



BYLAWS

of the

**Planning Commission
City of Santa Cruz, California**

Under authority of applicable statutes of the State of California, and the City Charter of the City of Santa Cruz, California, for the purpose of establishing rules and regulations governing the organization and procedures of the Planning Commission of the City of Santa Cruz, CA

Adopted (June 18, 2009)

Approved by City Council (July 28, 2009)

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Planning Commission Bylaws

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Planning Commission Bylaws

ARTICLE I – NAME AND/OR AUTHORITY

The Name of this organization shall be the Planning Commission of the City of Santa Cruz, California; hereinafter referred to as the Planning Commission, or the Commission.

ARTICLE II – PURPOSE

The Planning Commission will advise City Council on matters pertaining to land use after receiving public input. The Planning Commission will be final decision maker for certain land use actions unless appealed to the City Council.

ARTICLE III – DUTIES AND RESPONSIBILITIES

The Planning Commission shall have the ability, as vested by the City Council, and be required to:

- Recommend to the City Council, after public input, the adoption, amendment or repeal of the general plan or any part thereof; specific, master or area plans; or the local coastal land use plan, for the physical development of the City;
- Make recommendations concerning the consistency of public works with the General Plan and the clearance and rebuilding of blighted or substandard areas within the City;
- Undertake studies in the area of planning and zoning and make recommendations to the City Council and other city organizations;
- Act in an advisory capacity to the City Council in all matters pertaining to future planning matters in the City of Santa Cruz and its Sphere of Influence;
- Make recommendations to the City Council on any matter relating to proposed changes to the City's Zoning and Subdivision Ordinances and zoning map;
- Hear and decide matters relating to the application of the Zoning Ordinance, as assigned or appealed to the Commission;
- Hear and decide matters relating to the application of the Subdivision Ordinance, as assigned or appealed to the Commission;
- Annually review the City's capital improvement program for consistency with the General Plan;
- Perform other duties as may from time to time be prescribed by the City Council.

ARTICLE IV – MEMBERSHIP

Section 1. Membership

The Planning Commission shall consist of seven Planning Commission members, hereinafter referred to as members.

Membership, term of office, and procedures for removal of members and the filling of vacancies shall be as established by City Ordinance or by the City Council.

Section 2. Qualifications

The seven members of the Planning Commission shall be qualified electors of the City of Santa Cruz pursuant to 2.40.011 of the Municipal Code and City Council Policy, Section 5.

Section 3. Application for Membership

Prospective members shall file an application in the office of the City Clerk.

Section 4. Method of Appointment

The City Council will appoint members to the Planning Commission by an at-large vote.

Section 5. Good Standing and Reporting of Absences

Councilmembers and the chairperson of each permanent city advisory body shall receive annual attendance reports prepared in the City Clerk's Department. Absences will be identified as "with notification" or "without notification." An absence is considered as "with notification" if the member notifies the chairperson or the staff prior to the meeting. If there has been no prior notification, the absence is considered "without notification." It is important to notify staff of any absences for the purposes of determining a quorum. Planning Commission members are expected to attend meetings regularly.

Planning Commission members are allowed six absences per year.

It is the responsibility of staff of an advisory body to bring serious attendance issues to the attention of the Mayor or City Clerk prior to reaching the limit, if possible. If either through study of the annual attendance report or through other channels, the Mayor learns that a member has more than the allowable number of absences, the Mayor may notify the member or chairperson, that action may be initiated by Council to remove the member from the advisory body. The Mayor may choose to postpone or withhold notification to Council in unusual circumstances: for example, if the member is actively performing work for the advisory body outside of the regular meetings or is involved in subcommittee work.

Section 6. Termination

After three meetings following appointment to the Planning Commission, each member shall be subject to removal by motion of any Councilmember, adopted by at least four affirmative votes.

