



# MEMORANDUM

DATE: 10 April 2018  
TO: Planning Commission  
FROM: John Swiecki, Community Development Director  
SUBJECT: **Staff Initiated Item –Review of Planning Commission Rules and Procedures**

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The Brisbane Planning Commission's rules and procedure were adopted in 2002. As adopted they are no longer fully consistent with City Council adopted rules, nor do they accurately reflect current operational procedures.

It would be appropriate for the Commission to update its procedures. Undertaking a focused review and discussion of these rules and procedures at this time also provides the Commission the opportunity to become more familiar with your operational procedures. Attached for your use is a proposed draft of Revised Planning Commission Rules and Procedures. The proposed revisions are shown in tracked-changes format to highlight the proposed changes.

The purpose of tonight's discussion is for staff to provide an overview of the procedures and the proposed revisions, and for the Commission to ask questions and discuss the updated procedures. The Commission is not being asked to adopt these procedures tonight. Based upon the discussion tonight, staff anticipates making whatever revisions are required and agendaizing formal adoption of these rules and procedures at an upcoming Planning Commission meeting.

Attached for the Commission's reference are a clean draft of staff's suggested revisions, as well as a redline draft showing the suggested modifications in track changes and the procedures document as it currently written.

## **Attachments:**

1. Clean Draft Planning Commission Rules and Procedures
2. Redline Planning Commission Rules and Procedures
3. Current Planning Commission Rules and Procedures

BRISBANE PLANNING COMMISSION  
RULES AND PROCEDURES

A. GOVERNING PROCEDURES

The following rules and procedures are intended to guide the orderly operation of the Brisbane Planning Commission. The Brisbane City Council has adopted Citywide rules and procedures applicable to all appointed Commissions and committees, which may be amended from time to time. In the event of any inconsistency or conflict between these guidelines and the rules and procedures adopted by the City Council, the City Council's rules and procedures shall control.

B. SETTING THE TIME AND PLACE FOR MEETINGS

1. Regular Meetings

The Planning Commission of the City of Brisbane shall hold regular meetings on the second and fourth Tuesday of each month at 7:30 p.m. When the day for any regular meeting of the Commission falls on a legal holiday, no meeting shall be held on such holiday, but the regular meeting shall be scheduled at a time and place that shall be noticed in accordance with City procedures. Due to scheduling constraints, regular meetings may be rescheduled from time to time.

2. Special Meetings

Special meetings for the Planning Commission may be scheduled by Planning Commission staff following consultation with the Commission. Notice of any scheduled special meetings shall be given by posting the written notice at posting places established by the Brisbane Municipal Code, Chapter 1.12, Section 1.12.010. The notice shall specify the time and place of the special meeting and the business to be transacted; no other business shall be considered.

3. Place of Meetings

All regular and special meetings of the Planning Commission shall be held in locations established by Brisbane City Council Resolution. When required, such meetings may be held in other locations as the Commission may determine subject to provision of adequate notice consistent with City procedures and State law, as applicable.

C. OFFICERS

1. Selection of Officers

The Planning Commission shall select from its members a Chairperson and a Vice Chairperson annually at the first March meeting as the last order of business prior to

adjournment. The terms of these officers shall be for one calendar year. However, the Commission may choose to postpone officer selection until such a time as determined by a majority of the Commission. The Chairperson and Vice Chairperson shall remain in their respective offices until new officers are selected.

The position of Chairperson should normally be rotated to another member of the Commission. However, any member of the Planning Commission is eligible to serve as Chairperson or Vice Chairperson,. In casting their votes for Chairperson and Vice Chairperson, Commissioners may consider the candidate's leadership qualities, attendance record, his or her ability to conduct meetings of the Commission expeditiously and fairly, and his or her willingness to represent positions adopted by the Commission when such positions are at variance with his or her personal views, as well as other pertinent factors.

If the position of Chairperson becomes vacant, the Vice Chairperson shall assume the duties of Chairperson for the remainder of the Chairperson's official term. The Commission shall at its next regular meeting select from its members a new Vice Chairperson.

## 2. Responsibilities of the Chairperson and Vice Chairperson

The Chairperson, or, in his/her absence the Vice Chairperson, shall be the Presiding Officer of the Planning Commission and shall assume his/her place and duties as such immediately following his/her selection.

If the Chairperson is absent or unable to act, the Vice Chairperson shall serve until the Chairperson returns or is able to act. During such periods, the Vice Chairperson has all of the powers and duties of the Chairperson. In the event that the Vice Chairperson is absent, the Chairperson shall have the right to name any member of the Commission to perform the duties of the Vice Chairperson, but such substitution shall not extend beyond adjournment.

The responsibilities of the Planning Commission Chairperson include the following:

### **During Meetings:**

- As Presiding Officer, preserve strict order at all meetings of the Commission, announce the Commission's decisions on all subjects, and decide all questions of order. The Presiding Officer may move, second, debate, and exercise all of the rights and privileges of Commissioners set forth in these Rules;
- May establish time limits for individual speakers;
- Assist the Commission in determining whether it has all the information necessary and available to make a decision. Where there are multiple points of view on what the best decision might be, the Chairperson shall encourage Commissioners to share those views;
- Actively listen to determine potential points of agreement and test those points for actual agreement;
- Manage any conflicts that may arise during the discussions;

- Keep the discussion on topic and moving forward toward a decision;
- Ensure that all decisions made are clearly stated and explained;
- Avoid deviations from the agenda for the meeting;
- Proceed through agenda items in an orderly and timely manner.

**Outside of Meetings:**

- Consult with City staff in the preparation of meeting agendas
- Sign documents of the Commission;
- Attend City Council, County Planning Commission and other meetings as the Planning Commission representative, when appropriate;
- Communicate informally as necessary with the Mayor, City Council members and the City Manager on Planning Commission matters;
- Assist in the orientation and education of new Planning Commission members; and
- Assist in writing and sign letters on behalf of the Planning Commission.

**D. CONDUCT OF MEETINGS****1. Meetings to be Public**

All regular, adjourned and special meetings of the Planning Commission shall be open and public.

**2. Call to Order**

Meetings shall be called to order by the Chairperson, or if absent, by the Vice Chairperson. In the absence of both, the Planning Director or his/her designee shall call the meeting to order whereupon those Commissioners present shall elect a Chairperson Pro Tem.

**3. Quorum**

A majority of appointed Planning Commissioners shall constitute a quorum for the transaction of business. Planning staff shall take a roll call and keep a record of those Commissioners present, absent or excused. Where there is no quorum, the Chairperson or Vice Chairperson, or any Commissioner shall cancel the meeting, or, if no Commissioner is present, Planning staff shall cancel the meeting.

**4. Agenda and Agenda Packet**

The Planning Director shall prepare an agenda for all Planning Commission regular, adjourned, and special meetings, containing the specific items of business to be transacted and the order thereof. Agendas shall ensure, to the extent practicable, that issues are handled in an

expeditious manner, legal requirements are met, necessary materials and persons are available, and time allotments are balanced between individual matters and overall planning issues.

The agenda for regular, adjourned and special meetings shall be made available to the public in the Planning Office and posted in the locations designated in the Brisbane Municipal Code, Chapter 1.12, Section 1.12.010, at least seventy-two (72) hours prior to the meeting and at the meeting location during each meeting.

A copy of the agenda and agenda packet for regular, adjourned, and special meetings shall be made available to each Commissioner at least seventy-two (72) hours prior to the meeting, and earlier if practicable. At the time the agenda and agenda packets are made available to the Commissioners, each applicant whose application appears on the agenda shall be provided a copy of the agenda and the staff report that relates to his or her application. The complete agenda packet shall be posted on the City website and available in hard copy at City Hall for public inspection on the same day it is made available to the Commissioners.

#### 5. Order of Business

The order of business shall generally be as follows and shall be shown on the agenda of each regular meeting. The Planning Director may modify the order to handle matters in an expeditious manner and to balance time allotments.

