

PLANNING COMMISSION BYLAWS

These bylaws are to assist the County of Santa Cruz Planning Commission ("Commission") in conducting business in an orderly and efficient manner and are adopted pursuant to County Code Section 2.38.140.

1. COUNTY COMMISSION ORDINANCE; PLANNING COMMISSION ORDINANCE.

1.1 The Commission is subject to the Commission Policy Ordinance of Santa Cruz County (SCCC Chapter 2.38).

1.2 The Commission is also subject to the County's Ordinance establishing the Commission (SCCC Chapter 2.74) and has all the powers and duties enumerated in SCCC 2.74.050.

2. RULES OF PROCEDURE; BROWN ACT; QUORUM.

2.1 All meetings shall be conducted pursuant to Rosenberg's Rules of Order, except as may otherwise be set forth in these Bylaws or expressly dictated by applicable provisions of law.

2.2 All Commission meetings are subject to, and shall be conducted pursuant to, the Ralph M. Brown Act (Govt. Code § 54950 *et seq.*).

2.3 QUORUM.

2.3.1 Quorum for the Commission shall be three regular or alternate members.

2.3.2 The Commission may not take any action without a quorum.

2.3.3 ~~The affirmative vote of three members is required to approve any item, unless a larger percentage of members is required by applicable law. The~~
affirmative vote of the majority of members present is required to approve an item.

2.3.4 ~~Moved to Item 10.3. If fewer than five members are present and the Commission is unable to reach any decision on an application or appeal, that item will be continued to the next regularly scheduled meeting of the Commission. If no action is taken at such a continued hearing, the application or appeal shall be deemed denied.~~

3. OFFICERS; ALTERNATES.

3.1 Officers Enumerated. The officers of the Commission shall be:

3.1.1 A Chairperson.

3.1.2 A Vice-Chairperson.

3.1.3 A Secretary.

3.1.3.1 The Secretary shall be the Director of the Community Development and Infrastructure Department ("Director"), or designee.

3.1.3.2 The Director may appoint such other County staff as necessary to ensure the efficient conduct of Commission business.

3.2 Election of Chairperson and Vice-Chairperson.

3.2.1 The Chairperson and Vice-Chairperson shall be elected by the members of the Commission at the first Commission meeting in April, and their terms of office shall be one year.

3.3 Powers and Duties of Chairperson and Vice-Chairperson.

3.3.1 The Chairperson shall control the conduct of meetings of the Commission. Subject to applicable laws, the Chairperson may do all of the following:

3.3.1.1 Set times for public comment.

3.3.1.2 Call for votes on items.

3.3.1.3 Act as the Commission's parliamentarian.

3.3.1.4 Conduct the meeting, including opening and closing public comment and opening and closing Commissioner's questions.

3.3.1.5 Call special meetings of the Commission.

3.3.1.6 Determine the order in which items on the agenda are considered, unless such items are set for specific times on that agenda.

3.3.1.7 Continue any item on the agenda that is not a noticed public hearing, unless overruled by a vote of the Commission.

3.3.2 The Vice-Chairperson shall serve as Chairperson in the absence of the Chairperson.

3.4 Election of Chairperson *Pro Tem*.

3.4.1 On motion of any member present, the members of the Commission may elect a Chairperson *pro tem* in the absence of both the Chairperson and Vice-Chairperson. This action shall implicitly be the first item on any agenda where the Chairperson and Vice-Chairperson are both absent, or immediately prior to or after the departure of either in the event that they have to leave a Commission meeting early.

3.4.2 The Chairperson *pro tem* may appoint a Vice-Chairperson *pro tem* to serve concurrently with the Chairperson *pro tem* as may be needed to conduct Commission business.

3.5 ALTERNATE MEMBERS.

3.5.1 The Board of Supervisors shall appoint an alternate for each member of the Commission pursuant to SCCC 2.74.

3.5.2 Alternates shall serve when requested by their corresponding regular Commission member.

3.5.3 The term of office for an alternate shall commence upon appointment and terminate with their corresponding member's term, unless terminated earlier by vacancy, resignation or removal.

