed members shall take and subscribe to the oath of office before assuming their duties. The oath may be given by a City official authorized to do so by State law.

#### **4. Powers and Duties.**

**4.1** Serve in an advisory capacity to the City Council and City Manager;

**4.2** Duties set forth as duties for Planning Commissions pursuant to state law;

**4.3** Duties of a planning agency pursuant to Section 65400 et seq., of the Government Code;

**4.4** Other duties as set forth by ordinance. (Ord. 1602 ; and § 2, 1998); and

**4.5** Provide other assistance as requested by the City Council or the City Manager.

#### **5. The Commission Agenda.**

**5.1 Preparation of the agenda.** The Secretary of the Commission shall formulate and prepare the agenda for meetings.

- 5.2 Posting of the agenda.** The City Clerk shall cause to be posted an agenda for each regular meeting in the designated posting locations not less than 72 hours prior to the meeting. Agendas for adjourned meetings shall be posted in the same fashion, unless the business to be undertaken is limited to the items on the agenda of the meeting at which the adjournment occurs and the meeting is adjourned to a date within five days of the adjournment. Agendas of special meetings shall be posted and provided along with the notice of the meeting as provided in paragraph 2.2 above.
- 5.3 Affidavit of posting.** Immediately following the posting of the agenda, the City Clerk shall cause to be completed an affidavit of posting. The affidavit shall indicate the time and location of posting, and shall be signed under penalty of perjury. The City Clerk shall retain all such affidavits in accordance with the City's records retention policy.
- 5.4 Order of Business.** Items shall be placed on the agenda substantially according to the following "Order of Business." Upon review of the agenda at the beginning of any meeting, the Commission may change the order of business in order to promote the efficiency of the meeting. The Order of Business for each regular meeting shall be as follows:
1. Call to Order/Roll call
  2. Pledge of Allegiance
  3. Approval of the Agenda
  4. Approval of Minutes (unless approved on the Consent Calendar)
  5. Public Comments on Consent Calendar and Matters Not on the Agenda
  6. Consent Calendar
  7. Public Hearings
  8. New Business
  9. Unfinished Business
  10. Excluded Consent
  11. Items from Staff
  12. Public Comments on Matters Not on the Agenda (remaining comments not heard during previous comment period)
  13. Items from Members and Subcommittee Reports
  14. Adjournment
- 5.5 Description of Matters on the Agenda.** All items of business to be transacted shall be described briefly on the agenda in sufficient detail so that a reasonable person can determine the general nature of the matter under consideration. Not every recommendation or conceivable action or alternative need be listed. Generally, each item on the agenda shall contain a staff recommendation and the specific action requested to be taken.

**5.6 Adding Items of Business to the Agenda.** The Commission shall not discuss or take action on any item of business not listed on the posted agenda except:

**5.6.1** Upon a majority determination of the existence of an “emergency” as that term is defined in the Brown Act.

**5.6.2** Upon a determination by a two-thirds vote of the members present, or if less than two-thirds of the membership is present, upon a unanimous vote, that there is an immediate need to take action and that the need to take action came to the attention of the City subsequent to the posting of the agenda. If the Commission makes this determination, the minutes of the meeting shall reflect what circumstances gave rise to the need to take action after the posting of the agenda.

**5.6.3** Where the item upon which action is to be taken was included on a properly posted agenda for a prior meeting of the Commission occurring not more than five calendar days prior to the date of the meeting at which the item is to be considered, and the item was continued to an adjourned meeting.

**5.7 Adding Items of Business to a Future Agenda.** Any member may during “Items from Members” request that an item of business within the Commission’s subject matter jurisdiction be added to a future agenda. Such requests are subject to approval of the Commission.

**5.8 Public Comments.** Members of the public shall be permitted to speak on each item of business on the agenda when the item is taken up and before action is taken on the item by the Commission. Each speaker shall have a three (3) minute period to speak; time cannot be ceded to another speaker. In order to facilitate the conduct of the meeting, the Chair or the Commission may lengthen or shorten the three-minute period for all speakers on a particular agenda item based on the number of persons in attendance wishing to speak or the complexity of the matter under consideration. The "Public Comments" item shall be limited to items on the Consent Calendar (and not pulled therefrom) and matters not on the agenda but within the subject matter jurisdiction of the Commission. An individual may speak only once during “Public Comments,” either at the first or second public comment period.

