

Exhibit 1

Planning Commission Rules and Records CITY OF CLEARLAKE – PLANNING COMMISSION



PLANNING COMMISSION RULES AND RECORDS

1. Authority

This document, hereinafter referred to as the “Planning Commission Rules and Records,” was approved by the City of Clearlake Planning Commission on February 19, 2019, by Resolution No. PC 2019-01 for the transaction of business in accordance with Municipal Code Sections 2-9.6 and 2-9,7 which state:

2. City Council Norms and Procedures

Planning Commission operation shall follow the City Council Norms and Procedures as most recently adopted as attached as Exhibit B hereto and made a part thereof. Should the Planning Commission Rules of Records ever conflict with the City Council Norms and Procedures, the City Council Norms and Procedures shall take precedence.

3. Chairman; Meetings; Rules and Records

a. Chairman. The Planning Commission shall annually elect a Chairman and Vice Chairman from its membership, generally in March. In the absence or disability of either the Chairman or Vice Chairman, the Commission may designate a temporary Chairman or Vice Chairman.

b. Meetings. The Commission shall hold its regular meetings at 6:00 p.m. on the first and third Tuesday of each month and shall hold additional meetings as may be necessary. The

Commission may cancel any regular meeting provided that at least seventy-two (72) hours prior to the date of the meeting to be canceled a Notice of Cancellation shall be posted in the same manner and location(s) as the posting of its regular meeting agendas.

c. Rules and Records. The Commission shall adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations. The rules shall provide, in the case of the matters set forth in subsection 2-9.7, paragraphs a. and e., and in the case of amendments to either the general plan or zoning ordinance, that not less than three (3) affirmative votes shall be required to recommend matters to the City Council for adoption.

4 Planning Commission Powers and Duties

The Planning Commission shall have the power and it shall be its duty:

a. To prepare and recommend for adoption by the City Council a comprehensive long term general plan for the physical development of the City and of any land outside its boundaries which in the Planning Commission's judgment bears relation to its planning.

b. To prepare specific plans based on the general plan and drafts of such regulations, programs and legislation as may in its judgment be required for the systematic execution of the general plan, and to recommend such plans and measures to the Council for adoption.

c. To act as the advisory agency for the City in connection with the administration of the Subdivision Map Act of the State and the City's subdivision regulations.

d. To perform the duties of a planning commission as prescribed by law including those duties prescribed by Articles 7, 8, 9 and 10 of Chapter 3, Title 7 and Article 3, Chapter 4, Title 7 of the Government Code of the State of California as now existing or hereafter amended.

e. To prepare and recommend for adoption by the Council a zoning ordinance and to perform such other duties in reference to planning and zoning and land use matters as may be required by the Council.

5. Regular Meetings

a. Time: Regular meetings of the Planning Commission shall be held on the first and

third Tuesday of each month at 6:00 p.m. In the event that a Tuesday falls on a legal holiday, the regular meeting which otherwise would have occurred on that day shall be held on the first business day thereafter at 6:00 p.m.

- b. Place: All regular meetings of the Planning Commission shall be held in the Council Chambers, City Hall, Clearlake, California.
- c. Agenda: The Director shall prepare an agenda of the Commission proceedings and related staff reports (Planning Commission Package) and shall furnish each member of the Commission and local news agencies with a copy of the same prior to the Commission meeting and at least seventy-two (72) hours in advance of the meeting time. This requirement is also referenced in Section 2-9.6 (b) of the Municipal Code. Staff will strive to provide the package to the Commission a week before the meeting, Matters not listed on the agenda shall not be presented to the Commission except those of an urgent nature or upon the majority consent of the Commission. Copies of the Planning Commission Package are normally provided via email to the applicant and the Planning Commission, and is available to the public in the Planning Department office the Thursday before the meeting. Agendas are provided to the public at the meeting. No action may be taken on an item unless proper notification is given.
- d. Request for Future Agenda Items: Requests for placement of items on the agenda can be submitted to the Director using the Agenda Request Form available by request. Also, any Commissioner may request that an item be placed on a future agenda by indicating their desire to do so under that portion of the Commission agenda designated, "Future City Council Agenda Items." Additionally, the Director may place items on the agenda.
- e. Meeting Cancellation: The Director may cancel any regular meeting provided canceled a Notice of Cancellation shall be posted in the same manner and location(s) as the posting of its regular meeting agendas.
- f. Special Meetings: The Director or Chairman may call special meetings of the Planning Commission with the agreement of at least three members, providing that the time, place and agenda is delivered to every Commissioner and local news agencies at least seventy-two (72) hours prior to any such special meeting.
- g. Adjourned Meetings: In order to prevent the Planning Commission from being kept in

