



City of Calistoga

Planning Commission

Agenda Item Summary

DATE

January 27, 2010

COMMUNICATIONS/CORRESPONDENCE

Distribution of the Planning Commission's Rules of Procedure.

RECOMMENDATION

No action required. Review Rules and prepare for discussion during the February 10, 2010 Planning Commission meeting for possible amendments and/or recommend re-adopting the Rules as they currently exist.

CITY OF CALISTOGA

STAFF REPORT

TO: CHAIRMAN MANFREDI AND PLANNING COMMISSIONERS

FROM: CHARLENE GALLINA, PLANNING & BUILDING DIRECTOR
KATHLEEN GUILL, PLANNING COMMISSION SECRETARY

MEETING DATE: JANUARY 27, 2010

SUBJECT: PLANNING COMMISSION'S RULES OF PROCEDURE

1
2 **REQUEST:**
3

4 Conduct annual review and/or revision of the Planning Commission Rules of Procedure.
5

6 **BACKGROUND:**
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8 The Rules of Procedure were originally adopted in 1961 and received few changes prior to
9 August 2000. However subsequent to 2000 the following amendments have been adopted.
10

- 11 • August 28, 2000 the Planning Commission completed a comprehensive revision to the
12 Rules of Procedure (Rules) to include establishing the 2nd and 4th Wednesday of each month
13 as the regular meeting date and provided clarification of other minor issues relating to
14 existing Planning Commission responsibilities, organization, officers, and to the regular
15 conduct of meetings.
- 16 • February 14, 2004 the Planning Commission adjusted the regular meeting time to 5:30 PM
17 and approved minor changes to the sections relating to meetings, voting, and rules of
18 testimony, general conduct and agendas.
- 19 • January 24, 2007 the Planning Commissioner amended Section VI.5 relating to the
20 requirement of leaving the room when a commissioner is required to abstain from voting,
21 clarifying a Commissioner must leave only during the Commissions deliberation and vote.
- 22 • The most recent minor amendment was January 28, 2009 revising the procedures
23 contained in Section VII Presentations or Hearing Proposals in order to provide flexibility in
24 the presentation and Commission questioning of staff and the applicant during review of
25 New Business agenda items.
26

27 As established in the Rules, there are occasions when revisions are necessary to reflect
28 changes in Planning Commission policy or organization. Typically when these changes are
29 minor they do not require confirmation by the City Council. Please note, depending on the
30 nature of the revision the City Council may need to review the proposed changes prior to
31 implementation.
32

33 **RECOMMENDATION:**
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35 Staff recommends that the Planning Commission review the Rules of Procedure and prepare to
36 provide recommendations during the next regular Planning Commission meeting of February
37 10, 2010 for possible amendments and/or recommend re-adopting the Rules as they currently
38 exist.
39

40 **ATTACHMENT:**

41 1. Proposed Planning Commission Rules of Procedure 2009

CALISTOGA CITY PLANNING COMMISSION

RULES OF PROCEDURE

Revised January 28, 2009

1 **I. PURPOSE**

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3 The following rules shall be applicable to the organization of the Planning
4 Commission pertaining to the roles and responsibilities, type and conduct of
5 meetings, and selection of officers, pursuant to California Government Code
6 (Section 55000) and the City of Calistoga Municipal Code (Ord. 237 (part) 1961).
7

8 **II. POWERS AND DUTIES**

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10 The City of Calistoga Planning Commission shall have the powers and shall perform
11 all duties conferred and imposed upon city planning commissions by the California
12 Government Code and, in addition, the Planning Commission shall:
13

