City of Pismo Beach

Planning Commission

BYLAWS

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City of Pismo Beach

Planning Commission
BYLAWS

ARTICLE I – NAME AND AUTHORITY

Section 1. Name

The Name of this organization shall be the Planning Commission of the City of Pismo Beach, California; hereinafter referred to as the Planning Commission.

Section 2. Authority

The Planning Commission is established under the authority of the City Council by Pismo Beach Municipal Code Chapter 2.20 in accordance with the requirements of California State statute (CA GC 65100 et seq.) to aid in the conduct of the business of the City within the policy direction of the Council. The body's membership, constitution, duties, and other aspects may be amended, or the body dissolved, by majority action of the Council at any time.

These Bylaws have been, and will be, periodically updated in accordance with policy direction of the Council with respect to the body.

ARTICLE II – PURPOSE

The Planning Commission is established to review and act on matters related to land use planning and development, with particular emphasis on the following:

1. To act as an advisory body to the City Council on land use planning and development issues.
2. To assure implementation of the General Plan/Local Coastal Plan and Zoning Code.
3. To function as the decision-making body for private development applications, and to make other recommendations to the City Council for the city’s development, pursuant to the provisions of the Municipal Code and applicable state laws.

ARTICLE III – DUTIES AND RESPONSIBILITIES

The Planning Commission shall have the ability, as vested by the City Council, and be required:

A. To prepare, periodically review, and revise, as necessary, the General Plan/Local Coastal Plan.
B. To implement the General Plan/Local Coastal Plan through actions including, but not limited to, the administration of Specific Plans and Zoning and Subdivision Ordinances.
C. To annually review the City's Capital Improvement Program for consistency with the General Plan/Local Coastal Plan.
D. To endeavor to promote public interest in, comment on, and understanding of the General Plan/Local Coastal Plan, and regulations relating to it.
E. To advise public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally concerning implementation of the General Plan/Local Coastal Plan.
F. To promote the coordination of local plans and programs with the plans and programs of other public agencies.

G. Perform other functions as the Council directs, including conducting studies and preparing plans other than those required.

ARTICLE IV – MEMBERSHIP

Section 1. Membership

The Planning Commission shall consist of five (5) persons, or such other number of persons as directed by the City Council, hereinafter referred to as Members.

Section 2. Qualifications and Appointment

Members of the Planning Commission shall be appointed by action of the City Council. No Member shall be an employee of, or hold any other office with, the City of Pismo Beach, except as allowed by Article V Section 4 of these Bylaws. In accordance with Pismo Beach Municipal Code Section 2.42.010, any person convicted of a felony shall not be eligible for service. Applicants must be at least 18 years of age at time of appointment.

Each Member of the Planning Commission shall be a resident of the city of Pismo Beach at the time of appointment and during the entire term of service.

By applying for appointment to the Planning Commission, Members pledge to meet the minimum attendance requirement.

Section 3. Absences

Members shall make a good faith attempt to notify the Chair and Secretary in advance of an anticipated absence from any meeting.

Each Member is allowed no more than 4 absences from regular meetings per calendar year.

Should a Member exceed these allowed absences by one absence, staff shall notify the City Clerk, who shall notify the City Council.

Should a Member exceed these allowed absences by two or more absences, staff shall notify the City Clerk, who shall notify the City Council. The Mayor shall then meet with the Member to discuss whether the Member is able to continue to serve.

If, in the opinion of the Mayor, the Member's excessive absences warrant consideration of action by the entire Council, the Mayor shall direct the City Clerk to schedule an agenda item allowing the City Council to consider in open session the continued service of the Member. In the alternative, the Council, in open session, may grant a Member a defined leave of absence without regard to this Section’s attendance requirements.

Section 4. Suspension or Termination

In addition to provisions for termination due to excessive absences as described above, the City Council may terminate or suspend any Member of the Planning Commission prior to the expiration of the Member’s term of office, with or without cause, provided the action is properly agendized and conducted in open session in accordance with the Brown Act, and the termination or suspension is approved by majority vote.

Termination shall mean that the Member's seat is deemed to be completely vacated. Suspension shall mean that a Member is not permitted to attend meetings as a member of the body for the duration of the suspension, but it shall not relieve the Member of any other duty or regulation normally applicable to the Member, such as conflict of interest prohibitions.