session an unreasonably long time, any meeting may be adjourned to a particular time and date to consider unfinished items on the agenda. Agendas must be posted within 24 hours of adjournment.

- h. Study Sessions: The Planning Commission may hold study sessions or joint meetings with other boards, commissions, committees, or agencies as deemed necessary to resolve City business. These meetings will be coordinated by the Director. Study sessions are scheduled to provide Commissioners the opportunity to better understand a particular item. While the Commission may legally take action at any noticed meeting, generally no formal action is taken at study sessions. If action is to be taken at a study session, then the agenda will state that action may be taken.

6. Duties of Officers

- a. Chairperson: The Chairperson shall preside at all meetings of the Commission. He/she shall appoint all committees and shall perform all of the duties necessary or incidental to his/her office.
- b. Vice-Chairperson: In the event of the absence of the Chairperson or his/her inability to act, the Vice-Chairperson shall take his/her place and perform his/her duties.
- c. Director: The Director (Director of Planning and Community Development as defined in the Clearlake Municipal Code), or his/her designee, shall maintain minutes of meetings and record all hearings, transactions, findings, determinations and recommendations. By request of any member, the Director shall, on all official actions upon which a vote is taken, take such vote by roll call vote in alphabetical order with the Chairperson voting last. The Director shall certify all official documents and resolutions of the Commission. The Director shall report to the Commission on procedural matters pertaining to items before the Commission. He/she shall examine incoming mail for proper referral and answer correspondence for the Commission. He/she shall maintain records of operations and shall perform such other duties as may be assigned by the Commission. The Director may delegate tasks in these Rules and Records to other staff as deemed appropriate.

7. Officers, Elections, Duties

- a. Election: Annually at the first meeting in January, the Commission shall choose one of its

members as Chairperson and one of its members as Vice-Chairperson. The Chairperson shall preside at all meetings of the Planning Commission. If the Chairperson is absent or unable to act, the Vice-Chairperson shall have all of the powers and duties of the Chairperson and shall serve until the Chairperson returns or is able to act. The Chairperson shall preserve strict order and decorum at all regular and special meetings of the Commission. The Chairperson shall state every question coming before the Commission, announce the decision of the Commission on all subjects, and decide all questions of order, subject to an appeal to the Commission, in which case a majority vote of the Commission shall govern and conclusively determine such questions of order. The Chairperson shall vote last on all questions.

- b. Call to Order: The Chairperson shall take the Chair precisely at the hour appointed for the meeting and shall immediately call the Commission to order. In the absence of the Chairperson or Vice-Chairperson, the Director shall call the Commission to order, whereupon a temporary Chairperson shall be elected by the members of the Commission present. Upon the arrival of the Chairperson or Vice-Chairperson, the temporary Chairperson shall immediately relinquish the Chair upon the conclusion of the business immediately before the Commission.
- c. Roll Call: Before proceeding with the business of the Commission, the Director or his/her designee shall call the roll of the members, and the names of those present shall be entered in the Minutes.
- d. Attendance: Each Planning Commission member is expected to exercise his/her best efforts to attend each meeting of the City of Clearlake Planning Commission. It is understood that from time to time, circumstances beyond the control of the Commissioners will require and dictate the absence of the Member from a Planning Commission meeting. Members shall advise the Director or his/her designee in advance of the meeting of their anticipated absence and the reason therefore. The Director or his/her designee shall reflect in the Minutes of the Planning Commission meeting the Commissioner's absence, the reason therefore, his/her prior contact by the Director advising him/her of the Commissioner's anticipated absence, and such shall then constitute an excused absence. All other absences by a Commissioner from the Planning Commission meetings shall constitute un-excused absences. In accordance with Section 2-9.3 of the Municipal Code, three (3) consecutive un-excused absences by a Commissioner may be cause for immediate removal of said Commissioner from the Planning Commission by appropriate Council action. The Director of the Planning

