



City of Sacramento Planning Commission Rules of Procedure

Approved on

M08-XXX

Adopted _____ (M08-XXX)

**CITY OF SACRAMENTO
PLANNING COMMISSION RULES OF PROCEDURE
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CHAPTER 1 – AUTHORITY/ADMINISTRATION

A. General Authorities and Applicability

1. These Rules of Procedure are adopted pursuant to Section 2.60.060 of the Sacramento City Code.
2. Until such time as they are amended or new rules adopted, these rules shall prevail to govern the order and conduct of business of the City Planning Commission.

B. General Administration

1. The City Planning Commission will review and revise the City Planning Commission Rules of Procedure (“Rules”) at least annually or more frequently as needed.
2. During City Planning Commission discussions, deliberations, and proceedings, the Chair has been designated with the primary responsibility to ensure that the City Planning Commission, Staff and members of the public adhere to the Planning Commission's norms and procedures.

C. Amendment

1. Any Rules may be adopted, altered, amended or repealed at any time by a majority vote of the Planning Commission, provided that at least a one week notice of such proposed Rule change is given to the Planning Commission members.

D. Suspension

1. Any Rule may be temporarily suspended by a two-third (2/3) vote of all Planning Commission members present, being not less than 5 votes of the Planning Commission.

E. Robert’s Rules

1. To the extent these Rules do not address the parliamentary procedures for legislative body meetings, Robert’s Rules of Order (Newly Revised 10th edition) shall govern.

F. References to City Staff

1. The term “City Staff” or “Staff” as used in these Rules of Procedure refers to the staff of the Current Planning Division of the Development Services Department, the Planning Department, and the Development Engineering Division of the Department of Transportation. The terms “Planning Director” and “Commission Secretary” as used in these Rules of Procedure refer to the Development Services

Department Current Planning Manager for matters relating to current planning, and to the Director of Planning for matters relating to planning.

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A. Joint Duties of Commissioners/Staff

1. City Planning Commission members (“Commissioners”) and City Staff shall conduct the business of the City Planning Commission:

- a. recognizing that stewardship of the public interest must be of primary concern;
- b. working for the common good of the people of Sacramento; and
- c. assuring fair and equal treatment of all persons and actions coming before the City Planning Commission.

B. Duties of Chair and Vice-Chair

1. The Chair shall be:

- a. appointed annually from the membership of the City Planning Commission by a majority vote at its first regular meeting in February;
- b. the presiding officer of all meetings of the City Planning Commission;
- c. entitled to make and second motions on matters before the City Planning Commission and vote on actions, but shall possess no veto power over actions of the City Planning Commission.

2. The Vice-Chair shall:

- a. be appointed annually from the membership of the City Planning Commission, other than the Chair, by a majority vote at its first regular meeting in February;
- b. in the absence of the Chair from a City Planning Commission meeting, assume the duties of the Chair and shall:
 - (i) possess all powers of the Chair; and
 - (ii) be subject to all prescribed duties of the Chair.

3. If the Chair and Vice-Chair are absent, the City Planning Commission may appoint one of its members to serve as Chair pro tempore.

CHAPTER 3 - CONDUCT OF COMMISSIONERS

A. General Conduct

1. Commissioners shall:
 - a. treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments;
 - b. be fair, impartial and unbiased when voting on quasi-judicial actions;
 - c. gain the attention of the Chair to inform the Chair of their wish to speak and shall be acknowledged by the Chair before speaking;
 - d. move to require the Chair to enforce these rules and the Chair shall do so upon an affirmative vote of a majority of the Commissioners present;
 - e. preserve order and decorum during the meeting;
 - f. not delay or interrupt the proceedings or the peace of the City Planning Commission, nor disturb any Commissioner while speaking, by conversation or otherwise, nor disobey the orders of the City Planning Commission, or the presiding officer, except as otherwise herein provided, nor digress from the item under consideration;
 - g. support the Sacramento General Plan and the ordinances, policies, rules and regulations applicable to the City Planning Commission and its work established by the City Council;
 - h. abide by these Rules of Procedure in conducting the business of the City Planning Commission; and
 - i. switch any electronic equipment such as pagers and cellular telephones to silent or off mode during Planning Commission meeting.