4. NOTICE OF PUBLIC MEETINGS; ITEMS NOT ON AGENDA.

4.1 Each agenda for Commission meetings shall be posted prior to that meeting as required by the Brown Act.

4.1.1 Posting of Agenda. Said agenda shall also be posted at least seventy-two (72) hours prior to a regular meeting at a location that is freely accessible to the public.

4.1.2 Posting of Agenda Online. A direct link to the agenda shall also be posted at least seventy-two (72) hours prior to the regular meeting on the primary home page of the County's website. The Director shall be responsible for posting the agenda online in compliance with the Brown Act.

4.1.3 Contents of Agenda. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting. Each agenda for regular meetings of the Commission shall also contain the following:

4.1.3.1 Additions or corrections to the agenda.

4.1.3.2 Declaration of *ex parte* information by members.

4.1.3.3 General public comment (i.e., Oral Communications) for items not on agenda within the Commission's jurisdiction.

4.1.3.4 Consent calendar, for items not specifically requiring discussion or presentation.

4.1.3.4.1 Approval of past meetings' minutes may be included on the consent calendar.

4.1.3.5 Discussion calendar, for items requiring discussion or presentation (including scheduled public hearing items and other non-noticed items)

4.1.3.6 Secretary's report on upcoming meetings and agendas.

4.1.3.7 Community Development Department Director's report.

4.1.3.8 County Counsel's report.

4.1.3.9 Written communications.

4.1.4 Member's Packets. Generally speaking, and subject to staff availability, agendas and supporting materials packets will be provided to Commission members and/or designated alternates approximately one-week prior to regularly-noticed Commission meetings.

4.1.5 Special Meetings. All special meetings shall be noticed and conducted pursuant to the requirements of the Brown Act. No business other than that listed on the agenda shall be considered at a special meeting.

4.2 Action on Items Not on Agenda. No action or discussion shall be undertaken on any item not appearing on the posted agenda except that members of the Commission may briefly respond to statements made or questions posed by persons exercising their public testimony rights or ask a question for clarification, refer the matter to staff or to other resources for factual information, or request staff to report back at a subsequent meeting concerning any matter.

4.2.1 Notwithstanding the foregoing, action may be taken on an item of business not appearing on the posted agenda pursuant to Government Code section 54952.2(b) and as provided for in that statute.

4.3 Calling Special Meetings.

4.3.1 The Chairperson may call special meetings. In the absence or unavailability of the Chairperson, the Vice-Chairperson may call special meetings. In the absence or unavailability of both, the Secretary may call special meetings.

4.3.2 The Secretary shall provide notice of any called special meeting to Commissioners and/or their alternates, as applicable, at least twenty-four (24) hours prior to the date of any special meeting by both email and telephone.

5. MEETING SCHEDULE

5.1 Meetings for the next calendar year shall be scheduled by Commission Action during the first Commission meeting in November, or at the first regularly scheduled meeting thereafter.

5.2 The Commission shall schedule two regular meetings each month. These shall generally fall on the second and fourth Wednesdays of each month and shall commence at 9:30 a.m.

5.3 Regular meetings may be cancelled by the Secretary as warranted by special circumstances, such as holidays or lack of business.

5.4 The Commission as a body, or the Secretary, may schedule additional meetings as necessary to meet the needs of the community, the Board of Supervisors, or the Commission. Night and/or out-of-building meetings may also be scheduled at the discretion of the Chairperson or Secretary.

5.5 The Commission may also hold special meetings ~~and adjourned regular and adjourned special meetings~~ as it deems necessary.

6. ATTENDANCE BY MEMBERS.

6.1 Every member shall notify the Secretary and that member's alternate member in advance of any Commission meeting they are not able to attend. That notification should occur at least one week prior to the scheduled meeting, unless dictated otherwise by circumstances beyond the member's control.

