

# Planning Commission Bylaws and Rules of Procedure

Amended ~~February 13~~October 9, 2023

CITY OF  
**EUREKA**  
CALIFORNIA

Eureka City Council

KIM BERGEL, Mayor  
LESLIE CASTELLANO  
KATI MOULTON  
G. MARIO FERNANDEZ  
SCOTT BAUER  
RENEE CONTRERAS-DeLOACH

Eureka City Planning Commission

MEREDITH MAIER, Chair  
CRAIG BENSON, Vice Chair  
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 PlannerDirector of Development Services  
LISA SAVAGE, Senior Planner  
CAITLIN CASTELLANO, Senior Planner  
~~AUBRIE RICHARDSON, Associate Planner~~  
MILLISA SMITH, Assistant Planner  
PENELOPE PONCE, Assistant Planner  
ALEX GONZALEZ, Assistant Planner  
RAELEEN GANNON, Senior Administrative Assistant

Adopted:	September 14, 1970
1 <sup>st</sup> Amendment:	August 13, 1973
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
13 <sup>th</sup> Amendment	February 13, 2023
<u>14<sup>th</sup> Amendment</u>	<u>October 9, 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. INTENT OF THIS DOCUMENT**

The intent of this document is to ensure uniformity of procedure, access and fairness to the public and interested parties, and compliance with legal requirements in all matters heard by the Planning Commission.

## **ARTICLE II. AUTHORITY AND RESPONSIBILITIES OBJECTIVES**

The ~~authority and responsibilities 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 Eureka Municipal Code §§152.01 and 150.404.050 Ordinance No. 2878, adopted on August 15, 1961, in accordance with the enabling law and all amendments or changes.

## **ARTICLE III. MEETINGS AND AGENDAS**

~~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.~~

~~2.1. Regular meetings of the Planning Commission will meet regularly are to be held on the second Monday/Wednesday 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/will be held on the following Monday/Wednesday, or as specified by the Commission.~~

~~2. All meetings of the Planning Commission will be open to the public.~~

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

~~The Agenda shall/will, at a minimum, be posted on the City's website and 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.~~

~~4. Any matter that comes before the Commission orally, except Executive Secretary reports, which is not shown on the posted Agenda, shall/will not be acted upon by the Commission until it is placed on an Agenda of a regular or special meeting.~~

~~5. The An applicant or an applicant's authorized agent may withdraw any matter pending before the Commission at any time prior to the Commission acting on such matter.~~

~~3.6. When all matters cannot be disposed of on the date set, tThe Planning Commission may adjourn any the meeting to a specific time and place. 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 duly noticed meeting, the Executive Secretary of the Commission may declare the meeting adjourned to a stated time and place. For a meeting that is adjourned to a date and time certain, and shall cause a written notice of the adjournment to/will be posted on the meeting room door and; the public bulletin board at City Hall, and given in the same manner as provided in the following section for special meetings within 24 hours of adjournment. If a notice of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, the meeting shall be held at the hour specified for a regular meeting.~~

~~4.7. Special meetings may be scheduled in accordance with the Ralph M. Brown Act if circumstances require and allow. 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, 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 Special Meeting Agenda shall will specify the time and place of the special meeting and the business to be transacted, and the Agenda shall be delivered and posted at least twenty-four (24) hours before the time of the special meeting, as specified in the Agenda. No other business shall be considered at such meetings by the Planning Commission.~~

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 will consist of three (3) of the five (5) members of the Commission.~~

7.8. ~~A quorum of all members must be present at all meetings where there is a necessity to transact any official business, and a majority vote of members in attendance at the meeting will constitute a decisive vote, 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, general plan, or maps, or these Bylaws. In the case of a tie vote or deadlock, the motion fails resulting in disapproval of the action requested to be taken by the Commission Chair shall have the item of business placed on the next Agenda of the Commission for reconsideration and vote.~~

9. ~~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.~~

10. ~~Official papers involving the authority of the Planning Commission must bear the signatures of both the acting Chair and Executive Secretary, and be at the direction of the majority of the members in attendance at the meeting as evidenced by a vote recorded at a regular or special meeting of the Planning Commission.~~

#### **ARTICLE IIIIV. OFFICERS — DUTIES OF**

I. ~~The officers of the Commission shall consist of the following:~~

a. ~~a-A Chair, who will preside over meetings of the Commission.~~

b. ~~A Vice-Chair, and who will perform the duties of the Chair during the absence or disability of the Chair. the~~

a.c. ~~An Executive Secretary, who will keep written record of all business transacted by the Commission, prepare meeting agendas, arrange proper and legal notice of hearings, attend to correspondence of the Commission, and undertake such other duties as are normally carried out by a secretary. The Executive Secretary shall will be the Director of Development Services or designee thereof.~~

