

PLANNING COMMISSION OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF OXNARD ESTABLISHING RULES AND PROCEDURES FOR
THE CONDUCT OF MEETINGS

The Planning Commission of the City of Oxnard ("Commission") resolves to adopt the following rules and procedures to govern the conduct of its meetings:

I. RECEIPT OF RULES AND PROCEDURES

Upon appointment, each member of the Commission shall receive a copy of these rules and procedures.

II. MEETINGS

A. Regular Meetings

Regular meetings of the Commission shall be held twice a month on the first and third Thursday of each month. The regular meetings shall commence at 7:00 p.m. in the City Council Chambers.

B. Agenda Review Meetings

On the Wednesday before a regularly scheduled meeting, the Commission shall convene an agenda review meeting that shall commence at 12:00 p.m. in the Planning Conference Room located on the second floor of the west wing of 305 West Third Street, Oxnard, California. The purpose of this meeting is for the Commission to review those matters on the regular meeting agenda and for the members of the Commission to ask questions of staff and indicate to staff what additional information would be helpful to the Commission in considering an agenda item.

C. Special Meetings

Special meetings of the Commission may be called by the chair or a majority of the members of the Commission in accordance with the requirements of the Ralph M. Brown Act.

D. Brown Act

All meetings of the Commission shall be governed by the Ralph M. Brown Act.

III. QUORUM/VOTING REQUIREMENTS

A. A quorum of the Commission shall be four members. A quorum shall be present in order for the Commission to conduct business.

B. An affirmative vote of a majority of the members present and eligible to vote shall be required to adopt a resolution including, but not limited to:

1. Approval or denial of a:

- a. Adoption of mitigated negative declaration or a negative declaration
- b. Certification of an environmental impact report
- c. Special use permit
- d. Planned development permit
- e. Development plan
- f. Variance
- g. Coastal development permit
- h. Major modification to a an existing permit

2 Recommendation for approval or denial of a:

- a. General Plan or an amendment thereto
- b. Specific Plan or an amendment thereto
- c. Zone change
- d. Local Coastal Plan or amendment thereto
- e. Tentative map
- f. Development agreement
- g. Resolution of intention for an annexation or zone change

C. No Proxy

Absent members may not vote by proxy on any item before the Commission at any meeting.

D. Failure of Item

If any item fails to receive the number of votes required by subsection IIIB above, this failure shall constitute denial or recommendation for denial of the item under consideration.

IV. ORGANIZATION OF COMMISSION AGENDAS

A. Agenda Format

The Commission's regular meeting agenda shall be organized in accordance with and contain the headings listed in this section.

B. Public Comments

1. The agenda of each meeting of the Commission shall include an item entitled "Public Comments."
2. When the chair calls the public comments during a regular meeting, members of the public may address the Commission on matters that are within the subject matter jurisdiction of the Commission and that do not appear on the agenda as public hearing items.
3. When the chair calls the public comments item during a special meeting, members of the public may address the Commission only on matters that are on the agenda for the special meeting.
4. Each member of the public speaking on the public comments item shall be limited to three minutes, unless additional time is granted by the chair or a majority of the Commission.

C. Reading of Agenda

1. Staff shall announce the matters that are on the agenda and, for each matter, state whether the matter is ready to be heard or if other action is requested.
2. Any member of the Commission may move that a matter be continued. Upon receiving a second, such motion shall be considered and voted upon.
3. The chair may at any time re-order the agenda without a vote of the Commission. Any member of the Commission may move that the agenda be re-ordered. Upon receiving a second, such motion shall be considered and voted upon. If such motion passes, the chair may not re-order the agenda in a manner contrary to such motion.

D. Approval of Minutes

Minutes of previous meetings shall be approved at a subsequent Commission

meeting. Members not present at a meeting for which minutes are being considered may choose, at their discretion, to participate or abstain from the approval of those minutes.

