

DRAFT

**BY-LAWS OF THE
COUNTY OF LAKE PLANNING COMMISSION**

Article I: Authority

Section 1. These By-Laws of the Planning Commission of the County of Lake, hereinafter referred to as the “Commission,” are hereby adopted pursuant to Sections 65101 and 65102 of the California Government Code and Article VIII of the County of Lake Code of Ordinances.

Section 2. The Planning Commission shall consist of five (5) members (Members or Commissioners) and five (5) Alternate Members (Alternates), one Member and one Alternate for each district. Members and Alternates shall be appointed by the Board of Supervisors and shall have a term as provided in the County of Lake Code of Ordinances Article VIII.

Section 3. When the Commission has no established rule of parliamentary practice, the Chair shall be guided as nearly as possible by Rosenberg’s Rules of Order

Article II: Officers and Duties

Section 1. The Chair shall preside at all meetings of the Commission.

Section 2. The Chair shall execute all formal documents on behalf of the Commission. The same is to be attested by the Secretary.

Section 3. The Chair must vacate their chair to make a motion, but may second a motion without vacating.

Section 4. At the request of any Commissioner, the Chair shall direct that the yeas and nays be taken and entered on the record on any question before the Commission.

Section 5. The Vice Chair shall assume the functions and duties of the Chair when the Chair is for any reason temporarily unable to serve. In the event of a vacancy in the office of the Chair, the Vice Chair shall become Chair for the remainder of the term and a new Vice Chair shall be elected. The Vice Chair shall not serve two succeeding terms in office.

Section 6. Alternate Members serve only in the absence of a voting member. When a voting Commissioner is absent from a regularly scheduled Commission meeting, the Commission Chair shall call upon the Alternate from the absent Member’s district to be seated at the dais to participate in a voting role at the meeting. If the absent voting Commissioner arrives subsequently, that person shall not participate as a voting member. Alternate members do not deliberate or vote when all regular members are present at the Commission meeting.

Section 7. The Lake County Community Development Department Director, or their designee, shall perform the duties of Secretary to the Planning Commission.

Section 8. The Secretary shall receive and record all exhibits, petitions, documents, or other materials presented to the Commission in support of or in opposition to any questions before the Commission.

Article III: Elections of Officers

Section 1. Election of officers. At the first annual meeting of each year, the Commission shall elect a Chair and a Vice-Chair from the voting members, and such other officers otherwise as it may

deem necessary, but in case of failure to elect at the time specified, the election shall take place at the second annual meeting. The Chair shall not serve two succeeding terms in office.

Section 2. The election of a Chairperson and Vice Chairperson shall be by majority vote of the entire membership of the Commission.

Section 3. The Chair and the Vice-Chair shall hold their respective offices until the next annual meeting after their election or until their successors are elected and qualified.

Article V: Meetings

REGULAR MEETINGS

Section 1. Regular meetings of the Planning Commission shall be held on the second (2nd) and fourth (4th) Thursdays of each month at 9:00 a.m. in the Board of Supervisors' Chambers, unless otherwise noticed. The Commission may cancel any meeting as long as it does not conflict with local or State law.

Section 2. Each member shall be notified of the time and place of each meeting. Said notice shall be given by the Secretary.

Section 3. All meetings of the Commission shall be held in the Supervisors' Chambers of the Courthouse, Lakeport, California, unless otherwise noticed.

SPECIAL AND ADJOURNED MEETINGS

Section 4. Special Meetings. Special meetings may be called by the Chair whenever he/she deems such meetings expedient, and shall be so called whenever two Commissioners shall request the same of the Chair and the Chair concurs with their request. No business except those Items listed as business to be transacted on the special notice shall be considered.

Section 5. Each Commissioner shall be notified of the time, place, and purpose of each special meeting. Said notice shall be given by the Secretary at least seventy-two (72) hours before the time appointed for such meeting.

Section 6. Adjourned Meetings. The Commission may adjourn from time to time, absentees being notified thereof. In case there shall be no quorum present on the day fixed for a regular, adjourned or special meeting, the Commissioners present may adjourn from time to time until a quorum is obtained, or may adjourn said meeting sine die. A majority of the voting members of the Commission shall constitute a quorum. If all members are absent from any meeting, the secretary of the Commission may declare the meeting adjourned to a stated time and place. A copy of the notice of adjournment shall be 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 time of adjournment. (California Government Code section 54955).

SITE VISITS

Section 7. The Commission may, when needed, call a special meeting in which the Commission will engage in a site visit.

Section 8. At the regular meeting immediately preceding a planned site visit, the Planning Commission shall announce the anticipated itinerary of such visits. Such announcement should include the time of departure, planned stops and any other information, which the Planning Commission deems helpful to provide notice and inform the public of anticipated site visits. Special meetings for site visits will be conducted in accordance with the Ralph M. Brown Act (California Government Code 54950 *et seq.*).

Article VI: Conduct of Business

GENERALLY

Section 1. Meetings shall be called to order by the Chair, or in his/her absence, by the Vice-Chair. In the absence of both, the Secretary shall call the meeting to order when those Commissioners present may elect a Chair pro tem.

Section 2. At any regular business meeting or public hearing where both the Chair and Vice-Chair are absent, or where both are required to recuse themselves, the remainder of the Planning Commission present who form a quorum shall, by majority vote among the quorum members, elect a member to be Chair Pro Tem for the duration of that meeting or public hearing. The Chair Pro Tem shall serve in the same capacity as the Chair.

