

# Planning Commission Bylaws and Rules of Procedure

Amended ~~February 22, 2022~~ February 13, 2023

CITY OF  
**EUREKA**  
CALIFORNIA

Eureka City Council

KIM BERGEL, Mayor

LESLIE CASTELLANO

KATI MOULTON

G. MARIO FERNANDEZ

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Eureka City Planning Commission

MEREDITH MAIER, Chair

CRAIG BENSON, Vice Chair

~~Vacant~~

DELO FREITAS

STEVE LAZAR

MICHAEL KRAFT

Development Services - Planning

MILES SLATTERY, Acting Director/City Manager

KRISTEN M. GOETZ, Principal Planner/Executive Secretary

CRISTIN KENYON, Principal Planner

LISA SAVAGE, Senior Planner

CAITLIN CASTELLANO, Senior Planner

AUBRIE RICHARDSON, Associate Planner

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Adopted:	September 14, 1970
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2 <sup>nd</sup> Amendment:	November 19, 1990
3 <sup>rd</sup> Amendment:	October 30, 2000
4 <sup>th</sup> Amendment	October 14, 2013
5 <sup>th</sup> Amendment	January 12, 2015
6 <sup>th</sup> Amendment	January 11, 2016
7 <sup>th</sup> Amendment	February 13, 2017
8 <sup>th</sup> Amendment	April 9, 2018
9 <sup>th</sup> Amendment	February 11, 2019
10 <sup>th</sup> Amendment	March 9, 2020
11 <sup>th</sup> Amendment	March 8, 2021
12 <sup>th</sup> Amendment	February 12, 2022
<u>13<sup>th</sup> Amendment</u>	<u>February 13, 2023</u>

## **PREAMBLE**

This Commission was created by the City Council of the City of Eureka to direct the economic, social and physical growth and development of the City of Eureka and to insure its prosperity, health, safety, morals, happiness, and general welfare.

WE hold that these objectives are such as to challenge the vision and inspire the best effort of any citizen.

WE resolve to execute our duties with a view not only to the needs of today but also to those of the future.

WE pledge ourselves to plan and regulate without favor of prejudice to any individual, group, class, race or creed.

WE will remain always on guard against ill-considered deviations which will offend consistence or which even minutely nullify our purpose.

WE will make changes when required in the overall public interest but we will not alter plans or revise the regulations for any individual, group or organization for personal convenience, profit or caprice.

WE will seek to identify, as clearly and as detailed as possible, the aspirations, goals and objectives of various segments of the community, especially the minority elements, and to test these aspirations against formalized community plans, policies and objectives.

WE will continuously examine the City's planning program and the general planning process – beginning with analysis and formulations of goals and extending through plan preparation and implementation – to uncover any deficiencies in techniques, standards and procedures as they are related to our local basic human aspirations.

WE will be dedicated to seek removal of constraints that may hinder the planning process and plan from being more responsive to overall community welfare, such constraints imposed by tradition, statute, programs of upper-level government, and sectarian interest groups.

## **ARTICLE I. OBJECTIVES**

The objectives and purposes of the Planning Commission of the City of Eureka are those set forth in the Government Code, State of California Planning and Zoning Law, and amendments and supplements thereto, and those powers and duties delegated to the Planning Commission by the City Council of the City of Eureka by Ordinance No. 2878, adopted on August 15, 1961, in accordance with the enabling law and all amendments or changes.

## **ARTICLE II. MEETINGS**

1. All meetings of the Planning Commission of the City of Eureka shall be public and all persons shall be encouraged to attend any meeting of said Planning Commission, except as otherwise provided in these Bylaws or by law.

2. Regular meetings of the Planning Commission are to be held on the second Monday of each month, at 5:30 p.m., in the Council Chamber, second floor, City Hall, 531 "K" Street, Eureka, California, or as designated by the Commission. If at any time any regular meeting

falls on a holiday, such regular meeting shall be held on the following Monday, or as specified by the Commission.

3. The Planning Commission may adjourn any ~~regular, adjourned regular, special or adjourned special~~ meeting to a specific time and place ~~specified in the Order of Adjournment~~. Less than a quorum of the Planning Commission may so adjourn from time to time. If all members, or a quorum of members, are absent from any ~~regular or adjourned regular~~ duly noticed meeting, the Executive Secretary of the Commission may declare the meeting adjourned to a stated time and place and ~~he or she~~ shall cause a written notice of the adjournment to be posted on the meeting room door, the public bulletin board at City Hall, and given in the same manner as provided in the following section for special meetings ~~unless such notice is waived as provided for special meetings~~. ~~When if a notice~~ order of adjournment of any meetings fails to state the hour at which the adjourned meeting is to be held, ~~the meeting~~ it shall be held at the hour specified for a regular meetings.