Section 7. Ex-Officio Membership “Optional”

The Planning Commission may find that, because of the complexity of its work, it is desirable to add member(s) at-large to the Planning Commission to serve as non-voting ex-officio members to lend other opinions or expertise to the work of the Planning Commission. The City Council

will authorize the Chair of the Planning Commission to nominate member(s)-at-large for Council approval to be non-voting ex-officio members for a determined period of time.

ARTICLE V – TERM OF OFFICE

Section 1. Term

Term of office for each member shall be four years. A member may be appointed to complete an unexpired term. A Member may continue to serve until their successor has been appointed.

Section 2. Membership Year

A membership year shall be from February 1st to January 31st of each year.

Section 3. Length of Term

A member shall not serve more than two consecutive full four-year terms. Upon completion of a member's eighth consecutive year of service, that member will be ineligible for reappointment for a period of two years. Members who have six years or less at the time their term expires are eligible for reappointment.

Section 4. Dual Service

No member shall be eligible to serve on two Advisory Bodies unless one is established for less than 13 months.

ARTICLE VI – OFFICERS AND ELECTIONS

Section 1. Officers

Officers of the Planning Commission shall consist of a Chair and Vice Chair.

Section 2. Election of Officers

As soon as is practicable following the first day of January of every year, there shall be elected from among the membership of the Planning Commission a Chair and Vice Chair.

Section 3. Term of Office

The term of office for the Chair and Vice Chair is one calendar year. Officers may not serve in the same position for more than two consecutive years.

Section 4. Nominations

The Chair will open the floor to nominations. Any member may nominate a candidate from the membership for the position of Chair or Vice Chair; nominations need not be seconded.

A member may withdraw their name if placed in nomination, announcing that, if elected, they would not be able to serve; but they shall not withdraw in favor of another member.

Once the nominations are complete, the Chair will ask for a motion to close the nominations; a second of, and vote on, the motion is required.

The Chair then declares that it has been moved and seconded that the nominations be closed, and the members proceed to the election.

Section 5. Voting

Voting may be by voice vote or by roll call vote.

The candidate who receives a majority of the votes is then declared to be legally elected to fill the office of Chair.

The same procedure is followed for the election of Vice Chair.

New officers shall assume office at the next meeting.

Section 6. Vacancy of an Officer

Should a vacancy occur, for any reason, in the office of Chair or Vice Chair prior to the next annual election, a special election shall be held to fill the vacant office from among the membership. That member shall serve until a new appointment has been made.

Section 7. Removal of Elected Officers

The Chair or Vice Chair may be removed by a majority vote of the full Planning Commission at a regularly scheduled meeting of the Planning Commission, when all appointed members are present, or at a special meeting convened for that purpose at which a quorum is present. Any officer removed ceases to hold the office once the vote has been tallied and announced. If the Chair is removed, the Vice Chair shall become the new Chair. An election for the Vice Chair shall then be agendized for the next meeting.

Section 8. Duties of the Chair

The Chair shall preside at all regular meetings and may call special meetings.

The Chair shall decide upon all points of order and procedure during the meeting; their decision shall be final unless overruled by a vote of the Planning Commission, in compliance with Article IX, Section 2, "General Conduct of Meetings."

The Chair may not make motions, but may second motions on the floor.

The Chair acts as primary contact for staff and shall represent the Planning Commission before City Council whenever the Commission or Council considers it necessary unless the Chair designates an alternative.

The Chair and staff shall jointly set the meeting agendas.

Section 9. Duties of the Vice Chair

The Vice Chair shall assume all duties of the Chair in the absence or disability of the Chair.

Section 10. Duties of the Acting Chair

In case of absence of both the Chair and the Vice Chair from any meeting, an Acting Chair shall be elected from among the members present, to serve only during the absence of the Chair and Vice Chair.

ARTICLE VII – STAFF SUPPORT

Section 1. Staff

Staff support and assistance is provided, but advisory bodies do not have supervisory authority over City employees. While they may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately to the City Manager and Council.