- a. Call to order
- b. Roll call
- c. Adoption of agenda
- d. Consent calendar
  1. Approval of Minutes
  2. Other routine items that do not require a public hearing or detailed discussion
- e. Oral communications
- f. Written communications (Correspondence addressed to the Commission)
- g. Old Business: Applications or other matters continued from previous meetings.
- h. New Business: New applications or discussion items.
- i. Items initiated by Staff
  1. Informational items presented by staff
- j. Items initiated by Commissioners
  1. Informational items within the subject matter jurisdiction of the Planning Commission presented by individual commissioners
- k. Adjournment to the next regular or special meeting

A majority of the Commission may change the order of business under adoption of agenda (Section c referenced above) Otherwise, business shall be conducted in the order provided on the agenda.

6. Adjournment Time

The Planning Commission shall adjourn each meeting by 10:30 p.m. if such meeting has not been adjourned prior to that time, unless a majority of the Commissioners then present vote to extend the time of adjournment. When the agenda for the meeting has not been completed by the time of adjournment, agenda items shall be automatically continued to the next regular meeting of the Planning Commission, or, if the majority of the Commissioners then present so determines, to a special meeting of the Commission to be held on such date and at such time as the Commission shall determine. Failure of the Commission to adjourn at 10:30 p.m. in accordance with this provision shall not affect the validity of any hearing held, deliberations conducted or action taken either before or after the adjournment hour.

7. Conduct of Public Hearings

The conduct of Public Hearings shall generally be as follows:

- a. Any Commissioner who has a conflict of interest, as defined by State Law and/or the City's Conflict of Interest Guidelines, with respect to a matter coming before the Commission shall, as soon as the item is called on the agenda, state on the record that a conflict exists and the nature of the conflict. That Commissioner shall then disqualify him or herself from discussing or voting on such matter and shall remove him or herself from the meeting room until the Commission has ceased discussion or deliberations on the matter in question. The Commissioner may not participate in the decision or be counted for purposes of a quorum.
- b. The Chairperson shall ask for, and Staff shall present, any staff report or staff recommendations relevant to the matter under consideration. The Commission shall ask Staff questions if necessary to clarify the factual basis of the matter.
- c. If the matter under consideration is an application, the applicant, or the applicant's authorized representative, may then offer evidence, oral or documentary, in support of the application under consideration. Generally, the applicant or the applicant's representative may have no more than ten (10) minutes to address the Commission. The Commission may ask the applicant or the applicant's authorized representative questions if necessary to clarify the factual basis of the application.
- d. The Chairperson shall then open the public hearing and solicit from the audience any person or persons desiring to address the Commission with remarks or questions relevant to the matter under consideration.

Members of the public who wish to address the Planning Commission with respect the application shall fill out a speaker request form and hand such form to the Planning Commission staff. Commission staff shall forward such forms to the Chairperson.

Alternatively, the Chairperson may opt to recognize speakers by a show of hands in the audience.

In order to ensure that all members of the audience who wish to address the Commission about a matter under consideration have an opportunity to be heard, the Chairperson may designate and declare a period of time for all comments on the matter and/or designate a specific length of time for each speaker. Members of the public shall generally be allotted a maximum of 5 minutes to speak, although the Chairperson retains the right to reduce or increase the length of time that a member of the public may speak.

- e. When recognized by the Chairperson, speakers shall address the Commission from the podium using the microphone. He or she shall state his or her name for the record. All remarks and questions shall be addressed to the Commission through the Chairperson and not directed to individual Commissioners, members of the public, the applicant, or Staff. The Chairperson may at his/her discretion refer questions raised during public testimony to staff and/or the applicant for response.
- f. An applicant shall have the right to make final remarks. Nothing herein shall prevent a member of the Commission during the public hearing from addressing, through the Chairperson, a direct question to the applicant or any person(s) addressing the Commission regarding the application or matter under consideration.
- g. The Chairperson shall state for the record any written correspondence that was not included in the agenda packet. All written communications received shall be automatically included in the public record; it shall not be required to read the entire text of the document into the public record.
- h. After written correspondence has been acknowledged and public testimony has concluded, the public hearing shall be closed by a majority vote of the Commission, unless the Commission votes to continue the public hearing to another regular or special meeting.
- i. Once the public hearing has been closed, the Commission shall deliberate on the matter. During deliberation, the Commission may ask additional questions of Staff to clarify the factual basis of the application. Communications from members of the public should generally not be allowed after the public hearing has been closed.
- j. Following deliberation, if a motion has been made and seconded, the Commission shall vote to either approve, conditionally approve, or deny the matter under consideration, or continue the matter for further consideration at another date and time (specified or unspecified).

8. Oral Communications and Non-Public Hearing Agenda Items

In addition to the right to address the Planning Commission during a public hearing or on other matters on the agenda as provided above, interested persons or their authorized representatives shall have a right to address the Planning Commission during Oral Communications on any matter within the subject matter jurisdiction of the Planning Commission that is not on the agenda, subject to the following procedures:

- The total time allotted for Oral Communications shall not exceed 15 minutes.
- Interested persons wishing to address the Planning Commission during Oral Communications shall fill out a speaker request form and present it to the Staff prior to the Commission's discussion of the item.
- Staff shall forward such forms to the Chairperson.

- The Chairperson will announce the Oral Communications agenda item and ask for a show of hands of those wishing to speak who did not fill out a speaker card.
- The Chairperson will allot the time equally among those wishing to speak, not to exceed 15 minutes cumulatively.

The Chairperson may allow public comment on agenda items that are not public hearing items and shall have the authority to establish time limits for such public comments.

9. Written and Other Communications

Planning staff shall provide written communications to the Commission on agenda items or other matters of Commission interest at each Commission meeting. Written communications regarding agenda items are automatically included in the public record for that item. They should be acknowledged by the Chairperson at the time the Commission is considering the item, but should not be read aloud in their entirety.

Commissioners who receive written or oral communications from any person relating to an agenda item shall expressly refer to such communication during the meeting, should provide to the Planning Staff a copy of any written communication received prior to the meeting so it can be included in the agenda packet when possible. If there is no opportunity to include it in the agenda packet, a Commissioner shall provide a copy to the Planning Staff prior to the meeting so that copies of the communication may be distributed at the meeting to other Commissioners, staff, and the public. Commissioners shall not send or receive electronic messages, such as email or texts, during a meeting related to an item on the agenda for that meeting.

In general, behavior by any member of the public that disrupts the orderly conduct of the meetings shall be grounds for ejecting that person from the meeting if he or she refuses to discontinue the behavior after being asked to do so by the Chairperson. If decorum cannot be restored, the Chairperson may suspend or adjourn the meeting.

9 Points of Order

Any Commissioner or the Planning Director may raise a point of order. Points of order shall be limited to cases where the discussion or debate on the floor does not pertain to the item of business before the Commission at the time or is in violation of any of the provisions of these Rules.

10. Motions

Motions and seconds regarding the item of business before the Commission may be made by any Commissioner not otherwise disqualified to act with respect to that item of business. Once a motion is made and seconded, it may be amended if such amendment is accepted by the makers of the motion and second. Other than a substitute motion, the motion or amended motion pending before the Commission must be approved conditionally or unconditionally, denied, continued for determination at a later time or withdrawn before another motion is made. If a motion is made but not seconded, the motion fails and may not be voted upon. If this happens, the Chairperson shall request a new motion to be made.

11. Call for the Question



A call for the question is a motion to halt debate on a motion before the Commission. A Commissioner calling for the question must receive a second to his or her motion. A properly moved and seconded call for the question must be voted on immediately and is not debatable. If the motion calling for the question passes, then the motion before the Commission on which the question was called must be voted on immediately without further debate.

12. Voting

- a. Motions may generally be passed by a majority of Commissioners sitting to debate the matter. However, an approval of the general plan or general plan amendments require the affirmative votes of not less than a majority of the Commission's total members.
- b. In the case of a tie vote, it is considered that no action has been taken and the item returns to discussion until another motion is made. If another motion is not made by any of the Commissioners debating the matter, the item is considered denied. If another motion is made and another tie vote is taken, then:
  1. The item is considered denied if the disqualification of a Commissioner from voting on the item has left an even number of voting Commissioners; or
  2. The item shall be continued for consideration at another date and time if the absence of a Commissioner has left an even number of voting Commissioners. Prior to the date and time to which an item is continued, the absent Commissioner shall review the record of the hearing from which he or she was absent so that he or she is able to vote on the item when it next comes before the Commission for consideration. This does not apply to an absent Commissioner who would otherwise be precluded from voting on the matter due to a conflict of interest, unless the Commissioner is permitted to vote on the item consistent with Section 15 of these Rules.

