

Discussion Item #2

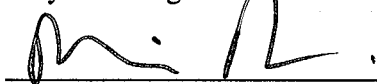
BACKGROUND AND PURPOSE

Staff proposes a verbal discussion regarding the frequency of meetings and proper role of the Policy and Procedures Committee. The Policy and Procedure Committee has worked on a number of topics, including the handout in each Planning Commission packet for the conduct of Planning Commission meetings. Of all the Planning Commission sub-committees, this one has met the least frequently with the last meeting held in 2007. There are concerns that these meetings are not that meaningful due to this low frequency. Staff believes the Committee should be convened more regularly to discuss issues related to the Planning Commission and staff would like feedback from the Committee on what they believe would be appropriate. Staff has included the By-Laws of the Commission, which date from 1994. These By-Laws need major revisions but staff believes they are a good place to start.

Prepared by:


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Approved for forwarding to the
City Planning Commission:



Darin Ranelletti
Deputy Director, Bureau of Planning

Attachments:

- A. 1994 Planning Commission By-Laws

Post-It® Fax Note	7671	Date	9/22/00	# of pages	* 15
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**RULES AND REGULATIONS FOR PROCEDURE OF THE
OAKLAND CITY PLANNING COMMISSION**

Revised March 9, 1994

ARTICLE 1. DUTIES OF THE COMMISSION

The Commission shall initiate and conduct studies of the problems of Oakland with respect to residential, commercial, and industrial districts, traffic conditions, boulevards, street openings and widening, parks, playgrounds, and other recreational areas, subdivisions, and all other matters affecting the orderly growth and development of the City, and make recommendations to the City Council with respect to the same. The Commission shall also make reports on subjects as requested by the City Manager and City Council. The Commission shall annually review the Oakland General Plan and shall adopt and recommend to the City Council such extensions and modifications as it judges to be necessary and desirable.

ARTICLE 2. MEETINGS OF THE COMMISSION

The regular meetings of the Commission shall be held in the Lakeside Park Garden Center not less frequently than twice each month. The agenda for each meeting, which shall include the specific hour and room location of the meeting, shall be mailed by the Secretary to each member of the Commission at least 48 hours prior to the time of meeting.

Any regular meeting may be adjourned to a designated hour and place and when so adjourned shall be considered as a regular meeting.

Special meetings of the Commission may be called by the Chair at his/her discretion or he/she shall call a special meeting upon the written request of three members of the Commission. Members shall be given at least 48 hours advance notice of such meetings. At special meetings only such matters shall be considered as may be included in the call, unless all members are present and consent otherwise.

All regular and special meetings of the Commission shall be open to the public.

Four members of the Commission shall constitute a quorum for the transaction of all business.

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ARTICLE 3. OFFICERS OF THE COMMISSION

Election of officers of the Commission shall be held at the last regular meeting in June of each year, and terms of office shall begin on July 1. The officers of the Commission shall consist of and their duties shall be as follows:

Chair:

1. The chair shall preside over all meetings of the Commission and shall have the right to vote on all questions. The chair shall see that the laws of the City pertaining to the activities of the Commission and the rulings of the Commission are faithfully executed.

2. The chair shall call special meetings of the Commission at his/her discretion or upon the written request of three members. The chair shall sign all documents on behalf of the Commission after the same have been approved by the Commission and shall perform such other duties as may be imposed upon him/her by the Commission. The chair shall appoint all committees, and ex-officio, be a member of all committees.

Vice-Chair:

In the absence of the Chair, the Vice-chair shall perform all of the duties of the Chair with the same force and effect as if performed by the Chair.

Chair Pro-Tem:

If both the Chair and the Vice-chair are absent, the Commission shall select a Chair Pro Tem, who shall perform all the duties of the Chair.

ARTICLE 4. COMMITTEES OF THE COMMISSION

The chair shall designate appropriate committees during the month of July or when necessary. These committees shall be composed of members of the Commission for the purpose of making investigations and recommendations to the Commission on all matters pertaining to their respective activities.

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ARTICLE 5. POLICY DETERMINATIONS

All matters of policy with respect to Commission procedure, planning and zoning administration, or recommendations shall be determined solely by the Commission.