Section 5. Resignation

Any Member wishing to resign their membership with the Planning Commission prior to the scheduled end of their term shall do so by delivering written notice to the City Clerk. If the notice of resignation does not set forth a resignation date, the resignation will be deemed effective as of the date the notice is received by the City Clerk or City Clerk's designee.

Section 6. Public Cooperation

The Planning Commission, and committees thereof, may work with member(s) of the public in pursuit of the Planning Commission's purpose and duties, however no member of the public shall be officially recognized as an ex-officio member or at-large member, or otherwise engaged in any way so as to render the member of the public subject to the provisions of the Brown Act, unless directed by the Council.

Section 7. Compensation

The Planning Commission may receive compensation in the form of a stipend as established from time to time by Resolution of the City Council. Members may choose to waive receipt of their stipend if desired. Whether or not a Member chooses to receive an allowed stipend shall not factor into decisions about discipline or membership status.

ARTICLE V – TERM OF OFFICE

Section 1. Term

The term of office for each appointee to the Planning Commission shall be two (2) years. Members are eligible for reappointment unless determined to no longer meet the minimum eligibility requirements or unless previously terminated with prejudice. No term limits apply to the Planning Commission. Terms are staggered to encourage a mix of policy continuity and institutional knowledge while allowing time for new Members, with new and different points of view, to be integrated into the Planning Commission.

New and re-appointed Members commence their terms on March 1st annually; mid-term appointments to fill unanticipated vacancies begin the day the appointment is made by the Council and expire at the term's scheduled end date unless otherwise directed by a majority of the City Council.

Section 2. Oath of Office

Members of the Planning Commission shall take the constitutionally prescribed Oath of Office for public officials. The City Clerk or designee will administer an Oath of Office to new and re-appointed Members prior to or at the commencement of the Member's first meeting in each term. At the discretion of liaison staff, the Oath of Office may be scheduled as a ceremonial item during open session.

Section 3. Membership Year

A membership year shall commence on March 1st and end on the last day of February the following year. Unless otherwise directed by the Council, each full appointment spans two consecutive membership years.

Section 4. Dual Service

As a general policy, an applicant shall not be appointed to serve on more than one City Advisory Body at any time, except that a Member may serve concurrently on one legislative (Brown Act) body and one non-legislative body (e.g. Special Events Committee or Traffic Safety Committee) concurrently.

Any sitting legislative Advisory Body Member who makes an application for service on another legislative Advisory Body warrants by their application that they will resign from their current seat immediately upon being appointed to another. Should the Member fail to resign in accordance with this paragraph, the prior seat shall be deemed vacated immediately upon the Member's taking the Oath of Office for the new seat.

ARTICLE VI – OFFICERS AND ELECTIONS

Section 1. Officers

Elected officers of the Planning Commission shall consist of one Chair and one Vice-Chair.

Appointed officers shall consist of a Secretary, which duties shall be performed by a staff member appointed by the Community Development Department Director or designee.

Section 2. Annual Election of Officers

At the commencement of the first Planning Commission meeting held on or after March 1 of every year, there shall be elected from among the membership of the Planning Commission one Chair and one Vice-Chair. A majority of the Planning Commission may determine to postpone the formal election of officers until a subsequent meeting if deemed necessary or desirable.

If, at the end of the Chair or Vice-Chair's advisory body membership term, the member is reappointed by the City Council such that there is no break in service, the Chair or Vice-Chair shall continue to hold that office until the next election of officers.

In the event a vacancy exists in the office of Chair at the commencement of new terms, the Vice-Chair shall serve as Acting Chair until officers have been elected.

In the event a vacancy exists in both offices of Chair and Vice-Chair at the commencement of new terms, present members shall elect an Acting Chair to serve until officers have been elected.

Section 3. Term of Office

A full term of office for the Chair and Vice-Chair shall be for a period of approximately one (1) year, service to end upon election of new officers, or termination of membership without immediate reappointment.

Section 4. Nominations & Voting

The Chair or Acting Chair will open the floor to nominations for the office of Chair. Any Member may nominate any one other Member for the office; the nomination must be seconded.

