



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: September 14, 2017

TO: Chairman Haase and Members of the Planning Commission

FROM: Elyse W. Lowe, Deputy Director, Development Services Department

SUBJECT: Item No. 4 - The Permanent Rules of the Planning Commission
Planning Commission Meeting of September 21, 2017

This item was continued from the Planning Commission Meeting of August 24, 2017.

Please find attached information regarding other jurisdictions prepared by Commissioner Hofman relative to the discussion of site visits by the Commission.

Attachment: Site Visits Survey prepared by Commissioner Hoffman

City	Individual Site Visit Allowed	Disclosure Required	Written Policy	Source	Notes
Carlsbad	Yes	Yes	No	Ron Ball, Deputy City Attorney	Site visits are allowed but must be disclosed. Commissioners must disclose all conversations they have had regarding project.
Chula Vista	Yes	Yes	No	Glenn Googins, City Attorney	His office does not encourage, however, believes it is beneficial for a Planning Commissioner to be able to have as many facts as possible so site visits are a good idea. However, discourages ex-parte conversations with anyone while on site. Disclosure at hearing is required.
Del Mar	No Response				No response from city at this time, however, I have personally spoken to one Planning Commission member who I know personally and he conducts site visits on all projects.
El Cajon	Yes	Yes	Yes	Barbara C. Luck, Staff Attorney	Written policy attached as Resolution No. 114-79.
Encinitas	Yes	Yes	No	Anna Yentile, Planning Department	"Our Planning Commissioners are able to do site visits. They just can't talk to the owner, neighbors etc. if they do and if they have a conversation while onsite, they have disclosed it before the item is heard and state that that conversation will not influence their judgement on the project."
Escondido	Yes	Yes	No	Mike Strong, Asst. Planning Director	"We encourage the Planning Commission to obtain all of the information they can, including site visits, before making final decisions on projects. They are required to disclose at public hearing."
La Mesa	Yes	Yes	No	Greg Jimora, City Attorney	
Lemon Grove	Yes	Yes	No	Eric Gregg, City Attorney	City does not have a Planning Commission, City Council is allowed to go individually to a site, need full disclosure.
National City	Yes	Yes	No	Nicole Pidon, Attorney's Office	No official policy, however, she discourages site visits due to Brown Act implications. However, site visits are not prohibited and if Commissioner's visit site, they must disclose.
Oceanside	Yes	Yes	No	Barbara Hamilton, Attorney's Office	
San Diego	No				Planning Commissioners are prohibited from visiting sites or looking at site on Google.
San Marcos	Yes	Yes	Yes	Helen Peak, Attorney's Office	Reso PC 98-3016 - "The regulation regarding site inspections can be located on page 10 of the attached, Section 33 (Public Hearings – Procedure), section (d). There is also a reference in Section 34 (Public Hearings – Evidence), section (b)(4), on page 11. With respect to the latter section, we would recommend disclosure of any relevant information, for fair hearing purposes."
Santee	Yes	Yes	No	City Manager's Office	City does not have a Planning Commission, City Council is allowed to go out individually to a site.
Vista	Yes	Yes	No	Mark Stone, Attorney's Office	



City Attorney

June 28, 2017

Sent via Email

Bill Hofman
Email: info@hofmanplanning.com

Re: Public Records Act Request received June 26, 2017

Dear Mr. Hofman:

Your request of the above date, made pursuant to the California Public Records Act ("CPRA") California Government Code ("Government Code") section 6250 et seq., was forwarded to our office for review and response. You requested a copy of the City's Planning Commission written policy.

In accordance with Government Code Section 6253(c), we have determined that your request seeks copies of public records that are in the City's possession. The City Council resolution concerning Planning Commission procedure is attached.

If you have any questions, please contact this office at (619) 441-1798. Thank you for your patience.

Very truly yours,

A handwritten signature in black ink, appearing to read "Barbara C. Luck".

Barbara C. Luck
Staff Attorney

RESOLUTION NO. 114-79

RESOLUTION ESTABLISHING POLICY CONCERNING CONDUCT
AND PROCEDURE IN PLANNING AND ZONING PROCESS

WHEREAS, the Planning Commission and the City Council of the City of El Cajon devote a substantial amount of time deliberating planning and zoning matters utilizing public hearings pursuant to State Law and El Cajon Ordinances.

WHEREAS, State Law is not well defined as to the conduct to be utilized by members of such decision-making bodies with respect to receipt of testimony or other evidence outside the public hearing proceedings.

WHEREAS, it is desirable that an ascertainable standard be set forth so that members of such decision-making bodies can deal with members of the public lawfully, fairly and consistently.

WHEREAS, the City Council of the City of El Cajon deems it beneficial to the health, welfare and safety of the citizens of the City of El Cajon to adopt a policy concerning conduct and procedure in planning and zoning matters.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL CAJON AS FOLLOWS:

Subsequent to the filing of an application or the occurrence of other action necessitating a public hearing for a planning or zoning matter:

- a. There shall be no solicitation or receipt of evidence by a member of the decision-making body, except at the hearing.
- b. Letters or other written documents shall be forthwith filed with the City Clerk, and be available if possible for inspection by any person. Said letters or documents shall be made a part of the record at the time of the hearing.
- c. There shall be no discussion by applicants or their agents with members of the decision-making body concerning such matter, except in the course of and during the public hearing, until such matter has finally been determined and times for appeals have expired.
- d. A member who has received evidence outside of a hearing, other than an unescorted view of the subject property, shall disclose such information at the hearing.

