

Planning Commission
Bylaws and Rules of Procedure

Amended October 9, 2023

CITY OF
EUREKA
CALIFORNIA

Eureka City Council

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Eureka City Planning Commission

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

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

The authority and responsibilities 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.

ARTICLE III. MEETINGS AND AGENDAS

1. The Planning Commission will meet regularly on the second 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 will be held on the following 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 will be requested, but not required, to furnish their name and city of residence to the Commission and will thereby become a party of record. Persons who decline to provide their name will be noted in the minutes as Unidentified Speaker. Persons who speak to the Commission will be limited to three (3) minutes, unless such time is extended or reduced by the Chair.

4. The Agenda will 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 not less than twenty-four (24) hours before each special meeting. Any matter that comes before the Commission will not be acted upon by the Commission until it is placed on an Agenda of a regular or special meeting.

5. 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.

6. When all matters cannot be disposed of on the date set, the Planning Commission may adjourn the meeting to a specific time and place. 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, a notice of adjournment will be posted on the meeting room door and the public bulletin board at City Hall within 24 hours of adjournment.

7. Special meetings may be scheduled in accordance with the Ralph M. Brown Act if circumstances require and allow. The Special Meeting Agenda will specify the time and place of the special meeting and the business to be transacted.

8. A quorum of the Commission will consist of three (3) of the five (5) members of the Commission. 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. 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.

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 IV. OFFICERS

1. The officers of the Commission consist of the following:
 - a. A Chair, who will preside over meetings of the Commission.
 - b. A Vice-Chair, who will perform the duties of the Chair during the absence or disability of the Chair.
 - 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 will be the Director of Development Services or designee thereof.

2. The Chair and Vice-Chair will be elected by the members of the Commission and 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.

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 may be filled by the members of the Commission at any meeting called for such purpose after such vacancy has occurred.

ARTICLE V. COMMITTEES

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

2. Committees are appointed by the Chair.

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

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

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

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 VI. ORDER OF BUSINESS

The order of business at regular meetings 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. PUBLIC HEARINGS

1. Only those matters set forth for hearing on a given date will be heard and they 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.

2. When a matter is set for a public hearing, the matter 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.

3. Each matter in the public hearing 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.
- d. 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.
- 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.

- f. The Chair will invite public comments. Any person either for or opposed to the application 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.
- 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.
- k. Any Commissioner may make a motion to approve, conditionally approve, deny or continue the item for additional study.

4. Within five (5) days following the date of a decision, the Executive Secretary will transmit copies of the written notice of decision to the applicant, owner, and agent, if any.

ARTICLE VIII. 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.

3. 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.

4. 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.

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 will participate, as a Commissioner, in any discussion or voting. 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 Procedure, or any part thereof, may be amended by the Planning Commission. Amendments to the Bylaws and Rules of Procedure require the concurring vote of a majority of the entire membership.