Upon seconding of the nomination, the Member who has been nominated shall be given the opportunity to decline the nomination. If the Member does not decline, their nomination stands.

The Chair or Acting Chair shall then invite the Meeting Clerk to take a roll call vote upon the nomination. If the nomination passes by at least a simple majority, the nominee is thereby elected to fill the office of Chair, effective upon the next order of business. If the nomination does not pass by majority vote, another nomination shall be made, and another vote taken, as above, until a Chair is elected.

The same procedure is then repeated for the election of Vice-Chair.

Section 5. Vacancy of an Office

Should a mid-term vacancy occur, for any reason, in the office of Chair or Vice-Chair, a special election shall be held to fill the vacant office from among the remaining membership at the commencement of the next meeting. The elected Member shall serve until the next annual election.

In any event of vacancy, absence, or incapacity of the Chair, the Vice-Chair shall serve as Acting Chair until the Chair resumes office or a new Chair is elected.

In any event of vacancy, absence, or incapacity of the Chair and Vice-Chair, present members shall elect an Acting Chair to serve until the Chair and/or Vice-Chair resume office or until a new Chair and Vice-Chair are elected.

Section 6. Removal of Elected Officers

The Chair or Vice-Chair may be removed from office by a majority vote of the Planning Commission.

If an officer is removed in absentia, the Planning Commission Secretary shall deliver written notice to the Member of their removal as soon thereafter as feasible.

Any officer removed ceases to hold the office once the vote has been tallied and announced. If the Chair is removed, the Vice-Chair shall become the Acting Chair until such time that a special election can be held in accordance with Section 5. above.

Section 7. Duties of the Chair

The Chair shall preside at all meetings. Points of order and meeting conduct shall be settled by the Chair, unless overruled by a majority vote of the Planning Commission, in compliance with the Brown Act, these Bylaws, and the City's Advisory Body Handbook. Points of order not addressed by the foregoing will be decided in accordance with the most current version of Rosenberg's Rules of Order to the extent practicable. Failure to strictly comply with Rosenberg's Rules of Order shall not invalidate any action taken. Staff will assist the Chair with this compliance where appropriate.

The Chair acts as primary contact for staff for certain matters not requiring action by a majority of the body, and shall represent the Planning Commission before City Council whenever deemed necessary or desirable by the Planning Commission or Council.

Section 8. Duties of the Vice-Chair

The Vice-Chair shall assume all duties of the Chair in the event of vacancy, absence, incapacity of the Chair.

Section 9. Duties of the Acting Chair

The Acting Chair shall assume all duties of the Chair in the event of vacancy, absence, incapacity of the Chair and Vice-Chair, until either or both return, or until such time that a special election can be held in accordance with Section 5. above.

Section 10. Duties of the Secretary
The duties of the Secretary, whose responsibilities are defined further herein, include legislative recordkeeping, helping to assure Brown Act compliance in cooperation with the City Clerk and City Attorney, and preparation of meeting minutes.

Unless otherwise assigned, the Secretary shall serve as the Meeting Clerk of the Planning Commission.

ARTICLE VII – STAFF SUPPORT

Section 1. Staff Duties

The City Manager shall designate appropriate staff to act as staff liaisons to assist and support the Planning Commission in the fulfillment of its duties and responsibilities.

Staff shall be responsible for creation and/or provision of such reports, studies, and technical recommendations as are necessary to assist the Planning Commission in the conduct of its business, shall publish meeting agendas and shall post, publish, and circulate any required public notices associated therewith. Staff shall attend all regular and special Planning Commission meetings, assist the Chair with administration of the meeting, and record the minutes of the meetings.

Staff shall work closely with the Chair or other individual Members between meetings as needed to advance matters not requiring action of the entire body, and may represent the Planning Commission at other meetings, presentations, and other public functions as requested.

Staff shall be responsible for the maintenance of proper records and files pertaining to Planning Commission business in accordance with Article XIII. Staff shall receive and enter into the record all public comment, petitions, or other documents presented to the Planning Commission in support of, or in opposition to, any question before the Planning Commission, and make the records available to the public upon request except where exempt by law.