6.2 ~~If any regular member is absent from two consecutive Commission meetings during any calendar year without their alternate member being present and without legitimate reason entered into the minutes, the Commission shall inform the Board of Supervisors that a vacancy exists, as provided in the County Code. Unscheduled vacancies based on the absence of a member shall be created pursuant to SCCC 2.38.200.~~

7. MEMBERS ABSENT FOR PORTIONS OF PUBLIC HEARINGS.

7.1 In the event a member is absent from all or a portion of a public hearing required by the County's Code or State law, the member may not vote or participate in the discussion on that item unless the member:

7.1.1 Has reviewed the prior evidence and listened to the recording(s) of the prior testimony, and has so stated for the record;

7.1.2 Examines all of the documentary material received prior to or during the hearing, or portion of the hearing, from which the member was absent; and

7.1.3 Deems himself to be as familiar with the record and with the information presented at the hearing as the member would have been had they personally attended the entire hearing, and so states for the record.

8. CONTINUANCE OF PUBLIC HEARINGS.

8.1 It is the policy of the Commission to attempt to accommodate persons on the scheduling of items.

8.2 The Commission recognizes the interest of both applicants and other interested persons to provide complete information to the Commission on items before it, as well as the public's interest in the timely resolution of Commission business. The Commission, therefore, has discretion to continue items subject to applicable legal requirements. Subject to a vote of the Commission, it may open a public hearing and:

8.2.1 Continue the public hearing to the date requested, to the next available agenda, or to another future date at the discretion of the Commission, with or without taking public comment;

8.2.2 Hear the staff presentation, and hear the testimony of those who are present and wish to speak, and then continue the hearing for the hearing of additional testimony; or

8.2.3 Determine to proceed with the public hearing and take action despite a request for a continuance.

9. PUBLIC PARTICIPATION / ORAL COMMUNICATIONS.

9.1 Public participation in Commission meetings shall be governed by the requirements of the Brown Act.

9.1.1 Members of the public shall be given the opportunity to comment on any issue within the Commission's jurisdiction.

9.1.2 Members of the public shall also be given the opportunity to comment on any item on the meeting's agenda prior to the Commission taking action on that item.

9.1.3 The Chairperson may determine when said public comment takes place, so long as the public has the opportunity to comment on agenda items prior to the Commission taking action on those items.

9.2 The Chairperson may determine reasonable limits on the duration of public comment for each speaker. The following are non-binding suggestions for allotments of time for various types of public comment:

9.2.1 Two minutes for general public comment.

9.2.1.1 In order to facilitate timely completion of Commission business, at the discretion of the Chairperson, general public comment may also be held at the end of the Commission's meeting, or be paused and resumed after the Commission takes action on the consent calendar and discussion calendar.

9.2.1.2 Each person may only participate once in general public comment per meeting.

9.2.2 Two minutes for public comment on any item on that meeting's agenda, provided that such public comment take place prior to the Commission taking action on that item.

9.2.2.1 Each member of the public shall only be allowed to provide comment once per agenda item.

10. ACTIONS BY COMMISSION ON SPECIFIC ITEMS.

10.1 Study Sessions. Study sessions are non-noticed items on the discussion calendar where staff may provide information on ongoing projects to the Commission and solicit the Commission's input prior to bringing the final item to the Commission for action. The Commission may not take formal action on a study session item.

10.2 Action on Minutes of Previous Meeting. Any Commission member may vote to approve the minutes of any meeting at which they were present for the duration of that meeting.

10.3 If fewer than five members are present and the Commission is unable to reach any decision on an application or appeal, that item will be continued to the next regularly-scheduled meeting of the Commission. If no action is taken at such a continued hearing, the application or appeal shall be deemed denied.

10.3.1 Commission members who were not present for the entire duration of a meeting, or were absent, may also vote to approve meeting minutes from that meeting so long as they can truthfully represent that they reviewed the audio recording of said meeting, are familiar with its contents, and that the meeting minutes are a fair and accurate representation of what transpired at that meeting.

11. PUBLIC HEARINGS.

11.1 The Commission holds public hearings on items requiring a public hearing by State law or the County Code. Evidence may or may not be required to be taken.