In the case of a final vote which is a tie vote, any member of the Commission who voted may make a motion to either reconsider the Commission's vote at that meeting or to place the item on the agenda of the next meeting for consideration at that time.

When a motion for approval of a permit application fails due to a tie vote and the project application is deemed denied, the only finding applicable to that denial is that the number of votes necessary for approval was not forthcoming. In this event, it is preferable to move for denial with findings that make it clear was the project was not approved.

13. Abstentions

Abstentions should only occur if a Commissioner is unable to vote on the item under consideration because he or she has a conflict of interest, as described below in Section 14. Commissioners who were absent from a public hearing where an item was continued to a future meeting may vote on that item, provided that Commissioner reviews the record of the hearing from which he or she was absent.

14. Conflict of Interest

An exception to the rule requiring disqualification based on a conflict of interest exists if disqualification of a Commissioner or Commissioners renders it impossible for the Commission to take an action, in which case the Commission may bring back as many disqualified Commissioners as is necessary to establish a quorum. Which Commissioner or Commissioners are brought back shall be determined by lot, or by some other impartial and equitable means of random selection. Such Commissioners may vote on the matter but shall not otherwise participate in the discussion or deliberations.

Where it is not clear whether a Commissioner has an interest of a disqualifying nature, the affected Commissioner may request an opinion of the City Attorney or may request advice from the Fair Political Practices Commission..

Staff shall endeavor to inform a Commissioner who is disqualified specifically due to financial conflicts of interest prior to the meeting at which that matter is to be considered. However, it is ultimately the responsibility of individual Commissioners to determine and disclose any conflicts of interest.

#### 15. Minutes

The minutes of the Planning Commission shall be kept by Planning staff. The minutes shall typically be action minutes reflecting the record of such business as acted upon of the Commission. Summary meeting minutes that provide additional detail on the Commission's discussion and deliberations may be prepared as required by the City Council. All meeting minutes shall include the names of persons addressing the Commission (if disclosed), the agenda item or other subject matter to which their remarks related and a brief description of the nature of their remarks.

As soon as possible after each Commission meeting, Staff shall include the draft minutes of the meeting for approval on the next available meeting agenda. A Commissioner who has a question regarding any portion(s) of said minutes shall make all reasonable efforts to notify Staff prior to the meeting so that the Staff has the opportunity to research the matter prior to consideration of the minutes at that meeting.

Generally only those Commissioners who were present at the meeting that is the subject of the minutes under consideration may vote on approval of the minutes. In the case where Commissioners were not present at the meeting that is the subject of the minutes under consideration, or where Commissioners who were present at the meeting but have subsequently left the Commission, Commissioners who were not present at that meeting but who have reviewed the record of the meeting may vote to approve the minutes.

The Planning Director shall sign the final approved minutes. The approved minutes shall be posted on the City's website, maintained in hard copy at City Hall and be readily available for inspection by the public.

#### E. COMMITTEES

The Commission may appoint less than a quorum Commission members to serve on ad-hoc committees to provide focused study of issues agreed upon by the Commission and Planning Director. Planning Staff will liaison with the committee and coordinate the scheduling and use of City facilities and resources for committee meetings. Ad hoc committee meetings are not considered public meetings under the Brown Act and do not require public noticing as such. However, the committee may invite public participation in committee meetings at their discretion.

F. PERFORMANCE OF COMMISSIONERS

1. Meeting Attendance

Commissioners are expected to attend all regular and special meetings of the Commission. Commissioners must notify Staff of all planned absences of meetings as soon as possible. In cases of emergency or unanticipated absences, If possible, Commissioners should notify Staff by phone, email, or text message before the meeting. City Council review or action on Commissioner absences shall be in accordance with the City Council's adopted procedures.

2. Removal of a Commissioner

Members of the Planning Commission serve at the pleasure of the City Council and may be removed at any time, with or without cause, consistent with the City Council's adopted procedures

BRISBANE PLANNING COMMISSION  
RULES ~~OF~~ AND PROCEDURES

A. GOVERNING PROCEDURES

The following rules and procedures are intended to guide the orderly operation of the Brisbane Planning Commission. The Brisbane City Council has adopted Citywide rules and procedures applicable to all appointed Commissions and committees, which may be amended from time to time. In the event of any inconsistency or conflict between these guidelines and the rules and procedures adopted by the City Council, the City Council's rules and procedures shall be controlling.

B. SETTING THE TIME AND PLACE FOR MEETINGS

1. Regular Meetings

The Planning Commission of the City of Brisbane shall hold regular meetings on the second and fourth ~~Thursday~~ Tuesday of each month at 7:30 p.m. When the day for any regular meeting of the Commission falls on a legal holiday, no meeting shall be held on such holiday, but the regular meeting shall be scheduled at a time and place that shall be noticed in accordance with City procedures. Due to scheduling constraints, regular meetings may be rescheduled from time to time.

2. Special Meetings

Special meetings ~~or study sessions~~ for the Planning Commission may be ~~called at any time by the Planning Commission Chair, the Planning Director, or a majority of the Planning Commission by delivering personally or by mail written notice to each Planning Commissioner scheduled by Planning Commission staff following consultation with the Commission. Notice of any scheduled special meetings shall be given, and~~ by posting the written notice at posting places established by the Brisbane Municipal Code, Chapter 1.12, Section 1.12.010. ~~Such notice must be delivered and posted at least twenty-four (24) hours before the time of such meeting as specified in the notice.~~ The notice shall specify the time and place of the special meeting and the business to be transacted; no other business shall be considered. ~~Such written notice may be dispensed with as to any Planning Commissioner who, at or prior to the time the meeting convenes, files with the Secretary of the Planning Commission a written waiver of notice. Such waiver may also be given by telegram.~~

3. Place of Meetings

All regular and special meetings of the Planning Commission shall be held in locations established ~~in by~~ Brisbane City Council ~~Resolution Resolution No. 90-15. When required, S~~ such meetings may be ~~adjourned held into such~~ other locations as the Commission may determine

subject to provision of ~~with~~ adequate notice ~~is provided~~ consistent with City procedures and Sstate law, as applicable.

## BC. OFFICERS

### 1. Selection of Officers

The Planning Commission shall select from its members a ~~Chair~~Chairperson and a ~~Vice~~Vice Chairperson annually at the first ~~February~~March meeting as the last order of business prior to adjournment. The terms of these officers shall be for one calendar year. However, the Commission may choose to postpone officer selection until such a time as determined by a majority of is agreeable to the Commission. The Chairperson and Vice Chairperson shall remain in their respective offices until new officers are selected.

The position of Chairperson should normally be rotated to another member of the Commission. However, Any member of the Planning Commission is eligible to serve as ChairChairperson or ViceVice ChairChairperson, irrespective of seniority, rotation, or prior service as ChairChairperson or ViceVice ChairChairperson. In casting their votes for ChairChairperson and ViceVice ChairChairperson, Commissioners may consider the candidate's leadership qualities, attendance record, his or her ability to conduct meetings of the Commission expeditiously and fairly, and his or her willingness to represent positions adopted by the Commission when such positions are at variance with his or her personal views, as well as other pertinent factors.

If the position of ~~Chair~~Chairperson becomes vacant, the Vice Chairperson shall assume the duties of Chairperson for the remainder of the Chairperson's official term. The Commission shall, at its next regular meeting select from its members a new Chair Vice Chairperson, at its next regular meeting. In the event that the Commission is unable to select a new ChairChairperson due to a tie vote, the Commission shall select one of its remaining members to serve as thea temporary ChairChairperson until such time asuntil a new ChairChairperson can be selected by majority vote.

### 2. Responsibilities of the ChairChairperson and ViceVice ChairChairperson

The ~~Chair~~Chairperson, or, in his/~~or~~ her absence the ~~ViceVice~~Vice ChairChairperson, shall be the Presiding Officer of the Planning Commission and shall assume his/~~or~~ her place and duties as such immediately following his/~~or~~ her selection.