The Secretary of the Planning Commission shall act as a designee of the City Clerk with respect to attestation of all documents evidencing legislative actions of the Planning Commission, and shall carefully curate the same. The Secretary shall be responsible for working with the City Clerk or, as needed, the City Attorney to assure administration of the Planning Commission's business in accordance with the Brown Act. Any staff so designated by the City Clerk must take the Oath in order to attest to any such documents.

Section 2. Staff Relationship to the Planning Commission

Staff support and assistance is provided to the Planning Commission in pursuit of the achievement of Council Goals and completion of other approved work plan items. Staff members work closely with advisory bodies, however advisory bodies do not exercise supervisory authority, are not employees, and are outside staff chains of command. Staff members remain responsible to their immediate supervisors and ultimately to the City Manager, while Planning Commission Members are responsible directly to the City Council.

In order that Members may be fully prepared to engage in productive discussion and take action when in open session, individual Members are encouraged to maintain a rapport with staff outside of meetings and ask clarifying questions regarding report materials and general matters within the body's purview prior to meetings.

However, individual Members shall not make separate work product requests of staff without discussion and approval of the Planning Commission in open session, and shall not request that staff undertake work outside Council's policy direction for the body.

ARTICLE VIII – MEETINGS

Section 1. Time and Location of Meetings

By adoption of these Bylaws as policy, the City Council has thereby set the regular meeting schedule for the Planning Commission as follows:

The second and fourth Tuesdays of every month, at 6:00 p.m.

Unless otherwise noticed, the Planning Commission shall hold its meetings in the Council Chamber, Pismo Beach City Hall.

Section 2. Cancellation and Rescheduling

Regular meetings may be cancelled as follows:

- Proactively, if the meeting date lacks business of immediate concern.
- Proactively, if the meeting date coincides with a holiday.
- Proactively, if it is known ahead of time that a quorum of the body cannot be formed on that date.

- Reactively, if a quorum does not appear within 15 minutes of the scheduled meeting start time, or if a quorum is lost during the meeting.

In the event a meeting is cancelled proactively, staff shall publish a Notice of Cancellation as a courtesy for the public, if feasible. In the event a meeting is cancelled due to a holiday or lack of quorum, any remaining business of immediate concern may be rescheduled for either a special meeting, or the next available regular meeting date.

In the event a meeting is cancelled reactively due to lack of quorum, a Notice of Adjournment shall be posted and the unheard business re-agendized for a subsequent meeting.

In the event a public hearing has been noticed for a meeting date that is subsequently cancelled, staff shall appear at the noticed meeting time and place to inform any attendees as to the cancellation of the meeting.

Cancellation may be done by a majority of the Planning Commission, by staff in consultation with the Chair, or by staff with notification to the Chair when there is no business of immediate concern to agendize. Staff shall make a good-faith attempt to gain majority consensus where feasible before cancelling a meeting, and shall at a minimum issue notification to all members immediately upon determining to cancel a meeting.

Section 3. Special Meetings

Special Meetings of the Planning Commission may be called by a majority of the Planning Commission, by the Chair of the Planning Commission, by staff in consultation with the Chair, or by staff with notification to the Chair when advance consultation is infeasible. Staff and/or the Chair shall make a good-faith attempt to gain majority consensus where feasible before calling a Special Meeting, and shall at a minimum issue notification to all members immediately upon determining to call a Special Meeting.

There shall be no limit to the number of Special Meetings that may be called in a given year.

ARTICLE IX – CONDUCT OF MEETINGS

Section 1. Compliance with the Brown Act and Council Policies

All regular, special, and adjourned meetings of the Planning Commission shall be open meetings to which all members of the public shall be admitted without restriction or qualification. In all respects, the conduct of the Planning Commission, its meetings, and its Members, shall comport with the Brown Act, California Government Code Sections 54950—54963. Meetings will be held at locations accessible to persons with disabilities, and reasonable accommodations shall be made to the greatest extent possible.

Section 2. General Conduct of Meetings

Points of order and meeting conduct shall be settled by the Chair, unless overruled by a majority vote of the Planning Commission, in compliance with the Brown Act, these Bylaws, and the City's Advisory Body Handbook. Points of order not addressed by the foregoing will be decided in accordance with the most current version of Rosenberg’s Rules of Order where practicable. Failure to strictly comply with Rosenberg’s Rules of Order shall not invalidate any action taken.