4. Special meetings may be called at any time by the Chair of the Planning Commission, Vice-Chair in the absence of the Chair, or by a majority of the members of the Commission by notifying the Executive Secretary of the date, time, and business to be transacted. The Executive Secretary shall prepare and deliver a Special Meeting Agenda personally, by mail, or by electronic mail, ~~notice~~ to each member of the Commission, and to a local newspaper of general circulation; and or to any radio or television station requesting such notice, and shall post the Special Meeting Agenda on the official bulletin board at City Hall, and on the City's website. The Agenda shall specify the time and place of the special meeting and the business to be transacted, and the Agenda ~~Such notice must~~ shall be delivered and posted at least twenty-four (24) hours before the time of ~~such the special~~ meeting, as specified in the ~~notice~~ Agenda. ~~The notice shall specify the time and place of the special meeting and the business to be transacted~~. No other business shall be considered at such meetings by the Planning Commission. ~~Such notice may be dispensed with as to any member who, at or prior to the time the meeting convenes, files with the Executive Secretary of the Planning Commission a written waiver of notice. Such waiver may be given by telegram or by delivering personally, by mail, or by electronic mail.~~

5. The annual meeting for the election of officers (Chair and Vice-Chair) shall be held on the regular meeting date in January of each year, prior to the Public Hearings and the newly elected officers shall preside at that meeting.

6. A quorum of the Commission shall consist of three (3) of the five (5) members of the Commission.

7. A quorum of all members must be present at all meetings where there is a necessity to transact any official business, and a quorum vote is necessary to take any official action, including but not limited to, reclassifications, conditional use permits, amendments to the zoning regulations ~~or map~~, general plan, or maps, or these Bylaws. In case of a tie vote or deadlock, the Chair shall have the item of business placed on the next Agenda of the Commission for reconsideration and vote.

7.8. Members may teleconference via Zoom provided a quorum of all members are present in person at the meeting location, and "just cause" is met, or "emergency circumstances" exist, and the Member complies with the requirements of AB 2449 and/or the most current legislation regulating teleconferencing for public meetings.

## **ARTICLE III. OFFICERS – DUTIES OF**

The officers of the Commission shall consist of a Chair, Vice-Chair, and the Executive Secretary.

### **Chair**

The Chair shall ~~have the following duties:~~

1. Preside at meetings of the Commission. The Chair ~~has~~ may at his or her discretion ~~to~~ modify the order of the Agenda of the Planning Commission at any time; and, ~~the Chair may at his or her discretion impose~~ extend or reduce time limits on speakers appearing before the Commission;

2. When authorized by the Commission, ~~he or she shall execute in its name~~ on behalf of the Commission, all contracts, bonds and other obligations;

3. ~~He or she shall~~ Appoint all committees and subcommittees;

4. ~~He or she shall have~~ general supervision of the conduct of the affairs of the Commission and shall instruct the Executive Secretary in conducting Commission business;

5. ~~He or she shall p~~Perform such other duties as are usually exercised by the Chair of a Commission or a Chief Officer of a corporation;

6. ~~He or she shall s~~Sign all communications of the Commission and all recommendations to the City Council of the City of Eureka, ~~unless otherwise authorized by him or her;~~ and

7. ~~He or she shall r~~Represent the Commission at meetings, conferences, and other sessions of a similar nature.

### **Vice Chair**

The Vice-Chair shall ~~have the following duties:~~

1. ~~The Vice-Chair shall p~~Perform the duties of the Chair during the absence or disability of the Chair.

### **Temporary Chair**

~~The Temporary Chair shall have the following duties:~~

1. ~~In the absence or disability of the Chair and Vice-Chair at~~ For a duly noticed ~~regular or regular adjourned~~ meeting where a quorum of the membership is present, the members present may agree upon a member to preside and serve as Temporary Chair, during the absence or disability of the Chair and Vice-Chair ~~can be elected by a quorum vote of the entire membership to preside at said meeting until the Chair or Vice-Chair is present.~~

2. The Temporary Chair, once chosen, shall perform the duties of the Chair during the absence or disability of the Chair or Vice-Chair.