If the ChairChairperson is absent or unable to act, the ViceVice ChairChairperson shall serve until the ChairChairperson returns or is able to act. During such periods, the ViceVice ChairChairperson has all of the powers and duties of the ChairChairperson. In the event that the ViceVice ChairChairperson is absent, the ChairChairperson shall have the right to name any member of the Commission to perform the duties of the ViceVice ChairChairperson, but such substitution shall not extend beyond adjournment.

The responsibilities of the Planning Commission ~~Chair~~Chairperson include the following:

**During Meetings:**

- As Presiding Officer, preserve strict order at all meetings of the Commission, announce the Commission's decisions on all subjects, and decide all questions of order. The Presiding Officer may move, second, debate, and exercise all of the rights and privileges of Commissioners set forth in these Rules;
- May establish time limits for individual speakers;
- Assist the Commission in determining whether it has all the information necessary and available to make a decision. Where there are multiple points of view on what the best decision might be, the Chairperson shall encourage Commissioners to share those views;
- Actively listen to determine potential points of agreement and test those points for actual agreement;
- Managing any conflicts that may arise during the discussions;
- Keep the discussion on topic and moving forward toward a decision;
- Ensuring that all decisions made are clearly stated and explained;
- Avoid deviations from the agenda for the meeting;
- Proceed through agenda items in an orderly and timely manner.

**Outside of Meetings:**

- ~~Assist Staff in determining agenda items~~ Consulting with City staff in the preparation of meeting agendas staff prior to the meeting for establishment of the agenda;
- ~~Call special meetings of the Commission in accordance with legal requirements and these Rules of Procedure;~~
- Sign documents of the Commission;
- Attend City Council, County Planning Commission and other meetings as the Planning Commission representative, when appropriate;
- Communicate informally as necessary with the Mayor, City Council members and the City Manager on Planning Commission matters;
- Assist in the orientation and education of new Planning Commission members; and
- Assist in writing and ~~approve~~ sign letters on behalf of the Planning Commission.

**ED. CONDUCT OF MEETINGS****1. Meetings to be Public**

All regular, adjourned and special meetings of the Planning Commission shall be open and public.

## 2. Call to Order

Meetings shall be called to order by the ~~Chair~~Chairperson, or if absent, by the ~~Vice~~Vice ChairChairperson. In the absence of both, ~~the the Secretary~~Planning Director or his/her designee shall call the meeting to order whereupon those Commissioners present shall elect a ~~Chair~~Chairperson Pro Tem.

## 3. Quorum

A majority of ~~Three members of the then-appointed~~ Planning Commissioners shall constitute a quorum for the transaction of business. Planning staff shall take a roll call and keep a record of those Commissioners present, absent or excused. Where there is no quorum, the ~~Planning Commission Chair~~Chairperson or ~~Vice Vice Chair~~Chairperson, or any Commissioner shall ~~adjourn~~cancel the meeting, or, if no Commissioner is present, Planning staff shall ~~adjourn~~cancel the meeting.

## 4. Agenda and Agenda Packet

~~An agenda for all Planning Commission regular and special meetings shall be prepared by the Planning Director~~The Planning Director shall prepare an agenda for all Planning Commission regular, adjourned, -and special meetings, containing the specific items of business to be transacted and the order thereof. Agendas shall ~~be prepared in a manner that~~ ensures, to the extent practicable, that issues are handled in an expeditious manner, legal requirements are met, necessary materials and persons are available, and time allotments are balanced between individual matters and overall planning issues.

The agenda for regular, adjourned -and special meetings shall be made available to the public in the Planning Office and posted in the locations designated in the Brisbane Municipal Code, Chapter 1.12, Section 1.12.010, ~~no later than at least seventy~~least seventy-two (72) hours prior to the meeting and at the meeting location during each meeting.

A copy of the agenda and agenda packet for regular, adjourned, and special meetings shall be made available to each Commissioner ~~no later than~~at least -seventy-two (72) hours prior to the meeting, and earlier if practicable. At the time the agenda and agenda packets are made available to the Commissioners, each applicant whose application appears on the agenda shall be ~~mailed~~provided a copy of the agenda and the ~~Staff~~staff Report ~~report~~ that relates to his or her application. ~~The Planning Director shall make available for public inspection in the Planning Office one or more copies of t~~The complete agenda packet shall be posted on the City website and available in hard copy at City Hall for public inspection on the same day ~~they are~~it is made available to the Commissioners.

## 5. Order of Business

The order of business shall generally be as follows and shall be shown on the agenda of each regular meeting. The Planning Director may modify the order to handle matters in an expeditious manner and to balance time allotments.

- a. Call to order
- b. Roll call
- c. Adoption of agenda
- d. Consent calendar
  - 1. Approval of Minutes
  - 2. Other routine items that do not require a public hearing or detailed discussion
- e. Oral communications
- f. Written communications (Correspondence addressed to the Commission)
- g. Old Business: Applications or other matters ~~and petitions~~ continued from ~~the~~ previous ~~regular meetings in the order as they appeared on the previous agenda~~
- h. New Business: New applications ~~and petitions~~ or discussion items. ~~in the order filed in the City Planning Office.~~
- ~~i. Staff reports~~
- i. Items initiated by Staff
  - 1. Informational items presented by staff
- j. Items initiated by Commissioners
  - 2.1. Informational items within the subject matter jurisdiction of the Planning Commission presented by individual commissioners
- ~~j. Special Items~~
- k. Adjournment to the next regular or special meeting

A majority of the Commission may change the order of business under adoption of agenda (Section cC referenced above) ~~at any time during the meeting.~~ Otherwise, business shall be conducted in the order ~~shown above~~ provided on the agenda.

## 6. Adjournment Time

The Planning Commission shall adjourn each meeting by 10:30 p.m. if such meeting has not been adjourned prior to that time, unless a majority of the Commissioners then present vote to extend the time of adjournment. When the agenda for the meeting has not been completed by the time of adjournment, ~~it agenda items~~ shall be automatically continued ~~over~~ to the next regular meeting of the Planning Commission, or, if the majority of the Commissioners then present so determines, to a special scheduled ~~adjourned~~ meeting of the Commission to be held on such date and at such time as the Commission shall determine. Failure of the Commission to adjourn at 10:30 p.m. in accordance with this provision shall not affect the validity of any hearing held, deliberations conducted or action taken; either before or after the adjournment hour.

## 7. Conduct of Public Hearings

The conduct of Public Hearings shall generally be as follows:



a. Any Commissioner who has a conflict of interest, as defined by State Law and/or the City's Conflict of Interest Guidelines, with respect to a matter coming before the Commission shall, as soon as the item is called on the agenda, state on the record that a conflict exists and the nature of the conflict. That Commissioner shall then disqualify him or herself from discussing or voting on such matter and shall remove him or herself from the meeting room until the Commission has ceased discussion or deliberations on the matter in question. The Commissioner may not participate in the decision or be counted for purposes of a quorum.

~~a.b.~~ The Chairperson shall ask for, and Staff shall present, any staff report or staff recommendations relevant to the matter under consideration. ~~Staff shall state for the record the written communications received pertaining to the application. All written communications received shall be automatically included in the public record; it shall not be required to read the entire text of the document into the public record.~~ The Commission shall ask Staff questions if necessary to clarify the factual basis of the matter.

~~b.c.~~ If the matter under consideration is an application, the applicant, or the applicant's authorized representative, may then offer evidence, oral or documentary, in support of the application under consideration. Generally, the applicant or the applicant's representative may have no more than —ten (10) minutes to address the Commission. The Commission may ask the applicant or the applicant's authorized representative questions if necessary to clarify the factual basis of the application.

d. The Chairperson shall then open the public hearing and solicit from the audience any person or persons desiring to address the Commission with remarks or questions relevant to the matter under consideration.

-Members of the public who wish to address the Planning Commission with respect the application shall fill out a speaker request form and hand such form to the ~~Secretary~~Planning Commission staff. Commission staff~~The Secretary~~ shall forward such forms to the Chairperson.

Alternatively, the Chairperson may opt to recognize speakers by a show of hands in the audience.

In order to ensure that all members of the audience who wish to address the Commission about a matter under consideration have an opportunity to be heard, the Chairperson may designate and declare a period of time for all comments on the matter and/or designate a specific length of time for each speaker.