B. Conduct with Commissioners

1. Commissioners shall:
 - a. value each other's time;
 - b. attempt to build consensus on an item through an opportunity for dialogue; but when this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority;
 - c. have the right to dissent from, protest, or comment upon any action of the City Planning Commission;

- d. respect each other's opportunity to speak and, if necessary, agree to disagree;
- e. avoid offensive negative comments and shall practice civility and decorum during discussions and debate; and
- f. assist the Chair's exercise of the Chair's affirmative duty to maintain order.

C. Conduct with City Staff

- 1. Commissioners shall:
 - a. speak to the Staff directly on issues and concerns;
 - b. treat Staff professionally and refrain from publicly criticizing individual employees;
 - c. discuss directly with the appropriate supervisor any displeasure with or concerns about a department or Staff member;
 - d. refrain from giving direction to Staff on behalf of the City Planning Commission without having received the express authority of the Planning Commission to do so.

D. Conduct with the Public

- 1. Commissioners shall:
 - a. make the public feel welcome;
 - b. be impartial, respectful and without prejudice toward the public, and refrain from directing or criticizing the public;
 - c. listen courteously and attentively to public comment;
 - d. not argue back and forth or debate with members of the public;
 - e. make no promises to the public on behalf of the City Planning Commission;
 - f. refrain from making comments to the public on behalf of the City Planning Commission without having received the express authority of the Planning Commission to do so; and
 - g. treat all members of the public equitably and fairly in terms of time allotted to speak, except in special circumstances when a majority of the Commission votes to permit an exception.

E. Conduct with Other Agencies

1. Commissioners shall:
 - a. project a positive image of the City when dealing with other agencies; and
 - b. show tolerance and respect for other agencies' opinions and issues and if necessary agree to disagree.

F. Conduct with Boards and Commissions

1. Commissioners shall:
 - a. treat all members of other boards and commissions with appreciation and respect; and
 - b. refrain from participation in other board and commission meetings for the purpose of influencing the outcome of said meetings unless requested to do so by the Planning Commission.

G. Ethical Conduct

1. Commissioners shall receive at least two hours of training in ethics, conflicts of interest, open meetings laws, competitive bidding requirements, bias prohibitions, etc., in accordance with Government Code sections 53234 et seq. every two years commencing January 1, 2007.
2. Commissioners shall conduct themselves in accordance with such training.

CHAPTER 4 – CONDUCT OF CITY STAFF

A. General Conduct:

1. City Staff shall:
 - a. prepare well-written staff reports and provide accompanying documents on all agenda items in accordance with the agenda format and preparation schedule;
 - b. be available for questions from Commissioners in accordance with the Brown Act prior to and during meetings;
 - c. respond to questions from the public during meetings when requested to do so by Commissioners;
 - d. refrain from arguing with the public or members of the City Planning Commission; and
 - e. switch any electronic equipment such as pagers and cellular telephones to silent or off mode during Planning Commission meetings.
2. Staff will remain objective on issues and should not be advocates for issues.

CHAPTER 5 – CONDUCT OF THE PUBLIC

A. General Conduct

1. Members of the public attending City Planning Commission meetings shall observe the same rules and decorum applicable to the Commissioners and Staff as noted in Chapters 3 and 4 of these Rules.
2. All speakers must approach the podium when recognized by the Chair and speak only from the podium. Stamping of feet, whistles, yells or shouting, and/or similar demonstrations are unacceptable public behavior and will be prohibited by the Chair.
3. Lobbyists must identify themselves and the client(s), business or organization they represent before speaking to the Planning Commission.¹
4. Members of the public wishing to provide documents to the Planning Commission shall comply with Chapter 7 Section D of these Rules.
5. Members of the public must switch any electronic equipment such as pagers and cellular telephones to a silent or off mode during Planning Commission meetings.
6. Members of the public wishing to speak to the Planning Commission should complete and turn into the Commission prior to the item being called a speaker's slip indicating the agenda item or off-agenda item which they wish to address.
7. Members of the public are encouraged to identify themselves with name and address when speaking but are not required to do so.

