

CITY OF MILLBRAE, CA PLANNING COMMISSION BYLAWS

MISSION STATEMENT

It shall be the mission of the Planning Commission to interpret and apply City policies, regulations, and guidelines utilizing professional expertise, personal experience, and community sentiment to provide thoughtful, ethical, and timely review of development proposals and related planning and zoning matters to satisfy current needs in a manner which also obtains the City's long-range community and economic development goals.

ORGANIZATION AND OFFICERS

A. Organization

The Planning Commission shall consist of five regular members appointed by the City Council and shall be organized and exercise such powers as prescribed by the Millbrae Municipal Code.

B. Officers

1. Selection

- a. A Chair and Vice-Chair shall be elected annually from among the Commission's membership by the second meeting in June to serve at the pleasure of the Commission. The Chair and Vice Chair shall assume office at the first Commission meeting of the new fiscal year.
- b. The Vice-Chair shall succeed the Chair to complete the term if the Office of Chair is vacated before the term is completed. A new Vice-Chair shall be elected at the next regular meeting and shall complete the term of that office.
- c. In the event that the Office of Vice-Chair is vacated before the term is completed, a new Vice-Chair shall be elected to complete the term of that office.
- d. In the absence of the Chair and Vice-Chair, the senior member in length of service shall call the Commission to order, whereupon a chair pro tem shall be elected from the members present to preside.
- e. Secretary to the Planning Commission shall be a City staff member appointed by the City Manager.

2. Responsibilities

The responsibilities and powers of the officers of the Planning Commission shall be as follows:

a. Chair

- (1) Preside at all meetings of the Commission.
- (2) Call special meetings of the Commission in accordance with legal requirements and these Bylaws.
- (3) Sign documents of the Commission.
- (4) See that all actions of the Commission are properly taken.
- (5) Assist staff in determining agenda items.

b. Vice-Chair

During the absence, disability or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and responsibilities of the Chair.

c. Secretary

The Secretary shall keep Commission records, prepare agendas, prepare minutes and otherwise provide staff assistance to the Planning Commission in the performance of its duties.

C. Duties and Powers

1. The Planning Commission shall have the power to recommend to the City Council, after public hearing thereon, the adoption, amendment or repeal of the General Plan, or any part thereof, for the physical development of the City.
2. The Planning Commission shall exercise such functions with respect to land subdivisions, planning and zoning as may be prescribed by the Municipal Code and State law.
3. The Commission shall advise the City Council on those matters falling within its charged responsibilities in a manner reflecting concern for the overall development and environment of the City.
4. If any Commissioner should be absent for three consecutive regular meetings of the Planning Commission without permission of the Commission expressed in its official minutes, he/she shall relinquish his/her seat on the Commission. In all other cases of excessive absenteeism, tardiness, or other unacceptable conduct, a simple majority of the Commission shall be sufficient to

recommend disciplinary action be taken by the City Council up to and including removal from the Commission.

MEETINGS

A. Rules of Order

Except as otherwise provided in these Bylaws, "Robert's Rules of Order, Newly Revised," shall be used as a guide to the conduct of the meetings of the Planning Commission provided, however, that the failure of the Commission to conform to said Rules of Order shall not, in any instance, be deemed to invalidate the action taken.

B. Public Meetings

All meetings shall be in full compliance with the provision of state law and these Bylaws.

C. Regular Meetings

1. Regular meetings shall be held on the first and third Mondays in each month, at 7:00 p.m. in the Council Chambers of the City Hall unless otherwise determined by the Commission.
2. Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting may be rescheduled to another business day, or canceled by motion adopted by the Planning Commission.

D. Adjourned Meetings

In the event it is the wish of the Planning Commission to adjourn its meeting to a certain hour on another day, a specific date, time and place must be set by the Commission prior to the regular motion to adjourn.

E. Special Meetings

Special meetings of the Planning Commission may be held at any time upon the call of the Chair or by a majority of the voting members of the Commission or upon request of the City Council following at least 24 hours notice to each member of the Commission and to the press. The time and place of the special meeting shall be determined by the convening authority.

