

# SACRAMENTO CITY PLANNING COMMISSION RULES AND PROCEDURES

## I. AUTHORITY

These rules of procedure are adopted pursuant to Section 2.60.060 of the Sacramento City Code.

## II. OFFICERS

### A. Election of Officers

The Planning Commission shall elect from its membership the Chair and the Vice-Chair at the first regular meeting in February. The newly elected officers shall take office at the next regular or special meeting, whichever occurs first.

### B. Duties of the Chair

1. The Chair shall preside and preserve order at all regular and special meetings of the Commission.

2. The Chair shall state every question coming before the Commission, announce the decisions of the Commission on all subjects, and decide all questions of order without debate, subject, however, to an appeal to the Commission, on which appeal a member shall speak but once, the Chair having precedence in speaking on questions of order. The Chair shall execute all formal documents on behalf of the Commission.

### C. Chair--Succession

In the absence of the Chair, the Vice-Chair shall for that occasion accede to the duties and obligations of the Chair. In the absence of the Chair and Vice-Chair, the Director or his/her assistant shall, if necessary, call the Commission to order, and a temporary Chair shall be elected from among the members present. Upon arrival of the Chair or Vice-Chair, the temporary Chair shall relinquish the Chair upon conclusion of the item then before the Commission.

### D. Chair--Rights

The presiding officer shall be deprived of none of the rights or privileges of a Commissioner by reason of his/her occupying the Chair and may move,

second, and debate from the Chair, except the Chair shall be the last to cast his/her vote.

### III. MEETINGS

#### A. Meeting Place

The Commission shall meet at 1231 I Street, First Floor, Sacramento, or at such other place to which the meeting may be adjourned and as provided in Government Code §54954. In the case of an emergency or other condition rendering the regular meeting place unsafe or unsuitable for the meeting, the meeting may be held for the duration of such condition at such other place as may be designated by the presiding officer in a notice to the local media who have requested such notices in writing. The notice shall be given by the most rapid means of communication available at the time.

#### B. Regular Meetings

1. The Commission shall hold its regular meetings on the second and fourth Thursday of each month at the hour of 5:30 p.m., except in the months of November and December when only one regular meeting will be held on the second Thursday of the month.

2. If the regular meeting date falls on a legal holiday, the meeting shall be held on such day as shall be prescribed by the Commission.

#### C. Special Meetings

1. A special meeting may be called by the Chair, or by a majority of the Commission, or by the Planning Director.

2. A special meeting shall be held at the place specified in the notice and as provided in Government Code §54954.

3. Business at a special meeting shall be limited to the items specified in the special meeting notice.

4. Notice of a special meeting shall be given by the Planning Director at least twenty-four (24) hours before the time of the meeting by delivering written notice either personally or by mail to each member of the Commission at his or her usual place of residence and to each local newspaper of general circulation, radio, and television station requesting special meeting notice in writing. The notice shall specify the time and place of the special meeting and the business to

be transacted or discussed and shall be posted at least twenty-four hours before the meeting at a publicly accessible bulletin board, as required by law.

D. Adjourned Meetings

1. The Commission may adjourn any regular, special, adjourned regular, or adjourned special meeting to a time and place specified in the order of adjournment. A copy of the order of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held, within twenty-four (24) hours after the time of the adjournment.

2. Unless stated otherwise, all references in these Rules to regular meetings and special meetings shall include adjourned regular meetings and adjourned special meetings.

E. Quorum

1. Five (5) Commissioners present and qualified to act shall constitute a quorum of the Commission. A quorum shall be required for each meeting and for each item of business that the Commission hears or considers or on which the Commission receives information or takes action.

2. In the absence of a quorum, the Chair, the Vice-Chair, any member of the Commission, or, in their absence, the Planning Director, shall adjourn the meeting in the manner described in section 2.4, provided that 30 minutes shall have elapsed after the hour set for the meeting.