Commission shall advise the City Council whenever a Commissioner has three (3) consecutive un-excused absences.

- e. Quorum: Three (3) Commissioners shall constitute a quorum at any regular or special meeting of the Commission except as otherwise provided in state law or ordinances of the City. No action shall be taken without receiving the affirmative vote of at least three members of the Commission.
- f. Order of Business: All meetings shall be open to the public. Promptly at 6:00 p.m. on the day of each regular meeting, the members of the Planning Commission, the Chairperson and the Director or his/her designee shall take their regular stations in the Council Chambers, and the business of the Commission shall be taken up in the order provided in the agenda. Matters may be taken up out of agenda order upon finding that the public interest would be served and on a majority vote of the Commission.
- g. Change in Order of Business: The Chairman, or the majority of the Commission, may decide to take matters listed on the agenda out of the prescribed order. Commissioners shall be given the opportunity to ask questions about agenda items for clarification.
- h. Conduct of Meetings: Public hearings and criteria for hearing items shall be in accordance with Exhibit A attached hereto and made a part thereof.

8. Other Matters

- a. Minutes: The Director or his/her designee shall prepare minutes of all public meetings of the Planning Commission. Copies shall be distributed to each Commissioner.
- b. General Rules of Order: Unless otherwise identified in these Rules and Records or in the City Council Norms and Procedures, the Planning Commission shall refer to Rosenberg's Rules of Order as a guide for conduct of meetings.
- c. All Meetings Open to the Public: All meetings of the Planning Commission shall be open to the public.
- d. Tie Votes: Tie votes of the Planning Commission shall be lost motions. When all Commissioners are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Commission takes other

action to further consider the matter. If a tie vote results at a time when fewer than all Commissioners, who participate in the matter are present, the matter shall be automatically continued to the agenda of the next regular meeting of the Commission if it is feasible for all Commissioners to attend this meeting.

- e. Abstentions: If the whole Commission takes an action on a project and there is a tie vote, abstentions by a Commissioner on the action constitutes a “no” vote which can influence the final action of the Commission.
- f. Noise from Audience: Noise emanating from the audience, whether expressing opposition or support within the Council Chambers or lobby area, which disrupts Planning Commission meetings, shall not be permitted. All cell phones and other electronic devices shall be muted while in the chambers. Refusal is grounds for removal.
- g. Removal: Any member of the public making personal, impertinent, and/or slanderous or profane remarks, or who becomes boisterous or belligerent while addressing the Planning Commission, staff or general public, or while attending the Commission meeting and refuses to come to order at the direction of the Chairman, shall be removed from the Council Chambers by the Police Department and may be barred from further attendance before the Planning Commission during that meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Chairman. The Chairman may direct the Police Department to remove such offenders from the room.
- f. Dangerous Instruments: No person may enter the chambers of a legislative body as defined in Section 54852 of the Government Code of the State of California or any place where such advisory body is in session, with any firearm, weapon, or explosive device of any nature. The provisions of this section shall not apply to authorized peace officers or to those persons authorized by the Penal Code of the State to carry such weapons.
- g. Disruptive Meetings: In extreme cases, such as when a meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals as provided for in this Policy, the Chairman Officer may order the meeting room cleared and adjourn the meeting to a future date.