ARTICLE 6. DUTIES OF STAFF MEMBERS

1. Director of City Planning: The Director of City Planning, at the direction of the City Planning Commission and in conformity with its policies, shall conduct studies of and make recommendations with respect to any matter affecting the orderly growth and development of the City and shall prepare plans, specifications, and estimates for carrying out a City Planning program. He/she shall keep the Planning Commission fully informed as to matters of budget, personnel, and administration of the City Planning Department.

2. Secretary. The Secretary shall keep a true and correct record of all proceedings of the Commission. He/she shall have custody of all reports, books, papers, and records of the Commission.

3. Secretary Pro-Tem: In the absence of the Secretary, the Commission may appoint a Secretary Pro-Tem.

4. Other Employees: All other employees assigned to the Commission shall be responsible solely to the Director of City Planning and shall take instructions only from said Director.

ARTICLE 7. COMMISSION ACTIONS

All business of the Commission shall be transacted by motion or resolution, except that actions on applications shall be for approval of the application or approval subject to conditions.

Motions, resolutions and actions shall require the affirmative vote of a majority of those members voting. Recommendations to the City Council based on the tie votes shall be so qualified.

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A member shall refrain from voting on any matter which, in the judgment of the member, might be construed as a conflict of interest. In such circumstances, the member shall advise the Chair at the beginning of the meeting and remove him/herself from the Commission seating area when the item is read. The member may remain in the audience and may speak with the same privileges and in the same manner as any other citizen.

Except as otherwise specified in these rules and regulations, the proceedings of the Commission shall be governed by Robert's Rules of Order.

ARTICLE 8. PROCESS AND CRITERIA FOR RECONSIDERATION:

- Requests for reconsideration shall, unless there are extenuating circumstances, be made in writing on a form prescribed by the Director of City Planning and submitted to the Secretary of the Planning Commission within ten (10) calendar days from the meeting that the Commission acted on the application for which such request for reconsideration is made. The written request submitted to the Secretary of the Planning Commission shall describe in detail new information to be presented to the Planning Commission. The party requesting reconsideration, if the party is the applicant, shall also indicate on the prescribed form that he/she waives the prescribed time limits (60-day clock) by which the Commission must act on an application. The party requesting reconsideration, whether the applicant or other interested party, shall also indicate on the prescribed form that he/she will withdraw any appeal filed with the City Council if the Commission agrees to hold a new public hearing to consider the application.
- The Secretary of the Planning Commission shall include the request for reconsideration as a line item in the agenda for the next available meeting. The agenda containing the line item on the request for reconsideration shall be mailed to all interested parties who submitted a speaker's card at the public hearing of the application and any other party who submits a written request to the Secretary of the Planning Commission.

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- The Commission, by vote, shall deny or approve the request for reconsideration. The Commission's approval to hold a new public hearing shall be contingent on the withdrawal of all appeals of the Commission's action to the City Council. The motion shall be made by a member of the Planning Commission who voted with the members who prevailed. If the Commission acts to reconsider its previous action on an application; the Commission shall, in consultation with the Commission Secretary, identify the next available date to calendar the item for a new public hearing which shall be noticed in accordance with the applicable notice requirements in the Zoning Regulations. Due to public notification requirements, the date for the new public hearing shall be no less than fourteen (14) calendar days from the day the Commission acts on the request for reconsideration.
- There shall be no request-for-reconsideration fee. However, if the Commission agrees to reconsider its decision and sets a date for a new public hearing, the party requesting reconsideration shall pay a public notification fee for the new public hearing within two (2) calendar days following the date of decision regarding reconsideration. The failure to pay the notification fee in a timely manner shall constitute a waiver of the request for reconsideration.
- The Commission shall not hold a new public hearing nor take any subsequent action concerning the item that is the subject of the request for reconsideration if any appeal regarding the matter that has been filed with the City Council is not withdrawn by the appellant prior to the Commission's scheduled date for the new hearing or if the City Council has commenced public hearing proceedings on the appeal filed with the City Council.
- The Planning Commission may approve a request for reconsideration if the party submitting such a request presents new information not previously considered by the Commission. Revisions to previously submitted plans or descriptions of use shall not be deemed to constitute new information. The new information shall be submitted to the Office of Planning and Building at least ten (10) days prior to the set hearing date for the reconsideration.

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ARTICLE 9. AMENDMENT OF RULES

These rules and regulations may be altered or amended at any regular meeting of the Commission by a majority vote of the members present, provided that the Commission shall have been notified in writing at least 48 hours in advance of the meeting. The rules and regulations may be suspended temporarily at any time by the unanimous vote of all members present.

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