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## Planning Commission Bylaws – Proposed Redlines

**BYLAWS AND RULES FOR THE CONDUCT OF BUSINESS OF  
THE ~~CONSERVATION, DEVELOPMENT AND PLANNING COMMISSION~~  
NAPA COUNTY PLANNING COMMISSION**

The Napa County ~~Conservation, Development and~~ Planning Commission, hereinafter called Commission, does hereby adopt the following rules or procedures for the transaction of its business.

**RULE 1.** Meetings of the Commission

- A. Meetings of the Commission shall be held on the first and third Wednesday of each month, except as modified by schedules adopted pursuant to Rules 1C and 23 below. Notwithstanding the foregoing, any regularly scheduled meeting of the Commission may be canceled by majority vote of the Commission or, for lack of business or a quorum, by the Chair or ~~Secretary~~ Clerk of the Commission.
- B. Meetings shall start at 9:00 AM and end not later than 5:00 PM. The Commission will not consider any business items after 5:00 PM except by a unanimous vote of all of the Commission members present.
- C. The Commission shall annually, at ~~or before~~ its last meeting in December, adopt a schedule for its regular meetings for the next calendar year.
- D. Unless otherwise provided, meetings shall be held in the Board of Supervisors' Meeting Room in the County Administration Building, 1195 Third Street in Napa.

**RULE 2.** Matters Pending Before the Commission

- A. ~~All matters to be considered by the Commission shall be properly filed with the County in compliance with the provisions, standards and procedures established by adopted County Ordinances. The Secretary shall not accept for presentation to the Commission any matter unless it is properly made on the prescribed forms properly filled out with all required data attached. Late submission, i.e., at a Commission meeting or immediately prior to a Commission meeting, of lengthy written reports or materials by an applicant, his or her representative; an opponent, his or her representative; may be considered by the Commission as grounds for the continuation of the item related to said reports or materials, to the Commission's next regular meeting.~~ Items submitted by individual Commissioners for specific listing under the agenda heading of Commissioner Comments shall be submitted to the ~~Secretary~~ Clerk of the Commission, in writing, no later than ~~5:00 PM~~ noon on the ~~Tuesday~~ Monday of the week preceding a regular meeting date.
- B. Request for informal or advance decisions concerning potential future developments or plans will not be considered by the Commission.

**Commented [MP1]:** Forms and comment cards were eliminated from the Clerk's comment procedures a number of years ago. The Commission accepts public comment in adherence to page 2 of the agenda and covered under proposed changes to Rule 11.

- C. Any matter that comes before the Commission orally, except the Director's reports, which would not be shown on the agenda shall not be acted upon by the Commission until it is heard as a regular agenda item at the next meeting of the Commission.
- D. The applicant, or ~~his or her~~ applicant's appointed representative, may withdraw any matter pending before the Commission at any time prior to the Commission acting on such matters.

**RULE 3.** The regular order of business of the Commission shall be generally as follows. Agenda items will appear in order most expeditious for completion of Commission business, including necessary accommodation of outside participants:

- A. Call to Order.
- B. Roll Call.
- C. Pledge of Allegiance.
- D. Citizens Comments and Recommendations ~~regarding matters not on the agenda.~~
- E. Approval of Minutes.
- ~~F. Closed Session re: Litigation, if necessary.~~
- ~~G. Director's Report.~~
- H. Agenda Review.
- I. Disclosures (pursuant to Rule 21.F)
- ~~J. Items to be Decided without Additional Testimony.~~
- K. Privately-initiated public hearing items continued from earlier meetings, with items continued from the most recent meeting first.
- L. County-initiated public hearing items continued from earlier meetings, with items continued from the most recent meeting first.
- M. New privately-initiated public hearing items.
- N. New County-initiated public hearing items.
- O. Presentations and Reports.
- P. **City and Agency Referrals, and Other Business.**

~~Q. City and Agency Referrals.~~

R. ~~Deputy~~ Director or Director's Designee Report, including Board Actions, ~~and Zoning Administrator Actions, and Future Agenda Items.~~

S. Commissioner Comments/Committee Reports.

~~T. Future agenda items.~~

U. Adjournment.

The Chair, at their discretion, may alter or deviate from this order.