- 14 1. Advise the City Council in the adoption and maintenance of a comprehensive,
15 long term, general plan for the physical growth and development of the city.
- 16 2. Implement the City of Calistoga General Plan and, where necessary, develop
17 precise specific plans based on the general plan described in Section II.1
18 above.
- 19 3. Advise the City Council in the adoption and maintenance of land use and
20 development policies contained in the City of Calistoga Municipal Code and,
21 in particular, the Zoning Ordinance.
- 22 4. Administer the City of Calistoga Zoning Ordinance.
- 23 5. Consider appeals of decisions of staff.
- 24 6. Serve as the Design Review authority on large projects.
- 25 7. Conduct studies and report on matters referred for action by the City Council.
- 26 8. Generally conserve and promote public health, safety, comfort, convenience
27 and general welfare.
- 28 9. Implement and, where required, advise the City Council on project
29 consistency with the procedures of the California Environmental Quality Act
30 (CEQA).
- 31 10. Serve as an advisory body to the City Council on matters related to city
32 growth and development, and on such other matters as may be requested by
33 the City Council.
- 34 11. Promote public interest in planning and encourage citizen participation in
35 planning related issues, including the formulation of the General Plan.
- 36 12. Engage in a program of acquainting citizens with problems and alternative
37 solutions relating to the physical environment.
- 38 13. Annually review the Capital Improvement Program (CIP) identifying the multi-
39 year scheduling of public physical improvements for consistency with the
40 General Plan.
- 41 14. Provide an annual report on the status of the General Plan and progress in its
42 implementation.

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III. ORGANIZATION AND ELECTION OF OFFICERS

1. The officers of the Planning Commission shall consist of a Chair and Vice Chair. The Secretary shall be a City Employee, normally the Planning Director or his/her designee.
2. The offices of the Chair and Vice Chair shall be elective and persons elected shall serve for a term of one year.
3. Elections shall be held during the annual meeting, which shall be a regular meeting held in January of each year.
4. The Vice Chair shall succeed the Chair upon absences. Should the office of Chair become vacant before the term is completed, the Vice Chair shall serve the unexpired term of the vacated office. A new Vice Chair shall be elected at the next regular meeting.
5. In the absence of the Chair and Vice Chair, any other member shall call the Planning Commission to order, whereupon the Chair shall be elected from the members present.

IV. DUTIES OF OFFICERS

CHAIR

1. Preside over all meetings of the Commission, preserve order and decorum, and decide questions of order.
2. Appoint subcommittees of the Planning Commission, serve as an ex-officio member of all committees so appointed with voice but not vote, and refer matters to the proper standing subcommittees.
3. Call special meetings in accordance with legal requirements.
4. Sign documents for the Planning Commission.
5. Assist staff in the creation of agendas.

VICE CHAIR

1. Assist the Chair in the execution of the duties of office and act in the absence of the Chair resulting from illness, disqualification, or absence due to conference or meeting.
2. Succeed the Chair if the office becomes vacant for the remaining term of the vacated office.

SECRETARY

1. The Secretary shall be responsible for the preparation of Planning Commission minutes, shall assure that all official actions by the Planning Commission are recorded in the minutes, and shall keep a record of all meetings of the Planning Commission.

- 88 2. Post the agenda at least seventy-two (72) hours prior to the meeting.
- 89 3. Give priority to matters referred to them by the City Council.
- 90 4. Ensure that all applications submitted to the Planning Commission for
- 91 consideration conform to established submittal requirements.
- 92 5. Prepare, post, and publish public notices, including public hearings required
- 93 by law or required by the Planning Commission.
- 94 6. Be custodian of records and sign official documents of the Planning
- 95 Commission as directed.
- 96

97 V. MEETINGS

- 98
- 99 1. All meetings shall be held in full compliance with the provision of state law,
- 100 ordinances of the City, and shall be conducted in accordance with Robert's
- 101 Rules of Order.
- 102 2. Regular meetings of the Planning Commission shall be held on the second
- 103 and fourth Wednesday of each month at **5:30** p.m. in the Community Center,
- 104 unless otherwise determined by the Commission.
- 105 3. Whenever a meeting falls on a holiday, no meeting shall be held on that day.
- 106 Such meeting may be rescheduled to another day, or canceled by a motion
- 107 adopted by the Planning Commission.
- 108 4. The Planning Commission may cancel any meeting by a majority vote, in an
- 109 emergency, or in the event that there is no quorum. **Three (3) members**
- 110 **shall constitute a quorum for the purpose of conducting routine**
- 111 **business.**
- 112 5. A meeting may be adjourned and reconvene at any specified time upon a
- 113 majority vote of the Commission provided that a specific date, time and
- 114 location is set prior to adjourning the meeting.
- 115 6. Special meetings may be held upon the call of the Chair or by a majority vote
- 116 of the voting members, or upon request by the City Council following at least
- 117 24 hours notice to each member of the Planning Commission and the press.
- 118 7. Items appearing on the agenda will be introduced and considered at the
- 119 scheduled meeting, unless a time limit is placed on the meeting by a majority
- 120 of the quorum present. No items shall be introduced after the established
- 121 time limit, and all continued items shall be placed on the next regular meeting.
- 122 8. Requests for continuances are considered on an as needed basis (i.e.,
- 123 illness, new information, etc.), however the Planning Commission
- 124 discourages more than one continuance.
- 125