PASSED AND ADOPTED by the City Council of the City of El Cajon, California, at an adjourned regular meeting held this 13th day of March, 1979, by the following vote to wit:

AYES : Hanson, Foster, Conaway, Groat, Reber
NOES : None
ABSENT : None


Mayor of the City of El Cajon

ATTEST:


City Clerk

RESOLUTION PC 98-3016

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SAN MARCOS, CALIFORNIA
ADOPTING PLANNING COMMISSION RULES AND REGULATIONS

WHEREAS, The Planning Commission of the City of San Marcos desires to amend their rules of procedure and rules relating to the organization of the Planning Commission; and

WHEREAS, the Planning Commission is authorized to adopt rules and regulations for its organization and procedure by the provisions of Section 20.04.070 of the San Marcos Municipal Code; and

WHEREAS, the Planning Commission desires to rescind Resolution PC 86-1821; PC 87-1942; PC 87-2024; PC 88-2045; PC 88-2154; PC 91-2476; PC 94-2738 and PC 94-2786 and incorporate policies into this resolution;

NOW, THEREFORE, THE PLANNING COMMISSION hereby resolves as follows:

I. The following rules of organization and procedure are adopted:

SECTIONS:

1. ORGANIZATION
2. ATTENDANCE
3. QUORUM
4. DUTIES
5. OFFICERS
6. REGULAR MEETINGS
7. SPECIAL MEETINGS
8. ADJOURNED MEETINGS
9. STUDY SESSIONS
10. MEETINGS TO BE PUBLIC - EXCEPTIONS
11. COMMISSION AGENDA
12. CORRESPONDENCE - AVAILABILITY TO THE PUBLIC
13. CORRESPONDENCE - AUTHORITY OF PLANNING DIRECTOR
14. CONDUCT OF BUSINESS
15. ORDER OF BUSINESS
16. CALL TO ORDER - CHAIRMAN
17. ROLL CALL
18. READING OF MINUTES
19. MINUTES
20. DISTRIBUTION OF MINUTES
21. RECORDINGS OF MINUTES

22. CHAIRMAN
 23. POWER AND DUTIES OF CHAIRMAN
 24. GAINING THE FLOOR
 25. QUESTIONS TO THE STAFF
 26. INTERRUPTIONS
 27. POINTS OF ORDER
 28. POINT OF PERSONAL PRIVILEGE
 29. PRIVILEGE OF CLOSING DEBATE
 30. CALLING THE QUESTION
 31. PROTEST AGAINST COMMISSION ACTION
 32. PUBLIC HEARING - WHEN HELD
 33. PUBLIC HEARING - PROCEDURE
 34. PUBLIC HEARING - EVIDENCE
 35. PUBLIC HEARING - CONTINUATION
 36. PUBLIC HEARING - TERMINATION OF PUBLIC TESTIMONY
 37. PUBLIC HEARING - CLOSING
 38. PUBLIC HEARING - REOPENING
 39. PUBLIC HEARING - DECISION
 40. REQUEST TO ADDRESS THE COMMISSION ON ITEMS OTHER THAN LISTED PUBLIC HEARING
 41. ADDRESSING THE COMMISSION - SPOKESMAN FOR GROUP OF PERSONS.
 42. DECORUM AND ORDER - COMMISSION AND CITY STAFF.
 43. DECORUM AND ORDER - AUDIENCE.
 44. VOTING PROCEDURES.
 45. DISQUALIFICATION FOR CONFLICT OF INTEREST.
 46. FAILURE TO VOTE.
 47. CHANGING VOTE.
 48. RECONSIDERATION.
 49. MOTIONS.
 50. PRECEDENCE OF MOTIONS.
 51. PARTICULAR MOTIONS, PURPOSE AND CRITERIA.
 52. RESOLUTIONS.
 53. RESOLUTIONS - ADOPTION.
 54. CORRECTION OF DOCUMENTS.
 55. ROBERTS RULES OF ORDER.
 56. FAILURE TO OBSERVE PROCEDURES.
 57. RALPH M BROWN ACT.
 58. PUBLIC NOTICE SIGNS
 59. LANDSCAPE PLANS
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1. **ORGANIZATION.** The officers of the Commission shall be a Chair and Vice-Chair. The terms of office shall be for one year, from January 1 to December 31, provided, however, that the Chair or Vice-chair shall continue to serve until a new Chair or Vice-Chair is selected.

Officers shall be elected by the Commission from among its membership at the meeting when the new Commissioners are seated or as determined by the Commission. The terms of the offices shall be a maximum of four consecutive one year terms. The election of officers shall be made by public roll call vote. The presiding officer/current Chairman shall preside at the first meeting after appointment of new Commissioners until the new chair is elected.

The Planning Director of the City of San Marcos, or such other employee of the Planning Division as may be designated by the Planning Director, shall serve as Secretary of the Commission. The Planning Director shall be an ex-officio member, and shall have no voting rights.

If for any reason the member elected as Chair can no longer serve in that office, the Vice-Chair shall become acting Chair for the duration of the current unexpired term of office, and the Planning Commission shall select a member to serve as Acting Vice-Chair for the duration of said term. Fulfilling the office of Acting Chair shall not disqualify a member from becoming Chair for an ensuing term.