**5.9 Notification.** Upon written request on an annual basis and payment of the fee required by the City’s fee resolution, the Secretary will mail agendas or agenda packets to any person.

6. **Minutes.** The minutes of meetings shall be kept by the Secretary in accordance with the following policy:
  - 6.1 Minutes shall contain a record of all proceedings, motions, and actions, but shall only contain a summary of the discussion, not a verbatim transcription. The minutes shall accurately reflect what occurred at the meeting.
  - 6.2 All motions, whether carried or not, shall be recorded, disclosing the author of the motion and the second, and the roll call vote.
  - 6.3 Minutes of public hearings shall list when available the names and City of residence of all persons who speak during the hearing, and the position they took on the matter. The minutes need not include detailed or verbatim transcriptions of public comments.
  - 6.4 An audiotape recording of all meetings shall be made and said recording tapes shall be kept for a period not less than thirty days following approval of the minutes, and shall be subject to disclosure during that time.
7. **Annual Report.** The Commission shall provide a report to the City Council concerning its actions, activities, and achievements during the preceding year, its goals for the subsequent year and any recommendations for improvement in providing service to the City. A summary of the annual report shall be presented orally at a regular City Council meeting.
8. **Secretary.** The City Manager or applicable Department Director or his/her designee shall serve as the Secretary for the Commission. The Secretary shall:
  - 8.1 Keep the minutes of all meetings and transmit approved minutes to the City Clerk;
  - 8.2 Give or serve all notices required by law or by these rules;
  - 8.3 Formulate and prepare the agenda for all meetings;
  - 8.4 Be custodian of Commission records;
  - 8.5 Inform the Commission of correspondence relating to business of the Commission and attend to such correspondence;
  - 8.6 Handle funds allocated to the Commission, as directed by the applicable Department Director, and in accordance with its directives, the law, and City regulations; and
  - 8.7 Sign official documents of the Commission.

**9. Conduct of Meetings.**

**9.1 Action by the Commission.** The Commission shall proceed by way of motion. Any member, including the Chair, may make a motion and any member may second the motion except that the same person who made the motion cannot second it. A member may make only one motion at a time and a motion or second may be withdrawn by the maker at any time before a vote.

**9.2 Adoption by Majority Vote.** A motion shall be adopted by an affirmative vote of a majority of the members present provided a quorum is determined to exist. Members have a duty to vote "aye", or "nay" on each motion. Abstentions shall be cast only if the member declares:

**9.2.1** The existence of a conflict of interest or other disqualification from voting; or

**9.2.2** A lack of sufficient information upon which to base a vote due to absence from a previous meeting.

Abstentions are not counted in the vote tally.

**9.3 Public Hearings.** Whenever the law requires the Planning Commission to hold a public hearing, such hearing shall be held in accordance with the following rules and procedures:

**9.3.1** The Presiding Officer shall open the public hearing and orally summarize the procedures used by the Planning Commission during a public hearing or shall refer the audience to the agenda, wherein the procedures will be summarized.

**9.3.2** The order of the hearing shall be as follows unless otherwise required by law or determined by the Planning Commission in the interest of assuring a fair hearing:

- a. Opening of the Public Hearing
- b. Disclosures of any ex parte communications
- c. Presentation of Staff Report
- d. Presentation of Subcommittee Reports, if any
- e. Questions of Staff from the Planning Commission
- f. Presentation by Applicant and/or Appellant
- g. Testimony of Public
- h. Rebuttal by Applicant and/or Appellant
- i. Closure of the Public Testimony Portion of Hearing
- j. Response of Staff



- k. Discussion by Planning Commission - further questions to staff
- l. Action
- m. Close of Public Hearing

**9.3.3 Public Record.** During the public hearing the Planning Commission may receive both oral and written testimony relevant to the matter being considered, which shall become part of the public record. In addition, the staff report, all exhibits, maps, papers and other physical evidence submitted to the Planning Commission shall be retained and become part of the public record. Disclosures of pertinent information obtained by a Planning Commissioner outside the hearing shall also be part of the record. Planning Commissioners shall not receive private notes, telephone calls or emails regarding the public hearing while it is being conducted.

