

Resolution No. 2017-11-16-0302

STOCKTON PLANNING COMMISSION

RESOLUTION AMENDING THE PLANNING COMMISSION PROCEDURAL RULES FOR CONDUCTING PLANNING COMMISSION MEETINGS

Standards and Policies No. 1 - Planning Commission Procedural Rules for Conducting Planning Commission meetings was first adopted on July 26, 1972; and

The Planning Commission Procedural Rules have been amended seven (7) times with the last amendment taking place on March 13, 2014; and

In an effort to maintain consistency with City Council Meetings and applicable Council Policies, and to provide increased clarity and certainty to the procedural rules that govern this Commission, staff has reviewed and revised the Commission's existing procedural rules and recommends the changes set forth in the attached Exhibit 1, attached hereto and incorporated by this reference; now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF CITY OF STOCKTON, AS FOLLOWS:

1. Standards and Policies No. 1- Procedural Rules for Conducting Planning Commission Meetings is hereby amended as set forth in the attached Exhibit 1.

PASSED, APPROVED, and ADOPTED

November 16, 2017.



ELIZABETH MOWRY HULL, CHAIR
City of Stockton Planning Commission

ATTEST:



DAVID W. KWONG, SECRETARY
City of Stockton Planning Commission

CITY OF STOCKTON
PLANNING COMMISSION

Standards and Policies No. 1

Date Adopted: July 26, 1972

Date Amended: February 13, 1986
January 3, 1991
May 14, 1992
December 12, 1996
July 14, 2005
February 14, 2008
March 13, 2014
November 16, 2017

Title: **Procedural Rules for Conducting
Planning Commission Meetings**

Pursuant to Government Code Section 65804 and Stockton Municipal Code ("SMC") Section 16.212.040(C), and in supplement to City Council Policy No. 4.01.040 "Rules for Conducting Land Use Hearings" – (adopted by Council Resolution No. 88-0740 on November 28, 1988), the City of Stockton Planning Commission hereby adopts the following procedural rules for conducting planning commission meetings:

Section 1. OFFICERS

The Commission shall have the following officers: a Chairperson, Vice-Chairperson and secretary. The Chairperson and Vice-Chairperson shall be elected from the membership of the Commission by all of its members on an annual basis at the first meeting in February of each year. The City's Community Development Director or Designee shall serve as the secretary to the Commission. The Chairperson, or in his/her absence, the Vice-Chairperson shall be the presiding officer at the meetings. No person shall serve as Chairperson for two consecutive terms.

Section 2. REGULAR MEETINGS

Regular meetings of the Commission shall be held on the second and fourth Thursdays of each month unless the Commission, by majority vote, decides otherwise. If a regular Commission meeting falls on a legal holiday, that meeting shall be held on the preceding Monday in the Council Chambers on the second floor of City Hall, Stockton, California, and shall begin at 5:30 p.m.

Section 3. SPECIAL MEETINGS

Special meetings of the Commission may be called by the Chairperson or by a majority of the members of the Commission in compliance with the Brown Act. Only such matters as are stated in the notice for a special meeting may be voted and acted upon at such special meetings.

Section 4. QUORUM AND VOTING

A quorum for the transaction of the business of the Commission shall consist of a majority of the members of the Commission in accordance with SMC Section 16.212.040(C)(1) and Council Policies 3.03(2)(i)(5) and 4.01(3)(i)(3). A majority for purposes of the Planning Commission means a vote by four (4) members.

Approval of any motion before the Commission shall require a majority vote by the Commission in accordance with SMC Section 16.212.040(C)(2) and Council Policies 3.03(2)(i)(5), 4.01(3)(i)(3), and 4.01.040(5)(A), unless a greater number is specified herein or by policy, ordinance or resolution adopted by the City Council.

No member may abstain from voting on a matter before the Commission unless he/she has a stated conflict of interest in accordance with Council Policy 3.03(2)(i)(5) and 4.01(3)(i)(3).

On occasion, a mistake in voting will occur due to electronic malfunction and/or operator error. If such a mistake is made, the Commissioner who made the mistake shall immediately bring the mistake to the attention of the Chairperson and a new vote shall be cast.

Section 5. MOTIONS TO RECONSIDER

After discussion, debate, and a vote, a matter before the Commission is deemed closed. However, there may be occasions where a Commission member changes his/her mind and wishes to re-open a closed matter. A Motion to Reconsider is different from a mistake in voting because there is no error in casting the vote, rather the Commission member simply changes his/her mind.