3. In the absence of a quorum as to a particular item of business before the Commission due to a conflict of interest by one or more Commission members, the item shall be continued until the next regular meeting or to a special meeting unless participation of one or more of the Commission members with a conflict of interest is legally required for the action or decision to be made, in which case a quorum may be established and the quorum may hear, consider, and/or take action on the item as the Commission deems appropriate. For purposes of this section III.E., the determination of when the participation of one or more Commission members who have a conflict of interest as to a particular item of business is "legally required" and the manner of thereafter establishing a quorum shall be governed by Government Code §87101, 2 Cal. Code of Regs. §18708, and all other applicable laws, rules, and regulations.

F. Meetings Open to Public

All regular, special, adjourned regular, and adjourned special meetings of the Commission and its committees shall be public; provided that the

Commission may hold a closed session as provided by law during any regular, special, adjourned regular or adjourned special meeting, from which the public shall be excluded.

G. Attendance at Meetings

If any Commissioner cannot attend a meeting, he or she shall notify the Planning Director as soon as possible, but in no event later than noon on the meeting day.

#### IV. THE AGENDA AND SYNOPSIS

A. Agenda Preparation and Delivery

1. For all regular and special meetings the Planning Director shall cause to be prepared an agenda setting forth the time and place of the meeting and a brief general description of each item of business to be transacted or discussed at the meeting. Items to be included must be submitted to the Planning Director no later than the date established by the Planning Director.

2. Regular meeting agendas shall be mailed or delivered to each Commissioner at least five days prior to the day of the meeting. Special meeting agendas shall be mailed or delivered to each Commissioner as soon as practicable prior to the day of the meeting.

3. The Planning Director shall include with the agenda a staff report containing pertinent facts, information and recommendations, as well as exhibits and any other pertinent material, for each item on the agenda.

B. Posting

At least 72 hours before each regular meeting, the Director or representative shall post the agenda at a publicly accessible bulletin board, as required by law.

C. Right of Public to Address Commission—Regular Meetings

The agenda for every regular meeting shall include an opportunity for members of the public to directly address the Commission on any item of interest to the public within the Commission's jurisdiction. If the item is not listed on the agenda, the public may address the Commission under the agenda item called, "Citizens Addressing the Commission". If the item is on the agenda, the public may address the item when the item is announced. No discussion or action shall

be taken on any item not appearing on the agenda, except as provided in subsection E., below.

D. Right of Public to Address Commission—Special Meetings

The agenda for every special meeting shall include an opportunity for members of the public to directly address the Commission on any item on the agenda before or during consideration of that item. No items may be added to the special meeting agenda. No action shall be taken and no discussion shall be had on any item not on the special meeting agenda.

E. Non-Agenda Items—Regular Meetings

1. Consideration Limited to Agenda Items

No action or discussion shall be taken on any item not appearing on a regular meeting posted agenda, except as provided below:

(a) Commissioners may respond briefly to statements made or questions posed by members of the public addressing the Commission on any item not on the agenda.

(b) Commissioners may, on their own initiative or in response to questions posed by a member of the public, ask a question for clarification, make a brief announcement, make a brief report on his or her own activities, or provide a reference to staff or other resources for factual information.

(c) The Commission may take action to direct staff to report back on any matter or place a matter on a future agenda.

2. Adding Items to a Regular Meeting Agenda

The Commission may add to the posted regular meeting agenda and take action on any item of business under the conditions stated below:

(a) Upon a determination by a majority vote of the Commission that an emergency situation exists. "Emergency situation" means a crippling disaster, a work stoppage, or other activity which severely impairs public health, safety or both.

(b) Upon a determination by a two-thirds vote of the Commission, or, if less than two-thirds of the members are present, by a unanimous vote of those present, that there is a need to take immediate action and that the need for action came to the attention of the City after the agenda was posted.

(c) The item was on the agenda for a prior meeting of the Commission 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.

F. Synopsis of Meeting

A written synopsis of the Commission meeting shall be prepared by the Secretary and mailed or delivered to members of the Commission with the agenda for the next regular meeting.