Attachments:

Exhibit A- Guidelines for Planning Commission Conduct of Meeting Agenda Items

Exhibit B- City Council Norms and Procedures (as most recently adopted).



Exhibit A
CITY OF CLEARLAKE PLANNING COMMISSION
RULES AND RECORDS
GUIDELINES FOR CONDUCT OF MEETING AGENDA ITEMS

1. The Chairperson shall identify the matter to be considered by announcing the public hearing on the next sequential agenda item number and the brief description of the subject contained in the agenda. The Chairperson would call the public meeting to order and indicate the nature of the matter being considered.
2. Any Commissioner who must or chooses to be excused from participation on the issue should make known immediately upon call of the agenda item their intent to abstain from discussion or vote.
3. The Chairperson will call for introduction of the person(s) representing the application.
4. The Chairperson should request the staff report be made on the subject. The report shall become part of the public record.
5. The Chairperson may then call upon members of the Commission to see if they have questions of Planning Staff.
6. The Director will then present any other communications received concerning the application.
7. The Chair shall open the public hearing, and advise those present of the requirement that each speaker must be recognized and approach the rostrum to identify themselves by name and address before addressing the Planning Commission. The Chairperson may, at his/her discretion, limit an individual's comments to ten (10)

minutes. No discussions between proponents and opponents shall be permitted, and all questions and remarks must be made through the Commission. The Chairperson shall recognize persons wishing to testify further with concurrence of the Commission.

8. Each person addressing the Commission must first be recognized by the Chair. That person then shall step to the rostrum and shall give his or her name and address in an audible tone of voice for the record. All remarks shall be addressed to the Commission as a body and not to any member except through the Chair. When each member of the public has concluded his or her comments, the Chairperson shall ask if any of the Planning Commissioners have questions of the speaker.

9. The applicant will be afforded the opportunity to offer statements in rebuttal to opposition statements or summation. Such summation or statements in rebuttal may be limited to 5 minutes by the Chairperson.

10. Members of the public will be afforded the opportunity for rebuttal. Such rebuttal shall be limited to 5 minutes, unless the Chairperson extends additional time.

11. If the Commission finds that insufficient information has been presented, or if additional information is required, it may by majority vote, continue the public hearing to another date. If the Commission finds sufficient information has been presented and adequate information has been presented to make a well informed decision, the Chairperson shall close the public hearing.

12. The Chairperson may call upon staff for summation.

13. The Chairperson shall then call for discussion among the members of the Commission, who may ask questions of the applicant, the Planning Staff, or the public, and discuss the matter among themselves.

14. Upon conclusion of the hearing, the Commission may take action on the matter as follows:

a. The Chairman or any Commissioner may make a motion. Before the motion can be considered or discussed, it must be seconded. Once a motion has been properly made and seconded, the Chairman shall open the matter to full discussion offering the first opportunity to speak to the moving party, and thereafter, to any Commissioner

recognized by the Chairman. Customarily, the Chairman will take the floor after all other Commissioners have been given the opportunity to speak.

b. If a motion clearly contains divisible parts, any Commissioner may request the Chairman or moving party divide the motion into separate motions to provide Commissioners an opportunity for more specific consideration.

15. The Chair or the Director or his/her designee shall advise those present of the action of the Commission and the appeal procedures available if anyone is dissatisfied with the action of the Commission.

16. A written request for verbatim record of the public hearing may be made at least five days prior to any public hearing. Such request shall cause the Director to insure that a record of such hearing be made and duly preserved. A copy of the record shall be available at cost. The request for record shall be accompanied by a deposit to cover the estimated cost of providing the record and any difference in actual cost shall be refunded or collected with delivery of the copy of the record.

17. No public hearing shall be initiated after 11:00 p.m., and any remaining unfinished items scheduled on the agenda will be continued to an adjourned meeting or to the next regular meeting, at the discretion of the Commission.

Changes to these Guidelines for Conduct of Meeting Agenda Items may be made by the Chairman at his/her discretion.

Exhibit B
City Council Norms and Procedures (as most recently adopted).