When this situation occurs, the Commission member who changes his/her mind and wishes to reopen the matter may do so subject to the following:

1. **Timing:** The Motion to Reconsider must be made at the meeting where the item was first voted upon. A Motion to Reconsider may also be heard at the next regular meeting if at the meeting where the item was first

voted upon, a majority of the Commission votes to suspend the rules and hear the motion at its' next regular meeting in accordance with Rosenberg's Rules of Order.

2. **Making the Motion:** A Motion to Reconsider may only be made by a member of the Commission who voted in the majority when the original motion was heard and voted on. It may be seconded by any member regardless of how he/she voted when the matter was originally heard in accordance with Rosenberg's Rules of Order.
3. **Number of Votes:** Approval of a Motion to Reconsider requires a vote in accordance with SMC Section 16.100.020(D) and Rosenberg's Rules of Order.

Section 6. ORDER OF BUSINESS

All meetings of the Commission shall be open to the public. The business of the Commission shall be taken up for consideration and disposition in the following order:

- A. Call to Order/Roll Call
- B. Pledge to Flag
- C. Adoption of Consent Calendar
- D. Public Comment
- E. Public Hearings/Environmental Assessments
- F. New Business
- G. Unfinished Business
- H. Reports/ Communications/Informational Items
- I. Commissioner's Comments
- J. Adjournment

Note: Applications with related requests shall be listed concurrently on the agenda.

The Commission Secretary may make changes to the order of business to be taken up for consideration and disposition as he/she deems necessary in advance of the meeting. Thereafter, changes may be made to the agenda by the Chairperson or at the request of any member of the Commission provided that the Chairperson announces the intended change and no other Commission member has an objection to the change.

Section 7. AGENDA

The Secretary of the Planning Commission shall be responsible for publishing an agenda and establishing the order of business in accordance with Section 6. All public hearings scheduled for a particular date shall be heard in the order listed on the agenda unless that order is changed pursuant to Section 6 and with the consent of the applicant and other interested parties.

The Chairperson may also consider all requests for withdrawals or continuances as first order of business rather than in the order presented on the agenda.

Section 8. RULES OF CONDUCT

The Planning Commission Secretary shall print the following rules of conduct for Planning Commission meetings on the Planning Commission agenda:

- A. The meeting will be conducted in accordance with Rosenberg's Rules of Order as well as any other applicable procedural rules adopted by Council.
- B. Each person wishing to address the Planning Commission is encouraged to fill out a speaker card located at the podium. Each speaker will then be called forward to the podium to speak in the order in which their speaker card was received. Speakers are encouraged but not required to provide their name and address when speaking before the Commission.
- C. All questions from members of the audience to the Planning Commission and/or city staff members shall be directed to the Chairperson of the Planning Commission.

All questions from Planning Commission members to staff shall be addressed directly to staff from the member asking the question.

No personal comments and/or exchanges will be permitted between members of the audience and individual staff or Commission members. Rather, direction shall be given to staff to follow-up on any issues brought

before the Commission. This rule applies to communications outside of the public hearing process.

- D. Information presented to the Commission shall only pertain directly to the item under consideration. Character assassinations, personal feuds, irrelevant data or repetitions of matters already presented shall not be permitted.
- E. All rules of Decorum pursuant to Council Policy 4.03- City Council Meetings- Decorum, apply equally to this Commission.

Section 9. PUBLIC HEARINGS

The following procedures shall apply to each item scheduled for public hearing:

- A. The agenda item shall be introduced by the Chairperson.
- B. The Chairperson shall announce the opening of the public hearing.
- C. Any member of the hearing body who has received evidence outside of the public hearing or has viewed the subject property or is familiar with the subject property shall disclose at the hearing such evidence, observations and familiarity with the property so that all interested persons may be aware of the information upon which the member is relying and have an opportunity to respond to such information in accordance with Council Policy 4.01.040(4)(J) - City Council Hearings-Land Use.
- D. The Chairperson shall call for the staff report, after which members of the Commission may ask questions with respect to the report.
- E. Staff shall provide a verbal summary of any communications received outside of the agenda packet pertaining to the item in question, including comments from other public agencies.
- F. The applicant will be permitted to make a statement with respect to his/her request. The Commission and/or city staff may then question the applicant regarding the application.
- G. The Chairperson shall invite those in support of the application to make comments to the Commission. The Commission and/or city staff may then ask clarifying questions to those in support of the application.