If for any reason the member elected as Vice-Chair can no longer serve in that capacity, the Commission shall elect a member to serve as Acting Vice-Chair for the duration of the unexpired term.

In the absence of the Chair and Vice-Chair at any regularly scheduled or special meeting of the Commission, the members shall elect a Chair pro tem for the conduct of business at that meeting only.

2. **ATTENDANCE.** Each Commissioner shall make every reasonable effort to attend all regularly scheduled and duly called special meetings. Any member of a Commission of the City of San Marcos who shall fail to attend for three consecutive times the regular meetings of this respective Commission save and except by reason of sickness, shall be deemed to no longer be a member of said Commission unless such absence is approved by a majority of the Planning Commission.
3. **QUORUM.** Four members of the Commission shall constitute a quorum for the transaction of business. Less than a quorum may adjourn from time to time. Where there is no quorum, the Chair, Vice Chair or any member of the Commission shall adjourn such meeting, or if no member of the Commission is present, the Planning Director or his designee shall adjourn the meeting. For the purpose of considering any item subject to vote of the Commission, when a member of the Commission is disqualified due to a conflict of interest, his presence shall not be considered in determining the presence of a quorum. Consideration on such item shall be deferred until a quorum of non-interested Commissioners are present to discuss and vote on them if a disqualification reduces those in attendance to less than a quorum.
4. **DUTIES.** The Planning Commission shall perform the duties assigned to it by legislative acts of the City Council of the City of San Marcos. It shall also perform additional

research, study, and development of recommendations as may be specifically requested by the City Council.

Each Planning Commission member shall inform himself on matters affecting the functions and duties of the Commission on general planning theory and practices, and on each individual proposal brought before the Commission for consideration.

5. **OFFICERS.** The Chair shall preside at all official meetings of the Planning Commission, appoint committees and designate the Chair of such committees, call special meetings with concurrence of the Commission, sign the original of all formally adopted resolutions and minutes for the Commission, and represent the Commission to City Council.

The Vice-Chair shall perform any or all functions of the Chair in the absence of the Chair.

The Secretary shall keep the minutes of all official meetings of the Commission, maintain all records of the Commission, provide an agenda to each Commission member prior to each official meeting, inform Commission members of all available data gathered by the Planning Division pertinent to each item on said agenda, inform Commission members of the time and place of any special meetings as hereinafter provided, and receive and make available to Commission members all correspondence addressed to said Commission.

6. **REGULAR MEETINGS.** The Planning Commission shall hold regular meetings at least once a month or as workload dictates, in the Council Chambers at the City Hall, 1 Civic Center Drive, San Marcos, or such other place to which a meeting is adjourned. If by reason of fire, flood or other emergency, the meetings may be held for the duration of the emergency at such other place as is designated by the Chair of the Commission, or if he should fail to act, by a majority of the quorum of the Commission.

When the day for any regular meeting falls on a legal holiday, such meeting shall be held at the same hour and place on the next succeeding day not a holiday or such other time as designated by the Planning Commission and depending on availability of the Council Chambers.

7. **SPECIAL MEETINGS.** Special meetings may be called at any time by the Chair or by four members of the Planning Commission or by the Planning Director, by delivering personally or by mail written notice to each Commissioner and to each local newspaper of general circulation. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting and shall include time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. Notice of the special meeting shall be posted at least 24 hours prior to the meeting in a location that is freely accessible to members of the public.

8. **ADJOURNED MEETINGS.** All meetings may be adjourned to a time, place and date certain, but not beyond the next regular meeting. Once adjourned, the meeting may not be reconvened. Meetings may be adjourned by the Chair by a simple declaration in the absence of a protest by any Commissioner. Meetings may also be adjourned upon the making and seconding of such a motion in accordance with the procedures on motions established by the Planning Commission by-laws. If a quorum is not present, the Secretary may adjourn the meeting. If all members of the Commission are absent, the Planning Director or his designee shall 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 Section 7 for special meetings. When any meeting is adjourned the Planning Director or his designee shall post notice of such adjournment on the Council Chamber door within twenty-four hours after the time of the adjournment.
9. **STUDY SESSIONS/WORKSHOPS.** The Commission may from time to time adjourn to the Valley of Discovery Room or other appropriate place to meet in study sessions/workshops. The purpose of such sessions/workshops shall be for hearing reports from the staff and reviewing, discussing and debating matters of interest to the City. No official action shall be taken at a study session/workshop.
10. **MEETINGS TO BE PUBLIC - EXCEPTIONS.** All meetings of the Planning Commission shall be open to the public. Closed sessions may be held upon the advice of the City Attorney, when specifically authorized by law.
11. **COMMISSION AGENDA.** (a) In order to facilitate the orderly conduct of the business of the Commission, an agenda shall be prepared for each regular meeting containing the specific items of business to be transacted and the order thereof. Items of business may be placed on the agenda by the direction of a member of the Commission or the Planning Director. Whenever feasible, each item on the agenda shall contain a staff recommendation and the specific action requested to be taken by the Commission. At least 72 hours before a regular meeting, the agenda of the meeting shall be posted on the City's Bulletin Board located near the City Council Chambers.