### **Executive Secretary**

The Executive Secretary shall be the Director of the Department or ~~his or the~~ Director's designee, and shall ~~have the following duties:~~

1. ~~The Executive Secretary shall a~~Attend all duly noticed regular, regular adjourned, special, and special adjourned meetings ~~or and~~ public hearings, and keep a record of same and transcribe same properly in the minutes of the Commission.;
2. ~~The Executive Secretary shall s~~Send notice of all meetings of the Commission required to be sent under these Bylaws, State law, zoning regulations, subdivision ordinance, or as directed by the Chair.;
3. ~~The Executive Secretary shall H~~have charge of all official books, papers, maps, and records of the Commission and shall conduct all official correspondence relative to hearings, meetings, resolutions, decisions, and other business of the Commission.;
4. ~~The Executive Secretary, or his or her assigned staff personnel, U~~unless otherwise directed, shall attend meetings of the Commission and committees and, when directed, transcribe and preserve the records thereof.;
5. ~~The Executive Secretary shall p~~Prepare the Agenda and Staff Reports for items of business before the Planning Commission. The reports ~~will shall~~ contain factual background data and professional planning information to guide the Commission in its actions; and;
6. ~~The Executive Secretary shall n~~Notify the Vice-Chair, by telephone, ~~or~~ in person, or by electronic mail, ~~on the day the Chair informs the Executive Secretary that the or she~~Chair will not attend a future Commission meeting.

#### ARTICLE IV. COMMITTEES

1. Committees shall be appointed by the Chair at a time deemed necessary or advisable ~~by him or her~~ so as to conduct Commission business properly.
2. ~~Each committee shall consist of no fewer more than two (2) and not more than three (3) members of the Commission but said overall committee may consist of more than three (3) persons.~~
- 3.2. ~~Subcommittees may be appointed by the Chair of any committee and may consist of non-members of the Commission and shall be advisory to the entire Committee.~~
4. ~~The Chair of the Commission shall appoint one (1) member of each committee as the Chair, and m and the committee shall meet at such time and place as directed by the Chair of the Commission who shall serve as an ex-officio member of all standing or temporary committees.~~
- 5.3. ~~The members of the committees shall serve for the duration of the committee, unless a reassignment is made of the committee personnel by the Commission Chair, in which case they shall serve until their successors are appointed. The Commission Chair shall make appointments to fill any vacancy in any committee.~~
6. ~~All reports of committees shall be made at the direction of the Chair of the Commission; however, no committee shall be required to make a formal report prior to the next regular Commission meeting following that meeting at which the committee was directed by the Chair of the Commission to report on the matter of business referred to such committee.~~
7. ~~All reports of committees shall be made in writing and the original copy thereof shall be filed with the Executive Secretary and become a part of the records of the Commission.~~

~~8. Reports of subcommittees shall be made orally or in writing at the request of the committee related to the subcommittee or by Chair of the Commission and, if in writing, the original copy thereof shall be filed with the Executive Secretary and become a part of the records of the committee.~~

## **ARTICLE V. ELECTIONS AND APPOINTMENTS**

1. The Chair of the Commission shall be elected by the members of the Commission at the regular meeting date in January of each year and shall hold office for one (1) year.

2. The Vice-Chair shall be elected by the members of the Commission at the regular meeting date in January of each year, immediately after the election of the Chair, and shall hold office for one (1) year.

3. Any vacancy in the office of Chair or Vice-Chair of the Commission may be filled by the members of the Commission at any meeting called for such purpose after such vacancy has occurred in a manner prescribed in Article II of these Bylaws.

4. Not later than the next regular meeting after the regular meeting date in January of each year, the Chair of the Commission shall appoint members to standing committees and the Chair thereof. Such appointments may be made before this meeting if the Chair so desires.

## **ARTICLE VI. ORDER OF BUSINESS**

The order of business at regular meetings shall be as follows, or as modified at the regular meeting by the Chair of the Commission:

1. Roll Call.
2. Salute to the Flag.
3. Approval of minutes of previous meeting.
4. Oral Communications.
5. Public Hearings.
6. Business.
7. Reports and Communications.
8. Adjournment.

## **ARTICLE VII. MATTERS PENDING BEFORE THE COMMISSION**

1. Every matter on which the Commission is authorized or required to act, brought before the Commission by any person, official, organization or agency, shall be presented in writing ~~or on forms provided by the Commission for specific presentation~~ and shall include all information necessary for a clear understanding and informed action by the Commission. Such information, when requested by the Commission, shall include maps, surveys, drawings, plans, charts, and descriptive data.

## **ARTICLE VIII. THE AGENDA AND MEETINGS**

1. Each matter or presentation shall be filed under the proper heading and shall be placed and remain upon the Agenda unless withdrawn by the applicant, presenter, sponsor or other duly authorized agent or attorney.

2. The Agenda shall consist of all those matters which by reason of time of filing or continuation or other order of the Commission are to be heard at the next meeting of the Commission and the Agenda shall state ~~that~~ it is the Agenda for the (date) day of (month and year).

3. All matters where law requires a publication of notice shall be placed on the Agenda for the next regular meeting in accordance with the notice of hearing following the publication of notice thereof.

