

## RESOLUTION NO. 09-2077

### A RESOLUTION OF THE CITY OF ARROYO GRANDE PLANNING COMMISSION AMENDING THE BY-LAWS

#### SECTION I

**WHEREAS**, the City Council of the City of Arroyo Grande, pursuant to Sections 65000 through 65906 of the Government Code, appointed the Planning Commission and provided the powers and duties as outlined in Title 9, Chapter 1, Section 110 of the Municipal Code; and

#### SECTION II

**NOW, THEREFORE**, the Planning Commission of the City of Arroyo Grande resolves that the following amended By-laws are hereby adopted, governing the organization of the Planning Commission and the conduct of Planning Commission meetings:

#### BY-LAWS

##### **A. Attendance of Members:**

Absence from three (3) consecutive regular meetings or 25% of the regular meetings during any one-year period, without formal consent of the City Council may be deemed to constitute the resignation of such member and the position declared vacant.

##### **B. Officers:**

###### 1. Selection

- a. At its second regular meeting in March the members of the Planning Commission (hereinafter the "Commission") shall elect a Chair and a Vice-chair, who shall hold office for one year. Their duties shall be such as are usually carried out by such officers.

###### 2. Duties

###### a. Chair

The Chair shall:

- 1) Preside at all meetings;
- 2) Call special meetings except as provided in C.2.a.;
- 3) Appoint persons to all committees subject to confirmation by the Commission;
- 4) Execute documents on behalf of the Commission;

**RESOLUTION 09-2077**  
**PLANNING COMMISSION BY-LAWS**  
**PAGE 2**

- 5) Ensure that all Commission business is conducted in accordance with law;
  - 6) Assist staff in determining agenda items; and
  - 7) Perform such other duties as are assigned by the Commission.
- b. Vice-Chair  
The Vice-Chair shall:
- 1) Preside at meetings in the absence of the Chair; and
  - 2) Perform such other duties as are assigned by the Chair or Commission.
- c. Secretary to the Commission  
The Secretary to the Commission shall:
- 1) Keep permanent and complete records of the proceedings of the Commission;
  - 2) Join with the Chair in executing all instruments of writing requiring formal execution on the part of the Commission;
  - 3) Post Commission agendas in the manner required by law.
- d. Secretary to the Commission  
The Secretary to the Commission may be designated by the Community Development Director to fulfill such duties as assigned by the Commission.

**C. Meetings:**

1. Regular Meetings
  - a. The regular meetings of the Commission shall be held on the first and third Tuesday of each month at 6:00 p.m. in the City Council Chambers, Arroyo Grande, California.
  - b. A motion will be required to continue discussion of agenda items after 10:00 p.m.
2. Special Meetings
  - a. A special meeting may be called by the Chair or by the Secretary to the Commission at the written request of at least three members; provided that written notice of such special meeting so called shall be received by each member of the Commission at least 24 hours in advance of the time fixed for the meeting, and which notice shall

**RESOLUTION 09-2077**  
**PLANNING COMMISSION BY-LAWS**  
**PAGE 3**

contain the time, the place, and shall set out the business to be transacted. Notice may be dispensed with by written waiver of each member.

- b. The Secretary of the Commission shall notify the public and the press of all special meetings of the Commission, pursuant to the Brown Act.

**3. Adjournment**

The Commission may at any meeting adjourn over to the next regular meeting by a majority vote, or, may recess to a stated time, date and place for continuance of the meeting.

The Commission may, by Resolution, amend these By-laws and designate a different day, time or place on which to hold regular meetings; notice of such change of regular meetings must be posted on the door of the present hearing place and given to each local newspaper of general circulation, radio or television station requesting written notice at least 5 days prior to the next meeting.

**D. Quorum:**

1. Three members of the Commission shall constitute a quorum for the transaction of Commission business.
2. Should there not be a quorum present, the members present may adjourn to a later date, or adjourn to a Workshop/Study Session.
3. In the absence of both the Chair and Vice-Chair at any meeting, but a quorum existing, a chair shall be selected Pro Tem by the Commissioners present and the business transacted as though the regular officers were present.
4. If an item is continued for more than two consecutive Commission meetings due to a lack of a quorum, it may be referred to the City Council by the Chair.

**E. Committees:**

1. Special committees for particular purposes may be created by the presiding officer with consent of the Commission.

**F. Voting:**

1. The Chair of the Commission, or presiding officer if another Commissioner presides, shall be entitled to vote with the other Commissioners in the transaction of any business and in all matters coming before the Commission.

**RESOLUTION 09-2077**  
**PLANNING COMMISSION BY-LAWS**  
**PAGE 4**

2. Commission action for adoption or amendment to the General Plan, Development Code, Specific Plan, and Planned Development (PD) Ordinance projects shall require the affirmative vote of at least three members.
3. The affirmative vote of a majority of the Commission present shall be required for the approval of all other Commission business.
4. One member may demand a roll call of the ayes and noes on any question.
5. When a member of the Commission abstains from voting on any matter before it because of a potential conflict of interest, said abstention shall not constitute nor be considered as either a vote in favor of or opposition to the matter being considered.
6. The order of voting shall be that the motion maker shall vote first, the Commissioner seconding the motion shall vote second, the remaining Commissioners alphabetical with the Chair always voting last.
7. The minutes of the Commission's proceeding shall show the vote of each member for roll call votes, including if they were absent or abstained to vote on a matter considered.
8. A member shall disqualify himself/herself from voting in accordance with the Conflict of Interest Law. When a person disqualifies himself/herself, he/she shall state prior to the consideration of such matter by the Commission that he/she is disqualifying himself/herself due to a possible conflict of interest, state the *general nature of the conflict of interest*, and shall then leave the voting area.