#### **Chair**

~~The Chair shall:~~

- ~~1. Preside at meetings of the Commission. The Chair has discretion to modify the order of the Agenda of the Planning Commission at any time, and may extend or reduce time limits on speakers appearing before the Commission;~~
- ~~2. When authorized by the Commission, execute on behalf of the Commission, all contracts, bonds and other obligations;~~
- ~~3. Appoint all committees and subcommittees;~~
- ~~4. Have general supervision of the conduct of the affairs of the Commission and shall instruct the Executive Secretary in conducting Commission business;~~
- ~~5. Perform such other duties as are usually exercised by the Chair of a Commission or a Chief Officer of a corporation;~~
- ~~6. Sign all communications of the Commission and all recommendations to the City Council of the City of Eureka, unless otherwise authorized; and~~
- ~~7. Represent the Commission at meetings, conferences, and other sessions of a similar nature.~~

#### Vice Chair

- ~~2. The Vice-Chair shall:~~
- ~~3. Perform the duties of the Chair during the absence or disability of the Chair.~~

#### 4. Temporary Chair

~~2. The Chair and Vice-Chair of the Commission shall will be elected by the members of the Commission at the regular meeting date in January of each year and shall will hold office for one (1) year. The annual meeting for the election of officers (Chair and Vice-Chair) will be held on the first regular meeting date of each calendar year prior to any business before the Commission, and the newly elected officers will preside at the meeting.~~

~~5.3. For a duly noticed 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.~~

~~4. 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.~~

~~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 the Director's designee, and shall:~~

- ~~1. Attend all duly noticed meetings and public hearings, and keep a record of same and transcribe same properly in the minutes of the Commission;~~
- ~~2. 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. 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. Unless otherwise directed, attend meetings of the Commission and committees and, when directed, transcribe and preserve the records thereof;~~

~~5. Prepare the Agenda and Staff Reports for items of business before the Planning Commission. The reports shall contain factual background data and professional planning information to guide the Commission in its actions; and~~

~~6. Notify the Vice-Chair, by telephone, in person, or by electronic mail, the Chair will not attend a future Commission meeting.~~

## **ARTICLE IV. COMMITTEES**

1. The Planning Commission is empowered to create special committees as it deems necessary for specific purposes.

~~1. Committees are shall be appointed by the Chair, at a time deemed necessary or advisable so as to conduct Commission business properly.~~

2. \_\_\_\_\_

2.3. Each committee shall will consist of no more than two (2) members of the Commission and may ~~consist of~~ include non-members of the Commission.

4. The Chair of the Commission shall will appoint one (1) member of each committee as the Committee Chair, and the committee shall will meet at such time and place as directed by the Committee Chair.

5. ~~members~~ Members of the committees shall will 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 will serve until their successors are appointed. The Commission Chair shall will make appointments to fill any vacancy in any committee.

3.6. After a committee meeting, committee members must report back at the Planning Commission's next regularly scheduled meeting. Such reports must be agendized with enough specificity as to inform any interested member of the public.

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

~~6.1. 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.~~

~~7. 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.~~

~~8.1. 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.~~

~~9. — 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~~will 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 and shall include all information necessary for a clear understanding and informed action by the Commission. Such information, when requested by the Commission, shall may include maps, surveys, drawings, plans, charts, and descriptive data.~~

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

~~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.~~

~~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 it is the Agenda for the (date) day of (month and year).~~

~~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.~~

~~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.~~

~~The Agenda 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.~~

~~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.~~

~~Each person who speaks to the Commission at a Planning Commission meeting shall be requested, but not required, to furnish 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 their name or other information, to complete a questionnaire or otherwise fulfill any condition precedent to 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.~~

~~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.~~

~~1. 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. 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 any case before the Planning Commission, the Commissioner shall leave the dais for the duration of the discussion or voting on such case.~~

## **ARTICLE ~~IX~~VII. 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.~~

~~2.1. Only those matters set forth for public hearing on a given date will be heard and they shall will 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 the Chair's discretion.~~

~~3.2. When a matter is set for a public hearing, pursuant to advertisement, the matter shall will 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.~~

~~4.3. Each matter in the public hearing shall will be heard in the following order, or as determined by the Chair of the Commission:~~

~~a. The Chair will announce the agenda item and call the hearing to order.~~

~~b. The Chair will direct members to disclose any evidence received outside of a hearing, or observations or familiarity with the project or property at issue, so that the applicant, any opponent or proponent, and other members are fully aware of the facts or evidence upon which the members are relying and have an opportunity to controvert them. Any written evidence received outside of the hearing must be filed with the Executive Secretary and made available to members, the public, and the project applicant. This is not the time for members to voice their opinion about the project. Such discussion will be reserved for after the hearing is closed.~~

c. The Chair will invite Staff to present an oral report on the item, including any recommendations they might have.

