DRAFT UPDATE w/Comments 2016

BY-LAWS OF THE MENDOCINO COUNTY PLANNING COMMISSION

Section 1. **Name.** The name of this Commission shall be the MENDOCINO COUNTY PLANNING COMMISSION.

Section 2. **Duties.** The duties of the Planning Commission are as follows:

To develop and maintain a comprehensive, long-term, general plan for the physical development of the County, as provided by the California Planning and Zoning Law.

To review and update the General Plan to insure that it is relevant to the goals and needs of the County.

To review the capital improvement program.

To develop such specific plans as may be necessary or desirable.

To carry out the duties specified by law and to conduct studies and report on matters referred for action by the Board of Supervisors, and

To assist and to advise the Board of Supervisors and the public in matters pertaining to planning so as to conserve and promote the public health, safety, comfort, convenience and general welfare.

Section 3. **Membership.** Membership of the Commission shall be as specified in Mendocino County Code Section 2.48.010. The offices of the Commission shall be a Chair, a Vice Chair, and a Secretary. The offices of Chair and Vice Chair shall be filled by four affirmative votes. The persons so elected shall serve for a term of one year. Elections shall be held during the first regular meeting in January of each year.

Section 4. **Staff Positions.** The Planning Director shall also serve ex officio as Executive Officer and Secretary of the Planning Commission. The Planning Director may designate an employee or deputy from his or her office to execute the duties of the Executive Officer and Secretary.

Section 5. **Duties of Officers.** The duties of the officers of the Planning Commission shall be as follows:

The Chair shall preside over all meetings of the Commission, appoint committees and serve as an ex officio member of all committees so appointed.

The Vice Chair shall assist the Chair in the execution of the duties of his or her office, and act in his or her stead during the Chair's absence from conferences or meetings.

The Secretary shall keep a record of all meetings of the Planning Commission, and assist in the operation of the Planning Commission in accordance with policies established by the Commission.

Section 6. **Quorums.** An affirmative vote of four members shall be required for recommendation of approval of any application which requires approval by the Board of Supervisors and for approval of any other application. At all times, a majority of a quorum shall be sufficient for approval of any procedural motion.

Section 7. **Meetings.** Regular meetings of the Planning Commission shall be ~~held~~ scheduled for ~~on~~ the first and/or third Thursday of each month. The meetings shall commence at 9:00 a.m. in the Board of Supervisors Chambers in Ukiah, California, unless otherwise noticed for a different location or time on the agenda.

Meetings may be cancelled if there are no business items to be scheduled.

Any regular meeting may be adjourned and reconvened at any specific time and place upon a majority vote of the quorum.

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Special meetings may be held upon twenty-four (24) hours' notice to each member of the Commission. Meetings will be held at such times and places as ordered by the Chair.

All sessions of the Commission shall be recorded by audio or visual means or both and may also recorded and broadcast by any member of the public or media so long as it does not disrupt the proceedings.

Comment [ML1]: Added per BOS Rule 5

Section 8. **Agenda.** The agenda shall show the Order of Business of each regular meeting substantially as follows, unless the Planning Commission determines by general consensus, with the consent of the Chair, to consider an item out of order or not on the agenda:

A. Roll Call
B. Determination of Legal Notice
C. ~~Approval of Minutes~~ Public Expression
D. Director's Report
E. Consent Calendar
F. Regular Calendar
G. Matters from Staff
H. Matters from Planning Commission
I. ~~Public Expression~~ Approval of Minutes
J. Adjournment

Comment [ML2]: Per PC 9/17/2015 - move to end of agenda

Comment [ML3]: Warner- Move to before or just after Director's Report

Section 9. **Minutes of Previous Meetings.** The minutes of previous meetings shall be considered to the end that any corrections, alterations, or additions may be made by the Commission.

Section 10. **Matters Not on the Agenda.** No action shall be taken on any item not appearing on the posted agenda except: (1) Upon a majority vote of the Commission that an emergency situation exists as defined in Government Code Section 54956.5; (2) Upon a determination by a two-thirds (2/3) vote of the Commission, or if less than two-thirds (2/3) of the members are present, a unanimous vote of those present members, that the need to take action arose subsequent to the agenda being posted; (3) When the item was posted for a prior meeting of the Commission occurring not more than five (5) calendar days prior to the date action is taken on the item, and at the prior meeting at which action is being taken.