¹ Sacramento City Code §2.15.160.

CHAPTER 6—MEETING TYPES AND SCHEDULES

A. Regular Meetings

1. The City Planning Commission shall meet on the second, third, and fourth Thursday of each month at 5:30 pm in the City Hall Chamber (“Chamber”), 915 I Street, First Floor, Sacramento, California, except as otherwise provided in the annually adopted meeting schedule or otherwise revised by the City Planning Commission.
2. Continuation of a meeting extending past 10: 30 pm requires a majority vote of the Commissioners present.

B. Adjourned Meetings

1. The City Planning Commission may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment as permitted by law.

C. Special Meetings

1. The Chair or a majority of the Commissioners may call a special meeting by providing notice twenty-four (24) hours in advance of the meeting to the Chair, to all Commissioners, to all media outlets and persons having requested in writing notification of such meetings pursuant to state law.

D. Public Hearings

1. The Commission Secretary will set City Planning Commission public hearing dates.
2. The City Planning Commission may refuse to grant a continuance of any hearing unless there is a valid legal reason why the hearing must be continued.
3. Continuances may be obtained as follows.
 - a. Any applicant, appellant or designated representative of an applicant or appellant scheduled for a public hearing before the City Planning Commission:
 - (i) may obtain one continuance for a period not to exceed the second regular meeting after the original scheduled hearing date, as a matter of right, without personally appearing before the Planning Commission on the scheduled hearing date, provided a written request for the continuance must be delivered to the Commission Secretary by noon on the day prior to the scheduled public hearing. Any person who has once obtained a continuance by any procedure may not obtain any subsequent continuance by notifying the Commission Secretary as provided in this section D(3)(a)(i).

(ii) who wants to obtain a continuance of the hearing beyond the second regular meeting after the original scheduled hearing date, or has not notified the Commission Secretary as provided in Section D(3)(a)(i), may obtain a continuance only by appearing before the Planning Commission at the time the original hearing is scheduled and requesting a continuance. This continuance is not a matter of right and will not be granted unless the Planning Commission is satisfied that good cause exists for the continuance and that a substantial number of people will not be inconvenienced by such continuance.

(iii) who has once obtained a continuance of a hearing either by notice to the Staff as provided in Section D(3)(a)(i) or by personal appearance as provided in Section D(3)(a)(ii), may obtain a further continuance only by appearing before the Planning Commission at the scheduled hearing and satisfying the Planning Commission that extraordinary circumstances exist which would justify this second continuance.

(iv) who has twice obtained a continuance of a hearing, may obtain an additional continuance only by appearing before the Planning Commission at the scheduled hearing and satisfying the Planning Commission that a miscarriage of justice would result from the refusal of the Planning Commission to grant a continuance.

b. City Staff may request as many continuances as needed to complete and ready the project or appeal for the hearing process; however, Staff may not serve as a requestor on behalf of an applicant or appellant.

c. Any organized group of residents or neighborhood associations, not recognized as an applicant or appellant, may contact the Commission Secretary and request a continuance as needed to complete and ready their presentation for the hearing process. The Commission Secretary may request the City Planning Commission approve the continuance for good cause.

d. Disputes regarding the length of a continuance will be decided by the City Planning Commission at the scheduled hearing if City Staff cannot obtain mutual agreement between the parties beforehand.

CHAPTER 7- MEETING AGENDAS

A. Requirements for Agenda Item Submission by Commissioners and Outside Agencies

1. Commissioners may submit items for inclusion on a future agenda by orally making the request under Planning Commission Ideas, Comments and Questions.
2. Outside agencies may submit agenda items in accordance with the following.
 - a. Items from outside agencies must be sponsored for agenda placement by City Staff.
 - b. All agenda items must be submitted in accordance with the agenda packet submission and preparation requirements.