F. Study Sessions/Workshops/Site Visits

1. The Commission may be convened as a whole, or at its own discretion, as a committee of the whole, in the same manner as prescribed for regular meetings, for the purpose of holding one or more Study Sessions. When convened as a whole, a quorum shall be required. When convened as a

- committee of the whole, a quorum shall not be required. In either case, no official action shall be taken.
2. The Commission may convene in whole or in part, in either manner prescribed for regular or special meetings, for the purpose of holding a Workshop on any topic of its choosing. When so convened, a quorum shall not be required and no official action may be taken.
 3. All such meetings shall be open to the public; however, unless the Commission invites evidence or comments to be given, participation by interested members of the public shall not take place.
 4. A primary duty of a Planning Commissioner is development review. In the course of performing this duty, a Commissioner will typically visit the site of a proposed project prior to its hearing before the Commission. Site visits are a logical and constructive way to gain firsthand information about the existing conditions on the site and its context within the neighborhood and are therefore encouraged. However, there are a few important precautions that should be taken based upon the law and common sense to ensure that site visits are conducted in a legal and safe manner:
 - a. If physical access to any private property is necessitated, property owner permission should be obtained prior to entering the property. Ideally, the owner will provide written permission (e-mail would be acceptable). Preferably, the property owner will be present for the entire visit. If private property is entered without the explicit permission of the owner, potential legal liability for both the Commissioner and the City may result.
 - b. At no time on any occasion should more than two Commissioners be present at the same site. Based upon the Commission being a five member board, three or more members constitute a quorum of the Commission, but a quorum becomes a Brown Act violation if the assembly was not noticed in advance as an official meeting of the Commission. To avoid this, City staff will arrange the appointments for each Commissioner.
 - c. Extreme care should be exercised when walking a site, particularly unpaved or hilly areas. When unfamiliar with a site, it is easy to misstep. Should a Commissioner sustain a personal injury on a site visit, he/she should make a full report of it to the City as soon as possible.

G. Agenda

1. An agenda for each meeting of the Commission shall be prepared by the Planning staff with the cooperation and approval of the Chair.
2. The agenda shall contain a brief description of each item of business to be discussed and/or acted upon.

3. A copy of the agenda shall be delivered to the members of the Commission and be posted on the City Hall Bulletin Board and Council Chambers Bulletin Board, which locations are freely accessible to members of the public, for a period of at least 72 hours prior to the time set for holding any regular meeting and at least 24 hours prior to the time set for holding any special meeting of the Commission.

H. Application of the Rules of Order

1. General Meeting Conduct

- a. All meetings shall be conducted in a courteous, professional, and efficient manner and all persons in attendance shall comport themselves in a manner befitting the proceedings.
- b. Speaking without the Chair's permission or speaking out of turn in the course of any discussion is not acceptable and may be ruled out of order.
- c. Obscene language or gestures, excessively loud tones, personal attacks, or any other threatening speech or actions are not acceptable and shall be ruled out of order.
- d. Repetitive or unduly argumentative testimony or discussion is not acceptable and may be ruled out of order.

2. The Order of Business Shall Be as Follows:

- a. The Chair shall call the Commission to order at the hour appointed for the meeting.
- b. Members present, absent, or excused shall be recorded.
- c. The agenda shall be approved as submitted or revised.
- d. The minutes of any preceding meeting shall be considered for approval.
- e. Any member of the audience may comment on any matter which is not listed on the agenda.

If the matter requires Commission action, it shall be either:

- (1) Added to the Agenda for the meeting at which it was brought up by a member of the public only if the Commission determines by a two-thirds vote (or if less than two-thirds of the members are present, then by a unanimous vote of the members present) that the need to take emergency action arose after the Agenda was posted and the Commission believes it is necessary to take action immediately; or

- (2) The item automatically shall be referred to staff for investigation and placement on a future Agenda without any action.
- f. The public shall be advised of the procedures to be followed in the meeting.
- g. The Commission shall then hear and act upon those proposals scheduled for consideration or public hearing, together with such other matters of business that require Commission consideration.
- h. Adjournment.

I. Procedure for Public Hearing

1. The Chair shall announce the subject of the public hearing, as advertised.
2. If a request is made for continuance, a motion may be made and voted upon to continue the public hearing to a definite time and date.
3. The staff shall be asked to present the substance of the application, staff report and recommendation, and to answer technical questions of the Commission.
4. **Order of Testimony.** Following the staff presentation and any Commission questions, the order of testimony shall be as follows:
 - a. Applicant's statement.
 - b. Proponent statement(s).
 - c. Opponent statement(s).
 - d. If necessary, a rebuttal from the applicant.
 - e. Public testimony portion of the Public Hearing closed.
 - f. The Commission shall then deliberate and either determine the matter or continue the matter to another date and time certain. A motion need not be on the table in order for the Commission to discuss the matter.
5. **Rules of Testimony.**
 - a. Persons presenting testimony to the Commission are requested to give their name and address for the record.
 - b. If there are numerous people in the audience who wish to participate on the 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.