Members of the public shall generally be allotted a maximum of 5 minutes to speak, although the Chairperson retains the right to reduce or increase the length of speaking time that a member of the public may speak. ~~may speak for such length of time as the Chairperson shall permit.~~

e. When recognized by the Chairperson, speakers shall address the Commission from the podium using the microphone. ~~He or she may shall state his or her name and address for the record. All remarks and questions shall be addressed to the Commission through the Chairperson and not directed to individual any Commissioners, or members of the public, the applicant, or sStaff. The Chairperson mayean at his/her discretion refer questions raised during public testimony to staff and/or the applicant for response. - No question shall be~~

~~asked of a Commissioner or member of the Planning Staff without first obtaining permission of the Chairperson.~~

~~e.—~~

f. An applicant shall have the right to make ~~a final~~ remarks presentation. Nothing herein shall prevent a member of the Commission during the public hearing from addressing, through the Chairperson, a direct question to the applicant or any person(s) addressing the Commission regarding the application or matter under consideration.

g. The Chairperson shall state for the record any written correspondence that was not included in the agenda packet. All written communications received shall be automatically included in the public record; it shall not be required to read the entire text of the document into the public record.

h. After written correspondence has been acknowledged and public testimony has concluded, ~~after which~~ the public hearing shall be closed by a majority vote of the Commission, unless the Commission votes to continue the public hearing to another regular or special meeting. ~~Nothing herein shall prevent a member of the Commission from addressing, through the Chair~~Chairperson, a direct question to the applicant or any person(s) addressing the Commission regarding the application or matter under consideration.

~~d. All written communications received shall be automatically included in the public record; it shall not be required to read the entire text of the document into the public record.~~

~~e.i. If~~After Once the public hearing has been closed, the Commission shall deliberate on the matter. During deliberation, the Commission may ask additional questions of Staff to clarify the factual basis of the application. Communications from members of the public should generally not be allowed after the public hearing has been closed.

j. Following deliberation, if a motion has been made and seconded, the Commission shall vote to either approve, conditionally approve ~~conditionally or unconditionally,~~ or deny ~~with or without prejudice the motion regarding~~ the matter under consideration, or continue the matter for further consideration at another date and time (specified or unspecified). ~~If the Commission wishes, to~~

~~—continue the public hearing, the motion for continuance shall state that the public hearing will be reopened.~~

~~—When both a written request and a cash deposit covering the cost of record preparation are received from the person(s) making the request, the City shall provide the approved written record of all hearings pertaining to the specific request. Copies shall be available to any interested person(s) at cost. Requests for a court reporter must be received prior to the date of the public hearing.~~

## 8. Public Comment on Agenda Items and Items Not on the Agenda Oral Communications and Non-Public Hearing Agenda Items

In addition to the right to address the Planning Commission during a public hearing or on other matters on the agenda as provided above, interested persons or their authorized representatives shall have a right to address the Planning Commission during Oral Communications on any

matter ~~within the subject matter jurisdiction~~~~under the purview of the concerning~~ Planning Commission ~~business~~ that is not on the agenda, subject to the following procedures:-

- -The total time allotted for Oral Communications shall not exceed 15 minutes.
- -Interested persons wishing to address the Planning Commission during Oral Communications ~~or~~ shall fill out a speaker request form and present it to the Staff prior to the Commission's discussion of the item.
- -Staff shall forward such forms to the Chairperson.
- The Chairperson will ~~also~~ announce the Oral Communications agenda item and ask for a show of hands of those wishing to speak who did not fill out a speaker card.
- -The Chairperson will allot the time equally among those wishing to speak, not to ~~cumulatively~~ exceed 15 minutes cumulatively.

The Chairperson ~~shall~~~~may~~ allow public comment on agenda items that are not public hearing items and shall have the authority to establish time limits for such public comments.

#### 9. Written and Other Communications

Planning staff shall provide written communications to the Commission on agenda items or other matters of Commission interest at each Commission meeting. Written communications regarding agenda items are automatically included in the public record for that item. They should be acknowledged by the Chairperson at the time the Commission is considering the item, but should not be read aloud in their entirety.

Commissioners who receive written or oral communications from any person relating to an agenda item shall expressly refer to such communication during the meeting, should provide to the Planning Staff a copy of any written communication received prior to the meeting so it can be included in the agenda packet when possible. If there is no opportunity to include it in the agenda packet, a Commissioner shall ~~must~~ provide a copy to the Planning Staff prior to the meeting so that copies of the communication may be distributed at the meeting to other Commissioners, staff, and the public. Commissioners shall not send or receive electronic messages, such as email or texts, during a meeting related to an item on the agenda for that meeting.

~~Additionally, the Chairperson may allow public comment on agenda items that are not public hearing items, at his or her sole discretion. Interested persons wishing to address the Planning Commission during Oral Communications or other agenda items shall fill out a speaker request form and present it to the Secretary Staff prior to the Commission's discussion of the item. Staff The Secretary shall forward such forms to the Chairperson, who will allot the time equally among those who have given notice and determine whether to accept public comment on agenda items which are not public hearings., provided, however, that no such presentation shall exceed five (5) minutes unless an extension of time is approved by a majority of Commissioners present~~

~~Communications to Commission members by applicants or interested parties shall be made "on the record" to the extent possible, or oral shall, to the Planning Staff any written received agenda when possible. I include it in the agenda packet a Commissioner must provide a copy to the~~

~~Planning Staff prior to the meeting so that may be distributed shall electronic, such as email or texts,ed~~

In general, behavior by any member of the public that disrupts the orderly conduct of the meetings shall be grounds for ejecting that person from the meeting if he or she refuses to discontinue the behavior after being asked to do so by the Chairperson. If decorum cannot be restored, the Chairperson may suspend or adjourn the meeting.

~~a. Communications to Commission members by applicants or interested parties shall be made "on the record" to the extent possible.~~

#### 10. Addressing the Planning Commission

~~Any interested person may request permission from the Presiding Officer to address the Commission relevant to any subject matter on the agenda. The Presiding Officer may designate and declare a period of time for any such addresses.~~

#### 11. Manner of Addressing the Planning Commission

~~Any person wishing to address the Planning Commission shall stand or raise the hand and wait to be recognized by the Presiding Officer. Preferably, using the microphone, he or she shall state his or her name and address for the record and proceed to address the Commission. All remarks and questions shall be addressed to the Commission through the Presiding Officer and not to any Commissioner or member of the public. No question shall be asked of a Commissioner or member of the Planning Staff without first obtaining permission of the Presiding Officer.~~

#### 92. Points of Order

~~Only a~~Any Commissioner ~~or the Community Development Planning Director~~ may raise a point of order. Points of order shall be limited to cases where the discussion or debate on the floor does not pertain to the item of business before the Commission at the time or is in violation of any of the provisions of these Rules.

#### 103. Motions

Motions and seconds regarding the item of business before the Commission may be made by any Commissioner not otherwise disqualified to act with respect to that item of business. Once a motion is made and seconded, it may be amended if such amendment is accepted by the makers of the motion and second. ~~Other than a substitute motion, t~~The motion or amended motion pending before the Commission must be approved conditionally or unconditionally, denied ~~with or without prejudice~~, continued for determination at a later time or withdrawn before another motion is made. ~~If a motion is made but not seconded, the motion fails is said to fall to~~

~~the floor and~~ may not be voted upon. If this happens, the Chairperson shall ~~H-state that as the case~~ and request a new motion to be made.

#### 141. Call for the Question

A call for the question is a motion to halt debate on a motion before the Commission. A Commissioner calling for the question must receive a second to his or her motion. A properly moved and seconded call for the question must be voted on immediately and is not debatable. If the motion calling for the question passes, then the motion before the Commission on which the question was called must be voted on immediately without further debate.