G. Approval of Meeting Synopsis

The Synopsis of a Commission meeting may be approved without reading or formal motion if the Secretary has previously furnished each member with a synopsis as provided in subsection F., above.

## V. ORDER OF BUSINESS

A. Regular Meetings

The order of business of all regular meetings of the Planning Commission shall be as follows:

- Call to order at 5:30 p.m.;
- Roll call;
- Continued items;
- Consent items (hearings and other matters);
- Unfinished business (hearings and other matters);
- Hearings;
- Miscellaneous planning and zoning matters;
- Citizens addressing the Commission;
- Questions and ideas of Planning Commission and Director;
- Adjournment.

Notwithstanding the order of business stated above, whenever an application involves more than one of the above types of business, all items included or related to the application may be grouped in one place on the agenda and handled by the Commission in that sequence.

B. Regular Meetings - Change

The order of business may be changed at any time by order of the Chair with the consent of the Commission or by a majority vote of the Commission.

## **VI. CONDUCT OF BUSINESS**

### **A. Call to Order**

At the hour appointed for the meeting, the Chair shall take the chair and shall immediately call the Commission to order.

### **B. Roll Call**

Before proceeding with the business of the Commission, the roll of the members shall be called by the Secretary to the Commission, and the names of those present shall be entered in the minutes.

### **C. Standards of Decorum of General Applicability**

1. While the Commission is in session, the members and persons in attendance shall preserve order and decorum, shall not, either by conversation or otherwise, delay or interrupt the proceedings or the peace of the Commission or disturb any member while speaking, and shall not refuse to obey the orders of the Commission or its presiding officer. Commissioners and persons in attendance shall be courteous at all times in their dealings with the public, staff and each other.

2. No question shall be asked a member of the Commission except through the Chair.

3. Any person making personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Commission, or who disrupts the meeting of the Commission may be barred by the Chair from further audience before the Commission during that meeting, unless permission to continue is granted by a two-thirds vote of the Commission members present and voting. Any person who, without authority of law, willfully disturbs or breaks up a Commission meeting in violation of California Penal Code section 403 shall be subject to arrest in addition to expulsion from the meeting.

### **D. Conduct of Persons Addressing the Commission**

1. Each person desiring to address the Commission shall, upon invitation of the Chair, step to the podium and give his or her name, address, and group affiliation, if any, in an audible tone of voice for the record. All remarks

shall be addressed to the Commission as a body and not to any individual member, to staff, or to the public.

2. For non-hearing items and items taken up under "Citizens Addressing the Commission" the Chair may limit the time allowed for each item.

3. When more than one person is to address the Commission on a particular item, each succeeding speaker is encouraged to limit themselves, to the extent possible, to the presentation of new material to avoid repetition and unnecessary delay of the proceedings.

4. Written communications to the Commission on matters to be addressed at a meeting should be submitted in sufficient time before the meeting day to permit careful consideration by the Planning Director and staff and, when practicable, by each Commission member.

5. Whenever any group of persons wishes to address the Commission on the same subject matter, it shall be proper for the Chair to request that a spokesman be chosen by the group to address the Commission and, in case additional matters are to be presented at the time by any member of the group, to limit the number of persons so addressing the Commission, so as to avoid unnecessary repetition.

#### E. Conduct of Commission Members

1. Each member of the Commission desiring to speak shall address the Chair and, upon recognition by the Chair, shall address the matter before the Commission. Commissioners shall avoid indecorous language and personal reflections upon the Commission, its individual members, and the staff.

2. A Commission member shall not be interrupted when speaking unless it is to call the member to order, to raise a point of order, or for the purpose of explanation. If a member, while speaking, be called to order, or if a point of order is raised, he or she shall cease speaking until the question of order is resolved and the Chair again recognizes the member.

3. The Commission member moving the adoption of an order of business shall have the privilege of closing the debate.

4. A motion to reconsider any action taken by the Commission may be made only on the day such action was taken, made either immediately, during the same session, or at a recessed session. The motion must be made by one on the prevailing side, seconded by any member, and may be made at any time and shall have precedence over all other motions or while a member has the floor.