**RULE 4.** Resolutions of the Commission may be adopted conditionally and referred to the ~~Secretary of the Commission~~ County Counsel for drafting in final form.

**RULE 5.** An agenda shall be prepared by the ~~Secretary~~ Clerk of the Commission for each meeting of the Commission

**RULE 6.**

A. The Commission shall elect a Chair and Vice Chairperson at the last regular meeting of the Commission in December of each year and immediately thereafter the Chairperson and Vice Chairperson shall assume office at the first regular meeting in January and shall serve for a period of one year from the date they assume office. Upon expiration of the one-year period, the Commissioner who served as Vice-Chairperson shall typically serve as Chair the following year unless a majority of the Commission determine otherwise. Should an elected officer resign, or otherwise vacate ~~his or her~~ the office or Commission membership during the term of office, the Commission shall, at a regular meeting within sixty (60) days after the resignation is effective, select another of its members to fill the remainder of any unexpired term. If the Chairperson vacates the position then the Vice Chairperson shall automatically serve as Chair until the next election of officers. The Chairperson shall not serve consecutive terms, **except as provided in Rule 19.**

~~**RULE 6A.**~~

B. In the absence of both officers when a quorum is nevertheless present, the Commission may, by a majority vote of those members present, select one of its members to preside temporarily until an officer is available to preside.

**RULE 7.** ~~The~~ County Counsel of ~~the County of Napa~~ Napa County shall be the legal counsel of the Commission. ~~The Clerk of the Board of the County of Napa shall be the Clerk of the Commission.~~ The Director of the Department, or Director's Designee, of ~~Conservation, Development and Planning, Building, and Environmental Services~~

Department of ~~the County of Napa~~ County shall be the ~~Secretary~~ Clerk of the Commission.

**RULE 8.** ~~[Reserved] The Chair of the Commission may second any motion and present and discuss any matter as a member of the Commission without having to step down from the Chair. The Chair shall have the rights and duties enjoyed by any other member of the Commission.~~

**Commented [MP2]:** Clarified under Rule 10

**RULE 9.** A roll call vote may be called in voting upon any motion of the Commission at the discretion of the Chair. Any member present who does not vote in an audible voice shall be recorded as voting "aye."

**RULE 10.** The Chair of the Commission shall preserve order and decorum and shall decide questions of order. ~~The Chair shall decide questions of order subject to being overruled by at least a majority vote of the Commission and shall perform such other duties as are required by law. The Chair shall have the power to suspend a meeting due to disruptive or abusive conduct by any person, including during any public hearing or public comment period before the Commission. For the purposes of this Rule, disruptive conduct shall mean a breach of the peace or any inappropriate or violent conduct or disturbance that interrupts the due and orderly course of the meeting.~~

**Commented [MP3]:** Updated to align with Board of Supervisors' Rule I.B.2a.

The Chair shall be entitled to vote on all matters before the Commission. The Chair may make or second any motion, and present and discuss any matter on the agenda as any other member of the Commission without having to step down as Chair.

**RULE 11.** **Persons Addressing the Commission:**

**Commented [MP4]:** Updated to align with Board of Supervisors' Rule I.A.6a-d

A. **Public Comment:** Any person desiring to address the Commission shall, when recognized by the Chair, give ~~his or her~~ their name and address for the purpose of the record. ~~The Chair may, in the interest of facilitating the business of the Commission, limit the amount of time which a person may use in addressing the Commission.~~ Each speaker shall be permitted to be heard once for up to three minutes per agenda item unless the Chair affirmatively grants additional time. The three-minute per speaker time limit for public input on any agenda item may be reduced by the Chair to less than three minutes (but in no event to less than one minute per speaker) as may be reasonably necessary for the orderly and efficient conduct of Commission meetings. Speakers shall address the Commission when they have first been recognized by the Chair and shall not address their comments or questions directly to staff or to members of the audience. Any reduction of the time limit should be announced by the Chair prior to the beginning of the public speaking segment of each item to which the reduction applies. These per person time limits shall not apply to applicants who are parties to matters that are the subject of noticed hearings. Speakers may not allocate their time to another speaker unless authorized by the Chair in advance of the meeting.