#### 152. Voting

a. Motions may generally be passed by a majority of Commissioners sitting to debate the matter. However, an approval of the general plan or general plan amendments require the affirmative votes of not less than a majority of the Commission's total members. ~~Zoning amendments require approval by a majority of the members of the Commission not disqualified from voting on the zoning amendment.~~

b. In the case of a tie vote, it is considered that no action has been taken and the item returns to discussion until another motion is made. If another motion is not made by any of the Commissioners debating the matter, the item is considered denied. If another motion is made and another tie vote is taken, then:

1. ~~a)~~ ~~T~~The item is considered denied if the disqualification of a Commissioner from voting on the item has left an even number of voting Commissioners; or

~~1.2.T b)~~ the item shall be continued for consideration at another date and time if the absence of a Commissioner has left an even number of voting Commissioners, ~~or if an even number of voting Commissioners is the result of the abstention of a Commissioner due to his or her absence at a prior hearing where evidence on the item was presented.~~ Prior to the date and time to which an item is continued, the ~~abstaining or~~ absent Commissioner shall ~~rehabilitate him or herself by reviewing~~ review the record of the hearing from which he or she was absent so that he or she is able to vote on the item when it next comes before the Commission for consideration. This does not apply to an absent Commissioner who would otherwise be precluded from voting on the matter due to a conflict of interest, unless the Commissioner is ~~they are~~ permitted to vote on the item consistent with Section 15 of these Rules ~~procedures.~~

In the case of a final vote which is a tie vote, any member of the Commission who voted ~~may~~ can make a motion to either reconsider the Commission's ~~vote~~ action at that meeting or to place ~~reconsideration of~~ the item on the agenda of the next meeting for consideration ~~action~~ at that time.

When a motion for approval of a permit application fails due to a tie vote and the project application is deemed denied, the only finding applicable to that denial is that the number of votes necessary for approval was not forthcoming. In this event, it is preferable to move for denial with findings that make it clear was the project was not approved. ~~If an application is~~

~~deemed denied due to a tie vote, the Commission shall recommend to the City Council that no fee be charged to the applicant for filing an appeal from that denial.~~

136. Abstentions

Abstentions ~~shall~~ should only occur ~~be permitted~~ if a Commissioner, ~~due to a prior absence,~~ is unable to vote on the item under consideration because he or she ~~has not heard the material evidence that relates to that item~~ has a conflict of interest, as described below in Section 14 or abstains because of bias. Commissioners who were absent from a public hearing where an item was continued to a future public meeting may vote on that item, provided that Commissioner reviews the record of the hearing from which he or she was absent.

174. Conflict of Interest

~~Except as provided in the next paragraph, a~~Any Commissioner who has a conflict of interest, as defined by the City's Conflict of Interest Guidelines, with respect to a matter coming before the Commission shall, as soon as the item is called on the agenda, state on the record that a conflict exists and the nature of the conflict. That Commissioner shall then disqualify him or herself from discussing or voting on such matter and shall remove him or herself from the Commissioner's dais.

~~A~~However, there is an exception to the rule requiring disqualification based on a conflict of interest ~~exists it.~~ If disqualification of a Commissioner or Commissioners renders it impossible for the Commission to take an action, in which cases required under the California Government Code, the Commission may bring back as many disqualified Commissioners as is necessary to establish a quorum. Which Commissioner or Commissioners are brought back shall be determined by lot, or by some other impartial and equitable means of random selection. Such Commissioners may vote on the matter but shall not otherwise participate in the discussion or deliberations.

Where it is not clear whether a Commissioner has an interest of a disqualifying nature, the affected Commissioner may request an opinion of the City Attorney or may request advice from the Fair Political Practices Commission., ~~and, if still in doubt, may request the Commission to make a determination.~~

Staff shall endeavor to inform ~~Aa~~ Commissioner who is disqualified specifically due to financial conflicts of interest related to real estate property ownership in public record prior to the meeting at which that matter is to be considered. However, it is ultimately the responsibility of individual Commissioners to determine and disclose any conflicts of interest ~~from discussing or voting on any matter to be considered by the Commission shall, if possible, so to inform~~ Staff and the Chair ~~Chairperson prior to the meeting at which that matter is to be considered.~~

158. Minutes

The minutes of the Planning Commission shall be kept by Planning ~~Commission~~ staff. The minutes shall typically be action minutes reflecting the record of such business as was



~~actually passed upon by vote~~acted upon -of the Commission. Summary meeting minutes that provide additional detail on the Commission's discussion and deliberations may be prepared as required by the City Council. ~~when deemed appropriate by the Planning Director and the Chairperson.~~ All meeting minutes shall include the names of persons addressing the Commission (if disclosed), the agenda item or other subject matter to which their remarks related and a brief description of the nature of their remarks.

~~The minutes of the Planning Commission shall be kept by the Secretary. The Secretary shall be required to make record of such business as was actually passed upon by vote of the Commission, showing the vote of each Commissioner, including if he or she was absent or failed to vote on the matter considered. The Secretary shall not be required to make verbatim transcripts of the proceedings. However, the minutes shall be sufficiently informative so that basic facts and relevant explanations are included. Further, the minutes shall include the names and addresses of persons addressing the Commission, the agenda item or other subject matter to which their remarks related and a brief description of the nature of their remarks.~~

As soon as possible after each Commission meeting, ~~the Secretary~~Staff shall ~~cause a copy of the minutes thereof to be forwarded to the Commission~~include the draft minutes of the meeting for approval on the next available meeting agenda. ~~on its the next regular agenda.~~ A Commissioner who has a question regarding any portion(s) of said minutes shall make all reasonable efforts to notify ~~the Secretary~~Sstaff prior to the ~~next regularly scheduled~~meeting so that the ~~Staff~~Secretary may have the opportunity to research the matter prior to consideration of the minutes at that meeting.

~~Generally o~~Only those Commissioners who were present at the meeting that is the subject of the minutes under consideration may vote on approval of the minutes. ~~Approval of the minutes shall require a majority of those Commissioners present who are are voting eligible to vote on the minutes. In the case where: Commissioners were not present at the meeting present at the meeting that is the subject of the minutes under consideration, or where Commissioners who were present at the meeting but have subsequently left the Commission, Commissioners who were not present at that meeting but who have reviewed the record of the meeting may vote to approve the minutes.~~

~~The Secretary and The Community Development Planning -Director Planning Commission Chair~~ shall sign the final ~~form of the~~approved minutes. ~~The approved minutes shall be posted on the City's website, and The Secretary shall maintained a copy of said minutes in such a manner in hard copy at City hHall and shall be as to be~~ readily available for inspection by the public.

## E. SUBCOMMITTEES

~~The Commission may appoint less than a quorum Commission members individual members to serve on a ad-hoc subcommittees to provide focused study of issues agreed upon identified by the Commission and Planning Director. Subcommittees shall be comprised of no more than two Commissioners. Planning Commission Sstaff will liaison with the committee members and coordinate the scheduling and use of City facilities and resources for committee meetings. Ad hoc Subcommittee meetings are not considered public meetings under the Brown~~

Act and do not require public noticing as such. However, the committee ~~Planning Commission~~ may invite public participation in ~~subcommittee meetings at their discretion of the Chairperson.~~

## F. PERFORMANCE OF COMMISSIONERS

### 1. Meeting Attendance

Commissioners are expected to attend all regular and special~~ly scheduled~~ meetings of the Commission. Commissioners must notify Staff of all planned absences of ~~regularly scheduled meetings as soon as possible. In cases of emergency or unanticipated meeting absences the day of a meeting.~~ If possible, CCommissioners should notify Staff by phone, email, ~~phone call, or text message before the meeting, if possible, or as soon as possible following the absence.~~ City Council review or action on Commissioner eabsences shall be in accordance with the City Council's ~~most recent~~ adopted ~~sprocedures on the matter.~~

### 2. Reprimand or Removal of a Commissioner

Members of the Planning Commission serve at the pleasure of the City Council and may be removed at any time, with or without cause, consistent with the City Council's ~~most recent adopted procedures on the matter.~~~~D. APPLICATION WITHDRAWAL PROCEDURE~~

~~A permit application may be withdrawn by the applicant only if a request for withdrawal is submitted in writing to the Secretary of the Planning Commission prior to the commencement of the meeting at which the application is to be considered. If an applicant has not filed such a written request, and that applicant informs the Commission during the course of the meeting at which his or her application is to be considered that he or she wishes to withdraw the application, the Commission shall continue the matter to its next regular meeting in order to give the applicant an opportunity to file a timely written request for withdrawal. When the matter comes before the Commission for consideration at its next regular meeting, the Commission shall decide whether to grant or deny the request for withdrawal. Withdrawal of a permit application shall terminate all further action on the application. Once an application is withdrawn, it may not be refiled for one year from the date of such withdrawal.~~



02/02

RULES OF PROCEDURE

## A. SETTING THE TIME AND PLACE FOR MEETINGS

1. Regular Meetings

The Planning Commission of the City of Brisbane shall hold regular meetings on the second and fourth Thursday of each month at 7:30 p.m. When the day for any regular meeting of the Commission falls on a legal holiday, no meeting shall be held on such holiday, but the regular meeting shall be scheduled at a time and place that shall be noticed in accordance with City procedures. Due to scheduling constraints, regular meetings may be rescheduled from time to time.