F. Length of Meeting

If a meeting continues in session to 10:30 P.M., the Chair shall make a motion to continue beyond 10:30 P.M. or adjourn the meeting.

**VII. Procedure for Public Hearings**

A. Rules for Conducting Hearings

Whenever any action of the Commission requires an administrative hearing where findings of fact are required by law, the provisions of this section shall govern. These rules shall not be applied to alter the substantive or procedural rights granted to any person under the law. The provisions of this Section VII, however, shall prevail over any inconsistent provisions of these Rules.

B. Opening Hearing

At the time and place fixed in the notice of the hearing or by the Commission, the Chair shall proceed to open the hearing by introducing the item of business which is the subject of the hearing. The Chair shall inform all parties of the nature of the proceedings and of their procedural rights contained in this Section VII. Those persons wishing to testify at the hearing shall not be required to testify under oath or affirmation unless the Commission or a person who may be adversely affected by the decision made on the issue being heard requests that all testimony in the hearing be under oath or affirmation. If such a request is made, the Secretary shall swear in all persons intending to testify during the hearing. The Secretary, unless objected to by the Commission, may collectively swear in all persons intending to testify at any of the administrative hearings schedules at the Commission meeting where testimony is to be under oath or affirmation.

C. Order

The Chair may then undertake to receive evidence in the matter in the following order:

- The Director or his/her representative(s) and witness(es).
- The applicant, proponent, appellant and his/her representative(s) and witness(es).
- Members of the public.

- Closing statement/rebuttal of the applicant, proponent, appellant and his/her representative(s).

The Chair, for good cause and without objection from the Commission, may alter the order of presentation of evidence.

D. Questions

After presentation of evidence by any person, the Chair may entertain questions from members of the Commission directed at the person presenting evidence.

E. Closing the Hearing

The hearing may be closed by motion or, absent objection, by the Chair upon completion of the presentation of evidence. The Commission may thereafter take the matter under submission or proceed to render a decision.

F. Reopening the Hearing

The hearing may be reopened for purposes of accepting additional evidence upon motion of the Commission.

G. Decision

1. At the conclusion of a hearing where written findings of fact have been proposed, the Commission may act on the findings of fact and make its final decision.

2. At the conclusion of a hearing where written findings of fact have not been proposed, the action taken by the Commission on the hearing matter shall be considered an intended decision, regardless of the form of the actual motion, which action is not final, effective, or appealable until written findings of fact in support of the decision have been prepared and adopted by the Commission. The Chair shall announce the intended decision and direct staff to prepare and submit written findings within the time determined by the Commission. Alternatively the Commission, in its discretion, may direct the prevailing party to prepare written findings of fact and submit a draft to the Planning Director within the time determined by the Commission. Once presented with the written findings of fact, the Commission shall adopt the findings of fact if it determines them to be consistent with its decision. The decision on the issue shall then be final.

H. Evidence

Any relevant evidence will be admitted at the hearing if it is the type of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs regardless of the existence of common law or statute which might make improper the admission of the evidence over objection in civil actions. Unduly repetitious and irrelevant evidence shall be excluded by the Chair. Written staff reports and attachments submitted to the Commission with the agenda material or at the hearing shall be deemed to be, and shall become, a part of the record of the hearing proceedings. A copy of the staff report and attachments shall be available in the meeting room for public inspection during the hearing. The Commission may take official notice of all official documents, resolutions, and ordinances of the City.

I. Ex Parte Communications

After the hearing is opened and prior to the time that members of the public are called to present testimony or other evidence, each member of the Commission shall place on the record the subject and substance of any written or oral ex parte communication concerning the subjectmatter of the hearing and the identity of the person, group, or entity with whom the communication took place, including but not limited to members of government agency staff, applicants, appellants, and members of the public. Members of the Commission who conduct site visits pertaining to the subject of the hearing shall place on the record the date and time of the site visit.

