BYLAWS

PLANNING COMMISSION
of the
CITY OF HUNTINGTON BEACH
(January 10, 2006)

Section 1. TITLE AND MEMBERSHIP. The official title of this Commission shall be "Planning Commission of the City of Huntington Beach", which may also be referred to as the "Huntington Beach Planning Commission", "City Planning Commission" or "Planning Commission." The Planning Commission shall consist of seven (7) members, each appointed by a member of the City Council.

Section 2. DUTIES OF COMMISSION. The duties of the Planning Commission shall be as provided in the California Government Code, as provided by ordinance of the City of Huntington Beach, and as may be delegated to it by the City Council.

Section 3. OFFICERS. The officers of the Planning Commission shall be a Chair and a Vice-Chair who shall be elected by majority vote of the Commission and shall hold office for a period of one year or until their successors are elected. An election of officers shall be held as soon as practical following the first day of January of every year. The Chair and Vice-Chair shall be elected based on seniority, as follows:

a. The Commissioner with the most seniority who has not served as Chair, or the Commissioner who served as Chair longest ago if all Commissioners have served as Chair, shall be elected Chair.

b. The Commissioner with the most seniority who has not served as Vice-Chair, or the Commissioner who served as Vice-Chair longest ago if all Commissioners have served as Vice-Chair, shall be elected Vice-Chair.

c. Seniority between Commissioners shall be determined by the chronological order of the uninterrupted service date of first attendance of each as a sworn Commissioner at a Planning Commission meeting. If seniority between two or more Commissioners is equal based on the first determination, then seniority between the subject Commissioners shall be based on the highest or higher vote counts of the Commissioners' appointing City Council Members.

d. Any Commissioner may decline nomination as Chair or Vice-Chair. Such declination shall not alter the selection process for Chair or Vice-Chair among the remaining Commissioners.

The elected Chair and Vice-Chair shall assume office immediately following said election. In the event of a vacancy of the Chair, the Vice-Chair shall serve the balance of the unexpired term of the Chair. In the event of a vacancy of the Vice-Chair, a member of the Commission shall be elected, in accordance with the aforementioned seniority determination, to serve the balance of the unexpired term of the Vice-Chair. No person shall occupy the office of Chair or Vice-Chair for more than two consecutive terms. The Planning Director of the City shall serve as Secretary of the Commission.

Section 4. <u>DUTIES OF CHAIR AND VICE-CHAIR</u>. The Chair shall preside at the meetings of the Commission and in case of his/her absence or inability to act, the Vice-Chair shall act, and in the absence of both the Chair and Vice-Chair, the Commission shall appoint a Chair pro tempore who shall have all the powers and duties of the Chair and shall serve only

until such time as the Chair or Vice-Chair returns and is able to act. The Chair shall have the power to make or second any motion, to present and discuss any matters, and vote, notwithstanding the fact that they are the presiding officer of the Commission.

The Chair, or his/her designee shall be available to meet with the Mayor, or his/her designee at least quarterly to discuss issues common to the City Council and Planning Commission.

When a Planning Commission item has been appealed to the City Council, or when a Planning Commission decision on an item before the City Council differs from staff's recommendation, the Chair or his/her designee shall attend City Council meetings and present the majority position of the Planning Commission on the pertinent item. When the Chair is not a member of the voting majority on the item before the Council, the Chair shall appoint a member of such Commission majority as the Commission's representative.

Section 5. DUTIES OF THE SECRETARY. It shall be the duty of the Secretary to keep accurate and permanent records of the acts and proceedings of the Commission, and such records shall be retained and have the same status as other records of the city; to schedule matters for hearing and consideration by the Commission; to provide timely notice of meetings, agenda and actions as required by code, ordinance, statute or the Commission; and to perform such other duties required by code, ordinance, statute or the Commission. In case of absence of the Secretary, an Acting Secretary, appointed by the Secretary, shall act, and in the absence of both Secretary and Acting Secretary, the Chair shall appoint a Secretary pro tempore who for such period shall have all the powers and duties of the Secretary and serve only until such time as the Secretary or Acting Secretary returns and is able to act.

Section 6. ADVISORS. The Chair, or a majority of the Commission, may request the attendance at Planning Commission meetings of any officer or employee of the City to assist the Commission in its deliberations in an advisory capacity.

Section 7. MEETINGS.

(a) Open Meetings. All meetings of the Commission shall be open and public.

(b) Regular Meetings. Regular meetings shall be held on the second and fourth Tuesday of each month at the Huntington Beach Civic Center commencing at 5:15 PM or as soon thereafter as the meeting may be called to order. Public Notice and an agenda of meeting shall be given as required by law. In the event the date for a regular meeting falls on a legal holiday, such meeting date shall be deemed to be the day following such holiday. In the event the date of a regular meeting follows the date of a regular City Council meeting and such Council meeting falls on a legal holiday, thereby requiring such Council meeting to be postponed to the following day, the date of the regular Commission meeting shall be deemed to be the day after the postponed Council meeting is held.