(b) No action shall be taken on any item not appearing on the posted agenda unless one of the following conditions exist:
 - (1) Upon a determination by a majority vote that an emergency exists.
 - (2) Upon a determination by a two-thirds vote that the need to take action arose subsequent to the agenda being posted.
 - (3) The item was posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting, the item was continued to the meeting at which action is being taken.

(c) The order of business established on the agenda shall be followed unless the Chair, with the consent of a majority of the Commission, permits a matter to be taken out of the regular agenda order.

(d) Every agenda for a regular meeting shall provide an opportunity for members of the public to directly address the Commission on items of interest to the public, provided that no action shall be taken on any item not appearing on the agenda.

12. **CORRESPONDENCE - AVAILABILITY TO THE PUBLIC.** (a) Correspondence addressed to the Commission which is received by the Planning Director or any officer or employee of the City shall be a matter of public record. Correspondence shall not be read aloud at a Commission meeting unless requested by a majority vote of the Commission.

(b) Sufficient copies of each correspondence shall be provided so that each Commissioner and the Planning Director will have a copy.

13. **CORRESPONDENCE - AUTHORITY OF PLANNING DIRECTOR.** (a) The Planning Director or his/her designee is authorized to open and examine all mail or other written communications addressed to the Planning Commission, except correspondence addressed to individual Planning Commission members, and to give it warranted attention to the end that all administrative business referred to in said communications and not requiring Planning Commission action may be acted upon between Commission meetings, provided that all communications and any action taken shall be reported to the Planning Commission.

(b) Correspondence deemed to be of an important or urgent nature may be submitted for Commission consideration at a Planning Commission meeting.

14. **CONDUCT OF BUSINESS.** At the time set for each regular meeting, each member of the Commission, the Planning Director or such other employee of the Planning Division designated by the Planning Director, Secretary, and such staff as has been requested to be present shall take their regular places in the Council Chambers. The business of the Commission shall be conducted in substantially the order and in the manner herein provided.

15. **ORDER OF BUSINESS.** The business of the Commission shall be taken up for consideration and disposition in the order determined by the Commission to include the following but not necessarily in this order:

1. Call to Order.
2. Pledge of Allegiance.
3. Roll Call.
4. Oral and Written Communications
5. Consent Calendar items including approval of minutes.
6. Public Hearings including continued items.

7. Old Business
 8. New Business
 9. Planning Division Director Reports
 10. Planning Commissioners business
 11. Adjournment.
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16. **CALL TO ORDER - PRESIDING OFFICER.** The Chair, or in his/her absence the Vice Chair, shall take the chair at the hour appointed for the meeting and shall call the Commission to order. In the absence of the Chair and the Vice Chair, the Planning Director or his/her designee shall call the Commission to order, whereupon a temporary presiding officer shall be elected by the Commission Members present. Upon the arrival of the Chair or the Vice Chair, the temporary presiding officer shall relinquish the chair at the conclusion of the business then before the Commission. Whenever the term 'Chair' is used in these rules, and the Chair is absent, it shall apply equally to the Vice Chair, and if he/she is also absent, to the presiding officer elected pursuant to this section.
 17. **ROLL CALL.** Before proceeding with the business of the Commission, the Secretary shall call the roll of the Commission Members and the names of those present shall be entered in the minutes.
 18. **READING OF THE MINUTES.** Unless the reading of the minutes of a meeting is requested by a member of the Commission, the minutes may be approved without reading if each member of the Commission has previously been furnished with a copy thereof.
 19. **MINUTES.** The minutes of the Commission shall be retained on file in the Planning Division, (original on file with the City Clerk). The Secretary shall be required to make a record only of such action taken by the Commission. The Secretary shall not be required to make a verbatim transcript of the proceedings. A record shall be made of the names and addresses of persons addressing the Commission, the title of the subject matter to which their remarks related and whether they spoke in support of or in opposition to such matter.

A Commissioner may request, through the Chair, the privilege of having an abstract of his statement on any subject under consideration by the Commission entered in the minutes. If there is no objection from any member of the Commission, such statement shall be entered in the minutes. If there is objection, a majority of the Commission shall rule.
 20. **DISTRIBUTION OF MINUTES.** A copy of the minutes of the meeting shall be furnished to each Commissioner prior to the subsequent meeting. Copies shall also be provided to the City Council and any individuals requesting a copy.
 21. **RECORDINGS OF MEETINGS.** (a) The Secretary shall tape record Planning Commission meetings. They shall be retained by the Secretary according to the City approved records retention schedule.

(b) Members of the public may hear tape recordings of the Commission meetings during office hours when it will not inconvenience the ordinary operation of the Planning Division or any other City department. Brief or shorthand notes may be made; recordings may be made from said tapes. , The Secretary is further authorized to allow the City Council tape recorder to be used by the public for listening purposes when such recorder is available.

(c) If any person wishes a recording of the Planning Commission meeting, or any portion thereof, a request therefore shall be filed with the Planning Division. If such a request is received, the Secretary shall make arrangements to make and provide such a recording at the expense of the person making the request.

If any person desires to have a meeting or portion thereof recorded by a stenographer or reporter, he/she may employ one directly at his/her expense. Any such request shall be made in writing at least two full working days before the meeting.