J. Rights

Each party shall have the following rights:

- To introduce oral, documentary, and physical evidence;
- To ask questions of other parties and witnesses, by addressing the question through the Chair, on any matter relevant to the issues of the hearing;
- To represent himself or herself or to be represented by any one of his or her choice who is lawfully permitted to do so.

K. Time Limits

The Chair, without objection from a majority of the Commission members present and participating in the hearing, may impose reasonable time limits on any person addressing the Commission, including applicants, proponents, and opponents, when the Chair determines time limits are necessary for the orderly conduct of the hearing and the limits are fairly applied.

L. Exhibits

Any person submitting architectural renderings, models, conceptual drawings, or other graphic representation of a proposed project shall exclude any and all features of the project site not currently in existence nor reasonably expected to be on the site in the future. All the renderings, models, drawings, and representations of a project shall become a part of the record and shall remain in the custody of the Commission; provided, however, that photographs or appropriate size, color, and clarity may be accepted at the discretion of the Commission in lieu of the actual renderings, models, drawings, and other representations.

M. Continuing Body

The Commission shall be a continuing body. No measure pending before the Commission shall be abated or discontinued by reason of the expiration of the term of office, resignation, or removal of a Commission member. No Commission member shall be disqualified from participating in any decision on an item of business that was the subject of a hearing during the absence of that member if the member listens to the tape recording or reads the transcript of the hearing prior to participating in the decision on the item. The Commission member shall state on the record that he/she listened to the tape recording or read the transcript of the hearing prior to participating in the decision.

N. Additional Rules

The Chair may, without objection from the Commission, establish other rules of procedure for the orderly and expeditious administration of hearings as may be necessary or convenient.

O. Strict Compliance Not Necessary

The Commission's failure to strictly comply with these administrative hearing rules of procedure shall not affect the validity of any proceedings taken.

## VIII. VOTING

A. Majority Vote

1. Except as provided in 2, 3, 4, and 5, below, or as otherwise required by law, all motions by the Commission shall be carried by a majority vote of all members who are present, qualified to act, and who cast either a "aye" or "no" vote, provided that a quorum is present.

2. No motion shall be carried by less than three (3) affirmative votes of the Commission.

3. A motion to approve, conditionally approve, or modify a special permit shall be carried by a majority vote of all Commissioners who are present and qualified to act and cast either an “aye” or a “no” vote, or four (4) affirmative votes, whichever is greater. If the Commission fails to adopt a motion of approval with the required four (4) affirmative votes and fails to adopt a motion of denial, the special permit shall be deemed denied, and the action shall be deemed appealable as provided in the Zoning Code.

4. A motion to recommend to the City Council adoption or amendment of the General Plan, a community plan, or a specific plan, or to recommend a rezoning that requires a General Plan, community plan, or specific plan amendment shall be carried by not less than five (5) affirmative votes. If the Commission fails to adopt a motion of approval with the required five (5) affirmative votes and fails to adopt a motion of denial, the Commission shall forward the item, with a report of the votes taken, to the City Council without a recommendation.

5. A motion to amend these Rules of Procedure shall be carried by not less than six (6) affirmative votes.

6. In the event of a tie vote, the motion fails.

B. Abstention - Qualified Member - Majority Vote

1. An abstention shall be recorded when a member, although qualified to vote on a motion, states “abstain.”

2. An abstention shall not be considered for purposes of determining a majority vote. For purposes of determining whether a sufficient number of Commissioners are present to act on an item of business, however, an abstaining member who is otherwise qualified to vote shall be counted as present. For example, where seven Commissioners are present and qualified to vote, a vote on a motion of 3 in favor, 2 opposed, and 2 abstain would be a majority vote.

C. Conflict of Interest

No Commissioners shall make, participate in making or in any way attempt to use his or her official position to influence a decision on any issue when prohibited from so doing by law due to a conflict of interest.