Planning Commissioners shall avoid acquiring information outside the hearing of matters being heard solely on the basis of the record of a proceeding by a subordinate body or officer.

**9.3.4 Continuation.** At any time that it appears to the Presiding Officer or a majority of the Planning Commission that inadequate or insufficient evidence has been presented to afford judicious consideration of any matter at the time of a public hearing, or for other just cause, and as long as a continuance is permissible under State law, the hearing may be continued to afford the applicant, the public, or City staff adequate time to assemble additional evidence for consideration. The Planning Commission may also continue a public hearing on a matter being heard de novo for purposes of conducting a field trip collectively to view the property that is the subject of the hearing.

**9.3.5 Presentation by Applicant/Appellant and Public Testimony.** The Presiding Officer shall recognize the applicants and/or appellants in the case, who shall be permitted five (5) minutes to present evidence related to the matter under consideration.

The Presiding Officer shall then recognize members of the public who wish to speak on the issue. No person may speak without first being recognized by the Presiding Officer. Members of the Planning Commission who wish to ask questions of the speakers or each other during the Public Hearing may do so. The Presiding Officer shall conduct the hearing in such a manner as to afford the due process as required by law to all affected persons. Comments from the public shall be limited to three (3) minutes per speaker; time cannot be ceded to another speaker. The Chair may increase

or reduce the time limit for speakers in the manner and for the reasons described in Paragraph 5.8.

Following public testimony, the applicant and/or appellants may present a wrap-up or rebuttal statement, not to exceed two (2) minutes in length.

**9.3.6 Termination of Public Testimony.** The Presiding Officer shall terminate public testimony when no members of the public who have not yet spoken wish to speak, or if after hearing substantial testimony on both sides of the matter, due to the lateness of the hour or the press of business, the Chair determines that additional testimony would be redundant and would not contribute materially to the consideration of the matter. Termination of public testimony does not close the public hearing.

**9.3.7 Deliberations.** No Planning Commissioner shall begin deliberations on the matter until the public portion of the hearing has been closed and the time has come for deliberation.

**9.3.8 Reopening the Public Testimony Portion of the Hearing.** Once the public testimony portion of a public hearing on any matter has been closed, no further public testimony shall be allowed unless the Presiding Officer determines that all persons who were present when the public testimony was heard are still present. Nothing herein however is intended to prevent or prohibit the reopening of public testimony at any subsequent regular or special meeting provided that due and proper notice is given designating the time and place of said re-opening.

**9.3.9 Public Hearings - Decision.** The Planning Commission shall consider all evidence properly before it in accordance with these procedures and then act upon the item. A Planning Commissioner who was absent from all or a significant part of a Public Hearing shall abstain from participating unless he or she has listened to the audiotape or viewed the videotape of the portion of the hearing missed and reviewed all submitted documents and other material. The Planning Commission may deny a project without prejudice if it so specifies. In that instance, the Planning Commission may specify whether the applicant shall incur new fees, which shall generally apply for a substantial revision or resubmittal of the project.

#### **9.4. Rules of Decorum.**

**9.4.1 Rules for Members.** Members of the Commission shall conduct

themselves in an orderly and businesslike manner to ensure that the business of the City shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process is maintained at all times. Members shall maintain a polite, respectful and courteous manner when addressing one another, City staff and members of the public during meetings. Members shall speak clearly into the microphone so that they can be heard by the audience.

a. Communication with Members

- 1) Members should request the floor of the Presiding Officer before speaking.
- 2) A member who is speaking shall attempt to avoid repetition and shall limit their comments to the subject matter at hand. Members should express their views without engaging in lengthy debates.
- 3) When one member is speaking, other members shall not interrupt or otherwise disturb the speaker.

b. Communication with Members of the Public Addressing the Commission.