E. Consent Agenda

1. The consent portion of the agenda shall include minor or routine items, whether continued public hearings, new public hearings, requests for resolutions of intention, or other matters.
2.
 - a. When the consent portion of the agenda is called, the chair shall ask the members if they have questions or if discussion is required. Staff may respond to routine questions from members of the Commission concerning items on the consent agenda. If there are substantial questions by members of the Commission, an item may be removed from the consent agenda and considered separately.
 - b. If there are public hearing items on the consent agenda, the chair shall open a single public hearing for all such items. The chair shall not open individual public hearings for each item or permit consideration of each matter individually unless the item is removed from the consent agenda.
 - c. Any member of the Commission may move that a matter on the consent agenda be removed from the consent agenda and be considered separately under either continued public hearings or new public hearings. Upon receiving a second, this motion shall be voted upon without discussion.
3. The Commission may act on the consent agenda by one motion and a second and a roll call vote.

F. Continued Public Hearings

If not heard on the consent agenda, a continued public hearing shall be resumed at the point of the public hearing at which such matter was continued. If the public testimony portion of the public hearing had been closed, public testimony may be reopened upon a motion and second that is then approved by a vote of the Commission.

G. New Public Hearings

New public hearings shall be conducted in accord with the subsection V(C),

below.

H. Planning Commission Business

In addition to considering any matter that is listed on the agenda under this heading, any member of the Commission may:

1. Make a brief announcement;
2. Briefly report on his or her own activities; or
3. Move that a matter be placed on a future agenda for consideration by the Commission.

I. Planning and Environmental Services Manager Comments

In addition to presenting any matter that is listed on the agenda under this heading, the Planning and Environmental Services Manager may make a brief report on upcoming activities of the Commission or public events.

J. Adjournment

1. Commission meetings shall adjourn by 11:00 p.m. unless extended as set forth in the next subsection.
2. If a motion to extend the meeting after 11:00 p.m. is passed by at least two-thirds of the members of the Commission who are present and eligible to vote upon such motion, the Commission may hear and consider any matter on the agenda after 11:00 p.m.

V. CONDUCT OF MEETINGS

A. Disruptive Public Speakers

No member of the public shall engage in conduct that disrupts, disturbs or impedes the orderly conduct of the Commission meeting. Such conduct may include making loud, threatening, abusive, personal, impertinent or profane remarks. The chair or a majority of the members of the Commission present may order any person who engages in such to be silent. If such an order is given, such person shall be barred from further communication with the Commission during that meeting or be required to leave the meeting room.

B. No Action

The Commission shall not take action on any item not appearing on the agenda unless the action is authorized by the Ralph M. Brown Act.

C. Public Hearings

1. Order of presentation

Unless otherwise directed by the chair, the order of presentation of evidence or testimony, oral and written, on any public hearing item shall be as follows:

- a. Chair opens the public hearing.
- b. Staff makes a brief presentation, including summary of the item, an analysis of the issues and a recommendation.
- c. Members question staff and raise any new issues.
- d. If present, applicant may make a presentation and shall be available for questions from the Commission. Commission may proceed whether or not applicant is present.
- e. Members question applicant.
- f. Chair invites public testimony.
- g. Applicant responds to public testimony.
- h. Chair closes hearing to public testimony.
- i. Summation by staff, upon request by chair.
- j. Members deliberate on the item.
- k. Members vote on the item.

2. Oral Testimony

All oral testimony received at meetings of the Commission shall be directed to the chair. All oral testimony from one person shall be limited to three minutes, provided, however, that the chair may grant additional time to an applicant, an appellant, a staff member, a consultant to the City, a representative of a neighborhood council, or a representative of another public agency.

3. Debate and Questions

The chair shall not allow debate among members of the public. Any person wishing to direct a question to another person shall submit such question to the chair, who may, at his or her discretion, ask the question. The chair may prohibit a member of the public from speaking on an issue

more than once during any hearing.

4. Rules of Evidence

Public hearings held by Commission need not be conducted according to the rules of evidence contained in the California Evidence Code. The following rules of evidence shall apply:

- a. The Commission may consider any evidence that is the sort of evidence that responsible persons are accustomed to rely upon in the conduct of serious affairs.
- b. All evidence shall be directly related to the item under consideration.
- c. Persons testifying before the Commission shall be encouraged to submit their testimony and comments in writing for the record.