4. When all matters cannot be disposed of on the date set, the Commission may adjourn from day to day or until the next regular meeting as it may order.

5. The Agenda ~~of matters to be heard~~ shall, at a minimum, be posted on the official bulletin board at City Hall not less than seventy-two (72) hours before each regular meeting and the Agenda of matters to be heard at a special meeting shall be posted on the official bulletin board at City Hall, and on the door of the meeting place not less than twenty-four (24) hours before such special meeting.

6. Any matter that comes before the Commission orally, except Executive Secretary reports, which is not shown on the posted Agenda, shall not be acted upon by the Commission until it is placed on an Agenda of a regular or special meeting.

7. Each person who speaks to the Commission at a Planning Commission meeting shall be requested, but not required, to furnish ~~his or their~~ name and city of residence to the Commission and shall thereby become a party of record. Persons who decline to provide their name shall be noted in the minutes as Unidentified Speaker. A member of the public shall not be required, as a condition of attendance at a meeting of the Planning Commission, to register ~~his or their~~ name or other information, to complete a questionnaire or otherwise fulfill any condition precedent to ~~his or their~~ attendance. Persons who speak to the Commission shall be limited to three (3) minutes, unless such time is extended or reduced by the Chair.

8. The Commission shall endeavor to complete review of the proposed Capital Improvement Program of the City of Eureka and forward a recommendation to the City Council for the upcoming fiscal year, no later than the regular Planning Commission meeting in February.

9. No Commissioner who owns property or has a financial interest within 500 feet of any case before the Planning Commission shall participate, as a Commissioner, in any discussion or voting ~~if he or she owns property or has a financial interest within 500 feet of any case before the Planning Commission.~~ Further, Commissioner's shall comply with the Conflict of Interest code under the Political Reform Act. When a Commissioner is required or chooses to recuse from owns property or has a financial interest within 500 feet of any case before the Planning Commission, ~~he or she~~ the Commissioner shall ~~remove himself or herself from~~ leave the dais for the duration of the discussion or voting on such case.

## **ARTICLE IX. PUBLIC HEARINGS**

1. Public hearings shall be held in the Council Chamber, second floor, City Hall, 531 "K" Street, Eureka, California, unless the Commission designates some other time or place.



2. Only those matters set forth for public hearing on a given date will be heard and they shall be heard in the order in which they appear on the Agenda for that date; however, the Chair of the Commission may modify the order of the Agenda ~~at his or her discretion~~.

3. When a matter is set for a public hearing, pursuant to advertisement, the matter shall be heard even though no one in favor of or in opposition to the application appears at the hearing unless the Commission, for good sufficient reason, directs otherwise.

4. Each matter in the public hearing shall be heard in the following order, or as determined by the Chair of the Commission ~~at his or her discretion~~:

a. Staff will present an oral report and state the conditions or recommendations.

b. The applicant, or ~~his or her~~ the applicant's representative, may make a statement regarding the application.

c. Any person either for or opposed to the application shall be heard.

d. The applicant, or ~~his or her~~ the applicant's representative may be heard in rebuttal.

e. Staff may summarize pertinent data and present or amplify the conditions or recommendations.

5. After the close of the public hearing, no witness shall testify before the Commission and no other new evidence shall be received by it provided, however, this rule shall not prohibit the members of the Commission from examining:

a. The subject land and its surroundings, either before or after the public hearing, and reporting to other members of the Commission.

b. Any part of the General Plan or Local Coastal Program as previously adopted or being considered.

c. Any public record.

d. Any file, report or map already in the Department.

e. Additional information requested from staff, the applicant, the applicant's ~~his or her~~ agent or representative, or the public.

6. Any applicant may voluntarily submit restrictive covenants with respect to the use of land in question. The applicant may impose conditions on the use and effectiveness of said restrictive covenants.

7. The applicant may withdraw any matter pending before the Commission at any time prior to the Commission acting on such matter.

8. Within five (5) days following the date of a decision, the Executive Secretary shall transmit copies of the written notice of decision to the City Council, City Clerk, City Manager, and the applicant, owner, and agent, if any.

**ARTICLE X. RULES OF PROCEDURE**

For any rule of procedure not clearly defined herein, the Planning Commission shall rely upon “Roberts Rules of Order.”

**ARTICLE XI. AMENDMENT OF BYLAWS AND RULES OF PROCEDURE**

The foregoing Bylaws and Rules of Procedures, or any part thereof, may be amended at any meeting of the Planning Commission of the City of Eureka, after not less than twenty-four (24) hours notice has been given to all members of the Commission, and a copy of the proposed amendment sent with the notice provided; however, it shall require the concurring vote of a majority of the entire membership.