2. Special Meetings

Special meetings or study sessions for the Planning Commission may be called at any time by the Planning Commission Chair, the Planning Director, or a majority of the Planning Commission by delivering personally or by mail written notice to each Planning Commissioner, and by posting the written notice at posting places established by the Brisbane Municipal Code, Chapter 1.12, Section 1.12.010. Such notice must be delivered and posted at least twenty-four (24) hours before the time of such meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted; no other business shall be considered. Such written notice may be dispensed with as to any Planning Commissioner who, at or prior to the time the meeting convenes, files with the Secretary of the Planning Commission a written waiver of notice. Such waiver may also be given by telegram.

3. Place of Meetings

All regular meetings of the Planning Commission shall be held in locations established in Brisbane City Council Resolution No. 90-15. Such meetings may be adjourned to such other locations as the Commission may determine.

## B. OFFICERS

1. Selection of Officers

The Planning Commission shall select from its members a Chair and a Vice-Chair annually at the first February meeting as the last order of business prior to adjournment.

Any member of the Planning Commission is eligible to serve as Chair or Vice-Chair, irrespective of seniority, rotation, or prior service as Chair or Vice-Chair. In casting their votes for Chair and Vice-Chair, Commissioners may consider the candidate's leadership qualities, his or her ability to conduct meetings of the Commission expeditiously and fairly, and his or her willingness to represent positions adopted by the Commission when such positions are at variance with his or her personal views, as well as other pertinent factors.

If the position of Chair becomes vacant, the Commission shall, at its next regular meeting select from its members a new Chair. In the event that the Commission is unable to select a new

Chair due to a tie vote, the Commission shall select one of its remaining members to serve as the temporary Chair until such time as a new Chair can be selected by majority vote.

2. Responsibilities of the Chair and Vice-Chair

The Chair, or, in his or her absence the Vice-Chair, shall be the Presiding Officer of the Planning Commission and shall assume his or her place and duties as such immediately following his or her election. If the Chair is absent or unable to act, the Vice-Chair shall serve until the Chair returns or is able to act. During such periods, the Vice-Chair has all of the powers and duties of the Chair. In the event that the Vice-Chair is absent, the Chair shall have the right to name any member of the Commission to perform the duties of the Vice-Chair, but such substitution shall not extend beyond adjournment.

The responsibilities of the Planning Commission Chair include the following:

- a. As Presiding Officer, preserve strict order at all meetings of the Commission, announce the Commission's decisions on all subjects, and decide all questions of order. The Presiding Officer may move, second, debate, and exercise all of the rights and privileges of Commissioners set forth in these Rules;
- b. Call special meetings of the Commission in accordance with legal requirements and these Rules of Procedure;
- c. Sign documents of the Commission;
- d. Assist Staff in determining agenda items;
- e. Attend City Council, County Planning Commission and other meetings as the Planning Commission representative, when appropriate;
- f. Communicate informally as necessary with the Mayor, City Council members and the City Manager on Planning Commission matters;
- g. Assist in the orientation and education of new Planning Commission members; and
- h. Write and approve letters on behalf of the Planning Commission.

C. CONDUCT OF MEETINGS

1. Meetings to be Public

All regular, adjourned and special meetings of the Planning Commission shall be open and public.

2. Call to Order

Meetings shall be called to order by the Chair, or if absent, by the Vice-Chair. In the absence of both, the Secretary shall call the meeting to order whereupon those Commissioners present shall elect a Chair Pro Tem.

3. Quorum

Three members of the Planning Commission shall constitute a quorum for the transaction of business. The Secretary shall take a roll call and keep a record of those Commissioners present, absent or excused. Where there is no quorum, the Planning Commission Chair or Vice-Chair, or any Commissioner shall adjourn the meeting, or, if no Commissioner is present, the Secretary shall adjourn the meeting.

4. Agenda and Agenda Packet

An agenda for all Planning Commission regular and special meetings shall be prepared by the Planning Director, containing the specific items of business to be transacted and the order thereof. Agendas shall be prepared in a manner that ensures, to the extent practicable, that issues are handled in an expeditious manner, legal requirements are met, necessary materials and persons are available, and time allotments are balanced between individual matters and overall planning issues.

The agenda for regular meetings shall be made available to the public in the Planning Office and posted in the locations designated in the Brisbane Municipal Code, Chapter 1.12, Section 1.12.010, no later than seventy-two (72) hours prior to the meeting and at the meeting location during each meeting.

A copy of the agenda and agenda packet for regular meetings shall be made available to each Commissioner no later than seventy-two (72) hours prior to the meeting, and earlier if practicable. At the time the agenda and agenda packets are made available to the Commissioners, each applicant whose application appears on the agenda shall be mailed a copy of the agenda and the Staff Report that relates to his or her application. The Planning Director shall make available for public inspection in the Planning Office one or more copies of the agenda packet on the same day they are made available to the Commissioners.

5. Additions to Agenda

No matter shall be finally acted upon by the Planning Commission other than those on the posted agenda, except in accordance with the provisions of the California Government Code Section 54954.2(b). A Commissioner may request amendment of the agenda at the beginning of a meeting to add an information item which will not require action by the Planning Commission.

6. Order of Business

The order of business shall be as follows and shall be shown on the agenda of each regular meeting:

- a. Call to order
- b. Roll call
- c. Adoption of agenda
- d. Consent calendar  
(Approval of Minutes)

- e. Oral communications
- f. Written communications (Correspondence addressed to the Commission)
- g. Applications and petitions continued from the previous regular meeting in the order as they appeared on the previous agenda
- h. New applications and petitions in the order filed in the City Planning Office.
- i. Staff reports
- j. Items initiated by Staff
- k. Items initiated by Commissioners
- l. Special Items
- m. Adjournment

A majority of the Commission may change the order of business at any time during the meeting. Otherwise, business shall be conducted in the order shown above.

7. Adjournment Time

The Planning Commission shall adjourn each meeting by 10:30 p.m. if such meeting has not been adjourned prior to that time, unless a majority of the Commissioners then present vote to extend the time of adjournment. When the agenda for the meeting has not been completed by the time of adjournment, it shall be continued over to the next regular meeting of the Planning Commission, or, if the majority of the Commissioners then present so determines, to an adjourned meeting of the Commission to be held on such date and at such time as the Commission shall determine. Failure of the Commission to adjourn at 10:30 p.m. in accordance with this provision shall not affect the validity of any hearing held, deliberations conducted or action taken, either before or after the adjournment hour.

8. Public Hearings

The conduct of public hearings shall generally be as follows:

- a. The Presiding Officer shall ask for, and Staff shall present, any staff report or staff recommendations relevant to the matter under consideration. The Commission shall ask Staff to state for the record the written communications received pertaining to the application. The Commission shall ask Staff questions if necessary to clarify the factual basis of the matter.
- b. If the matter under consideration is an application, the applicant, or the applicant's authorized representative, may then offer evidence, oral or documentary, in support of the application under consideration. The Commission may ask the applicant or the applicant's authorized representative questions if necessary to clarify the factual basis of the application.
- c. The Presiding Officer shall then open the public hearing and solicit from the audience any person or persons desiring to address the Commission with remarks or questions relevant to the matter under consideration. Members of the public who wish to address the Planning Commission with respect to matters set forth on the agenda to be considered during a public hearing shall fill out a request form and hand such form to the Secretary. The Secretary shall forward such forms to the Presiding Officer. In order to ensure that all members of the audience who wish to address the Commission about a matter under consideration have an opportunity to be heard, the Presiding Officer may designate and declare a period of time for all comments on the matter and/or designate a specific length of time for each speaker.

