



PLANNING COMMISSION BY-LAWS

The following rules shall be applicable to the organization of the Cotati Planning Commission (a.k.a. the Commission), to the convening or calling of meetings, and to the transaction of business when the Commission has convened and acts or serves in an official capacity, pursuant to law.

ORGANIZATION AND ELECTION AND DUTES OF OFFICERS

RULE 1. The Commission shall elect a Chairperson and Vice Chairperson and designate a Secretary at the second regular meeting of the Planning Commission in January to serve for a period of one year from the date of their election. However, the Commission, by majority vote, may choose to elect a Chairperson or Vice-Chairperson at a different meeting to address a resignation. In the case of a resignation of the Chairperson, the Vice-Chairperson shall become the interim Chairperson until formal election of a new Chairperson occurs.

RULE 2. The Chairperson of the Planning Commission shall preserve order and decorum and shall decide questions of order. The Vice Chairperson shall preside in the absence of the Chairperson.

RULE 3. The Chairperson of the Planning Commission may bring or second any motion and may present and discuss any matter as a member of the Commission without having to step down from the Chair and shall be entitled to vote on all matters before the Planning Commission.

RULE 4. The Secretary shall be a City Employee, normally the Community Development Director or designee.

RULE 5. The Secretary shall be responsible for the preparation of the Planning Commission meeting minutes and shall assure that all official actions or decisions by the Commission shall be recorded within the minutes. The Secretary of Commission, along with the City Clerk, shall keep a public record of its resolutions, transactions, findings and determinations. Those records are kept as minutes that summarize Commission action, in the same manner as City Council minutes.

RULE 6. The meeting minutes of each meeting are designated as the official record of the Planning Commission agenda and action, and are to be made available on the City of Cotati website.

SCHEDULE OF MEETINGS

RULE 7. The Planning Commission shall hold at least two Regular Meetings per month, which shall be held on the first and third Mondays of the month. In the event the first or third Monday is a holiday, an alternate meeting may be held. An additional Special Meeting may be held, if necessary. Such regular meetings may be canceled by notice of the Commission Secretary or a vote of the majority of

Commission members present at a regular or special meeting, or when a quorum is not available. Meetings shall be held in the same locale used by the City Council, or at City Hall or the Police Department starting at 6:00 P.M. Adjourned Meetings, Special Meetings, meeting relocation, or revised starting time shall be by a three-fifths vote of the Planning Commission. Notice of such meeting shall be given in accordance with City of Cotati procedures and/or State law.

RULE 8. Emergency or Special Meetings may be called as provided in the Government Code of the State of California.

RULE 9. In the absence of a quorum all items on the agenda shall be continued to the next scheduled meeting.

AGENDA

RULE 10. An agenda shall be prepared by the Secretary of the Planning Commission for each meeting of the Planning Commission.

RULE 11. All matters to be considered by the Commission shall be properly filed with the City in compliance with the provisions, standards, and procedures established by adopted City 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 data attached.

RULE 12. Any matter that comes before the Commission orally under Public Comment shall not be discussed or acted upon by the Commission unless and until it is heard as a scheduled agenda item at a Regular, Adjourned, or Special Meeting of the Commission.

RULE 13. The regular order of business of the Planning Commission shall be:

1. CALL TO ORDER
2. ROLL CALL
3. LAND ACKNOWLEDGEMENT
4. PLEDGE OF ALLIEGENCE
5. APPROVAL OF MINUTES
6. CHANGES TO THE AGENDA
7. PUBLIC COMMENT-ORAL AND WRITTEN COMMUNICATIONS
8. MATTERS AT HAND
 - A. CONTINUED ITEMS
 - B. PUBLIC HEARINGS - PLANNING COMMISSION ACTION IS FINAL (DR/UP/VAR/LLA/TPM)
 - C. PUBLIC HEARINGS – PUBLIC HEARINGS/RECOMMENDATIONS TO CITY COUNCIL (TSM/ZOTA/GPA/REZONE)
9. REPORTS BY STAFF
10. REPORTS BY PLANNING COMMISSION
11. ADJOURNMENT

RULE 14. The Chairperson may revise the order of the agenda for a particular meeting in order to expedite business for the convenience of the public or for improved continuity.

RULE 15. Commission meetings may remain in session up to, but no later than 10:00 P.M. However, the Commission may, by a unanimous vote, extend the meeting if the Commission deems such extension necessary. Otherwise, the meeting shall be adjourned to another day acceptable to the Commission, or unfinished business may be continued to the next Regular Meeting.

CONDUCT OF PUBLIC HEARINGS

Rule 16. Letters, petitions, or other written material pertaining to any item on the agenda may be filed with the secretary of the Commission prior to the time of the public hearing or may be presented to the Commission at the time of the public hearing. The Commission shall consider such material in deciding any issue before it. All written material shall become part of the Commission's record on the agenda item.

RULE 17. Items submitted after packet distribution: Materials related to any item on the Agenda submitted to the Planning Commission after distribution of the agenda packet are available for inspection in the Secretary of the Commission's office at 201 West Sierra Avenue, Cotati, CA during normal business hours. All such materials will be brought to the meeting and will be available for public inspection at the meeting site. Either City staff or the Chairperson at the hearing shall give public notice of any such materials. If copies are not available in sufficient quantity for interested parties or members of the public at the hearing, the Secretary shall take reasonable steps to afford all such persons the opportunity to inspect the materials before the start of the hearing on a scheduled matter. The purpose of the foregoing is to avoid the interruption of testimony with requests for inspection of materials.