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EXHIBIT 4 RULES OF PROCEDURE OF THE PLANNING COMMISSION

Rule 1. **Motions.** A Motion shall be stated to the Secretary by the moving Commissioner. Any motion for action shall require a second before being put for discussion by the Chair. In all cases, the Secretary shall enter in the minutes the name of the moving and seconding members. A motion shall then be deemed in possession of the Commission and open for debate, but may be withdrawn with the assent of the second member at any time before a vote is taken or an amendment adopted.

Rule 2. **Privilege of the Floor.** At any regular meeting, persons who are not members of the Commission shall, upon the consent of the Chair, or upon the request of one or more members of the Commission, be accorded the privilege of the floor and shall be permitted to speak in regards to matters pending before the Commission within the scope of the powers thereof.

The Chair may, in the interest of facilitating the business of the Commission, limit the amount of time which a citizen may use in addressing the Commission. The speaker should identify himself or herself and speak so as to be heard for the public record. Members of the public shall direct their comments and questions to the Chair who may, at his or her discretion, request a response from staff.

Comment [ML4]: Warner- "The speaker should identify himself or herself and speak so as to be heard for the public record

Comment [ML5]: Last line, Language from BOS Rule 18

Rule 3. **Order and Decorum.** The presiding officer shall preserve order and decorum and shall decide all questions of order subject to an appeal to the Commission itself.

If a decision of the presiding officer is appealed, he or she shall have the right to state the reason for his or her decision. The Commission shall decide the case without debate, and the question shall be stated as follows: "Shall the ruling of the Chair be sustained?"

No member wishing to debate, to give a notice, make a motion or report, or to present a petition or other paper shall proceed until he or she has addressed the Chair and has been recognized thereby. When two or more members speak at the same time, the Chair shall determine who is entitled to the floor.

While a member is speaking, no member shall engage in or entertain a private discourse. Any member desiring to leave the chamber shall first obtain permission from the Chair.

When a motion to adjourn is carried, the members shall keep their seats and places until the Chair declares the Commission adjourned.

Rule 4. **Rules of Debate.** When any member is about to speak in debate, he or she shall respectfully address himself or herself to "Mr. Chair" or "Madam Chair," as appropriate.

Comment [ML6]: Mirrors BOS Rule 19

Rule 5. **Motions and procedures.** Any motion for action shall require a second before being acknowledged by the Chair. The Clerk shall enter into the minutes the motion and the names of the moving and seconding members. After a motion is stated by the Chair or read by the Clerk, it shall be open for debate, but may be withdrawn by the maker at any time before a decision is made or an amendment adopted. A motion may be amended with the consent of the moving and seconding members at any time before a decision is made or an amendment adopted unless another motion is pending. The Clerk shall enter into the minutes the vote of each member on the each motion.

Comment [ML7]: Added in per BOS Rule 20

When a question is under debate, no motion shall be received except as stated with preference in the following order:

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1. Adjournment of the Commission
2. To lay on the table
3. The previous question
4. To postpone to a certain date
5. To refer to committee
6. To amend
7. To postpone indefinitely

The following motions are not amendable or debatable:

1. To adjourn for the day
2. To call the roll
3. The previous question
4. To lay on the table

The motion to postpone indefinitely cannot be amended.

Motions to adjourn or to take a recess shall always be in order but may not be made while the Chair is putting a question, or while a member has the floor, or after the previous question has been ordered.

The Commission observes the custom of granting the district Commissioner the privilege of making the initial motion that originates in his or her district. Should the initial motion fail, the floor is open for alternate motions.

Comment [ML8]: BOS Rule 20

Rule 6. **Questions Laid Over by Request.** Any motion giving rise to debate, other than a parliamentary motion or motion referring to a working motion, shall, upon a motion carried, by majority vote, be continued to the next session day or any other date certain specified in such motion; provided, however, that on the last meeting date of a calendar year, such a motion must be carried by a two-thirds (2/3) vote.

Rule 7. **Rules of Voting.** Except as provided in the Bylaws of the Planning Commission, no act of the Commission shall be valid or binding unless four members concur therein.