22. **PRESIDING OFFICER.** The Chair of the Commission shall be the Presiding Officer at all meetings of the Planning Commission.
23. **POWERS AND DUTIES OF PRESIDING OFFICER.** The Presiding Officer may move, second, debate, and vote from the Chair. The Presiding Officer shall not be deprived of any of the rights and privileges of a Commissioner by reason of being the Presiding Officer. The Presiding Officer or such person as he/she may designate may verbally restate each question immediately prior to calling for the vote. Following the vote the Presiding Officer shall announce whether the question carried or was defeated. The Presiding Officer shall be responsible for the maintenance of order and decorum at all meetings. The Presiding Officer shall decide all questions of order and procedure, subject, however, to an appeal to the Commission in which case the matter shall be determined by majority vote of the Commission. The Presiding Officer shall sign all resolutions, and other documents necessitating his/her signature which were adopted in his/her presence.
24. **GAINING THE FLOOR.** Every Commissioner desiring to speak shall first address the Chair, gain recognition by the Presiding Officer, and shall confine himself/herself to the question under debate, avoiding reference to character and indecorous language.
25. **QUESTIONS TO THE STAFF.** Every Commissioner desiring to question the City Staff shall, after recognition by the Presiding Officer, address his/her question to the appropriate Staff member or to the Planning Director. Questions shall be limited to inquiries relevant to the item.
26. **INTERRUPTIONS.** A Commissioner once recognized shall not be interrupted when speaking unless called to order by the Presiding Officer, or unless a point of order or personal privilege is raised by another Commissioner, or unless the speaker chooses to yield to a question by another Commissioner. If a Commissioner while speaking is called to order he/she shall cease speaking until the question of order is determined and

if determined to be in order, he may proceed. Members of the City Staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

27. **POINTS OF ORDER.** The Presiding Officer shall determine all points of order subject to the right of any Commissioner to request full Commission ruling and the question shall be, "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine such question of order.
28. **POINT OF PERSONAL PRIVILEGE.** The right of a Commissioner to address the Commission on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives of the Commission are questioned or where the welfare of the Commission is concerned. A Commissioner raising a point of personal privilege may interrupt another Commissioner who has the floor only if the Presiding Officer recognizes the privilege.
29. **PRIVILEGE OF CLOSING DEBATE.** Subject to the provision of Section 30, the Commissioner moving the adoption of a resolution or motion shall have the privilege of closing debate, subject to a Commission majority ruling that debate should continue.
30. **CALLING THE QUESTION.** A member of the Commission who wishes to terminate discussion of a motion may call for the question. If the call is seconded, the Presiding Officer shall ask for a vote. If the call carries, the Commission shall then vote on the main motion without further discussion.
31. **PROTEST AGAINST COMMISSION ACTION.** Any Commissioner shall have the right to have the reasons for his dissent from or his protest against any action of the Commission entered in the minutes. Such dissent or protest to be entered in the minutes shall be made in substantially the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons..."
32. **PUBLIC HEARINGS - WHEN HELD.** (a) Wherever by law the Commission is required to hold a public hearing on any matter before it, such hearing will be held in accordance with the rules and procedures set forth in these rules. Nothing herein shall prohibit or limit the Commission from holding a public hearing on the matter before it, whether required by law or not. Nothing herein shall prohibit or limit any member of the public from addressing the Commission in accordance with the procedures provided for in these rules irrespective of whether or not a public hearing is held.

(b) All public hearings shall be scheduled to begin at a time certain which shall be the hour the Commission convenes. The Commission shall hold such hearings in order, in accordance with the schedule on the agenda at that time or as soon thereafter as practicable unless the Chair takes a particular item out of order based upon consent of the Commission.

A formal hearing before the Commission which, for any reason, cannot be completed at the time and place originally advertised, may be adjourned by the Planning Division Director or his designee to a later date. The announcement to this effect, posted at the City Council chambers at a maximum of 72 hours prior to the advertised hearing, shall constitute a sufficient notice to all parties named.

When advertising Administrative Hearings, the Planning Division Director shall require that a copy of the public hearing notice be sent to all Planning Commissioners. Should any Planning Commissioner have a concern with a particular Administrative Hearing case item, then they shall communicate that concern to the chairman who shall discuss the concern with the Planning Division Director prior to the hearing. Following all Administrative Hearings, a copy of the Notice of Decision shall be sent to the Planning Commissioners.

33. **PUBLIC HEARINGS - PROCEDURE.**

(a) The Presiding Officer shall announce that it is the time and place for a public hearing scheduled on the agenda.

(b) Any person desiring to present written material to the Commission during the course of a public hearing shall present 10 copies to the Planning Director at the meeting and make adequate copies to distribute to the public after the meeting. Any writing presented to the Commission which has not previously been made available for public inspection, shall be made available as soon after the meeting as practicable.

(c) The order of the hearing shall be as follows unless otherwise required by law:

1. Presentation of Staff Report.
2. Questions/comments to staff by the Commissioners.
3. Presentation, if any, by the Applicant (limited to 15 minutes or at the discretion of the Presiding Officer.)
4. Questions from the Commission.
5. Testimony of Public (3 minutes each).
6. Response of Applicant.
7. Termination of Public Testimony.
8. Discussion by Commission - Further Questions of Staff.

(d) Following the presentation of the staff report, the members of the Commission who have had contacts with any person regarding the project, visited the site of the proposed project or otherwise received information which the Commissioner may rely upon on making a decision shall disclose the fact of the contact, visit or evidence and shall briefly state the nature of the information received.