The Director of Planning and Community Development shall designate appropriate staff to act as staff person(s) to assist and support the Planning Commission. Staff shall attend all regular and special Planning Commission meetings. Staff shall be responsible for coordination of such reports, studies, and recommendations as are necessary to assist the Planning Commission in the conduct of its business according to City Council policy and the Brown Act. Staff may enlist the assistance of other departments as required. Staff shall be responsible for all public notification regarding all regular and special Planning Commission meetings.

Staff shall record the minutes of the meetings in accordance with the guidelines established in the "Preparation of Minutes" section of the City Councilmembers' Handbook, shall supervise volunteers and interns, shall work closely with the Chair between meetings, shall make recommendations, prepare reports and proposals to the Planning Commission, may represent the Planning Commission at other meetings, presentations, and other public functions as requested, and shall perform administrative tasks.

Staff shall be responsible for the maintenance of proper records and files pertaining to Planning Commission business. Staff shall receive and record all exhibits, petitions, documents, or other materials presented to the Planning Commission in support of, or in opposition to, any question before the Planning Commission. Staff shall sign all notices prepared in connection with Planning Commission business, shall attest to all records of actions, transmittals, and referrals as may be necessary or required by law, and shall be responsible for compliance with all Brown Act postings and noticing requirements.

Section 2. Staff Relationship to the Planning Commission

Given limited staff resources, the Chair or individual members shall not make separate requests of staff without approval of the Planning Commission. If a member has a research or report request, it shall be brought to the Planning Commission for discussion, consideration, and recommendation prior to making the request of staff. If not approved by the Planning Commission, the individual member shall be responsible for their own research or report.

Staff and the Chair shall jointly set meeting agendas.

ARTICLE VIII – MEETINGS

Section 1. Time and Location of Meetings

The Planning Commission will hold its regular meetings on the first and third Thursdays of each month at the City Council Chambers. If the Council Chambers are not available another City facility that is accessible to persons with disabilities will be used. The meetings shall be in the evening beginning at 7:00 pm and will adjourn no later than 11:00 pm, unless the Chair, with concurrence of the Planning Commission, extends the time of adjournment.

If the scheduled date for a regular meeting falls on a holiday, such meeting shall be rescheduled in accordance with Council policy.

Section 2. Cancellation

If a majority of the membership or staff deems it necessary or desirable, a scheduled regular meeting may be cancelled or rescheduled upon giving notice, unless a public hearing has previously been noticed.

Section 3. Special Meetings

The Chair of the Planning Commission, staff, or a majority of the membership of the Planning Commission may call a special meeting. Notice of such meeting shall state the purpose or the business to be transacted during such special meeting. No other business may be transacted at such special meeting other than as stated in the notice. Oral Communications are not required at special meetings as long as a statement appears on the agenda identifying that there will be no Oral Communications, but that members of the public will have the opportunity to address the Planning Commission on item(s) on the agenda.

Section 4. Communications

All oral communications between Planning Commissioners and applicants and the public regarding any application pending before the Commission shall take place at public meetings of the Commission. Written communications from the applicants and the public on an application must be submitted to the Planning and Community Development Department by 5:00 pm seven calendar days before Commission consideration, to allow for inclusion in the agenda packet. The late submittal of written communications will need to be summarized at the public hearing before the Planning Commission because there may be insufficient time for the Planning Commission to review such submittals the night of the hearing.

ARTICLE IX – CONDUCT OF MEETINGS

Section 1. Compliance with the Brown Act and Council Policies

All regular, special, and adjourned meetings of the Planning Commission shall be open meetings to which the public and the press shall be admitted in compliance with the Brown Act. Meetings will be held at City facilities which are accessible to persons with disabilities.

Section 2. General Conduct of Meetings

Points of order and conduct, including those not addressed by these Bylaws, shall be settled by the Chair, unless overruled by a majority vote of the Planning Commission. Points of order and conduct shall comply with the Brown Act, these Bylaws, and the City Councilmembers' Handbook. The Chair will consult with staff as necessary. Unresolved issues shall be referred to the City Attorney and continued to a future meeting.