(c) Special Meeting. A special meeting may be called at any time by the Chair, or by a majority of the members, with public notice and an agenda of meeting as required by law.

(d) Public Hearings. The Commission shall not begin any public hearing item after 11:00 PM unless the Commission, by majority vote, so agrees.

(e) Adjournment. Any meeting may be adjourned to a date certain which may be specified in the order of adjournment. A copy of the order or notice 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 the twenty-four (24) hours after the time of the adjournment.

Section 8. ATTENDANCE. Regular attendance at meetings of the Planning Commission is required of all members to enable the Commission to discharge the duties imposed upon it by law. In the event a member is absent from two or more consecutive regular meetings, without securing the consent of the Chair, such consent not to be unreasonably withheld, and upon majority vote, the Commission shall request the City Council appointing member to remove the Commissioner and appoint a new member to fill the unexpired term.

Section 9. QUORUM. At any meeting of the Planning Commission, a majority of said Commission shall constitute a quorum for the transaction of business. In the event there is no quorum at a Commission meeting, the Secretary shall adjourn such meeting or shall adjourn to a date certain.

Section 10. ORDER OF BUSINESS. The order of business for a regular or special meeting shall be:

(a) Call to order by the Chair.

(b) Consideration of matters on the agenda.

(c) Any other business which may properly come before the Commission.

Section 11. PARLIAMENTARY PROCEDURE. The parliamentary rules contained in the current revision of Robert's Rules of Order, except as otherwise noted in these bylaws, shall, in general, govern the proceedings of this Commission. The Chair shall decide all questions of order, subject to appeal by the Commission, and all appeals shall be decided by a majority vote of the members present. The Chair shall vote on all matters coming before the Commission whether there is a tie vote or not. No member may vote at a meeting by proxy, or by any method

other than being personally present and casting his/her vote. Every member present shall vote on all questions. The result of any vote shall be audibly announced by the Secretary and recorded in the minutes as the vote of the Commission. Any member present who disqualifies himself/herself for any reason from voting upon any question shall state his/her reasons for so doing. If a member disqualifies himself/herself or abstains because of the requirements of the Political Reform Act, they shall so state. The Secretary shall enter any disqualification and the grounds therefore in the minutes of the meeting. A member who has disqualified himself/herself shall not be required to vote upon the question on which they have disqualified himself/herself, and his/her failure to vote shall be recorded as an abstention. An affirmative vote of a majority of the members present and voting shall be required for the passage of any matter before the Commission, except as otherwise noted in these bylaws.

Section 12. CHANGES IN BYLAWS. An affirmative vote of four (4) members of the Planning Commission shall be required to amend these bylaws. Copies of a proposed amendment shall be given to each member at a regular meeting, and shall be mailed to each member at least five (5) days prior to a meeting, and may then be voted upon at the next regular meeting.

Section 13. ADOPTION. APPROVED AND ADOPTED ON THE 15TH DAY OF MAY, 2006, as an amendment to the Bylaws of the Planning Commission of the City of Huntington Beach, adopted May 3, 1994, by a unanimous vote of 7-0-0.

ATTEST:

Howard Zelefsky, Secretary	Robert Dingwall, Chair Planning Commission

RULES

PLANNING COMMISSION
of the
CITY OF HUNTINGTON BEACH
(City Council Approved October 19, 2009)

DURING STUDY SESSIONS AND PUBLIC HEARINGS:

1. Commissioners shall not speak until recognized by the Chair or as provided in Robert's Rules of Order.

2. Commissioners shall not debate members of the public who are providing testimony.

3. Neither the Chair nor any Commissioner shall permit members of the public to engage in a dialogue with Commissioners, staff or other persons in the audience during the meeting.

4. Commissioners shall not engage in discussion with the public or applicants during the public hearing portion of the meeting or during breaks in the meeting.

5. Commissioners shall not indicate or communicate electronically, or by word or action how they intend to vote prior to a meeting and during study sessions and public hearings. Commissioners shall wait until all the testimony has been heard and the public hearing is closed.

6. Commissioners shall disclose any communications with the applicant or other interested parties, or any site visit performed, or other relevant evidence, prior to voting on the item.

7. Commissioners shall give a brief reason when making a motion for approval, denial or continuance.

8. Commissioners shall state the reason for any abstention.

9. When abstaining from an item due to a financial interest in a decision within the meaning of Government Code Section 87100, Commissioners shall identify the economic interest that gives rise to the conflict and leave the room until the Commission concludes that item, except as otherwise provided for in state law.

10. Commissioners shall allow the staff to state their professional opinions even if they clash with those of the Commission.

11. Commissioner comments deemed out of order are cause for the Chair to re-take the floor subject to Robert's Rules of Order.

12. At any public meeting of the Planning Commission, Commissioners shall not characterize any individual or entity's position on any issue unless the individual or entity's position is contained in writing, or without first asking the individual or entity, at that meeting, their position on the subject in question.