B. Declaration of Policy

1. No item of business shall be introduced or acted upon at a meeting of the City Planning Commission without it appearing on a duly noticed and posted agenda in accordance with the Brown Act. Exceptions to this rule are limited to those provided by state law.

C. Procedures for Submission of Reports

1. For all regular and special meetings of the City Planning Commission, the Commission Secretary shall cause to be prepared an agenda setting forth the time and place of the meeting and a brief description of each item of business to be transacted or discussed at the meeting.
2. Except as provided otherwise in these Rules, a written staff report should be prepared for each item of business and submitted in accordance with the agenda procedure established by the Commission Secretary.
3. An oral report does not require a written report; however, language describing the substance of the oral report must be submitted to the Commission Secretary for inclusion on the agenda.
4. "Continued" items do not require a new report if there are NO changes other than the agenda date. If there is any other change, a new report must be submitted meeting all applicable requirements.

D. Written Communications from the City and the Public.

1. The Commission Secretary will manage communications to Commissioners regarding meeting topics to ensure compliance with the Brown Act:

a. Agendas or any other writings distributed to all or a majority of the Commissioners for discussion or consideration at a public meeting are disclosable to the public, and shall be made available upon request without delay.

b. Materials distributed to the Commissioners during a public meeting shall be available for viewing by the public during the meeting if the materials were prepared by the City or a Commissioner, or at the conclusion of the meeting if prepared by another person.²

2. Interested parties or their authorized representatives may address the City Planning Commission by written communications in regard to agenda items. Such written communications received by the Commission Secretary prior to close of business on the ninth day preceding the City Planning Commission meeting will be included in the agenda packet material.

3. Written communications received by the Commission Secretary after such deadline will be delivered to Commissioners at the City Planning Commission meeting if related to an item on that meeting agenda.

4. Documents (13 copies recommended) that members of the public submit to the City Planning Commission at the meeting shall be given directly to the Commission Secretary for distribution and shall not be given directly to the Commissioners. The documents will become part of the official record and will be available to the public.

E. Preparation of the Agenda Packet.

1. No later than the Friday prior to each regular meeting, the Commission Secretary shall finalize the agenda packet.

2. Agenda Packet Contents:

a. The agenda packet shall include the agenda, the staff reports, draft Resolutions and Ordinances, and other documents and attachments. Items noted as "To Be Delivered" on the agenda will be delivered and published to the City's website upon receipt by the Commission Secretary. No item shall be considered by the City Planning Commission if the applicable written material is not delivered to the Planning Commission before the meeting and made available to the public at the same time.

² California Government Code §54957.5(b)(written communications)

b. Corrections or supplements to a staff report or other written materials already included in the agenda packet may be delivered separately under purple cover.

F. Distribution of the Packet.

1. The Commission Secretary shall distribute the agenda packet to the Commissioners and persons requesting copies of the agenda packet, no later than the Friday prior to the regularly scheduled meeting.

2. Paper or electronic copies of the agenda packet shall be available for the news media and other such organizations, agencies, institutions or persons as may wish to subscribe.

G. Posting of Agenda.

1. The Commission Secretary shall post the agenda of each Regular or Adjourned Regular Meeting of the legislative body at least 72 hours in advance of said meeting in a location that is freely accessible to members of the public as required by the Brown Act.

2. The Commission Secretary shall maintain an affidavit indicating the location, date and time of posting each agenda.

3. Agendas will generally be published to the City's website by the end of business on the Friday preceding a regular meeting.

4. Agenda reports, including attachments and exhibits will generally be published to the City's website by end of business on the Friday preceding a regular meeting.

5. If technical difficulties occur, the agenda and reports will be published on the City's website as soon as those difficulties are resolved.

H. Failure to Meet Agenda Deadlines.

1. Any agenda item or revised agenda item submitted after the deadlines established and noted in these Rules shall not be accepted without the consent of the Commission Secretary.