Members of the public may speak for such length of time as the Presiding Officer shall permit.

d. An applicant shall have the right to make a final presentation, after which the public hearing shall be closed by a majority vote of the Commission. Nothing herein shall prevent a member of the Commission from addressing, through the Chair, a direct question to the applicant or any person(s) addressing the Commission regarding the application or matter under consideration.

e. Thereafter, the Commission shall, after due deliberation and proper motion and second, vote to either approve conditionally or unconditionally, or deny with or without prejudice the motion regarding the matter under consideration, or continue the matter for further consideration at another date and time. If the Commission wishes to continue the public hearing, the Presiding Officer shall reopen the public hearing prior to the motion for continuance.

f. When both a written request and a cash deposit covering the cost of record preparation are received from the person(s) making the request, the City shall ensure that an approved written record of all such hearings shall be made and duly preserved. Copies shall be available to any interested person(s) at cost. Requests for a court reporter must be received prior to the date of the public hearing.

9. Oral Communications

In addition to the right to address the Planning Commission as provided above, interested persons or their authorized representatives shall have a right to address the Planning Commission during Oral Communications on any matter concerning Planning Commission business that is not on the agenda. Interested persons wishing to address the Planning Commission during Oral Communications shall fill out a written request form and present it to the Secretary prior to addressing the Commission. The Secretary shall forward such forms to the Presiding Officer, who will allot the time equally among those who have given notice, provided, however, that no such presentation shall exceed five (5) minutes unless an extension of time is approved by a majority of Commissioners present.

10. Addressing the Planning Commission

Any interested person may request permission from the Presiding Officer to address the Commission relevant to any subject matter on the agenda. The Presiding Officer may designate and declare a period of time for any such addresses.

11. Manner of Addressing the Planning Commission

Any person wishing to address the Planning Commission shall stand or raise the hand and wait to be recognized by the Presiding Officer. Preferably, using the microphone, he or she shall state his or her name and address for the record and proceed to address the Commission. All remarks and questions shall be addressed to the Commission through the Presiding Officer and not to any Commissioner or member of the public. No question shall be asked of a Commissioner or member of the Planning Staff without first obtaining permission of the Presiding Officer.

12. Points of Order

Only a Commissioner may raise a point of order. Points of order shall be limited to cases where the discussion or debate on the floor does not pertain to the item of business before the Commission at the time or is in violation of any of the provisions of these Rules.

13. Motions

Motions and seconds regarding the item of business before the Commission may be made by any Commissioner not otherwise disqualified to act with respect to that item of business. Once a motion is made and seconded, it may be amended if such amendment is accepted by the makers of the motion and second. The motion or amended motion pending before the Commission must be approved conditionally or unconditionally, denied with or without prejudice, continued for determination at a later time or withdrawn before another motion is made.

14. Call for the Question

A call for the question is a motion to halt debate on a motion before the Commission. A Commissioner calling for the question must receive a second to his or her motion. A properly moved and seconded call for the question must be voted on immediately and is not debatable. If the motion calling for the question passes, then the motion before the Commission on which the question was called must be voted on immediately without further debate.

15. Voting

Motions may generally be passed by a majority of Commissioners sitting to debate the matter. However, an approval of the general plan or general plan amendments require the affirmative votes of not less than a majority of the Commission's total members. Zoning amendments require approval by a majority of the members of the Commission not disqualified from voting on the zoning amendment.

In the case of a tie vote, it is considered that no action has been taken and the item returns to discussion until another motion is made. If another motion is not made by any of the Commissioners debating the matter, the item is considered denied. If another motion is made and another tie vote is taken, then a) the item is considered denied if the disqualification of a Commissioner from voting on the item has left an even number of voting Commissioners; or b) the item shall be continued for consideration at another date and time if the absence of a Commissioner has left an even number of voting Commissioners, or if an even number of voting Commissioners is the result of the abstention of a Commissioner due to his or her absence at a prior hearing where evidence on the item was presented. Prior to the date and time to which an item is continued, the abstaining or absent Commissioner shall rehabilitate him or herself by reviewing the record of the hearing from which he or she was absent so that he or she is able to vote on the item when it next comes before the Commission for consideration.

In the case of a final vote which is a tie vote, any member of the Commission who voted can make a motion to either reconsider the Commission's action at that meeting or to place reconsideration of the item on the agenda of the next meeting for action at that time.

When a motion for approval of a permit application fails due to a tie vote and the project application is deemed denied, the only finding applicable to that denial is that the number of votes necessary for approval was not forthcoming. In this event, it is preferable to move for denial with findings that make it clear was the project was not approved. If an application is deemed denied due to a tie vote, the Commission shall recommend to the City Council that no fee be charged to the applicant for filing an appeal from that denial.

16. Abstentions

Abstentions shall only be permitted if a Commissioner, due to a prior absence, is unable to vote on the item under consideration because he or she has not heard the material evidence that relates to that item.

17. Conflict of Interest

Any Commissioner who has a conflict of interest, as defined by the City's Conflict of Interest Guidelines, with respect to a matter coming before the Commission shall, as soon as the item is called on the agenda, state on the record that a conflict exists and the nature of the conflict. That Commissioner shall then disqualify him or herself from discussing or voting on such matter and shall remove him or herself from the Commissioner's dais.

However, there is an exception to the rule requiring disqualification based on a conflict of interest. If disqualification of a Commissioner or Commissioners renders it impossible for the Commission to take actions required under the California Government Code, the Commission may bring back as many disqualified Commissioners as is necessary to establish a quorum. Which Commissioner or Commissioners are brought back shall be determined by lot, or by some other impartial and equitable means of random selection.

Where it is not clear whether a Commissioner has an interest of a disqualifying nature, the affected Commissioner may request an opinion of the City Attorney, and, if still in doubt, may request the Commission to make a determination.

A Commissioner who is disqualified from discussing or voting on any matter to be considered by the Commission shall, if possible, so inform Staff and the Chair prior to the meeting at which that matter is to be considered.

18. Minutes

The minutes of the Planning Commission shall be kept by the Secretary. The Secretary shall be required to make record of such business as was actually passed upon by vote of the Commission, showing the vote of each Commissioner, including if he or she was absent or failed to vote on the matter considered. The Secretary shall not be required to make verbatim transcripts of the proceedings. However, the minutes shall be sufficiently informative so that basic facts and

relevant explanations are included. Further, the minutes shall include the names and addresses of persons addressing the Commission, the agenda item or other subject matter to which their remarks related and a brief description of the nature of their remarks.

As soon as possible after each Commission meeting, the Secretary shall cause a copy of the minutes thereof to be forwarded to the Commission on its regular agenda. A Commissioner who has a question regarding any portion(s) of said minutes shall make all reasonable efforts to notify the Secretary prior to the next regularly scheduled meeting so that the Secretary may have the opportunity to research the matter prior to consideration of the minutes at that meeting.

Only those Commissioners who were present at the meeting which is the subject of the minutes under consideration may vote on approval of the minutes. Approval of the minutes shall require a majority of those Commissioners present who are voting on the minutes.

The Secretary and Planning Commission Chair shall sign the final form of the approved minutes. The Secretary shall maintain a copy of said minutes in such a manner as to be readily available for inspection by the public.

#### D. APPLICATION WITHDRAWAL PROCEDURE

A permit application may be withdrawn by the applicant only if a request for withdrawal is submitted in writing to the Secretary of the Planning Commission prior to the commencement of the meeting at which the application is to be considered. If an applicant has not filed such a written request, and that applicant informs the Commission during the course of the meeting at which his or her application is to be considered that he or she wishes to withdraw the application, the Commission shall continue the matter to its next regular meeting in order to give the applicant an opportunity to file a timely written request for withdrawal. When the matter comes before the Commission for consideration at its next regular meeting, the Commission shall decide whether to grant or deny the request for withdrawal. Withdrawal of a permit application shall terminate all further action on the application. Once an application is withdrawn, it may not be refiled for one year from the date of such withdrawal.