ITEM NO. 13

STAFF REPORT

CITY OF OCEANSIDE

DATE: June 22, 2011

TO: Honorable Mayor and City Councilmembers

FROM: City Manager's Office

SUBJECT: **APPROVAL OF REVISED BYLAWS FOR THE PLANNING COMMISSION**

SYNOPSIS

Staff recommends that the City Council approve revised bylaws for the Planning Commission (attached) to amend *Section 1.2 Purpose* to include transportation functions formerly handled by the Transportation Commission. *Section 3.6 Additional Duties* will also be amended to include transportation-related issues.

BACKGROUND

On April 20, 2011, the City Council discussed advisory group consolidations and efficiencies. At that time, Council agreed to fold the functions of various advisory groups into other advisory bodies in order to achieve economies of scale and conserve costs. One of the approved actions was to fold the functions of the Transportation Commission into the Planning Commission.

On May 18, 2011, the Council adopted a resolution dissolving various advisory groups, including the Transportation Commission.

ANALYSIS

The City Council rescinded the enabling resolution that established the Transportation Commission on May 18, 2011. Staff advised the City Council that the bylaws for the Planning Commission would be revised to reflect the previous functions of the Transportation Commission. Consequently, staff has revised the following bylaws sections:

- *Section 1.2 Purpose* to include transportation functions formerly handled by the Transportation Commission.
- *Section 3.6 Additional Duties* to include transportation-related duties.

Please note that the Planning Commission, due to its workload, is unable to move from twice-monthly to quarterly meetings. The Planning Commission currently has seven members, so there is no recommendation to alter this number at this time.

FISCAL IMPACT

Does not apply.

COMMISSION OR COMMITTEE REPORT

The revised bylaws will be shared with the Planning Commission at its next regularly scheduled meeting.

CITY ATTORNEYS ANALYSIS

The revised bylaws have been reviewed and approved as to form.

RECOMMENDATION

Staff recommends that the City Council approve revised bylaws for the Planning Commission (attached) to amend *Section 1.2 Purpose* to include transportation functions formerly handled by the Transportation Commission. *Section 3.6 Additional Duties* will also be amended to include transportation-related issues.

PREPARED BY:

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SUBMITTED BY:

Peter A. Weiss
City Manager

REVIEWED BY:

George Buell, Development Services Director
Jerry Hittleman, City Planner

ATTACHMENTS
Bylaws

BYLAWS OF THE CITY OF OCEANSIDE
Planning Commission
(updated May 2009)

ARTICLE I
THE COMMISSION

Section 1.1 Name of Commission

The name of the Commission shall be the "City of Oceanside Planning Commission" (hereinafter referred to as "The Commission").

Section 1.2 Purpose

The Commission shall perform the duties assigned to it by legislative acts of the City Council of the City of Oceanside and the Legislature of the State of California and will also include transportation issues. It shall also perform additional research, study and development of recommendations as may be specifically requested by the City Council.

ARTICLE II
MEMBERSHIP

Section 2.1 Composition

The Commission shall consist of seven (7) members, all of whom shall be residents of the City. Commissioners shall be appointed by the majority vote of the City Council. The City Planner of the City shall serve as Secretary of the Commission. The City Planner shall be an ex-officio member, and shall have no voting rights. In the event of the absence of the Secretary at any regularly scheduled or special meeting of the Commission the City Planner's designee shall act as Secretary for that meeting.

Section 2.2 Terms of Membership

The term of appointment of a Commissioner shall be four (4) years. Each Commissioner shall hold office until expiration of the respective term and until a new member has been duly appointed. Commissioners whose terms are due to expire may apply for reappointment.

Section 2.3 Termination of Membership

Commissioners shall automatically terminate upon any of the following occurrences:

1. The member is no longer a resident of the City of Oceanside;
2. The expiration of the term of membership unless a successor has not been named in which case the member shall continue until such time as a successor is named;
3. Upon removal by a majority of the City Council, with or without cause;

Additionally, Commissioners may terminate upon any of the following occurrences:

4. The member fails to attend one commission training each term or fails to complete the required AB 1234 Ethics Training for Local Officials within one year of taking office and thereafter every two years; or
5. The member fails to complete and submit the required financial interest disclosure forms to the City Clerk's Office by the specified due date; or,
6. The member has been absent from three (3) consecutive meetings without sufficient cause and/or without notifying the Chairperson or City staff;

In the event of occurrences 4 – 6 above, the City Planner, or his designee, shall notify the City Council of the facts and circumstances of the Commissioner's failure to comply with the requirements for membership, and shall make a recommendation to the City Council regarding removal of the Commissioner.