(e) The Commissioners should raise issues or concerns during the course of a public hearing so that the applicant or the public has an opportunity to address those issues. If a proposed condition is discussed for the first time after the public testimony is terminated, the Presiding Officer shall re-open the public testimony and allow sufficient

time to the applicant to address the change or addition. Members of the general public shall also be allowed to address the change or addition if directly impacted by the proposed condition.

(f) The provisions of Section 39 and Section 40 for addressing the Commission shall apply to persons testifying at public hearings.

(g) The Presiding Officer may, dependent upon the necessity for ensuring adequate presentation of testimony and evidence to provide a fair hearing, set longer time limits than otherwise may be applicable to the hearing.

34. **PUBLIC HEARINGS - EVIDENCE.** (a) During the public hearing the Commission shall receive oral or written evidence relevant to the matter being considered which shall become part of the record. Evidence received at public hearings provided for in this Resolution shall be relevant.

(b) The Staff Report shall be considered as evidence and shall become a part of the record of a public hearing. Such report should not be read in full as part of the Staff presentation. A synopsis of such report may be presented orally by staff members to the Commission. In addition, any of the following may be presented to the Commission and, if presented, shall also become part of the record:

1. Exhibits and documents used by the City Staff and any persons participating in the hearing.
2. Maps and displays presented for use at the hearing provided that, whenever practicable, they shall be displayed in full view of the participants and the audience.
3. All communications and petitions concerning the subject matter of the hearing provided that a reading of such matters only shall be had at the request of a Commissioner.
4. Information obtained outside the Council Chambers, such as view of the site, provided such information, to the extent it is relied upon, shall be disclosed for the record.

(c) All exhibits, reports, maps and other physical evidence placed before the Commission shall be retained by the Planning Division as public record. Such exhibits may be released with the approval of the City Records Custodian (City Clerk) after a request for public records has been made.

35. **PUBLIC HEARING - CONTINUATION.** At any time that it appears to the Presiding Officer or a majority of the Commission through the Presiding Officer, that inadequate evidence has been presented to afford judicious consideration of any matter before the Commission at the time of a public hearing, or for other just cause, a continuation of said hearing may be ordered to afford the applicant, the public, or the City Staff adequate time to assemble additional evidence for the Commission's consideration. Any continuation ordered by the Commission through its Presiding Officer shall be to a date

certain, which publicly announced date shall constitute notice to the public of the time and place that further evidence will be taken. No further notice is necessary. If the hearing is continued to a time less than 72 hours after the time specified in the notice of hearing, a copy of the notice of continuance of hearing shall be posted immediately following the meeting at which the order of continuance was made. The public announcements provided for herein shall constitute notice to the applicant and the public of time and place when further evidence will be taken by the Commission. The Commission shall also have the option to set the matter to a new hearing.

36. **PUBLIC HEARINGS - TERMINATION OF PUBLIC TESTIMONY.** When the public has no further evidence to present, when in the opinion of the Presiding Officer no new public evidence is being presented or when in the opinion of Presiding Officer the evidence is sufficient, the Presiding Officer may terminate the public testimony. Termination of the public testimony does not necessarily close the Public Hearing.
37. **PUBLIC HEARINGS - CLOSING.** When neither the applicant, the public, or the City staff have further evidence to produce or when in the opinion of the Presiding Officer sufficient evidence has been presented, the Presiding Officer shall order the public hearing closed, at which time no further evidence either oral or written, will be accepted by the Commission.
38. **PUBLIC HEARINGS - REOPENING.** A public hearing on any matter once closed cannot be reopened on the date set for hearing unless the Presiding Officer determines that all persons who were present when the hearing was closed are still present. Nothing herein, however, is intended to prevent or prohibit the reopening of the hearing by the Commission. No public hearing may be reopened without due and proper notice being given to the applicant and the public designating the time and place of said opening.
39. **PUBLIC HEARINGS - DECISION.** (a) The Commission shall consider all evidence presented before them in accordance with these procedures. The Commission shall then act upon the item. If not already prepared, the Commission may instruct the Planning Director or his designee to return with a resolution . Upon return of such resolution , the Commission shall take action on the resolution . The Commission's decision is not final until adoption of the resolution .

(b) A Commissioner who was absent from all or a part of a public hearing shall not participate in a decision on the matter unless he has examined all the evidence including listening to a recording of the oral testimony, reading the minutes, and can represent that he has a full understanding of the matter.
40. **REQUEST TO ADDRESS THE COMMISSION ON ITEMS OTHER THAN LISTED PUBLIC HEARINGS.** (a) It is the policy of the Commission to allow presentations by members of the public when there is no objection by a majority of the Commissioners present.

(b) Any person or group of persons desiring to address the Commission on a nonhearing matter must fill out a Request to Speak form and present it to the Presiding Officer for permission to address the Commission . The Presiding Officer may grant consent to address.

(c) Each person desiring to address the Commission shall approach the podium, state his name ~~and address~~ for the record, state the subject he/she wishes to discuss, state whom he/she is representing if he/she represents an organization or other persons, and unless further time is granted by majority vote of the Commission, shall limit his remarks to three minutes. All remarks shall be addressed to the Commission as a whole and not to any one member thereof. No questions shall be asked of a Commissioner or a member of the City Staff without obtaining permission of the Presiding Officer. The Presiding Officer shall not permit any communication, oral or written, to be made or read where it does not bear directly on the agenda item then under discussion.