~~a.—The Chair will ask Commissioners if they have any clarifying questions of staff or the project applicant. This is not a time for extended discussion on the member’s opinions about the project. Time for discussion of that nature is reserved for after all evidence has been heard and received and the hearing has been closed. Staff will present an oral report and state the conditions or recommendations.~~

d.

b.e. The applicant, or the applicant’s representative, may make a statement regarding the application. Time limits on testimony may be established at the discretion of the Chair as necessary, but in no event will be less than the three minutes allowed for public comment.

e.f. The Chair will invite public comments. Any person either for or opposed to the application shall will be heard. The Chair will generally give three minutes for each member of the public who wishes to speak on the matter, but may reasonably expand or restrict this time for the orderly conduct of business.

~~d.g.~~ The applicant, or the applicant’s representative may be heard in rebuttal.

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

i. The Chair will declare the hearing closed.

j. After the close of the public hearing, the Chair will invite a motion. Members will discuss the project and each may informally indicate their position and discuss conditions to be appended or added. Through the Chair, and for good cause, questions may be asked of, or comments offered by, staff, the applicant, or an interested party.

—Any Commissioner may make a motion to approve, conditionally approve, deny or continue the item for additional study.

e.k.

~~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:~~

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

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

~~b.—Any public record.~~

~~c.—Any file, report or map already in the Department.~~

~~d.—Additional information requested from staff, the applicant, the applicant’s 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.~~

~~7.1. The applicant may withdraw any matter pending before the Commission at any time prior to the Commission acting on such matter.~~

8.4. Within five (5) days following the date of a decision, the Executive Secretary shall will 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 XVIII. RULES OF PROCEDURE CONDUCT OF COMMISSIONERS**

1. The Chair will conduct meetings in accordance with Rosenberg's Rules of Order. All members are expected to understand and obey these simple rules. The Chair is tasked with enforcing the rules of order and decorum for the benefit of the members and public.

2. Members must maintain civil, respectful, and cordial discourse and deliberation during public meetings. Members are expected to act commensurate with the expectations of the public office to which they were appointed.

2. As a matter of policy, all members are expected to take a position and vote on all issues brought before them, unless legally disqualified from doing so. Members choosing to abstain must publicly state the reason why immediately before the abstention.

3. \_\_\_\_\_

3. Commissioners are responsible for knowing, understanding, and complying with all relevant state laws, City Code, and City policies and procedures, including but not limited to ethics, conflicts of interest, meeting and hearing procedures, and conduct and expectations of public officials. Pursuant to California Government Code §§53234-53253.2, Commissioners must receive at least two hours of ethics training and education within the first six months of appointment and every two years thereafter.

4. \_\_\_\_\_

\_\_\_\_\_

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

5. Pursuant to California Government Code §87200 et seq., newly appointed commissioners are required to file a "Statement of Economic Interests" within 30 days of assuming office. After the initial statement is filed, each member is required to file an annual statement, and a statement upon leaving office. It is the member's sole responsibility to ensure compliance with these requirements.

6. Commissioners are required to comply with the conflict of interest provisions of the Political Reform Act, California Government Code §87100 et seq., which regulate financial conflicts of interest. No Commissioner who owns property or has a financial interest within 500 feet of any case before the Planning Commission shall will participate, as a Commissioner, in any discussion or voting. 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 any case before the Planning Commission, the Commissioner shall leave the dais for the duration

~~of the discussion or voting on such case.~~ A member who has a disqualifying financial conflict of interest or is disqualified from voting for another legally compelling reason must: (1) publicly identify the financial interest or other reason for being legally unable to vote in a manner sufficient to be understood by the public; (2) recuse themselves from discussing and voting on the matter; and (3) leave the room until after the discussion, vote, or other disposition of the matter is concluded.

## **ARTICLE IX. 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~~ by 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~~ Amendments to the Bylaws and Rules of Procedure require the concurring vote of a majority of the entire membership.