- B. Written Materials: Members of the public should submit written materials that they wish to have considered by the Commission as far in advance as is practical, preferably no later than the Monday before the meeting. Written materials submitted to the Commission electronically or as hard copies in advance of a public hearing shall be made available to the public for review and inspection, consistent with requirements of the Brown Act. Speakers or applicants who have written material to present to the Commission on the day of the meeting are requested to provide ten (10) copies to the Clerk of the Commission for distribution prior to the start of the meeting.
- C. Presentations: Speakers wishing to utilize electronic presentations or other electronic media must submit their presentations to the Clerk of the Commission by no later than noon on the Monday preceding a regular meeting date. Electronic presentations or other electronic media will not be accepted on the day of the meeting and will only be transmitted to the Commission in hard copy format if ten (10) hard copies are provided by the speaker to the Clerk of the Commission in advance.

- RULE 12.** Testimony and other evidence relative to any agenda item for which a public hearing is ~~required to be~~ held shall, unless otherwise ordered by the Chair, be presented in the following order:
- A. The Chair or ~~Secretary~~ Clerk of the Commission shall identify the matter.
  - B. The Chair shall declare the public hearing open.
  - C. Department report shall be presented.
  - D. Presentation of applicant testimony or other evidence ~~by those in favor of the application~~ by the applicant or applicant's representatives and consultants (hereafter applicants): The applicants' presentation in support of an application shall be limited to 15 minutes cumulatively unless the Chair affirmatively grants additional time. Time spent by the applicants responding to questions from the Commission shall be excluded from the 15-minute time limit. Any request by applicants for additional time shall be made to the Chair prior to the meeting. Applicants shall submit any electronic presentations or other electronic media to the Clerk of the Commission by no later than noon on the Monday preceding a regular meeting date; provided however, applicants may submit a supplement to their electronic presentation less than twenty-four (24) hours prior to the meeting if the supplemental presentation is: (1) limited solely to responding to comments that have been received; and (2) submitted to the Clerk of the Commission before the meeting begins.
  - E. Public Comment: ~~Presentation of testimony or other evidence by those in opposition to the application.~~ Each speaker shall be permitted to be heard once

for up to three minutes (pursuant to Rule 11A)

F. Rebuttal by applicants: ~~in the same order~~ Rebuttal shall be limited to responding directly to public comments received or follow up comments by the Commission that were raised during the public hearing and shall be kept as brief as possible.

G. Closing comments by staff.

H. The Chair shall declare the public hearing closed.

I. Commission discussion.

J. Voting.

Commissioners' questions and/or cross-examination may, at the discretion of the Chair, be permitted at the conclusion of the testimony of each witness or it may be permitted only after all the witnesses favoring one position or the other have testified, or at both times.

**RULE 13.** Testimony ~~and argument~~ relative to any other agenda item shall, unless otherwise ordered by the Chair, be presented in the following order:

A. Department report.

B. Applicant or other directly interested party.

C. Public comment. ~~Opposition, if any.~~

D. Rebuttal, ~~if any~~ by applicant.

E. Closing comments by staff.

F. Commission discussion.

G. Voting.

**RULE 14.** All official actions or decisions by the Commission shall be entered in the minute book of the Commission kept by the Clerk of the Commission. The vote or votes of each member of the Commission on every matter shall be recorded. Only written action minutes will be maintained, however, electronic recordings will be made by the Clerk of the Commission of each meeting of the Commission which shall be available to the public for inspection by request made at the Clerk of the Commission's office, 1195 Third Street, ~~Suite 210~~ Second Floor, Napa, California 94559.