RULE 18. Any person desiring to address the Planning Commission may, when recognized by the Chairperson, give his or her name and address. A person appearing in a representative capacity shall provide the name and address of each represented party.

RULE 19. Testimony and argument relative to any item scheduled on the agenda as a Public Hearing shall, unless otherwise ordered by the Chairperson, be presented in the following order and within the time limits specified.

- a) The Chairperson shall declare the Public Hearing to be open.
- b) Disclosure of Ex Parte Communication*
- c) Staff Report, including acknowledgement and/or reading of written testimony.
- d) Commission questions to staff for purposes of clarification of staff report, policy or procedure.
- e) Presentation of the project by applicants, and/or agents/consultants directly associated with the project (approximately 10-minutes).
- f) Commission questions to the applicant for purposes of clarification of the proposed project.
- g) Public Testimony in support or opposition of the project (3 minutes per person).
- h) Applicant and/or staff response to new information or questions raised by public testimony.
- i) Chairperson declares public hearing to be closed.
- j) Planning Commission motion and debate.
- k) Roll Call Vote.

Note: At the option of the Chairperson the applicant may give further testimony on the motion, provided it is directly related to the motion.

* Ex Parte Communication is hereby defined as any additional factual information obtained by commissioners that pertains to an individual decision, including visiting a project site, meeting with a project applicant and/or meeting with interested citizens.

RULE 20. The Chairperson may, in the interest of facilitating the business of the Planning Commission, limit the amount of time that a person may use in addressing the Planning Commission. Opponents and proponents shall be given equal opportunity for presentation. A project applicant should always be given the right, reasonable opportunity and time, to respond fully to evidence and arguments presented after the applicant has made his/her opening presentation.

RULE 21. The applicant or his or her appointed representative may, with the permission of the Planning Commission, withdraw, or request a continuance on any matter pending before the Commission at any time prior to the Commission acting on such matter.

VOTING

RULE 22. A majority of the members of the Commission shall constitute a quorum. Unless otherwise required by federal, state or local regulation, the affirmative vote of a majority of the quorum is necessary to take action (including action to continue a matter to a specific time). If a majority is unable to be assembled on any motion relating to a specific project for which the Commission must make a recommendation to the City Council, the project shall be referred to the Council with a divided recommendation which reflects the individual votes of the Commissioners. If a majority is unable to be assembled on any motion (including a motion to continue a matter to a specific time) relating to a specific project for which the Commission has final authority, the matter before the Commission shall be deemed denied and the applicant may appeal such decision in accordance with the applicable rules. A tie vote constitutes a denial.

RULE 23. On matters of procedure or order of business the Chairperson may make a motion and without a second and after calling for objection and hearing none, so order. In the event of objection, the Chairperson shall call for a second and a roll call vote.

MISCELLANEOUS

RULE 24. The Commission shall conduct their duties in keeping with the governing standards of the City Council, as provided by the Cotati City Council Protocols document, maintaining the highest level of professionalism during their tenure serving the residents of the City of Cotati.

RULE 25. 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 "Rosenbergs's Rules of Order." (current version).

RULE 26. Testimony and argument relative to any other item on the agenda shall generally follow the procedure for a Public Hearing as may be modified at the discretion of the Chairperson.

RULE 27. Any rule of these By-Laws may be altered, amended, or repealed by majority vote of the Commission, except that such alteration, amendment, or repeal shall not affect any pending matter.

RULE 28. Any rule of these By-Laws may be temporarily suspended by unanimous consent of the Commission.

RULE 29. A Resolution of the Planning Commission may be adopted conditionally and referred to the Secretary of the Commission for drafting in proper form.

RULE 30. Commission members shall decide for themselves whether they have a conflict of interest on any matter before the Commission. Such determination shall be made in accordance with State law and the City of Cotati City Council Protocols or any amendment thereto. When a member has disqualified himself/herself, he/she shall remove himself/herself from the dais stating their reasons for conflict of interest. The member shall also remove himself/herself from the meeting room, unless they are permitted to remain for a qualified interest as set forth in State law.

RULE 31. Failure to adhere to any of these rules does not result in the invalidation of any decision or action of the Planning Commission.

RULE 32. Any violation of these rules does not result in a cause of action against the City of Cotati.

RULE 33. Subject to compliance with all established laws and regulations, any violation of these rules shall not impact the outcome of a vote or action on a specific project.

Amended, Approved and Adopted at a Regular Meeting of the Planning Commission on March 4, 2024, by the following roll call vote:

MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

For adding a Land Acknowledgment to future Planning Commission agendas:

RESULT: Adopt [5 TO 0]

MOVER: Shelley Berman, Planning Commissioner

SECONDER: John Savage, Planning Commissioner

AYES: Gilardi, Savage, Moffet, Berman, Long

NAYS: None

For adding the Pledge of Allegiance to future Planning Commission agendas:

RESULT: Adopt [3 TO 2]

MOVER: Ryan Long, Planning Commissioner

SECONDER: John Savage, Planning Commissioner

AYES: Long, Savage, Gilardi

NAYS: Moffet, Berman

Approved: KGW
Chair

Attest: Carla Duncan
Carla Duncan, Admin Secretary