11.2 Public hearings should be noted on the discussion calendar (see Item 4.1.3.5) of agendas as scheduled items.

11.3 Public hearings on permits and appeals should be conducted as follows:

11.3.1 The Commission Secretary reads the scheduled item description into the record and identifies the staff planner responsible for the item. The Chairperson opens the Public Hearing.

11.3.2 Staff presents its proposal, staff report, and recommendations. Any written comments received before the hearing are summarized.

11.3.3 Commission members may ask questions of staff in the order directed by the Chairperson.

11.3.4 Applicant may make a presentation and provide pertinent information. Applicant shall be given 10 minutes for their initial presentation and may reserve a portion of that time for rebuttal.

11.3.4.1 In the event that the hearing is on an appeal, and the applicant is not the appellant, the appellant shall speak first and shall be provided the same time to speak as the applicant.

11.3.5 In the order directed by the Chairperson, Commission members may ask questions of applicant.

11.3.6 The Chairperson opens public comment and public comment is received pursuant to Section 9.2.2 above.

11.3.7 Applicant may rebut arguments presented by the public. Applicants shall be provided five minutes, plus any time reserved from their opening remarks.

11.3.7.1 In the event that the hearing is on an appeal, and the applicant is not the appellant, the appellant shall be provided the same time to speak as the applicant.

11.3.7.2 The applicant shall provide rebuttal comments last.

11.3.8 In the order directed by the Chairperson, Commission members may discuss the item and ask further questions of the applicant, staff or public.

11.3.9 The Chairperson closes the public comment period. Commission takes action by motion.

11.4 The Chairperson shall have the option of granting additional time as appropriate to address unique issues related to the proposed project.

12. AMENDMENT OR REVISION OF BYLAWS.

12.1 These Bylaws may be amended by the Commission at any time by three votes, subject to approval by the Board of Supervisors.

12.2 No changes to the Bylaws shall be effective without approval of the Board of Supervisors. (SCCC 2.38.140.)

13. WRITTEN COMMUNICATIONS.

13.1 All correspondence addressed to the Commission relating to general issues within the Commission's jurisdiction shall be identified in the "Written Communications" section of the agenda, provided to the members and included in the record for that Commission meeting if received prior to the date the agenda is published for that meeting.

13.2 If written communication relating to a specific agenda item is received prior to that item being heard, the Secretary or designee shall provide it to all members, make copies available to the public, and it shall become part of the record for that meeting. If it is received after the agenda is published for a specific meeting, it shall be labeled "Late Correspondence" and marked with the date and time it was received.

14. CONFLICT OF INTEREST.

14.1 Each member shall comply with the conflict-of-interest requirements of State law and SCCC 2.38.270.

14.2 Commission members shall comply with SCCC 2.38.270(D). Any member that determines that they have a conflict of interest on an item under consideration shall recuse themselves from discussion and voting on the item.

15. RECEIPT OF INFORMATION *EX PARTE* BY MEMBERS.

15.1 A member who has met with applicants or others regarding a proposed project, or who has received oral or written information outside of a hearing or has viewed the subject property, or is familiar with the subject property, shall fully disclose such ex parte communications and disclose at the beginning of the hearing such information and his or her observations and familiarity with the property so that the applicant, opponents, interested persons, planning staff and other members of the Commission may be aware of the facts or information upon which they are relying and have an opportunity to support or controvert the facts or information.

15.2 All written information received outside of the hearing shall be filed with the Commission Secretary. This requirement shall not apply to broad policy issues applicable County-wide as distinguished from projects affecting individual parcels of property or to factual inquiries made to and received from County staff.

16. SUBCOMMITTEES.

16.1 Any subcommittees shall comply with the notice and agenda requirements otherwise applicable to the Commission by the Bylaws and Brown Act, as applicable.

16.2 Subcommittees shall be formed pursuant to SCCC 2.38.230.

16.3 Subcommittees shall be composed of less than a quorum of the members of the Commission.