I. Exceptions to the Agenda Requirement.

1. Matters not included on the published agenda may be discussed and acted upon by the City Planning Commission only under the following situations:

a. a majority of the Commissioners determines, in open session, that the matter in question constitutes an "Emergency"³; or

b. two-thirds (2/3) of the Commissioners, or if less than two-thirds is present then all of the Commissioners present, determine that:

(i) there is a need to take immediate action; and

(ii) the need for action came to the attention of the City after the agenda had been posted; or

c. the item was posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

J. Types of Agenda Items

1. Administrative Matters--consent items making clerical corrections to previous legislative documents and to ensure concise legislative history.

2. Consent Calendar—non-public hearing items which are routine in nature and not likely to be subject to debate or inquiry by the Commissioners or the public; typically adopted in one motion.

a. Commissioners wishing to ask questions concerning Consent Calendar items are requested to contact the staff person identified on the report prior to the meeting so that the need for discussion of Consent Calendar items can be minimized whenever possible.

3. Public Hearings—duly noticed hearings as mandated by local, state or federal law, providing an opportunity for public review and comment of a proposed action by the Planning Commission.

4. Staff Reports—non-hearing items presented to the Planning Commission for information, review, and/or comment.

5. Public Comment--oral communications from the audience regarding matters not on the agenda within the subject matter jurisdiction of the City Planning Commission.

6. Planning Commission Ideas, Comments and Questions

a. brief oral or written reports summarizing meeting or conference attendance at City expense⁴;

b. requests that City Staff report back on various issues;

³ Government Code §54956.5

⁴ Government Code §53232.3

- c. requests to place items on a future Planning Commission meeting's agenda; and
- d. reports on citywide activities or news.

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CHAPTER 8- CONDUCT OF MEETING

A. Call to Order – Presiding Officer

1. The Chair, or in the Chair's absence the Vice Chair, shall take the chair at the hour appointed for the meeting and shall immediately call the meeting of the City Planning Commission to order.
2. In the absence of the Chair and Vice Chair, the Commission Secretary will call the meeting to order and a temporary chairperson will be elected from amongst the Commissioners present.
3. Upon the arrival of the Chair, the Vice Chair or Commissioner acting as the temporary chairperson shall immediately relinquish the chair at the conclusion of the business then before the City Planning Commission.

B. Roll Call/Attendance

1. A majority of the members of the Planning Commission in office shall constitute a quorum.
2. Before the City Planning Commission proceeds with the business before it, the Commission Secretary shall note the Commissioners present for the minutes. The late arrival of Commissioners shall be entered into the minutes.
3. A Commissioner will be considered present at a meeting if the Commissioner is physically in the Chamber in accordance with the Brown Act. Commissioners must be present at the dais to vote. Proxy or absentee voting is not permitted.

C. Order of Discussion

1. The order of business is typically carried out as it falls on the agenda or as set out below; however, the Chair may reorder the items, unless Commissioners object. Commissioners may request items be reordered by motion.
2. Consent Calendar and Items Removed for Discussion
 - a. Commissioners may request that any matter be removed from the Consent Calendar.
 - b. All matters remaining on the Consent Calendar and which have not been removed shall be approved by a single action, the single action to have the legal effect of individual action on each matter.
 - c. The Commission Secretary shall read into the record each item removed from the Consent Calendar.

d. If a Consent Calendar item is removed, it will be discussed immediately after adoption of the balance of the Consent Calendar.

3. Public Hearings

- a. Staff report, followed by Commissioner questions.
- b. Applicant presentation, if applicable, followed by Commissioner questions.
- c. Opponent/appellant presentation, if applicable, followed by Commissioner questions.
- d. Public comments.
- e. Applicant rebuttal, if applicable.
- f. Further Commissioner discussion, motion and action. Once the item is placed before the City Planning Commission for discussion, motion, or action, no member of City Staff or the public shall be allowed to address the City Planning Commission without the consent of the Chair or Commissioners.
- g. The Chair may direct speakers to avoid repetition in order to permit maximum information to be provided the City Planning Commission within the time allotted to the hearing.