(d) After a motion has been made, no member of the public shall address the Commission from the audience on the matter under consideration without the Commission re-opening the hearing.

(e) No person shall address the Commission without first securing the permission of the Presiding Officer by completing a Request to Speak form.

41. ADDRESSING THE COMMISSION - SPOKESMAN FOR GROUP OF PERSONS.

(a) In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the Commission on the same subject matter, it shall be proper for the Presiding Officer to require that a spokesman be chosen from the group to address the Commission. If additional matters are to be presented by any other members of the group the Presiding Officer may limit the number of such persons and limit the presentation to information not already presented by the group spokesman.

(b) For items other than those set for public hearing, groups of persons shall be limited to a total presentation period of five minutes. Further time may be granted by majority vote of the Commission.

42. DECORUM AND ORDER - COMMISSION AND CITY STAFF. While the Commission is in session, the Commissioners and City staff shall observe good order and decorum. A member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Commission nor disturb any member while speaking or refuse to obey the directives of the Presiding Officer.

43. DECORUM AND ORDER - AUDIENCE - Members of the public attending Commission meetings shall observe the same rules of order and decorum applicable to the Commissioners and City staff. Any person making disruptive, impertinent and slanderous remarks or who becomes boisterous while addressing the Commission or while attending the Commission's meeting shall, upon order from the Presiding Officer, be removed from the room. Unauthorized remarks from the audience, stamping of feet,

whistles, yells, and similar demonstrations shall not be permitted by the Presiding Officer, and if such conduct continues, such offenders shall be asked to leave the room.

44. **VOTING PROCEDURES.** Voting shall be conducted by roll call vote . When the Commission is voting by roll call vote, a negative vote shall be registered by the oral statement of "NO" by the Commission Member voting. Affirmative vote shall be registered by the oral statement of "YES" or "AYE" by the Commissioner voting.

45. **DISQUALIFICATION FOR CONFLICT OF INTEREST.** If a Commissioner has reason to think a conflict of interest may exist, he/she shall give the facts of the matter to the City Attorney and request advice thereon prior to the meeting.

Any Commissioner who is or may be disqualified from voting on a particular matter by reason of a conflict of interest shall publicly state or have the Presiding Officer state the nature of such disqualification in the open Commission meeting. A Commissioner who is disqualified by reason of a conflict of interest in any matter shall remove himself from the dais during the debate and not vote or otherwise participate on such matter unless participation is authorized by law. A Commissioner stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

46. **FAILURE TO VOTE.** Every Commissioner should vote unless disqualified by reason of conflict of interest. A Commissioner who abstains from voting acknowledges that a majority of the quorum may decide the question voted upon.

47. **CHANGING VOTE.** A Commissioner may change his vote only if a timely request to do so is made immediately following the announcement of the vote by the Presiding Officer and prior to the time the next item in the order of business is taken up. A Commissioner who publicly announces that he is abstaining from voting on a particular matter shall not subsequently be allowed to withdraw his abstention.

48. **RECONSIDERATION.** (a) A motion to reconsider any action taken by the Commission may be made only at the meeting such action was taken. Such motion may be made only by one of the Commissioners who voted with the prevailing side.

49. **MOTIONS.** (a) A motion is the formal statement of a proposal or question to the Commission for consideration and action. Every Commissioner has the right to present a motion.

(b) If a motion is properly made, the Presiding Officer shall call for a second. No further action is required on a motion which does not receive a second.

(c) When a motion is made and seconded it shall be restated by the Presiding Officer before a vote. After any discussion on a motion the Presiding Officer should restate the motion before a vote.

50. **PRECEDENCE OF MOTIONS.** (a) When a main motion is before the Commission, no motion shall be entertained except the following which shall have precedence, one over the other, in the following order:

1. Adjourn.
2. Recess.
3. Table.
4. Call for the Question.
5. Limit or extend Debate.
6. Refer to Committee or Staff.
7. Substitute.
8. Amend.
9. Postpone.
10. Minute Motion.
11. Main Motion.

(b) The order of preference in Subsection (a) is subject to the following restrictions.

1. A motion shall not be in order which repeats a motion made previously at the same meeting unless there has been some intervening Commission action or discussion.
2. A motion shall not be in order when the previous question has been ordered.
3. A motion shall not be in order while a vote is being taken.
4. A motion shall not be in order when made as an interruption of a Commissioner while speaking.
5. A motion shall not be in order when a motion is on the floor except to amend the main motion.

51. **PARTICULAR MOTIONS, PURPOSE AND CRITERIA.** The purpose and criteria of the motions listed in Section 49 is as follows:

1. Motion to Adjourn.
Purpose. To Terminate a Meeting.
Debatable or amendable? No, except a motion to adjourn to another time is debatable and amendable as to the time to which the meeting is to be adjourned.
2. Motion to Recess.
Purpose. To permit an interlude in the meeting and to set a definite time for continuing the meeting.
Debatable or Amendable? Yes, but restricted as to time or duration of recess.
3. Motion to Table.
Purpose. To set aside, on a temporary basis, a pending main motion provided that it may be taken up again for consideration during the current meeting or at some future regular meeting.

Debatable or Amendable? It is debatable but not amendable.