D. Conduct During Consideration of Item by Disqualified Commissioner

1. At the time the Chair calls an item from which a Commissioner is disqualified from participation under subsection C., above, the disqualified Commissioner shall announce the fact and the reason he or she is disqualified for the record in the manner described in 2 Cal. Code Regs. 18702.5 (b) and, except as provide in 2. and 3., below, shall immediately leave the room for the duration of the item,

2. If the item from which the Commissioner is disqualified from participation under subsection C, above, is on the consent calendar, the Commissioner shall announce the fact and the reason for disqualification and recuse him/herself from discussing and voting on the matter, but is not required to leave the room during the consent calendar.

3. A Commissioner who is disqualified from participation under subsection C, above, may speak to the item as a member of the general public if, after announcing the fact and the reason for disqualification and recusing him/herself from discussing and voting on the matter, speaks from the same area as members of the public. The Commissioner may also listen to the public discussion of the matter with the members of the public, pursuant to 2 Cal. Code of Regs. 18702.5 (d) (3).

E. Abstention - Conflict of Interest

A Commissioner disqualified from participation under subsection C, above, shall not be considered present at the meeting for the item(s) of business on which such member is disqualified.

F. Roll-Call Vote

All voting shall be by roll-call vote. Upon being called by the Secretary, each member of the Commission who is present and qualified to vote shall state either "aye," "no," or "abstain." Each response of "aye," "no," or "abstain" shall be entered into the record of the meeting by the Secretary.

## IX. CLOSED SESSIONS

A. Closed Sessions Authorized

The Commission may meet in closed session to confer with legal counsel regarding existing or anticipated litigation pursuant to Government Code §54956.9.

B. Agenda Requirements

Closed sessions shall be described on the agenda of the meeting for which they are scheduled as specified in Government Code §54954.5.

C. Announcing Closed Sessions

Prior to holding a closed session, the Commission shall convene in open session and announce the item or items to be discussed and/or acted upon in closed session by referencing the item or items by their number on the agenda.

D. Reporting After Closed Session

The Commission shall publicly report any action taken in closed session, and the vote or abstention of every member present, as follows and as required by Government Code §54957.1.

E. Disclosure of Closed Session Content

No member of the Commission, employee of the City, or any other person present during a closed session shall disclose to any person the content or substance of any discussion which took place during the closed session unless disclosure is authorized by a majority vote of the Commission.

## **X. DISTRIBUTION OF MATERIALS**

A. Commission Meetings

Agendas and other writings distributed by any person to all or a majority of the Planning Commission for discussion or consideration at a public meeting shall be made available for inspection and copying as public records. Writings prepared by staff or by a member of the Commission which are distributed during a public meeting shall be available for public inspection at the meeting. If prepared by some other person, the writings shall be made available for public inspection after the meeting. In this case, a copy of the writing shall be delivered to the Secretary of the Commission who will keep the copy with the record of the Commission meeting and make a copy available for inspection and copying as required by law.

B. Facts and Circumstances Relating to Anticipated Litigation

Claims and records of statements threatening litigation made outside an open and public meeting shall be made available as required by this section and Government Code §54957.5.

## XI. VALIDITY OF ACTIONS

No action taken by the Planning Commission which is otherwise legally valid shall be voided or nullified by reason of a failure to follow these Rules of Procedure.

## XII. CHANGES TO AND APPLICATION OF THE RULES

### A. Amendments

These Rules of Procedure may be amended at any time; provided, that a minimum of one week's prior notice of the proposed change is given to each member of the Commission and the motion to amend the Rules is carried by the minimum number of affirmative votes specified in section VIII.A.5.

### B. Suspension

Any section of these Rules of Procedure may be temporarily suspended by the unanimous consent of all members present.

### C. Roberts Rules of Order

All questions of order not addressed in these Rules and Procedures shall be determined in accordance with *Robert's Rules of Order*, except that if a substitute motion is adopted which completely supercedes the main motion, no additional vote on the main motion as substituted shall be necessary.

### D. Copies

The Secretary shall furnish each member of the Commission with one or more copies of these Rules, shall maintain a copy at the Commission's meeting place, and shall maintain a supply for public purposes.