WORKING WITH STAFF:

13. Commissioners should discuss any concern relative to the agenda or procedure with the Chair. Any concern regarding staff reports, presentations, public information, staff performance, etc., should be directed to the Planning Manager and/or Planning Director.

14. Commissioners should meet or contact Planning staff prior to the meeting in order to have their questions or concerns addressed or resolved on any agenda item.

15. Commissioners should call and schedule meetings with staff in advance, as staff may not be immediately available to meet with a Commissioner.

16. Commissioners shall ask the project planner questions (information only) about their project. When seeking services (research, exhibits, revised findings and conditions, etc.) from anyone in the Planning Department, Commissioners should work only through the Planning Manager or Principal Planner.

OTHER:

17. When speaking/presenting before the City Council, Planning Commission, or other legislative bodies at a public meeting, Commissioners shall clearly and affirmatively indicate that they are not speaking on behalf of the Planning Commission, or in the capacity of a Planning Commissioner, unless authorized to do so, and shall indicate their representative capacity at the beginning of the statement (e.g., a home owner or business owner, or as a private citizen).

18. Commissioners may meet with an applicant solely to gather information, and shall not negotiate terms and conditions of approval.

19. While Commissioners may encourage the general public to appear at any Planning Commission hearing or meeting to express their views, Commissioners shall not, directly or indirectly, encourage any members of the public to attend

any meeting to advocate a particular position, imagined or real, on any agendized item to be voted on by the Planning Commission.

20. Commissioners shall submit all written materials related to agenda items in time for inclusion in the staff report for the meeting that the items will be heard. These materials shall be included in the staff report that is distributed to the Commissioners, City staff, and the public for review. Any written materials that are not submitted by a Commissioner in time for inclusion in the staff report are deemed a late communication. The Commission shall consider a late communication from a Commissioner in the same manner as any other late communication received for that meeting, or may authorize by a majority vote to continue the agenda item to a future meeting in order to allow time to examine the late communications.

COMMISSIONER REQUEST AGENDA ITEMS:

21. The process for Commissioners' request to place an item on the Planning Commission agenda for consideration shall be:

    a. Item should be of general interest and not a project already in process by staff.
    b. The request shall be communicated in writing or email to the Principal Planner and Planning Commission Chair with supplemental reports and/or information prepared by the Commissioner (not staff).
    c. The request shall be submitted at least one (1) week in advance of the Planning Commission meeting at which it is to be considered.
    d. Item shall be added to the appropriate meeting agenda under PLANNING COMMISSION REQUEST ITEMS.
    e. At the meeting, the Commissioner making such request shall make a presentation of the item.
    f. The Planning Commission, upon motion and by majority vote, may accept or deny the item, or may continue the item for further consideration at a subsequent meeting and direct staff accordingly.
    g. If a continued item requires more than four (4) hours of staff time, a memo from the Commission is prepared and submitted to the City Administrator and/or the City Council for approval and direction.
    h. If a continued item requires four (4) hours or less of staff time, or if an item requires more than four (4) hours of staff time and is approved by the City Administrator or the City Council, the item shall be placed on the Planning Department Work Program and prioritized as staff resources permit.
    i. If item does not receive a majority vote of the Planning Commission, consideration of the item (and any staff time) shall be deemed denied.

ADOPTION:

APPROVED AND ADOPTED ON THE 28TH DAY OF JULY, 2009, as the Rules of the Planning Commission of the City of Huntington Beach, by a vote of 5-0-2 (Livengood Absent, Speaker Abstain).

ATTEST:

Scott Hess, Secretary

Elizabeth Shier Burnett, Chair
Planning Commission

PROTOCOLS

PLANNING COMMISSION
of the
CITY OF HUNTINGTON BEACH
(Approved January 10, 2006)

1. The Chair and Commissioners shall conduct meetings in a professional manner and follow Planning Commission Rules and Protocols.

2. Commissioners shall treat the public, staff, the Chair, and fellow Commissioners with respect and common courtesies.

3. Commissioners shall treat "end of agenda" applicants and items as seriously as "beginning agenda" applicants and items.

4. Each Commissioner is solely responsible and accountable for their actions, including their behavior, statements, and decisions. No Commissioner shall blame others for their actions, including City staff, fellow Commissioners, elected officials, or members of the public.

5. Commissioners and staff planners should be working on a basis of confidence, goodwill, and trust.*

6. Commissioners shall make any criticism of staff members in private; compliments may be public. Commissioners shall not personalize disagreements or criticism towards staff (e.g., "you"), but be general (e.g., "staff").

APPROVED AND ADOPTED ON THE 10TH DAY OF JANUARY, 2006, as the Protocols of the Planning Commission of the City of Huntington Beach, by a vote of 7-0.

ATTEST:

Howard Zelefsky, Secretary	Robert Dingwall, Chair Planning Commission

*Excerpted from The Job of the Planning Commissioner, by Albert Solnit.