126 VI. VOTING

- 127
- 128 1. A majority of the Commission members entitled to vote shall constitute a
- 129 quorum. No business may be transacted at a regular or special meeting
- 130 unless a quorum of the membership is present.
- 131 2. Except where otherwise required by law, *such as in the case of a General*
- 132 *Plan Amendment where the a recommendation for approval shall be made by*

- 133 *the affirmative vote of not less than a majority of the total membership of the*
134 *Planning Commission, actions by the Commission shall be by a majority of*
135 *the quorum of the Commission present when action is taken.*
136 3. Voting will be by verbal vote. Each member present at the meeting shall vote
137 for or against the measure, unless disqualified from voting or abstaining
138 because of disqualification.
139 4. In the event of a tie vote, which cannot be resolved by any subsequent
140 motion, the matter shall be considered as denied.
141 5. If a member is required to abstain from voting due to prohibitions of State law,
142 such member shall *announce the conflict of interest, recuse himself or*
143 *herself, and leave the room* during the Planning Commissions deliberation
144 and vote of the matter. This information will be noted in the minutes.
145 6. The order of voting shall be determined by the Chair, with the Chair voting
146 last.
147 7. The Chair of the Commission, or other presiding officer, may make and
148 second motions and debate from the Chair, subject only to such limitations of
149 debate as are imposed on all members of the Commission.
150

151 **VII. PRESENTATIONS OR HEARING PROPOSALS**

- 152
153 1. The Chair shall announce the subject of the agenda item or public hearing, as
154 advertised.
155 2. A motion may be made and voted upon to continue a public hearing to a
156 definite time and date before receiving a staff report or opening the item for
157 public comment. For public hearings, testimony is typically accepted for the
158 record with the understanding that no action will be taken and a new public
159 hearing will be held.
160 3. The staff shall be asked to present the substance of the application, staff
161 report and recommendation, and to answer technical questions of the
162 Commission.
163 4. In the case of Public Hearings, the Order of Testimony shall be as follows:
164 a. Chair announces the agenda item as advertised
165 b. Presentation of the staff report
166 c. Questions of staff by the Commission
167 d. Public hearing opened
168 e. Applicant's statement
169 f. Proponents' statements
170 g. Opponents' statements
171 h. If necessary, a rebuttal from the applicant
172 i. Public hearing closed
173 j. The Commission shall then deliberate and either determine the
174 matter or continue the matter to another date and time certain
175 5. The Rules of Testimony shall be as follows:
176 a. Persons presenting testimony to the Commission are requested,
177 *but not required*, to give their name and address for the record.

- 178 b. Comments are typically limited to *three* (3) minutes. To avoid
179 unnecessary cumulative evidence, the Chair may further restrict the
180 time of testimony on a particular issue.
181 c. If there are numerous people in the audience who wish to
182 participate on an issue, and it is known that large numbers
183 represent the same opinion, the Chair will request that a
184 spokesperson be selected to speak for the entire group. The
185 spokesperson will have the opportunity of speaking for a
186 reasonable length of time and of presenting a complete case.
187 d. Speakers will be permitted to provide testimony only once, but may
188 answer questions of the Commission through the Chair.
189 e. The Chair will rule irrelevant and off-the-subject comments out of
190 order.
191 f. The Chair will not permit any complaints regarding the staff or
192 individual commissioners during a public hearing.
193 g. No person shall address the Commission without first securing the
194 permission of the Chair to do so. All comments shall be addressed
195 to the Commission. All questions shall be placed through the
196 Chair.
197 6. In the case of New Business agenda items, flexibility at the discretion of the
198 Chair may be applied in the presentation of the item by staff and/or the
199 applicant, as well as, the order questions by the Commission to either staff or
200 the applicant. The Rules of Testimony provided above shall also apply to
201 New Business agenda items.
202