4. Motion to Call for the Question.
Purpose. To prevent or stop discussion on the pending question and to bring such question to vote immediately. If the motion passes, a vote shall be taken on the pending motion or motions.
Debatable or Amendable? No.
5. Motion to limit or extend debate.
Purpose. To limit or determine the time that will be devoted to discussion of a pending motion or to extend or remove limitations already imposed on its discussion.
Debatable or Amendable? Not debatable; amendments are restricted to period of time of the proposed limit or extension.
6. Motion to Refer to Committee or Staff.
Purpose. To refer the question before the Commission to a Committee or to the City staff for the purpose of investigating or studying the proposal and to make a report back to the Commission. If the motion fails, discussion or vote on the question resumes.
Debatable or Amendable? Yes
7. Substitute Motion.
Purpose. To strike out one main motion and insert another main motion in its place which may be done so long as it is related to the subject of the original motion and is approved by the maker and second.
Debatable or Amendable? The substitute motion is left unacted on until Commissioners have the opportunity to perfect the main motion by amendments if desired. The substitute motion is debatable and subject to amendment. After amendments have been offered, the substitute motion is voted upon and, if adopted, strikes the main motion.
8. Amend.
Purpose. To modify or change a motion that is being considered by the Commission so that it will express more satisfactorily the will of the members. If the motion passes, then the main motion should be voted on as amended.
Debatable or Amendable? It is debatable unless applied to an undebatable main motion. It is amendable.
9. Motion to Postpone.
Purpose. To prevent further discussion and voting on the main motion until a future date or event. If the motion passes, discussion and voting on the main motion shall not be brought up again until the specified date or event.
Debatable or Amendable? It is debatable but not amendable.
10. Minute Motion.

Purpose. To make a permanent record and enter into the minutes the action of the Commission regarding any item properly before it. Such action may include, but not be limited to, recommendations to the City Council, approving and accepting reports, determining conformity of proposed public works projects, or such other and further action as determined by the Commission which does not require a written resolution. A minute motion shall not substitute for a resolution.

Debatable or Amendable? Yes.

11. Main Motion.

Purpose. The primary proposal or question before the Commission for discussion and decision.

Debatable or Amendable? Yes.

52. RESOLUTIONS. All resolutions shall be prepared by the Planning Division staff. Formal Commission actions on all items before it shall be made by resolution. The resolution shall contain appropriate findings and declarations. Nothing in this section shall be construed to preclude an applicant from submitting proposed findings or other terms of a resolution to the Planning Division for consideration.

53. RESOLUTIONS - ADOPTION. (a) Where a particular resolution has been prepared and is before the Commission, it shall be adopted by motion, second, discussion and vote. It is not necessary to read the resolution by title or in full, provided it is identified by the Presiding Officer. Upon request of any member of the Commission, the resolution shall be read by title or in full.

(b) Where a particular resolution has not been prepared, a motion to direct the Planning Director or his designee to prepare the document and return it to the Commission is in order.

54. CORRECTION OF DOCUMENTS. Upon occasion, Resolutions or other documents are submitted in draft form or on the spot amendments occur or typographical or other technical errors are found which necessitate retyping of the document; and such redraft, when properly executed, shall become the original document.

55. ROBERT'S RULES OF ORDER. If a matter arises at a Commission meeting which is not covered by this chapter or applicable provisions of Federal or State law or the San Marcos Municipal Code, the procedures of the Commission shall be governed by the latest revised edition of Robert's Rules of Order, which is on file with the City Attorney's office.

56. FAILURE TO OBSERVE PROCEDURES. The provision of these Rules are adopted to expedite the transaction of the business of the Commission in an orderly fashion and are deemed to be procedural only. The failure to strictly observe such rules shall not affect the jurisdiction of the Commission or invalidate any action taken at a meeting that is otherwise held in conformity with law.

57. **RALPH M. BROWN ACT.** All meetings of the Planning Commission shall be held in accordance with the Ralph M. Brown Act.
58. **PUBLIC NOTICE SIGNS.** Development projects seeking discretionary action by the City are required to post 16 square foot area signs. Such public notice signs shall be erected at the time of application submittal. The form and content requirements of such public notice signs and the type of discretionary applications shall be as specified and prescribed by the Planning Director. Discretionary applications covered by this requirement shall be deemed incomplete until such signs have been erected. The Commission authorizes the Planning Director to waive this requirement on requests or projects where public safety, health or welfare conditions warrant smaller size or no posting/installation of such notice signs. The Commission shall retain the authority to waive this requirement on all other types of requests.
59. **LANDSCAPE PLANS.** Any of the recognized and licensed design professionals (landscape architect, architect, landscape contractor) shall be allowed to submit landscape plans except on those projects where the City feels that a landscape architect is the most suited. (Resolution PC 94-2786)

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 19th day of February, 1998, by the following roll call vote:

AYES: COMMISSIONERS: HERNANDEZ, CAMPBELL, SANTUCCI,
SUMRALL, WEDGE, CLANCY

NOES: COMMISSIONERS: NONE


ABSENT: COMMISSIONERS: BUTLER

APPROVED:


Leonard Clancy, Chairman

SAN MARCOS CITY PLANNING COMMISSION

ATTEST:


Cathy Kazebee, Secretary

SAN MARCOS CITY PLANNING COMMISSION