Comment [ML9]: BOS Rule 24 Different language.

Every member present when a vote is taken by roll call upon any question shall vote unless excused by unanimous consent of all the members present or unless he or she has a conflict of interest as required by law. The presiding officer shall in all cases, except on appeals from his or her rulings, have the same rights and obligations to vote as do other members of the Commission.

No question shall be put to a vote until each member shall have had the opportunity to be heard as set forth in Rule 4, supra.

Any member requesting to be excused from voting may make, when his or her name is called, or immediately after the roll is called and before the result is announced by the Secretary, a brief statement of his or her reasons for making such request.

Comment [ML10]: Warner. The word is "abstained" is that correct or should we use "excused or non-affirmative" Is abstained incorrect?

If a member is not excused from voting, and if the member refuses to vote on a question, his or her vote shall be recorded as "not affirmative."

Comment [ML11]: DITTO

Any member has the right to have his or her vote recorded and entered upon the minutes without giving an explanation therefor. Members may also state a reason for a vote, at his or her discretion.

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Upon demand of any Commissioner, or at the discretion of the Chair, a vote shall be by roll call. Roll call shall be taken upon all resolutions, and all items requiring two-thirds (2/3) vote. All other votes may be by voice vote.

When the Chair directs a roll call, the Secretary shall do so, save that the Chair shall be last. If a roll call shall be commenced on any motion, the roll call must be completed.

Rule 8. **Two-thirds Vote.** Two-thirds (2/3) vote shall be required for off-agenda items, suspension of the rules, and for all other matters as may be required by statute. The two-thirds (2/3) vote shall be calculated of the members present unless otherwise required by a specific rule.

Comment [ML12]: Warner. Thought that PC cannot vote "off agenda" is this a Brown Act??

Comment [ML13]: BOS Rule 25 Different Language

Rule 9. **Motion to Rescind.** A motion to rescind any motion shall be entertained only when moved by a member who voted with the majority in the action which it is proposed to rescind and shall require the affirmative vote of two-third (2/3) of all the duly constituted members of the Commission or, if less than two-thirds (2/3) are present, a unanimous vote of all members present. A motion to rescind is not in order if action has already been taken which cannot be done.

Comment [ML14]: Warner, 2/3 vs all the duly constituted members of the Commission"??? The by-laws ref 4 aff irmative vote. 2/3 of Commission would be 5 votes…

Comment [ML15]: BOS Rule 26 Different Language

Rule 10. **Motion to Reconsider.** A motion to reconsider shall not be in order except on the same day or at the next session of the Commission after which the action proposed to be reconsidered took place. Such motion must be made by a member who voted with the majority on the question, except that a member who was necessarily absent may, at the next meeting at which he or she is present, have a right to move a reconsideration of the same. A motion to reconsider shall require a majority vote. A motion to reconsider, if lost, shall not be renewed, nor shall any subject be a second time reconsidered within twelve (12) months except by unanimous consent of the Commission.

Comment [ML16]: BOS Rule 27, Different Language

Rule 11. **Substitute Motion.** A substitute motion is an amendment where an entire resolution, or section, or one or more paragraphs is struck out and another is inserted in its place. The motion is substitute, if adopted by majority vote, and does away entirely with the original motion. The vote shall then be taken on the motion that was substituted. A substitute motion is appropriate if amendments become involved or a paragraph requires considerable changes. A substitute motion may not be made when an amendment is pending.

Comment [ML17]: Mirrors BOS Rule 28

~~**Rule 12.** **Suspension or Amendment of Rules.** Any rule may be suspended or amended upon the consent of two-thirds (2/3) of all the members of the Commission or, if less than two-thirds (2/3) are present, a unanimous vote of all members present. Suspension of any rule shall apply only to those matters before the Commission at that time. A proposal to amend the rules shall be filed in writing with the Secretary. When filed, the same shall be laid upon the table and made a special item of business at the next regular session of the Commission.~~

Comment [ML18]: Warner is this necessary? Can it be explained better? Not included in BOS. Brown Act should address

Rule ~~13~~ 12. **Parliamentary Questions.** On all points of order or procedure not governed by these rules, the general rules of parliamentary practice as outlined in Robert's Rules of Order, latest revised edition, shall govern.

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