- c. To avoid unnecessary cumulative evidence, the Chair may limit the number of witnesses or the time of testimony on a particular issue.
- d. Irrelevant and off-the-subject comments will be ruled out of order.
- e. The Chair shall not permit any complaints regarding the staff, individual Commissioners or any other specific person. Complaints should be submitted in writing for possible inclusion on a future agenda.
- f. No person shall address the Commission without first securing the permission of the Chair to do so.
- g. All comments shall be addressed to the Commission. All questions shall be placed through the Chair.

J. Motions

“Rosenburg’s Rules of Order” (attached for reference) are the Commission’s protocol of choice for the general operation of its meetings.

- 1. A motion to adjourn shall always be in order except during the roll call.
- 2. The Chair or other presiding officer, may make and second motions and debate from the Chair subject only to such limitations of debate as are imposed on all members of the Commission.
- 3. The Chair may entertain (or make) a motion at any point during Commission discussion of the matter. Discussion should enable each Commissioner to state his/her position including specific reasons for the position taken such as what factors were taken into account, which factors were given more weight than others, and why.
- 4. A motion should precisely state the action it proposes and detail the justification for the action, including all formal findings as may be required for the action.

K. Voting

1. Voting Requirements

- a. A quorum shall consist of three members.
- b. In order to cast a vote on a particular agenda item, a member must be present during the vote on that item.
- c. Certain votes of the Commission require a majority vote of the entire Commission (3 votes) to carry. When a member of the Commission

abstains from voting on such matters for any reason, the abstention shall be counted with the majority, when one exists. These are:

- (1) Recommendation on the adoption or amendment of a master (general) plan or any part thereof.
- (2) Recommendation on the adoption or amendment of any precise (specific) plan or any part thereof.
- (3) Recommendation regarding any zoning ordinance or amendment thereto.
- (4) Other actions as required under federal or state law which require a super-majority.

2. **Voting Order**

When votes are cast by voice, the Chair shall vote last.

3. **Recording of Votes**

The minutes of the Commission's proceeding shall show the vote of each member, including if they were absent or failed to vote, on any matter considered.

4. **Disqualification from Voting**

In case of a potential, or appearance of a conflict of interest, that member should announce the fact prior to the consideration of such matter by the Commission. Disqualification from voting shall be announced and the member shall then leave the meeting room and refrain from any official Planning Commission discussion or action on the matter.

L. Ethics

1. All members are duty-bound to:
 - a. Uphold the sworn oath taken when appointed to serve.
 - b. Fully comply with all applicable federal, state, and local statutes regarding disclosure of assets, open meeting practices, and other ethics based requirements.
 - c. Act in good faith and conscience using professional expertise, personal experience, and common sense based upon the best available information, observation, and testimony and within established legal limits and authority.
2. In recognition of the ever-increasing cultural diversity among the members of the Millbrae community and the changes reflected in the composition of our

neighborhoods, the Commission acknowledges the uniqueness of each individual and supports human dignity by:

- a. Ensuring equal opportunity to all members of the community.
 - b. Regarding a diverse community as a resource that enriches everyone through the sharing of different perspectives, experiences, and ideas.
 - c. Prohibiting all forms of oppression and exclusion of diverse individuals and/or groups, and encouraging everyone to communicate and behave in a manner that is sensitive to the differences, interests, and viewpoints of others.
 - d. Removing barriers to effective teamwork through collaboration, problem-solving, and the constructive resolution of conflicts irrespective of physical, mental, social, cultural, or economic differences.
3. All members shall refrain from using any personal electronic devices during any public meeting of the Commission, except those devices provided by the City for the express purpose of being used during such public meetings.

M. Review and Amendments Procedure

1. These Bylaws shall be reviewed in April of each year by a subcommittee appointed by the Chair with the general agreement of the Commission. The subcommittee shall present their recommendation for amending, or not amending, these rules.
2. In addition, these Bylaws may be amended at any meeting of the Planning Commission by a majority of the membership of the Commission providing that notice of the proposed amendment is received by every Commissioner not less than five (5) days prior to said meeting.
3. All amendments shall occur by way of Commission approval of a Resolution adopting the amended Bylaws in their entirety.