- H. The Chairperson shall then invite those in opposition of the application to make comments to the Commission. The Commission and/or city staff may then ask clarifying questions to those in opposition of the application.
- I. The Chairperson shall then allow one person to make rebuttal comments; however, the Chairperson may place a time limit on the rebuttal to limit debate as well as any other actions the Chairperson deems necessary to maintain order.
- J. The Chairperson shall then determine if all evidence has been presented and if it has, declare the public hearing closed.
- K. The Commission may, upon the request of the applicant or other interested party, and for good cause shown, grant a continuance to a date certain for any matter before the Commission subject to the following rules:
 - (1) All continuances must be approved by a majority vote of the Planning Commission members present.
 - (2) Continued public hearings must be set at a date and time certain.
 - (3) Re-notification of a continued public hearing is not required.
 - (4) The conduct of a continued public hearing shall be the same as that of the initial hearing.

Good cause includes but is not limited to:

- a. The collection of additional data;
 - b. Obtaining an interpreter;
 - c. The illness of an interested party or witness; and
 - d. Any unforeseen event which might result in the denial of a fair hearing to an interested party.
- L. After the public hearing is closed, discussion shall take place between the Commission and City staff. Neither the applicant nor any other interested party shall be permitted to make any additional statement after the public hearing is closed. However, the public hearing may be re-opened at the request of a member of the Commission.

- M. After the Public hearing is closed and all discussions have ended, the Commission shall take such action(s) as it deems appropriate.
- (1) The request may be approved or denied or recommended for approval or denial as the code requires. For any request which is denied, the Chairperson shall immediately inform the applicant of his/her rights of appeal in accordance with the procedures laid out in SMC Section 16.100.010-16.100.040.
 - (2) The secretary of the Planning Commission shall file a written Staff Report with the City Council regarding any recommendation or action of the Planning Commission, which is subject to Council review.
- N. No member of the Commission shall act as an interpreter for any interested party appearing before the Commission upon any matter or topic going to the merits of the item before such body for consideration. This rule shall in no way be interpreted to require the Commission or the City of Stockton to furnish an interpreter for any interested party who is not fluent in the English language.

Section 10. NON-PUBLIC HEARINGS

The following procedures shall apply to all other agenda items which do not require a public hearing, except for those approved as Consent items.

- A. The agenda item shall be introduced by the Chairperson who shall state the nature of the request, the property affected, and the name of the applicant making the request.
- B. The Chairperson shall call for the staff report; after which members of the Commission may ask questions with respect to the report.
- C. Any communications pertaining to the item in question shall be read including comments from other public agencies.
- D. The Commission and staff may question the applicant or other interested persons for purposes of clarification.
- E. The Commission shall either approve or deny the item under consideration or approve a continuance where applicable in accordance with the procedure for the continuance of public hearing items.

Section 11. PRIORITY OF CONFLICTING RULES

In the event of a conflict between the procedural rules contained herein and any other applicable rule of law, the following priority of authority shall be given:

- (1) City of Stockton Charter;
- (2) City of Stockton Municipal Code;
- (3) City of Stockton Council Policies or Resolutions;
- (4) Rosenberg's Rules of Order;
- (5) City of Stockton Planning Commission Procedural Rules of Conducting Planning Commission Meetings; and
- (6) Applicable State Law.

Section 12. CONFLICTS

If a Commission Member suspects that he/she has or might have a conflict with regard to a hearing that will come before the Commission, he/she should consult with the City Attorney's Office in advance to determine if an actual conflict exists.

If there is an actual conflict, once the Chairperson has announced the hearing item, the member must:

- (1) Identify the basis of the conflict for the record; and
- (2) Remove himself/herself from Council Chambers for the duration of the hearing for the item for which the conflict exists.

Section 13. TIME LIMIT

No new business (except Reports, Communications, Informational Items, and Adjournment) shall be considered after 11 p.m. consistent with Council Policy 4.01.010(5).

Section 14. AMENDMENTS AND SUSPENSIONS

Any of the above-listed procedural rules may be amended or suspended at any time with five affirmative votes of the Commission, provided no such amendments or suspensions place the rules in conflict with applicable local and state laws.

Section 15. REPEALING PRIOR PROCEDURAL RULES

All prior procedural rules previously adopted by the Planning Commission for conducting planning commission meetings are hereby repealed.