Staff will assist the Chair with this compliance where appropriate. Unresolved issues shall be referred to staff and continued to a future meeting.

Members shall address members of the public and other meeting participants through the Chair. The general public wishing to speak on an item shall be encouraged to address Members or other persons present through the Chair.

Section 3. How Items Are Placed on the Agenda

Working within the framework of City Goals, budget, and other policy direction set by the City Council, staff will identify the need for and schedule the majority of Planning Commission agenda items.

Future agenda items may be requested by a Member of the Planning Commission in open session. Such items shall be agendized by staff if approved by a majority of the Planning Commission and generally in keeping with the Planning Commission's assigned purview. In the event a future agenda item is requested by a member of the public in open session, the Planning Commission shall not be obligated to deliberate on the agenda item request, however any Member may assent to requesting that the Planning Commission consider agendizing the item, in the manner described in this paragraph.

Occasional agenda item requests from a member of the public received outside of a noticed meeting, or other atypical agenda items, may be considered by staff, in consultation with the Chair, for suitability for being agendized when consulting with a majority of the Planning Commission is infeasible due to time constraints. Issues may also be referred to the Planning Commission by the City Council and staff shall agendize them in a timely fashion.

Section 4. Quorum

A quorum of the Planning Commission shall consist of a majority (more than half) of the total number of Planning Commission seats, regardless of any vacancies that may exist.

Section 5. Absence of a Quorum

In the absence of a quorum at the start of any meeting, the meeting may not be convened. In the event a quorum is lost during a meeting, the meeting shall be immediately suspended. Refer to Article VIII Section 2. for meeting cancellation and rescheduling procedures.

Section 6. Agenda

Staff shall set and publish the meeting agenda and its format shall conform to the template set by staff.

Section 7. Order of Business

The Chair or a majority vote of the Planning Commission may change the order of business during a meeting.

Section 8. Seating Arrangement

The Chair shall be seated at the center of the dais; the Vice-Chair shall be seated to the Chair's right, from the perspective of those seated upon the dais. The seating of the remaining Members shall be made at the discretion of staff.

Section 9. Meeting End Time

No agenda item shall be introduced after five (5) hours have elapsed following the convening of the meeting without the consent of a majority (more than half) of the Members present. Should majority approval fail to be granted for extension of the meeting, a Notice of Adjournment shall be posted and the unheard business re-agendized for a subsequent meeting.

ARTICLE X – MOTIONS

Section 1. Call for Motion

Upon conclusion of discussion and following acceptance of public input, any Member may place a motion on the floor. The motion shall contain the proposed action in sufficient detail so as to be understood by the audience and staff. If no motion is immediately forthcoming, the Chair may call for a motion to be made, or make the motion.

Section 2. Seconding a Motion

The Chair shall receive all motions and shall call for a second to each motion. The Chair may second a motion.

Section 3. Lack of a Second

If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second, and the Chair shall so state. Any motion dying for lack of a second shall not be included in the meeting minutes.

Section 4. Discussion/Debate

After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote by causing either a roll call vote or voice vote to be conducted, in accordance with Article XI Section 3 and Section 4.

Section 5. Time Limits on Discussion/Debate

The Chair reserves the discretion to limit the duration of debate on any motion, but shall ensure that each Member has the opportunity to speak.

Section 6. Amending a Motion

A motion to amend may be made by any Member to revise a motion on the floor, but it cannot be a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend must be voted upon, unless the maker and the seconder accept it as a friendly amendment, and, if so accepted, it then becomes part of the main motion.

Section 7. Withdrawing a Motion

Any motion may be withdrawn by the maker at any time prior to being voted upon. Such a withdrawn motion shall not be included in the meeting minutes. If the motion has been seconded, the Chair shall invite the seconder to make the motion anew.

Section 8. Motion to Table

A motion to table may be made to suspend consideration of an item that appears on a meeting agenda for reasons of urgency or to end an unproductive discussion. A motion to table is not in order when another Member has the floor. A motion to table requires a second, is not debatable, is not amendable, requires a majority vote for passage, and, if adopted, cannot be reconsidered at the meeting at which it is adopted.

Members will refrain from using a motion to table as a means of capriciously limiting debate among Members, or to suppress a minority of the Planning Commission. Motions to table shall only be made after the opportunity has been given for public input on the item.