203 **VIII. GENERAL CONDUCT**

- 204
205 1. The personal integrity, values and professionalism of each participant will be
206 respected by others. The Commission and staff will avoid personal attacks,
207 stereotyping or condescending remarks. The motivations and intentions of all
208 participants are assumed to be well intentioned.
209 2. Private conversations should be avoided, as they are disruptive to the
210 meeting.
211 3. A decision made by the Planning Commission that requires no further action
212 shall be the final decision of the Commission. Commissioners and staff will
213 avoid presenting minority opinions or otherwise promoting information that
214 opposes the majority decision.
215 4. When discussing issues with the media, the Commission and staff will take
216 special care to present only their own views and opinions, and clearly qualify
217 their comments as such. Unless otherwise determined by the Chair, the
218 Chair will present the Commission position on issues based on the action
219 taken in a vote and recorded in the official minutes of the Commission
220 proceedings.
221 5. Participants should strive to maintain a positive tone in their deliberations and
222 in communications with others including the media.

- 223 6. The Commission will make every effort possible to consult with staff prior to
224 the meeting to ask questions that may require research outside of the
225 meeting, make minor changes to grammar or spelling in written materials, or
226 to clarify or correct erroneous information.
227 7. Members who know in advance that they will be absent should notify the
228 Secretary at the earliest opportunity. The Secretary shall notify the Chair in
229 the event projected absences will provide a lack of quorum.
230

231 **IX. AGENDAS**

- 232
233 1. A deadline of 4:30 p.m. on the tenth day preceding the Planning Commission
234 meeting shall be set for the receipt of items to be included in the agenda for
235 that meeting. The agenda shall be distributed to members of the Commission
236 at least four business days prior to the meeting.
237
238 2. The agenda shall include, but shall not be limited to, the following:
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240 a. Roll Call
241 b. Public Comments
242 c. Approval of Minutes
243 d. Communications or Correspondence
244 e. New Business *and/or* Public Hearings
245 f. Project Status Reports
246 g. Matters Initiated by the Commission or Director of Planning and
247 Building
248 h. Adjournment
249
250 3. The Planning Commission will maintain a list of methods (Attachment A)
251 which identifies ways to increase media coverage of local planning issues.
252 Those items identified as “ongoing” will be applied to projects on an ongoing
253 basis. Other methods may be required by the Planning Commission on an
254 individual basis depending on the particular project.
255

256 **X. AMENDMENTS TO THE RULES OF PROCEDURE**

- 257
258 1. These by-laws may be amended, revised or repealed at any regular meeting
259 of the Planning Commission by a vote of a majority of a quorum.
260
261
262

263 **ATTACHMENT:**

- 264
265 A. Methods List to Increase Media Coverage
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(ATTACHMENT A)

METHODS TO ENCOURAGE MEDIA COVERAGE OF LOCAL PLANNING ISSUES

The following list of items has been adopted by the Planning Commission (Resolution No. PC 2000-06) as methods to increase media coverage of local planning related issues. According to the Planning Commission Rules of Procedure, those items identified as “ongoing” will be applied to projects on a regular basis. Other methods may be required by the Planning Commission on an individual basis depending on the particular project.

Ongoing

- Continue to send notices of public hearings to those within 300 feet of the location involved and establish a notice area for mailing in instances where there is no particular project location.
- Expand the City’s website.
- Include planning issues and/or place a Planning Commission insert in the City’s quarterly newsletter.
- Have staff communicate regularly with the press.
- Fax a draft agenda to the press 1 ½ weeks prior to meeting.

Alternatives

- Write a display ad with something eye-catching.
- Place a notice under “community news” in the newspaper instead of just the legal section.
- Provide a newspaper column on upcoming items.
- Post the agenda in community rooms of mobile home parks and similar places where there are large groups of people.
- Use billboard signs regarding public notice are used in Santa Rosa.
- Write letters to the editor.