Section 2.4 Resignation

Any Commissioner may resign at any time by giving written notice to the Mayor of the City of Oceanside. Any such resignation shall be effective upon receipt or upon any date specified therein.

Section 2.5 Vacancy

When any vacancy occurs, the majority of the City Council shall appoint a new member to fill the unexpired portion of the term.

ARTICLE III
OFFICERS

Section 3.1 Officers

The officers of the Commission shall consist of a Chairperson and Vice Chairperson.

Section 3.2 Chairperson

The Chairperson shall preside at all official meetings of the Planning Commission, appoint committees and designate committee representatives with the approval of a majority vote of the Commission members, call special meetings, sign the original of all formally adopted resolutions of the Commission, and represent the Commission at public functions as designated by the Commission or City Council.

The position of Chairperson shall be elected from among the Commission Membership and shall be for a one-year term commencing at the end of the second meeting in April.

Section 3.3 Vice-Chairperson

The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In the event of the resignation, death, or removal of the Chairperson, the Vice-Chairperson shall become acting Chairperson for the remainder of the Chairperson's term. At the first meeting in June, The Vice-Chairperson shall present to the rest of the Commission an annual report of the number and type of public hearings and other matters heard and decided by the Planning Commission in the previous year.

The position of Vice-Chairperson shall be elected from among the Commission Membership and shall be for a one-year term commencing at the end of the second meeting in April.

In the event the Vice-Chairperson is no longer able to serve in that capacity a new Vice Chairperson shall be elected from among the Commission Membership to fill the remainder of the term.

In the event of the absence of the Chairperson and Vice-Chairperson at any regularly scheduled or special meeting of the Commission, the Commissioners shall elect a Commissioner to serve as Chairperson for the conduct of business at that meeting only.

Section 3.4 Additional Duties of Officers

At times, officers of the Commission shall perform duties and functions at the request of the Commission or staff, incidental to the offices held by such officers.

Section 3.5 Secretary

The Secretary shall perform the following functions:

1. Keep the minutes of all official meetings of the Commission, which shall be open for inspection by any member of the public.

2. Sign maps, plans and correspondence for the Commission.
3. Maintain separate files on each application made to the Commission.
4. Set hearing dates and provide an agenda to each Commissioner prior to each official meeting.
5. Inform Commissioners of all available data gathered by the Planning Department pertinent to each item on said agenda.
6. Draft resolutions and correspondence as directed by the Commission.
7. Inform Commissioners of the time and place of any special meetings as hereinafter provided.
8. Receive and make available to the Commission all correspondence addressed to said Commission.

Section 3.6 Additional Duties of Members.

Each Commissioner shall become informed on matters affecting the functions and duties of the Commission on general planning theory and practices, as well as general transportation-related issues, and on each individual proposal brought before the Commission for consideration.

Each Commissioner shall make every reasonable effort to attend all regularly scheduled and duly called special meetings.

ARTICLE IV
MEETINGS

Section 4.1 Regular Meetings

Regular meetings shall generally be conducted on the second and fourth Mondays of each month, starting at 7:00 p.m., in the City Council Chambers of the City of Oceanside. The Commission shall adopt a regular meeting schedule annually.

If a regularly scheduled meeting falls on a legal holiday, or if a quorum cannot be present at such meeting, the meeting shall be held on the next regularly scheduled meeting date.

If for any reason the business to be considered at a regular meeting cannot be completed, the Commission may at its discretion, at such meeting designate the time for an adjourned meeting, at which it may consider any matter that can properly be considered at a regular meeting. Such action shall serve as adequate notice to members present and the Secretary shall make every reasonable effort to advise absent members of the time of such adjourned meeting.

No new agenda items shall commence after 11:00 p.m. A scheduled item which is not commenced by 11:00 p.m. shall be continued to the next scheduled meeting. However, the Commission may allow an agenda item to be commenced after 11:00 p.m. upon affirmative vote of the members in attendance.

Section 4.2 Special Meetings and Workshops

Special meetings and/or workshops limited to subject matters announced in the call for such meetings, may be called in any of the following ways:

1. By action of the Commission at a regular or adjourned meeting.
2. By order of the Chairperson or, in the Chairperson's absence, by the Vice-Chairperson.
3. By written request of three or more members of the Commission.
4. By order of the City Council.

Written notice for Special Meetings and/or workshops shall be provided to members of the Commission by the Secretary. In the event of an emergency, a telephone notice shall be sufficient, provided a waiver of other notice be approved by four or more members present at such special meeting.