**G. Minutes:**

All motions, orders, and resolutions, and such other matters as the Commission orders shall be entered into the minutes.

**H. Conduct of Meetings:**

All business of the Commission shall be conducted according to "Robert's Rules of Order."

**I. Resolutions:**

Resolutions shall be numbered consecutively and must be signed by the Chair and Secretary to the Commission and shall be kept in a resolution file, and may be referred to by number.

**J. Order of Meetings:**

1. Unless the Chair directs, the order of business shall be as follows:

**RESOLUTION 09-2077**  
**PLANNING COMMISSION BY-LAWS**  
**PAGE 5**

- a. The Chair shall take the chair precisely at the time appointed for the meeting and shall immediately call the Commission to order.
- b. Members present and absent shall be recorded.
- c. The minutes of any preceding meeting shall be submitted for approval.
- d. Any member of the audience may comment on any matter that is not listed on the agenda. A time limit of 3 minutes may be imposed on each individual speaker if the Chair so directs.
- e. The public shall be advised of the procedures to be followed in the meeting.
- f. The Commission shall then hear and act upon those items outlined on the agenda.
- g. Agenda Item for Approved Minor Use Permits: All approved Minor Use Permits listed on the Agenda for Commission and Public Information shall be subject to a 10-day appeal period.
- h. Planning Commission/Community Development Director Comments and Items.
- i. Adjournment

**K. Presentation or Hearing of Proposals:**

The following shall be the order of procedure for public hearings or other proposals concerning City matters, unless the Chair in his/her discretion shall otherwise direct.

1. The Chair shall announce the item listed on the agenda.
2. If a request is made for continuance, a motion may be made and voted upon to continue the item to a definite time and date, or continue indefinitely. If a previously advertised public hearing item is continued indefinitely, the item must be legally re-advertised.
3. The staff shall be asked to present the substance of the agenda item, staff report, recommendation, and answer technical questions of the Commission.
4. Order of Testimony:

**RESOLUTION 09-2077**  
**PLANNING COMMISSION BY-LAWS**  
**PAGE 6**

- a. Applicant's statement
- b. Statements from the public
- c. If determined by the Chair to be necessary, a rebuttal from the applicant
- d. Public hearing closed
- e. The Commission shall then deliberate and either take action on the matter or continue the matter to another date and time certain, or indefinitely.

**L. Rules of Testimony:**

1. Persons presenting testimony to the Commission are requested to give their name and address for the record. They may also be requested to voluntarily sign the attendance sheet.
2. If there are numerous people in the audience who wish to participate on an issue, and it is known that all represent the same opinion, a spokesperson should be selected to speak for the entire group. The spokesperson will have the opportunity of speaking for a reasonable length of time and of presenting a complete case.
3. To avoid unnecessary cumulative evidence, the Chair may limit the individual and/or total amount of time allocated for public testimony on a particular issue.
4. Irrelevant and off-the-subject comments will be ruled out of order.
5. The Chair will not permit personal remarks regarding the staff or individual Commissioners during a public hearing. Complaints should be submitted in writing or presented verbally as a separate item on the agenda.
6. No person shall address the Commission without first securing the permission of the Chair to do so.

**M. Review and Amendments Procedure:**

1. These By-laws may be reviewed at the second meeting in July of each year by a subcommittee with members appointed by the Chair with the consent of the Commission. The review subcommittee shall present their recommendation for amending or not amending these Rules to the Commission.

**RESOLUTION 09-2077  
PLANNING COMMISSION BY-LAWS  
PAGE 7**

2. In addition, the By-laws may be amended at any meeting of the Planning Commission by a majority (3 affirmative votes) of the Commission provided that notice of the proposed amendment is received by each Commissioner not less than five (5) days prior to said meeting.


**BE IT FURTHER RESOLVED** that the Community Development Director shall furnish copies of this Resolution to the Planning Commission and copies of these By-laws shall be available for public inspection at City Hall.


On motion by Commissioner Keen, seconded by Commissioner Ruth, and by the following roll call vote to wit:

**AYES:** Commissioners Keen, Ruth and Chair Ray  
**NOES:** Commissioners Barneich and Brown  
**ABSENT:** None

the foregoing Resolution was passed and adopted this 3rd day of February 2009 and becomes effective immediately.

**ATTEST:**

  
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**LYN REARDON-SMITH  
SECRETARY TO THE COMMISSION**

  
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**CAREN RAY, CHAIR**

**AS TO CONTENT:**

  
\_\_\_\_\_  
**ROB STRONG  
COMMUNITY DEVELOPMENT DIRECTOR**