Section 3. How Items Are Placed on the Agenda

A request to have an item placed for consideration on a future agenda may be made by staff, any Planning Commission member or a member of the public. The Chair and staff will consider the validity (within the approved scope of work) and urgency of the request and determine when and if that item should be placed on a Planning Commission agenda. Issues may be referred to an advisory body by the City Council and may have time sensitive deadlines. The items must comply with the procedures in Article XII, Section 1, "Agenda Reports to Advisory Body."

Section 4. Quorum

A quorum of the Planning Commission shall consist of four members, whether or not there are vacancies on the Planning Commission.

Section 5. Absence of a Quorum

In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, Vice Chair, or staff.

A meeting may be declared adjourned for lack of a quorum after a 15-minute period has elapsed from the scheduled time of the start of the meeting. A meeting may also be declared adjourned in advance, if absence notifications received by staff provided for lack of a quorum. Adjournment may be declared by any member or staff.

Section 6. Agenda

The Chair and staff shall jointly set the meeting agenda and its format shall conform to the template set by Council Policy.

The normal order of the agenda shall be as follows:

- A. Call to Order.
- B. Roll Call
- C. Statement of Disqualification.
- D. Oral Communications
- E. Announcements
- F. Approval of Minutes
- G. Consent Calendar
- H. Public Hearings
- I. General Business
- J. Informational Items
- K. Subcommittee/Advisory Body Oral Reports
- L. Items Referred to Future Agendas
- M. Adjournment

The order of presentation of applications and petitions shall be as follows:

- A. Presentation of application by staff, staff report, and preliminary recommendations.
- B. Questions by members of the Commissioners.
- C. Presentation by applicant, if any.

- D. Public hearing opened by Chair.
- E. Statements by members of the public, if any.
- F. Rebuttal by applicant.
- G. Public hearing closed by Chair.
- H. Questions and comments by members of the Commission.
- I. Motions and voting.

The public shall have an opportunity to speak to any agenda item. Therefore, at the beginning of the General Business section of the agenda, the Chair will announce that persons in the audience will have an opportunity to speak to any item in that section. At the beginning of each item, the Chair will ask the audience if there is a desire to speak on that item. The Chair may set parameters for the nature and length of any comments.

Section 7. Order of Business

The Chair or a majority vote of the Planning Commission may change the order of business.

ARTICLE X – MOTIONS

Section 1. Call for Motion

Upon conclusion of preliminary discussion, any member other than the Chair may place a motion on the floor. The motion shall contain the proposed action.

Section 2. Seconding a Motion

The Chair shall receive all motions and shall call for a second to each motion. The Chair may second a motion.

Section 3. Lack of a Second

If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second, and the Chair shall state this. This shall not be considered an action of the Planning Commission and shall not be included in the minutes.

Section 4. Discussion/Debate

After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote.

Section 5. Time Limits on Discussion/Debate

The Chair may, at their discretion, limit debate of any motion; except that each member shall have the opportunity to speak.

Section 6. Amending a Motion

A motion to amend may be made by any member to revise a motion on the floor; but it cannot be a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend

must be voted upon, unless the maker and the second accept it as a friendly amendment, and, if it passes, it then becomes part of the main motion.

Section 7. Withdrawing a Motion

Any motion may be withdrawn by the maker and the second and shall not be included in the meeting minutes.

Section 8. Motion to Table

A motion to table may be made to suspend consideration of an item that appears on a meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted. Members will refrain from using a motion to table as a means of capriciously limiting debate among members, to suppress a minority of the Planning Commission, or to avoid public input on an agenda item under consideration by the Planning Commission. A tabled item may be placed back on the agenda per the procedures in Article IX, Section 3, "How Items are Placed on the Agenda."

Section 9. Results of Voting

The Chair shall state the results of each vote, e.g., "The motion passes by a vote of five to two."

ARTICLE XI – VOTING

Section 1. Statements of Disqualification

Section 607 of the City Charter states that "...All members present at any meeting must vote unless disqualified, in which case the disqualification shall be publicly declared and a record thereof made." No member may abstain from voting on any item, except on the approval of the minutes, when that member was absent.