Section 3. The Secretary shall keep a record of those Commissioners present and those absent. The minutes of previous meetings shall be submitted for approval and any errors noted and corrections made, after which the regular order of business may be taken up. The reading of the minutes may be dispensed with and the same approved if there are no objections.

Section 4. The order of business unless otherwise ordered by the Commission, shall be as follows, and shall be shown on the calendar of each regular meeting.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

VERIFICATION OF LEGAL NOTICE

CONSENT AGENDA

PUBLIC INPUT

TIMED ITEMS – PUBLIC HEARINGS

NON-TIMED ITEMS

DEPARTMENT UPDATE

ADJOURNMENT

Section 5. Public Comment: Any person may speak for three minutes about any subject of concern, provided that it is within the jurisdiction of the Planning Commission and is not already on the day's Agenda, or scheduled as a future public hearing. Total time allotted for Citizen's Input shall be fifteen minutes. Speakers are requested to complete a simple form (giving name, address and subject) available in the Community Development Department office, prior to 9:00 a.m.

Section 6. When the Commission deems it necessary that the minutes contain greater substance, all reports, motions, and resolutions shall be submitted in writing to the Secretary.

QUORUM

Section 7. A majority of the Commission shall constitute a quorum for the transaction of business. Majority shall mean three or more members of the total Commission membership of five members. The only action which can be taken at a meeting attended by less than a quorum is to adjourn the meeting to a certain day and time.

Section 8. An affirmative vote of a majority of the five (5) members of the Commission qualified and eligible to vote shall be required for approval of any question brought before the Commission except when voting to continue an Item.

Section 9. A majority vote among the quorum members may vote to continue an item.

Section 10. In the event of a tie vote, the motion fails; another motion may be entertained to break the

tie.

RECONSIDERATION

Section 11. Reconsideration. The Commission may, on its own motion, reconsider and amend its action on Items previously acted upon at that Commission meeting if that reconsideration takes place before the end of the meeting at which the item was considered or the next two scheduled meetings following the action. After reconsideration is approved, the Commission may, at that meeting or any subsequent meeting, reconsider the item.

Section 12. If a majority of the Commission approves a motion to reconsider at the same meeting as the original commission action, the merits of the agenda item may be the next order of business. However, if the Commission approves a motion to reconsider at one of the two following regular meetings, there shall be a separate agenda item for the purpose of addressing the merits of the original commission action.

APPEALS

Section 13. Appeals. Anyone dissatisfied with an appealable decision of the Planning Commission may file an appeal to the Board of Supervisors. An appeal must be filed within seven (7) calendar days after the date the Commission makes a final decision. All appeals must be submitted to the Planning Office accompanied by a nonrefundable filing fee. (County of Lake Code Chapter 21, Article 58).

Article VII: Conduct of Members of the Commission

Section 1. Members of the Planning Commission should be prepared in advance for the Items to be discussed or determined at each hearing, workshop or meeting, including review of the materials for each Agenda Item, and consideration of any potential conflicts of interest that may arise for any given Agenda Items.

Section 2. Conflict of Interest. A member of the Planning Commission who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Planning Commission shall abstain from voting on the matter. If a Planning Commission member is disqualified from participating in a decision because of a conflict of interest, the Planning Commission member must:

Section 2.1. Publicly announce the source of the conflict of interest as soon as the matter is reached on the agenda;

Section 2.2. Leave the room for the duration of the discussion and vote on the matter; AND

Section 2.3. Not participate in the decision or be counted toward achieving a quorum while the item is discussed.

Section 3. Ex Parte Communications. An ex parte communication includes an oral or written communication not on the public record to which reasonable prior notice to all parties is not given. Such communication between Commission members and interested persons is prohibited if relevant to the merits of a Commission proceeding. Members should not discuss applications with applicants or other interested persons outside the confines of a public meeting, but should recommend that the person(s) contact Staff with any questions or concerns.

Section 4. Any Commissioner who has had ex parte contacts on a particular matter shall briefly summarize all such contacts at the beginning of the meeting or hearing on the matter and shall provide the Secretary with copies of all evidence received during such contacts for inclusion in the public record. If, due to oversight, a Commissioner fails to fully comply with this requirement, he or she shall rectify the situation as soon as practicable and before final action is taken on the matter. Failure to comply with this requirement shall not be grounds for invalidating any Commission action.

Article VIII: Conduct of the Persons before the Planning Commission

Section 1. During all meetings or workshops of, or public hearings before, the Planning Commission, the public may be present but shall be silent unless specifically invited by the Chairperson to provide comment.

Section 2. Any person who signs a petition, enters an appearance at a hearing, or transacts business with the Commission, by such act represents that (1) he or she is authorized to do so, (2) he or she will maintain the respect due the Commission and its staff, and (3) he or she will not mislead the Commission or its staff by an artifice or false statement of fact or law.

Article IX: Review and Amendment of By Laws

Section 1. These By Laws may be added to or amended at any regular meeting on motion, duly seconded and carried by a majority of all Commission members.

Section 2. The Planning Commission should review the By-Laws every five years, or sooner from time to time as needed, in order to consider revisions, amendments, or other changes that may be necessary. Consideration and discussion of proposed revisions, amendments, or other changes shall take place during a Planning Commission meeting.

Section 3. The Planning Commission should endeavor to review the By-Laws annually at the time of the annual election of officers to ensure each Commission member is fully informed of their content.