**RULE 15.** All public hearings shall be electronically recorded.

**RULE 16.** ~~At the discretion of the Chair of the Commission, All~~ persons appearing before the Commission ~~may shall~~ be required to give testimony or evidence under oath; ~~at the discretion of the Chair of the Commission.~~

**RULE 17.** Letters, petitions or other documentary evidence submitted to the ~~Secretary~~ Clerk of the Commission shall be presented to the Commission prior to or at the time of the public hearing. The Commission shall consider such material in deciding any issue before it. All documentary evidence shall become part of the Commission's file on the agenda item.

**RULE 18.** Any rule may be altered, amended, or repealed by majority vote of the Commission, except that such alterations, amendment, or repeal shall not affect any pending matter unless by unanimous consent of the Commission and any applicant thereto.

**RULE 19.** Any rule may be temporarily suspended by unanimous consent of the Commission.

**RULE 20.** Motion to Reconsider.

- A. A final vote on any matter before the Commission may be reconsidered during the meeting at which the vote was taken provided all persons concerned with the matter are still present, and further provided the motion to reconsider shall be made by a member voting with the majority on the final vote.
- B. If all persons concerned with a matter are not present, or if a member so chooses, a motion to reconsider a final vote on any matter may be given not later than the next regular meeting by a member voting with the majority on the final vote, provided notice of intention to move such reconsideration shall have been given at the meeting on which the final vote was taken.
- C. A motion for reconsideration shall have precedence over every motion except a motion to adjourn.

**RULE 21.** Voting.

- A. A majority of the members of the Commission shall constitute a quorum.
- B. Adoption of a recommendation for approval of a general plan, specific plan, or amendment thereof shall require the affirmative vote of a majority of the appointed members (3) of the Commission.
- C. All other actions or recommendations of the Commission shall require only the affirmative vote of a majority of the members present and voting.



- D. A tie vote or other deadlock on a motion shall constitute disapproval of the motion, except that if a Commission member who has not voted will be able to vote at the next regular meeting, the Chair shall place the item on the next agenda for vote by the additional member. If a deadlock results in denial of a permit or tentative map, it is deemed to be an appealable action.
- E. No member of the Commission shall participate as a commissioner in any discussion or voting if he or she owns property within the required notification area of any specific matter before the Commission or has any other conflict of interest as defined in the Political Reform Act of 1984, as amended.
- F. Any member who has received evidentiary information outside of a Commission meeting or has viewed the property or site of a matter pending before the Commission or is familiar with the property or site shall publicly disclose the fact of such information, viewing or familiarity prior to the Commission's final vote on the matter.

**RULE 22.** Unless otherwise provided by these Rules, all proceedings before the Commission shall be conducted in accordance with and pursuant to the parliamentary rules of procedure as prescribed in the ~~"Sturgis Standard Code of Parliamentary Procedure, Fourth Edition,"~~ latest available edition of "Roberts Rules of Order".

**RULE 23.** Emergency or special meetings shall be called as provided in the Government Code of the State of California.

**RULE 24.** These rules shall be applicable to the transaction of any business when the Commission has convened and acts or serves in an official capacity, pursuant to law, other than as a planning commission.

**RULE 25.** The Commission hereby authorizes the creation of ad hoc subcommittees on special subjects from time to time so that the Commission members having the necessary expertise to conduct field, plan or other specialized reviews may investigate, observe review or otherwise study and report back their observations and conclusions to the full Commission for possible further action. When creating such ad hoc committees, the Commission shall specify the subject to be investigated and time to report, and shall appoint those commissioners who will serve on the ad hoc subcommittee. The number of members appointed to any particular ad hoc subcommittee shall be less than the number of members required to constitute a quorum of the full Commission. Upon presentation of its report to the full Commission, each such ad hoc subcommittee shall cease to exist. Ad hoc subcommittees created pursuant to this rule shall not be subject to the Brown Act.

**RULE 26.** The provisions of these Bylaws may be altered, amended, or repealed by the Commission at any time, within limitations imposed by the Brown Act.