Section 4.3 Meetings to be Open and Public

All meetings or workshops of the Commission and its subcommittees shall be open and public to the extent required by the California State Brown Act. All persons shall be permitted to attend any such meetings or workshops, except as otherwise provided by law.

Section 4.4 Quorum

A majority of the Commission membership shall constitute a quorum for the purpose of conducting the Commission business, exercising its powers and all other purposes, but less than a majority of the Commission membership may adjourn the meeting from time to time until a quorum is obtained. Unless otherwise provided in the Bylaws, an affirmative vote by a majority of members present shall be required for approval of any action brought before the Commission, except on the adoption or amendment of the General Plan, in which case a recommendation for approval shall be by affirmative vote of not less than a majority of the total membership.

Section 4.5 Attendance at Meetings and Workshops

Commissioners shall be required to attend all Commission meetings. A Commissioner may be removed if the Commissioner fails to attend at least 75 percent of the

Commission meetings in a calendar year. Commissioners are required to notify the Chairperson or City Planner if the Commissioner intends to be absent from any meeting or workshop. At each meeting, after the meeting has been called to order, the Chairperson shall report to the Commission the name of any Commissioner who has so notified the Chairperson or staff of the intent to be absent.

Section 4.6 Rules of Order

Unless otherwise decided by the Commission, all business and matters before the Commission shall be transacted in conformance with Article 1 of Chapter 2 of the Oceanside City Code, established City policy and Robert's Rule of Order (latest edition).

Section 4.7 Off-Agenda Items

No off-agenda items shall be acted upon or discussed by the Commission. Commissioners, staff and/or the public may announce off-agenda matters of concern. Each off-agenda matter may be referred to staff for resolution or placed on the next available Commission agenda.

Section 4.8 Order of Business

The Order of business shall be established by the Chairperson of the Commission. Agendas shall be published and posted in compliance with applicable state and local laws and rules.

Section 4.9 Meeting Procedure – General Procedures

Final action on all public hearing items shall be by adoption of a resolution prepared at the Commission's direction. Unless otherwise specified in these Bylaws, the procedure leading to the adoption of a resolution shall be as follows:

1. At the close of the hearing and after discussion by the Commissioners, a motion to approve or deny the application or otherwise forward it to City Council shall be made, incorporating the Commission's findings, conditions and recommendations. This motion shall be construed as a preliminary action.
2. The Secretary shall prepare the resolution consistent with the Commission's action on the motion and place it on the consent calendar of the Commission's next regular or special meeting. The Commission shall consider the resolution for adoption as consistent with the action taken on the motion approved by the Commission at the previous meeting. Such consideration shall be made without the submission of new or additional

evidence. Adoption of the resolution shall constitute final action by the Commission.

3. Upon an approved motion to rehear the application, the Secretary may be directed to place the application on a subsequent Commission agenda for further hearing. Such a motion shall serve to rescind the Commission's prior preliminary action on the application.

Section 4.10 Meeting Procedure – Special Circumstances

Notwithstanding the general meeting procedure set forth in Section 4.9, the Commission may adopt a resolution at the same meeting in which it takes action on the application when either of the following is true:

1. The item has been placed on the Planning Commission agenda for adoption of a resolution concurrent with the public hearing on the application.
2. The Commission finds that the public interest would be served by the adoption of a resolution approving or disapproving the application concurrent with the public hearing on the application.

Section 4.11 Commissioners Subject to Council Policy and Code of Ethics

All Commissioners shall be subject to the disclosure requirements set forth in City Council Policy No. 300-04 Council Policy No. 300-21 and the Planning Commission Code of Ethics adopted on September 10, 2007.

ARTICLE V
RECORDS REPORTS AND ANNUAL WORK PLAN

Section 5.1 Presentation of Annual Work Plan

The Commission shall complete its Work Plan prior to the last meeting in June and shall submit to the City Council, no later than June 30 of each year the completed Work Plan indicating specific goals and objectives proposed for the fiscal year to support the purpose as described in Section 1.2. The Commission Chair shall also present for City Council approval the presentation of results from the previous year's Work Plan. In January each year, the Commission will have an annual informal workshop with the City Council to discuss the progress of the current Work Plan.

ARTICLE VI
MISCELLANEOUS

Section 6.1 Procedural Situations Not Addressed

In procedural situations not addressed in the body of the Commission Bylaws, the determination of the situation shall be subject to the jurisdiction of the City Attorney.

I hereby certify that this is a true and correct copy of the Bylaws of the Planning Commission of the City of Oceanside as amended on June 22, 2011.

Jerry Hittleman, Secretary Oceanside Planning Commission	Robert Neal, Chairperson Oceanside Planning Commission