VI. COMMUNICATIONS AND REPORTS TO THE COMMISSION

A. Information Provided by Staff

1. Customarily, staff reports and other information related to a regular meeting shall be provided to the Commission on the Monday preceding a Thursday meeting.
2. Staff may provide the Commission with supplemental information closer to the time of or at a meeting and the agenda item need not be continued.
3. As provided in Government Code section 54957.5, agendas, staff reports, supplemental information and other writings distributed to all, or a majority, of the members of the Commission in connection with a matter subject to discussion or consideration at a Commission meeting shall be made available for public inspection or copying without delay, unless such writings are exempt by law from public disclosure.

B. Written Communications from the Public

1. The Commission encourages the public to prepare and send written communications that may assist the Commission in its deliberations on an item. The correspondent shall provide fifteen copies of all written material for members, the recording secretary, staff, file, and the public.

2. The Commission shall refer to staff all such written communications, including e-mails, regarding a subject or matter not appearing on the agenda.

VII. ELECTION AND DUTIES OF OFFICERS

- A. During the first regular meeting of the Commission held in every calendar year or during the first regular meeting after appointment of the members of the Commission by the City Council, the members of the Commission shall elect one member as chair and another as vice-chair, to serve for one year or until a successor is appointed, unless either is earlier removed from such positions by majority vote of the members of the Commission or by the City Council.
- B. Duties and Responsibilities of Officers
 1. The chair shall:
 - a. Preside at all meetings and conduct the meetings as specified herein.
 - b. Re-order the agenda as necessary.
 - c. Represent the Commission at meetings of the City Council, other public agencies and at civic events. The chair shall not purport to represent or speak on behalf of the Commission at such meetings or events without obtaining the consent of the Commission in the form of a motion passed at a regular or special meeting of the Commission.
 - d. Sign resolutions adopted by the Commission and verify the accuracy of the contents.
 - e. Call special meetings.
 2. In the absence of the chair, the vice-chair shall perform the duties of the chair.
 3. In the absence of both the chair and vice-chair, the immediate past chair shall preside at the meeting.

VIII. RESTRICTION ON REPRESENTATION

No member shall purport to represent or speak on behalf of the Commission without

obtaining the consent of the Commission in the form of a motion passed at a regular or special meeting of the Commission.

IX. RECORD OF MEETINGS

- A. A minute record of all proceedings before the Commission shall be prepared and preserved by staff.
- B. Minutes shall be prepared in the form and format prescribed by the City Council for citizen advisory groups.
- C. All reports and written communications directed to the Commission shall be made a part of the permanent record of the Commission.
- D. All motions considered by the Commission shall be recorded whether they pass or fail.
- E. Members of the Commission wishing to have specific comments regarding an item reflected in the minutes and preserved for the record shall state, prior to making the comment, that the comment is "for the record."
- F. Draft minutes of meetings shall be presented by the recording secretary to the Commission for correction and approval as soon as practical.

X. SUBCOMMITTEES

With the approval of a majority of the members of the Commission, the chair may appoint members of the Commission to subcommittees for the purpose of making recommendations to the full Commission on land use policy matters or such other matters as the chair may deem appropriate.

XI. PARLIAMENTARY PROCEDURE

In conducting meetings, the chair shall be guided by, but is not required to strictly adhere to, Robert's Rules of Order, Newly Revised.

XII. SEATING ARRANGEMENT

The seating arrangement for the Commission shall be as follows:

- A. The chair shall be seated in the middle of the dais. The vice-chair shall sit immediately to the chair's right.

- B. After the election of officers, the outgoing chair shall be seated at the outside seat on the side where a vacancy is created due to the election of a new chair and vice-chair.
- C. When a member of the Commission leaves the Commission, the members on the side where the former member was seated, move toward the chair and the newly appointed member is seated at the last chair on that side.

XIII. RESIGNATION

Any member of the Commission desiring to resign from the Commission shall submit a written resignation to the City Clerk.

XIV. AMENDMENT OF RULES AND PROCEDURES

These rules and procedures may be amended at any regular meeting of the Commission by a majority of the members of the Commission, provided that the amendment has been submitted in writing at a previous meeting.

PASSED AND ADOPTED this ____ day of _____ 2007, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Sonny Okada, Chairman

ATTEST:

APPROVED AS TO FORM:

Sue Martin, Planning and
Environmental Services Manager

Gary L. Gillig, City Attorney