The City of Santa Cruz has adopted a Conflict of Interest Code, and Section 8 of that Code states that "no person shall make or participate in a governmental decision which they knows or has reason to know will have a reasonably foreseeable material financial effect distinguishable from its effect on the public generally."

Any member who has a disqualifying interest on a particular matter shall do all of the following:

- 1) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required;
- 2) Recuse themselves from discussing and voting on the matter, or otherwise acting in violation of government code Section 87100;
- 3) Leave the room until after the discussion, vote, and any other disposition of the matter is concluded unless the matter has been placed on the portion of the agenda reserved for uncontested matters;
- 4) Notwithstanding paragraph 3, a public official may speak on the issue during the time that the general public speaks on the issue.

Any question regarding conflicts of interest shall be referred to the City Attorney.

Section 2. Voice Vote

All questions shall be resolved by voice vote. Each member shall vote “Aye” or “No” and the vote shall be so entered into the minutes, noting the vote of each member. A member may state the reasons for his or her vote, which reasons shall also be entered into the minutes of the meeting. All members including the Chair shall vote on all matters, except where they have a disqualifying interest.

Section 3. Roll Call Vote

Any member may request a roll call vote, either before or immediately after a voice vote. A roll call vote shall be taken without further discussion. The Planning Commission staff shall call the roll and each member shall state their vote for the record.

Section 4. Sealed Ballot Votes

The Planning Commission shall not take a sealed ballot vote in open session.

Section 5. Adoption of a Motion

Adoption of a motion shall be made by a simple majority of the members present, except as provided below.

Adoption of a motion recommending adoption or amendment of the General Plan or elements thereof, Zoning Ordinance text and map amendments or the Local Coastal Land Use Program shall be by a majority vote of the entire Planning Commission, four affirmative votes.

The Chair shall restate the vote for the record, e.g., “The motion is approved by a vote of five to two.”

Section 6. Tie Votes

Tie votes will be resolved as follows:

Statement of Disqualification: A tie vote resulting from a Statement of Disqualification of one or more members, with no members absent and no vacancies on the Planning Commission, shall constitute a defeat of the motion.

Absence: A tie vote during the absence of one or more members, or when there is a vacancy on the Planning Commission, shall cause the item to be automatically continued to the next meeting; except that, as to matters on which action must be taken on a date prior to the next meeting, a tie vote shall constitute a denial of the requested action.

Successive Tie Vote: A tie vote at the next meeting on a matter that has been continued as a result of a tie vote shall constitute a denial of the appeal or defeat of the motion.

ARTICLE XII – REPORTS

Section 1. Agenda Reports to Planning Commission

All agenda items require a written report. Written reports serve as the analysis, detail, history, and justification for each agenda item. Reports shall include recommendation(s) and background. If a report is initiated by a Planning Commission member, an electronic draft of that report shall be provided to staff for formatting at least eight business days prior to the meeting. Staff shall then format reports to be consistent with content, style, and formatting of City Council agenda

reports. Items initiated by a committee shall be processed in the same manner. Draft reports not submitted in a timely manner shall be placed on a future agenda.

Section 2. Committee Reports

Committee reports may be verbal or written and may be accompanied by written documentation.

Section 3. Preparation of Planning Commission-Generated City Council Agenda Reports

All resolutions and recommendations adopted by the Planning Commission and addressed to the City Council shall be delivered to the Mayor as soon as possible. If the action requests City Council action, the item shall be placed on a future City Council agenda. Agenda reports to the City Council from the Planning Commission shall be written reports consistent with content, style, and formatting of City Council agenda reports.

Additionally, the agenda report shall include a section called analysis, which includes the pros, cons, and foreseeable consequences of the recommendation(s). In the event that staff and the Planning Commission disagree, an analysis of both recommendations shall be included.

ARTICLE XIII – RECORD KEEPING

Section 1. Maintenance of Records

All records shall be maintained according to the City of Santa Cruz Records Retention Schedule.