- 1) Members may question a person addressing the Commission at the conclusion of the person's comments or upon expiration of the person's time to speak. Such questions shall be directed to the person through the Presiding Officer.
- 2) Members shall not engage the person addressing the Commission in a dialogue with the Commission or City staff, but shall confine communication to a question and answer format conducted through the Presiding Officer.
- 3) If a member of the audience has addressed the Commission on matters that are not on the agenda, members shall refrain from discussion of the matter. If a member so wishes, the member may, if appropriate, during the "Items from Members" portion of the meeting, direct the Secretary to place the matter on the next agenda, subject to the approval of the Commission.

**9.4.2 Rules for City Staff.**

- a. Decorum. City staff shall not engage in public dialogue or debate with members of the public during public meetings. When addressed by the Commission, staff shall respond in a polite and respectful manner.
- b. Role of the Secretary. The Secretary's duties during the meetings include keeping a record of concerns raised by the Commission regarding staff matters and directions for future staff action.

#### **9.4.3 Rules for the Public**

- a. Members of the Audience. Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the meeting infeasible. A member of the audience repeatedly or continuously engaging in any such conduct shall, at the discretion of the Presiding Officer or a majority of the Commission, be subject to ejection from that meeting.
- b. Persons Addressing the Commission.
  - 1) Any person wishing to speak in connection with any item of business on the agenda shall first be invited to voluntarily complete a speaker request slip and submit the slip to the Secretary, although completion of the speaker's slip is not required to speak.
  - 2) No person shall address the Commission without first being recognized by the Presiding Officer.
  - 3) No person addressing the Commission shall make repetitious, slanderous or irrelevant remarks, or engage in any other disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of the meetings. Any person who so disrupts the meeting may, at the discretion of the Presiding Officer or a majority of the Commission, be subject to ejection from that meeting.

#### **9.4.4 Enforcement.**

- a. The Chair shall follow the following procedure to maintain decorum:

- 1) Warning. The Presiding Officer shall request that a person who is disrupting the meeting cease such conduct. If after receiving a warning from the Presiding Officer, the person persists in the violation, the Presiding Officer shall order the person to leave the meeting. If the person does not leave the meeting, the Presiding Officer may order a law enforcement officer to remove the person from the chambers.
- 2) Removal. A law enforcement officer shall carry out the orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum. Upon instruction of the Presiding Officer, it shall be the duty of the law enforcement officer to remove from the meeting any person who is disturbing the proceedings.
- 3) Motion to Enforce. If the Presiding Officer fails to enforce the rules of order and decorum set forth above, any member of may move to require the Presiding Officer to do so, and an affirmative vote of a majority of the Commission shall require the Presiding Officer to do so. If the Presiding Officer fails to carry out the will of the majority of the Commission, the majority may designate another member to act as Presiding Officer for the purpose of enforcing the rules of order and decorum established above.
- 4) Clearing the Room. If a meeting is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the Presiding Officer or a majority of the Commission may exercise the authority granted in California Government Code Section 54957.9 by ordering the meeting room cleared and continuing in session in the manner authorized by Section 54957.9 of the Government Code. Members of the press shall be permitted to remain unless they have participated in the disruption.

**9.5 Adjournment of Meetings**. Meetings shall adjourn not later than 10:30 p.m., or as soon thereafter as the Commission completes the item of business on the table at that hour, in which event items of business not yet addressed shall be continued to the next regular meeting or to an adjourned meeting. The Commission may by majority vote extend the meeting beyond 10:30 p.m. in order to complete more of its agenda.

## **10. General**

- 10.1 The Commission and its activities are completely distinct from the Community Development Department.
  - 10.2 No member shall use any public resources including the Community Development Department, City, and/or Commission letterhead and paper in any private activity.
  - 10.3 The Community Development Director shall approve and release any and all publicity releases, public information, pamphlets and other public relations. The purpose is to ensure that no release or programs will conflict with policies or programs of the City.
11. **Robert's Rules of Order.** If a matter arises that is not covered by these rules, the Brown Act or the San Bruno Municipal Code, the procedures of the Commission shall be governed by the latest revised edition of Robert's Rules of Order to the extent not inconsistent with laws governing public agencies.
  12. **Amendments to By-Laws.** These by-laws may not be amended unless the proposed amendment has been presented to and approved by the City Council.