

ESCONDIDO PLANNING COMMISSION BY-LAWS

ADOPTED BY PLANNING COMMISSION RESOLUTION NO. 2018-01

October 23, 2018

Advisory bodies play an important role in City government by assisting and advising the City Council in formulating and implementing policy. Advisory bodies also develop recommendations and present supporting information to the City Council.

The Escondido Planning Commission ("Commission") is established in accordance with Section 20-1 of Chapter 20 of the Escondido Municipal Code.

ARTICLE I. OBJECTIVES

The Commission serves in an advisory capacity to the City Council on land use policy planning matters, which guide the future development of the City. The Commission has final approval authority on certain cases and recommends action to the City Council on others. Areas of focus include:

- Providing citizen input by being positive representatives of the City Council and community;
- Conducting a detailed review of all types of development projects and individual land use requests, such as subdivision maps, specific plans, conditional use permits, planned developments, and appeals of administrative approvals, as well as others; and
- Assisting the Council in the formulation of policies and ordinances that implement the General Plan, such as amendments to the Zoning Code, the adoption of new code sections, changes to the existing zoning text and maps, etc.

The Commission has the authority to make final decisions in some cases; some decisions may be appealed to the City Council. The Commission is not involved in the administration or operation of City departments. They should not contact the media or speak on behalf of the advisory body unless authorized to do so. The scope of authority of the Commission are those powers and duties delegated to the Commission by the City Council, set forth by provisions of the Municipal Code, and adopted hereto. In all matters of parliamentary procedure not specifically governed by these by-laws or otherwise required by law, the current edition of *Robert's Rules of Order* shall apply.

ARTICLE II. OFFICERS

The officers of the Commission shall consist of a Chair, a Vice-Chair and a Secretary. The appointment of officers for Chair and Vice-Chair shall be held on the regular meeting date in April of each year, or the next regular meeting if no regular meeting is held in April, and the newly elected officers shall immediately preside upon election.

A. Chair: The Chair must preside at and conduct all meetings of the Commission, administer all rules of the Commission, and rule upon other business transacted by the Commission. The Vice-Chair shall, in the absence of the Chair, exercise all responsibilities of the Chair. The Chair shall have the following duties:

1. The Chair shall preside at meetings of the Commission.
2. When authorized by the Commission, the Chair shall execute in its name all communications of the Commission, all recommendations to the City Council, as well as any contracts, bonds, or other obligations.
3. The Chair must appoint all committees and subcommittees.
4. The Chair shall have general supervision of the conduct of the affairs of the Commission and shall instruct the Secretary in conducting Commission business.
5. The Chair shall have the discretion to set time limits on individual public speakers, not to exceed three (3) minutes.
6. The Chair shall preserve order and decorum at all meetings of the Commission.
7. The Chair is responsible for moving the discussion forward involving all members of the Commission and allowing for adequate public participation.
8. The Chair facilitates meeting protocol.
9. The Chair shall, when called upon, represent or appoint one of the members to represent the Commission before the City Council. Such representation shall reflect the view of the majority of the Commission on any particular matter upon which the Commission has acted.

B. Vice-Chair: The Vice-Chair shall perform the duties of the Chair during the absence or disability of the Chair.

C. Temporary Chair: In the absence of both the Chair and Vice-Chair at any meeting, the Commission shall appoint a Chair pro-tem to conduct that meeting. In the absence of the Chair and Vice-Chair, the Planning Commission Secretary shall call the meeting to order and immediately call for a motion to select a Chair pro-tem whom shall perform the duties of the Chair during the absence or disability of the Chair and Vice-Chair.

D. Secretary: The Director of the Community Development Department shall determine who serves as the Secretary to the Commission. The Secretary may, in performance of the

Secretary's duties, appoint a Deputy Secretary to perform the secretarial function for the Commission in the Secretary's absence.

The Secretary or the Secretary's designee shall have the following duties:

1. The Secretary shall attend all regular and special meetings and keep or supervise the keeping of a record of same and transcribe same properly to preserve the records thereof.
2. The Secretary shall have charge of all official books, papers, maps, and records of the Commission and shall conduct all official correspondence relative to hearings, meetings, and other business of the Commission.
3. The Secretary shall prepare the agenda and staff reports for items of business on the Commission's agenda.
4. The Secretary shall notify the Vice-Chair, by phoning or in person, on the day the Chair informs the Secretary that he will not attend a future Commission meeting.

E. Parliamentarian: A representative from the Office of the City Attorney shall act as Parliamentarian for the Commission and may be called upon by the Chair to rule on motions or decisions made. Only the Parliamentarian, other than the Chair, may proactively intervene on matters of procedure or other legal matters as determined by the Parliamentarian.

ARTICLE III. COMMITTEES AND SUBCOMMITTEES

A. Creation: Committees and subcommittees shall be appointed by the Chair at the time deemed necessary or advisable so as to conduct Commission business properly. Each committee shall consist of no fewer than two (2) and no more than three (3) Commission members. The members of committees shall serve for the duration of the committee unless a reassignment is made of the committee personnel by the Chair, in which case they shall serve until their successors are appointed. The Commission Chair shall fill any vacancy in committees.