ARTICLE XI – VOTING

Section 1. Recusal (Disqualification due to Conflict of Interest)

In accordance with the City of Pismo Beach's Conflict of Interest Code, which incorporates applicable components of the Political Reform Act, California Government Code Section 87100 et seq. and California Code of Regulations Title 2 Section 18700 et seq., Members of the Planning Commission shall disqualify themselves from making, participating in the making of, or in any way using their official position to influence, a governmental decision if it is reasonably foreseeable that the decision will have a material financial effect, that is distinguishable from its effect on the public generally, upon the Member and certain immediate family members.

Any Member with such a disqualifying financial interest relating to a particular agenda item, or who otherwise wishes to recuse themselves from participation in an agenda item due to the potential for perceived or common-law conflicts of interest, shall do the following:

- If the Member is present at the commencement of the agenda item giving rise to the conflict, the Member shall openly announce the nature of the conflict following the Chair's announcement of the item, but before discussion has begun.

  The Member shall publicly identify the financial interest that gives rise to the conflict in detail sufficient to be understood by the public:

  - If the conflict arises from an investment, the Member shall announce the name of the business entity in which each investment is held;
  - If the conflict arises from a business position, the Member shall give a general description of the business activity in which the business entity is engaged as well as the name of the business entity;
  - If the conflict arises from real property, the Member shall announce the address or another indication of the location of the property, unless the property is the public official's principal or personal residence, in which case, the Member shall announce that

the property is a residence and disclosure of the exact street address of a residence is not required;
    - If the conflict arises from income or gifts, the Member shall identify the source; and
    - If the conflict arises from personal financial effect, the Member shall identify of the expense, liability, asset, or income affected.

- The Member shall recuse themselves from discussing and voting on the matter by vacating their seat until the matter in question has been resolved.

- The Member shall leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters. Exception: a Member of the Planning Commission who is recused from discussion due to conflict of interest may choose to listen from the audience with the general public, and may address the Planning Commission regarding the Member's personal interests in the matter during the time that the general public speaks on the issue, if the Member has complied with all of the above.

- If the Member leaves a meeting in advance of the agenda item giving rise to the conflict, the official shall identify the item and announce the nature of their conflict prior to leaving the meeting, in accordance with the descriptive requirements outlined above.

- If the Member first joins a meeting after the consideration of the agenda item giving rise to the conflict, the official shall identify the item and announce the nature of their conflict as soon as feasible upon joining the meeting, in accordance with the descriptive requirements outlined above.

The stated reason for the Member's recusal shall be noted in the meeting minutes.

Except as may be required by applicable law, a Member who is recused due to conflict of interest may not be called upon to break a tie or form a quorum.

In addition to the provisions set forth in these Bylaws, Members shall be required to adhere to all other provisions of the City's Conflict of Interest Code as it pertains to participation in governmental decision-making, and other matters.

Section 2. Abstention (Voluntarily Declining to Vote)

Members are strongly encouraged to vote upon all matters before the body except in cases of conflict of interest. The maker and seconder of any motion are encouraged to avoid abstaining when called upon for their vote.

Members may routinely abstain from voting upon the adoption of minutes from a prior meeting at which the Member was not in attendance, or upon their own nomination to the office of Chair or Vice-Chair. However, capricious, or excessive abstention shall be avoided and may be cause for removal from the Planning Commission.

Section 3. Roll Call Vote

Voting upon motions shall be conducted in the form of a roll call vote, unless the Chair determines to conduct a voice vote as provided in Section 4. When a motion has been made

and seconded and no matters remain under discussion, the Chair shall call upon the Meeting Clerk to conduct a vote, and the Meeting Clerk shall upon each Member by name one at a time in the following order: Non-officer Members in alphabetical order by last name, then Vice-Chair, then Chair.

Each Member shall clearly state “Aye," "Yes," or "Yea" in the affirmative; “No," or "Nay" in the negative; or "Abstain." Any other utterance that does not clearly indicate an affirmative or negative, in the judgement of the Meeting Clerk, shall be tallied as an abstention. The Meeting Clerk shall then announce the outcome of the vote in compliance with the Brown Act.