4. Staff Reports

- a. The order of discussion after introduction of an item by the Chair will generally be as follows:
 - (i) Staff comments, information and reports, followed by questions from the Commissioners.
 - (ii) Public comments and information, followed by questions from the Commissioners.
- b. Commissioner discussion, motion and action.
- c. Once the item is placed before the City Planning Commission for discussion, motion or action, no member of City Staff or the public shall be allowed to address the City Planning Commission without the consent of the Chair or Commissioners.

D. Oral Communications from the Audience

1. As required by the Brown Act, the City Planning Commission shall provide an opportunity to members of the public to address the Planning Commission on any item listed on the agenda, including consent calendar items. Regular meeting agendas shall also provide for public comment on any item of interest that is not on the agenda but that is within the subject matter jurisdiction of the City Planning Commission.

2. Each person wishing to speak should complete a speaker slip located in the Chamber, provide the speaker slip to the Commission Secretary and wait to be called upon by the presiding officer.

a. With the exception of applicants and appellants address the City Planning Commission during a public hearing, each speaker shall limit his/her remarks to three (3) minutes.

b. In the further interest of time, speakers may be asked to limit their comments to new materials and not repeat what a prior speaker said. Organized groups may choose a single spokesperson who may speak for the group.

c. Speakers shall not concede any part of their allotted time to another speaker.

d. The Chair modify the time allotted for public comments per speaker or in total consistent with the orderly conduct of the meeting and such modifications shall be fairly applied.

3. In response to public comment on non-agendized items, the Commissioners may individually:

a. briefly respond to statements made or questions posed by members of the public;

b. ask questions for clarification;

c. provide a reference to Staff or other resources for factual information;

d. request Staff to report back to the City Planning Commission at a subsequent meeting on any matter; and

e. direct Staff to place a matter of business on a future agenda.

E. Quorum Call

1. During the course of the meeting, should the Chair note a City Planning Commission's quorum is lacking, the Chair shall call this fact to the attention of the Commission Secretary.

2. The Chair or in the absence of the Chair, the Vice Chair, shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the Chair may declare a recess for a reasonable period of time in order to reestablish a quorum or the meeting shall be deemed automatically adjourned.

F. Obtaining the Floor

1. Any Commissioner wishing to speak must first obtain the floor by being recognized by the Chair. The Chair must recognize any Commissioner who seeks the floor when appropriately entitled to do so.

2. With the concurrence of the Chair, a Commissioner holding the floor may address a question to another Commissioner and that Commissioner may respond while the floor is still held by the Commissioner asking the question. A Commissioner may opt not to answer a question while another Commissioner has the floor.

G. Motions

1. No motion shall be entertained when a question is before the City Planning Commission except the following listed in order of precedence. Any such motion, except to continue, substitute or reconsider, shall be put to a vote without discussion.

a. Motion to Call for the Question (Close Debate)-- The Commissioner moving the adoption of a motion shall have the privilege of moving to close the debate and at once to take the vote on the immediately pending question. Such a motion requires a second, is not debatable, and is not amendable.

b. Motion to Continue--A motion to continue is amendable, and debatable as to the propriety of continuance and as to time set in the motion, if any. The purpose of the motion is to continue the subject under discussion to another time.

c. Motion to Substitute--A motion to substitute the motion under consideration with another motion requires a second, is not amendable and is debatable. A motion to substitute must be germane to the subject and compatible with the underlying purpose of the motion under consideration; and if passed, the substitute motion will, by its own action, eliminate the necessity to vote on the motion being substituted. If the substitute motion fails to pass, debate will resume on the motion previously being considered.

2. Discussion of Motions.

a. Stating the Motion--The Chair will state the motion before it is debated.

b. Addressing the Planning Commission--No person other than a Commissioner shall address the City Planning Commission without first securing