Section 2. Action Agenda

Action agendas are required for the Planning Commission. An action agenda is an unofficial record of the meeting and shall consist of attendance; motion maker and seconder of the motion; and an actual tally of the votes for all actions taken. The action agenda shall be made available to the Planning Commission, the public and Staff within four working days of the meeting.

Section 3. Minutes

Action-only minutes will be produced for all Planning Commission meetings in the same format as that used for City Council meetings. Planning Commission members who want a particular comment included in the minutes must state “for the record” before making such comment. Minutes shall be reviewed, corrected as appropriate, and or amended and approved by the Planning Commission at a subsequent meeting.

Subcommittee reports presented orally in a meeting shall be summarized in the minutes.

Section 4. Audio and Video Recording of Meetings

Proceedings for all Planning Commission meetings shall be recorded on audiotapes whenever possible. The audiotapes shall be retained for one year pursuant to the City of Santa Cruz Records Retention Schedule unless a greater length of time is necessary, a determined by the Director of Planning and Community Development.

As appropriate and/or when requested by the Planning Commission or City Council, a meeting of the Planning Commission may be video recorded or televised.

Members of the public have the right to make recordings of a meeting without disrupting the proceedings under any circumstances.

ARTICLE XIV – COMMITTEES

Section 1. Ad Hoc Committees

Ad hoc committees are established by the Planning Commission to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Planning Commission. Ad hoc committees generally serve only a limited or single purpose, are not perpetual, and are dissolved once their specific task is completed. An ad hoc committee shall be less than six months in term and shall have fewer members than a simple majority of the membership of the appointing Planning Commission. Ad hoc committees shall bring back information to the Planning Commission in either oral or written form.

Following ad hoc committee input, the Planning Commission shall then discuss, deliberate, and make recommendations on the designated issue, thereby providing the public with the opportunity to participate in the decision-making process. This shall take place in the presence of a quorum of the Planning Commission at a properly noticed public meeting.

Ad hoc committees shall not be subject to the Brown Act. City staff shall not be required to be present at ad hoc committee meetings. All ad hoc committees shall provide a final report to the Planning Commission in lieu of minutes.

Section 2. Standing Committees

Standing committees are bodies established to gather information or deliberate on issues deemed necessary to carry out the functions and purpose of the Planning Commission. Standing committees are ongoing in nature and are created to deal with issues and make decisions on behalf of the Planning Commission. The public has a right to participate in this process. Standing committees are subject to the Brown Act and staff will provide only such support as to ensure such compliance.

Section 3. Staff Support to Committees

City staff shall normally not be required to attend or provide support for standing or ad hoc committee meetings, unless directed by the department head. All ad hoc committees shall provide a final report to the Planning Commission in lieu of minutes. All standing committees shall provide reports, no less than quarterly, to the Planning Commission.

Section 4. Appointments

The Chair of the Planning Commission may designate or solicit participation for standing and ad hoc committees.

Section 5. Committee Meetings

All standing or ad hoc committee meetings shall be held upon call of the Committee Chair.

Section 6. Outside Communications

On matters relating to planning policy, Planning Commissioners must necessarily communicate with interested citizens, including at times other than at meetings. However, no Planning Commissioner may represent the Commission except by direction of the Chair or the Commission.

ARTICLE XV – AMENDMENTS

A majority of the full membership of the Planning Commission may amend these bylaws, four affirmative votes, subject to the approval of the City Council.

ARTICLE XVI – ADOPTION OF BYLAWS

Immediately upon favorable vote of not less than four affirmative votes of the full membership of the Planning Commission of the City of Santa Cruz, and approval of the City Council, these Bylaws shall be in full force and effect. Any and all previously adopted bylaws are thereby superseded.

These Bylaws shall not be considered or construed as superseding any ordinance or directive of the City Council of the City of Santa Cruz, nor shall they preclude the preparation and adoption of further procedural manuals and policies by which the Planning Commission may direct its activities.