A Member may state the reasons for their vote for the benefit of the audience, but said comments shall only be entered into the record if the Secretary determines that the outcome of the vote warrants a clarifying note for legislative recordkeeping purposes. Statements made “for the record” shall not be recorded in the meeting minutes.

A roll call vote must be conducted upon all hearing items, all matters related to money, and all actions relating to the adoption, amendment, or repeal of policy or code. Roll call votes should be undertaken on any motion where the vote upon the motion is likely to be divided. For other matters, the Chair may conduct a vote by voice vote, in accordance with Section 4. below.

Section 4. Voice Vote

Where there is no objection from any Member or staff member, the Chair may conduct a vote by voice vote in lieu of a roll call vote, provided a roll call vote is not required by Section 3. above and provided that the result of the vote thereafter announced in compliance with the Brown Act.

The Chair shall call the question in the form of "All in favor?" followed by "All opposed?" and then "Abstaining?"

Each Member shall clearly state “Aye," "Yes," or "Yea" in the affirmative; “No," or "Nay" in the negative; or "Abstain."

In the event the outcome of a voice vote is unclear, any Member or staff member may request a roll call vote immediately following a voice vote. A roll call vote shall be taken without further discussion.

A voice vote is distinguished from direction given by general consensus, in that a voice vote is an alternative method of calling for the question on a motion made, whereas in the case of general consensus, no motion is made.

Section 5. Sealed Ballot Votes

The Planning Commission shall not take a secret ballot vote, whether preliminary or final.

Section 6. Passage of Motion

Passage of a motion shall be made by a simple majority of the Members present and voting, except as otherwise required by law. Staff shall inform the Planning Commission, as a component of a staff report and/or during oral comment on the item, when a particular item requires greater than a simple majority to pass.

Section 7. Tie Votes

A tie vote is a failed motion resulting in “no action,” regardless of the reason. Such failure to act shall constitute neither approval nor denial.

Except as may be required by applicable law, a Member who is recused due to conflict of interest may not be called upon to break a tie.

Section 8. Failure to Approve

Failure of a motion to approve shall not necessarily constitute denial, and vice versa. A Member may propose an alternative motion subject to the procedures of Article X – Motions.

Section 9. Results of Voting

The Meeting Clerk shall state the results of each vote, and the vote or abstention on that action of each member, e.g., “The motion passes by a vote of three to two, Members A, B, and C voting yes, and Members D and E voting no.” The Meeting Clerk shall enter into the record the disposition of each Member at the time of the vote, recording each as aye, no, recused, abstaining, or absent.

Section 10. General Consensus

The Planning Commission may reach general consensus on a matter not requiring a motion and provide its recommendation or direction to staff without motion or vote. The Chair shall solicit assent from at least a majority of Members in a manner that is evident to staff, and shall confirm with staff that the recommendation or direction received is clear.

ARTICLE XII – REPORTS

Section 1. Agenda Reports to Planning Commission

Matters placed upon an agenda for consideration by the Planning Commission shall be accompanied by a written report of staff if the request involves the adoption of a resolution or approval of other written policy or procedural document, the rendering of a formal recommendation on a matter to be heard by higher body, and in other cases determined appropriate by staff. A consistent report format shall be adopted.

Reports of staff shall clearly state staff's recommendation for action and the rationale therefor, and shall provide sufficient background information and context to allow the Planning Commission to render a well-informed decision or recommendation. Documents that are the subject of, or will substantially aid, deliberations shall be attached to and discussed within such reports. Where an agenda item requires deliberation and/or recommendation on project design or other aesthetic considerations, plans, photographs, or other relevant visual aids shall be included with the agenda materials for consideration in advance of the meeting.

Section 2. Subcommittee Reports

Committee reports provided to the Planning Commission may be verbal or written; written reports shall be entered into the record of materials associated with the meeting.

Section 3. Rendering of Recommendations to Council

Recommendations of the Planning Commission deemed necessary or desirable for consideration by the City Council shall be presented to the Council in a manner deemed appropriate by the City Manager. Recommendations to be forwarded to the Council in open session shall be prepared by staff in the manner typical of all other Council matters. A report conforming to the format and standards for City Council agenda items shall be prepared by department staff and their Department Head, and presented to the City Manager for scheduling and approval.