B. Reporting Obligations: All reports of committees and subcommittees shall be made at the direction of the Chair; however, no committee shall be required to make a formal report prior to the next regular Commission meeting following that meeting at which the committee was directed by the Chair of the Commission to report on the matter of business referred to such committee. Reports of committees and subcommittees shall be made orally or in writing. If in writing, the original copy thereof shall be filed with the Secretary and become a part of the administrative record.

ARTICLE IV. MEETINGS – REGULAR AND SPECIAL

The Commission may hold two (2) types of meetings: regular and special meetings.

- A. Schedule:** The Commission shall prepare and adopt an annual schedule of regular meetings. The Planning Commission holds regular meetings on the 2nd and 4th Tuesday of each month, at 7:00 p.m. Special meetings of the Commission may be called by the Chair or by any two (2) members upon written request to the Chair. Special meetings shall be coordinated with the City Council's schedule so referrals of reports and plans to the City Council can be timely.
- B. Location:** The official meeting place of the Commission shall be in the Council Chambers of the City of Escondido, California. All regular and special meetings shall be held there or at a location as determined by the Secretary and at such times as the Commission may, by a majority vote of those present at any regular or special meeting, otherwise direct.

ARTICLE V. MEETING BUSINESS

All meetings of the Commission shall be conducted in an orderly manner designed to expedite the business of the Planning Commission. The current edition of Robert's Rules of Order shall provide the basis for meeting structure and official decisions shall be made by motion and vote of the Commission, as herein specified, unless stated otherwise in Commission resolutions or in City Ordinances.

- A. Meeting Order:** The Secretary is authorized to place items on agendas that are generated by City administrative requirements, laws, or City ordinances. Only those cases set for hearing on a given date will be heard and they shall be heard in the order in which they appear on the agenda unless otherwise directed by the Chair.
- B. Motion:** Any Commissioner may offer a motion for Commission action. For each time a first motion is made, the Chair should restate the motion. The Chair should solicit a second of the motion.
- C. Discussion on the Motion:** No recall of speakers for questions may occur when a motion is on the floor. When the Chair determines that there has been enough discussion, the debate may be closed, and the item can be put to a vote. After the vote, the Chairman should announce the decision.
- D. Planning Commission Action:** The Planning Commission shall act by motion, motion to adopt resolution, or may give direction to staff by consensus (minute order). A majority of voting members present is required for a motion to be approved. In case of a tie vote, or deadlock, the Chair shall have the item of business placed on the next agenda of the

Commission as a matter for reconsideration and vote, but not for rehearing. If the returned matter again results in a tied vote it will be forwarded to the City Council with no recommendation.

- E. Agenda Packets:** The Secretary is responsible for the preparation of the meeting agenda. Every matter on which the Commission is authorized or required to act or brought before the Commission by any person, official, organization or agency, shall be presented in writing or on forms provided by the Commission for a specific presentation and shall include all information necessary for a clear understanding and informed action by the Commission. Such information (which includes and is not limited to maps, surveys, drawings, plans, charts, and descriptive information) shall be transmitted as an agenda packet to the full Commission and posted online to the Planning Commission webpage not less than 72-hours before a scheduled meeting.

All matters for Commission consideration and recommendation shall be filed as hardcopies in the Planning Office with the Secretary at least 72-hours prior to a meeting of the Commission at which the item is to be on the agenda.

F. Public Testimony and Participation:

1. Speaker slips will be available in the Council Chambers to be submitted by persons wishing to speak on an agenda item. The normal time allowed for a person to speak will be three (3) minutes. The Chair shall have the authority to reduce equally each speaker's time to accommodate a larger number of speakers, or to limit the total speakers' time on an agenda item.
2. Speaker slips for agenda items will be accepted by the Planning Commission Minutes Clerk in the Council Chambers no earlier than one (1) hour before the meeting and up until the public testimony on the item is finished. At times, up to the discretion of the Secretary, shall be the option for an individual to register support or opposition but do not wish to speak included on the speaker slip (individual must be present).
3. Written correspondence directed to the Commission that is received prior to an agenda packet being posted shall be held by the Secretary and included for Planning Commission review as part of the agenda packet. Written communications submitted after the agenda packet is posted, but before the meeting begins, will be provided to the Commission at the beginning of the meeting.
4. Written communications may also be presented to the Planning Commission Minutes Clerk at Planning Commission meetings, as part of the record of the meeting and for distribution to the Commission.
5. After the close of the public hearing, no person shall testify before the Commission and no other new evidence shall be received by it; provided, however, this rule shall

not prohibit the members of the Commission from examining any public record or requesting additional information from staff.

G. Meeting Cancellation and Adjournment: Regular meetings may be cancelled from time to time due to a lack of business or for other reasons. A meeting cancellation notice shall be provided by the Secretary.

H. Meeting Minutes: The Planning Commission Minutes Clerk is instructed to prepare action minutes for each Planning Commission meeting. The Planning Commission Clerk shall add a brief description/topic for oral communication speakers and note whether the speaker was speaking in favor or opposition to agenda items.

The Commission shall keep action minutes and records of all its meetings, resolutions, transactions, findings and determinations, and the vote shall be recorded with each motion, order or resolution. Audio recordings, action minutes, records, resolutions, transactions, findings and determinations shall be of public record and be posted online.

ARTICLE VI. AMENDMENTS

These Rules and By-laws may be added to, amended, or revised at any meeting of the Planning Commission by a majority of a quorum of the Planning Commission by proper notice in advance of the meeting.