In the event that staff's professional recommendation on a matter differs from the recommendation rendered by the Planning Commission, staff's report to Council on the matter shall include both recommendations, and a thorough analysis of each, for the Council's consideration.

ARTICLE XIII – RECORD KEEPING

Section 1. Maintenance of Records

All Planning Commission records shall be maintained by staff according to the City of Pismo Beach Records Retention Schedule.

Section 2. Minutes

Action-only minutes will be produced for all Planning Commission meetings in a format substantially similar to that used for City Council meetings. Minutes shall serve solely as record of the legislative actions occurring at each meeting, with minimal additional editorial content, subject to the determination of the Secretary. The Planning Commission Secretary shall have sole responsibility for preparation of meeting minutes, and any direction for change in the minutes shall be made only by majority action of the Planning Commission. Minutes shall be reviewed and/or amended and then approved by the Planning Commission at the next feasible regular meeting.

Subcommittee reports presented orally in a meeting shall be briefly summarized in the minutes.

Section 3. Audio and Video Recording of Meetings

Proceedings for all Planning Commission meetings shall be recorded whenever possible. When video recording/broadcasting is not readily feasible, an audio recording shall be made. Any meeting recordings shall be retained pursuant to the City of Pismo Beach Records Retention Schedule.

In compliance with the Brown Act, Members of the public have the right to make recordings of a meeting so long as meeting proceedings are not disrupted.

ARTICLE XIV – COMMITTEES

Section 1. Subcommittees

Subcommittees consisting of less than a majority of the Planning Commission may be established by a majority of the Planning Commission, or by staff in consultation with the Chair when action by the majority of the Planning Commission to establish a committee is infeasible due to time constraints. Such committees shall be established to gather information or deliberate on a particular issue deemed necessary to carrying out the functions and purpose of the Planning Commission, for a limited duration. Staff may attend, but shall not be required to provide comprehensive staff support to, subcommittee meetings.

A Subcommittee member or staff member shall publicly report upon any activity of the committee in open session at the next available meeting. Following subcommittee input, the Planning Commission shall deliberate and act upon the designated issue, thereby providing the public with the opportunity to participate in the decision-making process. Any report(s) of the subcommittee on its subject of investigation shall be entered into the public record and shall serve in lieu of any meeting minutes for the committee. Subcommittees shall be dissolved once their specific task is completed.

No subcommittee shall be formed in such a manner as to subject it to the requirements of the Brown Act.

Section 2. Standing Committees

Standing Committees may be established by a majority of the Planning Commission to gather information or deliberate on issues deemed necessary to carrying out the functions and purpose of the Planning Commission, on an ongoing basis. Any such standing committee with continuing subject matter jurisdiction, regardless of its composition or number or office of members, shall be deemed to be subject to the Brown Act unless advised otherwise by the City Attorney. Staff shall not provide administrative or legislative support to any standing committee unless directed to do so by the City Council.

All standing committees shall provide written or oral reports in public session, no less than quarterly, to the Planning Commission.

Section 3. Committee Meetings

All Standing Committee and Subcommittee meetings shall be held at times mutually agreeable to the committee members.

ARTICLE XV – AMENDMENTS

A majority of the full membership of the City Council may amend these bylaws at any juncture with or without prior review or recommendation by the Planning Commission.

The Planning Commission shall schedule its review of these Bylaws at least biennially and shall render a recommendation to the City Council regarding any recommended amendments hereto. Review shall be conducted as soon as feasible following the annual seating of members and election of officers.

ARTICLE XVI – ADOPTION OF BYLAWS

Immediately upon favorable vote of a majority of the full membership of the City Council of the City of Pismo Beach, these Bylaws shall be in full force and effect. All previously adopted bylaws are hereby superseded.

These Bylaws shall not be construed in any manner conflicting with controlling provisions of state or federal law, and shall not be construed as attempting to supersede any ordinance of the City Council of the City of Pismo Beach. In the event of conflict between these Bylaws and other policies enacted by the Council regulating these same matters, the newer of the policies shall prevail. If any portion of these Bylaws shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

The provisions of these Bylaws shall not preclude the preparation and adoption of further procedural manuals and policies by which the Planning Commission may direct its activities.