



## Planning and Transportation Commission Procedural Rules

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### **Introduction & Contents**

The Planning and Transportation Commission (“Commission”) is required by its Bylaws to establish additional procedural rules governing the conduct of regular and special meetings of the Commission. These Procedural Rules supplement the Bylaws and are to be construed consistent with those Bylaws. In the event of any conflict between these Rules and the Bylaws, the Bylaws shall prevail.

These rules are organized in five sections.

#### **Public Participation in Commission Meetings**

This section explains the basic rules for speaking to the Planning and Transportation Commission. It covers things like when to speak, time limits, and how groups of speakers are handled.

#### **Order of Commission Business; Site Visits; Off-site Meetings;**

This section explains how the meeting agenda is prepared.

#### **Motions, Debate & Voting**

This section explains the simplified rules of parliamentary procedure the Commission follows (like Roberts’ Rules of Order, but simpler!).

#### **Quasi-Judicial Proceedings**

This section explains the special way the Commission handles hearings that raise constitutional due process concerns. These are usually hearings that seriously impact someone’s life, liberty or property.

#### **Special Meetings/Committees**

This section explains the purpose and process for special meetings and the use of Commission subcommittees.



## I. **Public Participation in Commission Meetings**

A. Policy. It is the policy of the Commission to assure that members of the public have the opportunity to speak to any regular or special meeting agenda item before final action. In addition, an opportunity will be provided for members of the public to address the Commission on items within its purview but not on the agenda at each regular or special meeting. These rules establish the rights and obligations of persons who wish to speak during Commission meetings.

B. General Requirements.

1. Accessibility. Palo Alto makes every reasonable effort to accommodate the needs of the disabled. Any provision of these rules may be modified if needed to provide reasonable accommodation. Persons needing assistance should contact: Fred Herman, ADA Director, City of Palo Alto, 650/329-2496 (voice) or 650/328-1199 (TDD).

2. Presiding Officer's Permission Required. The presiding officer at Commission meetings (usually the Chair or Vice-Chair) is responsible for preserving strict order and decorum. This is important in order to assure a fair opportunity for everyone to participate in an open and civil setting.

a) Any person desiring to address the Commission must first get the permission of the presiding officer by completing a speaker card and handing the card to the Secretary.

b) The presiding officer shall recognize any person who has given a completed card to the Secretary.

c) Except as provided by these rules, no person shall be permitted to enter into any discussion without the permission of the presiding officer.

3. Recording and Identification. Persons wishing to address the Commission shall comply with the following:

a) Use the microphone provided for the public and speak in a recordable tone, either personally or with assistance, if necessary.



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b) State their name and City of residence.

#### 4. Specific Requirements and Time Limits.

a) Oral Communications. Oral communications shall be limited to three minutes per speaker and will be limited to a total of thirty minutes for all speakers combined.

1) Oral communications may be used only to address items that are within the Commission's subject matter jurisdiction, but not listed on the agenda.

2) Oral communications may not be used to address matters where the receipt of new information would threaten the due process rights of any person.

3) All remarks shall be addressed to the Commission as a body and not to any *individual* member.

4) Commissioners shall not enter into debate or discussion with speakers during oral communications.

5) The presiding officer may request that City staff respond to the person speaking and/or the Commission at a later date.

b) Other Agenda Items. Public comments or testimony on agenda items other than Oral Communications shall be limited to a maximum of five minutes per speaker unless additional time is granted by the presiding officer. The presiding officer may reduce the allowed time to speak to three minutes if necessary to accommodate a larger number of speakers.

1) Spokesperson for a Group. When any group of people wishes to address the Commission on the same subject matter, the presiding officer will inform the group that a spokesperson may be chosen by the group to address the Commission. Spokespersons who are representing a group of five or more people who are identified as present at the Commission meeting at the time of the spokesperson's presentation will be allowed up to ten minutes at the



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discretion of the presiding officer, provided that the non-speaking members agree not to speak individually.

2) Quasi-Judicial Hearings. In the case of a quasi-judicial hearing, applicants and/or appellants,<sup>v</sup> as applicable, shall be given fifteen minutes each for their opening presentation and three minutes for rebuttal before the hearing is closed. When the appeal is brought by a party other than the applicant, the appellant's opening statement should precede the applicant's opening statement and the appellant's rebuttal should precede the applicant's sur-rebuttal. In the event there are two or more appellants: the presiding officer shall determine the order of the appellants' presentations; the time allowed for presentation and rebuttal shall be divided among all appellants; and the total time allowed for all appellants shall be a total of twenty minutes for the opening presentation and six minutes for rebuttal before the hearing is closed; however, under no circumstances shall an individual appellant be given less than five minutes for presentation and three minutes for rebuttal. In the event a request is made and the need for additional time is clearly established, the presiding officer shall independently, or may upon advice of the Commission's attorney, grant sufficient additional time to allow an adequate presentation by the applicant or an appellant in a hearing required by law. Members of appellants' or applicants' teams may not speak during the time allotted for public comment without first securing the permission of the presiding officer.

3) Addressing the Commission after a Motion. Following the time for public input and once the matter is returned to the Commission no person shall address the Commission without first securing the permission of the Commission, subject to approval of the Commission's Attorney with respect to any hearing required by law.

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<sup>v</sup> A "hearing requestor" under the Standard Staff Review Process (PAMC Section 18.77.060) is considered an appellant under these rules.

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### **II. Commission Meeting & Agenda Guidelines**

A. Any Commission member who is unable to attend a regular or special meeting of the Commission shall notify the Commission Chair and/or Secretary as soon as possible before being absent from a Commission meeting.

B. At 6 p.m. on the day of each regular meeting, the Commission members (or a start time otherwise listed on the Commission agenda), Secretary, and such other city officers and staff as have been requested to be present or whose presence is necessary and appropriate to the conduct of the Commission's business, shall take their regular stations in the meeting room, and the business of the Commission shall be taken up for consideration and disposition in the following order; except, that with the consent of the Commission members present, matters may be taken up out of order, and except as provided in subsection C:

- (1) Call to Order
  - (2) Roll call (The presiding officer should announce arrival of any commissioners not present for roll call for the record);
  - (3) Oral communications upon items not appearing elsewhere on the Commission's agenda;
  - (4) Agenda changes, additions, and deletions;
  - (5) Reports of officials
  - (6) Consent calendar, if applicable;
  - (7) Unfinished and New business;
  - (8) Reports of committees;
  - (9) Approval of minutes of previous meeting(s);
  - (10) Future agenda planning
  - (11) Commission member Questions, Comments and Announcements.
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### (12) Adjournment.

C. Commission Member Question, Comments and Announcements. During Commission member Questions, Comments and Announcements, Commission members may question staff briefly on matters upon which Commission has taken action or given direction, make general comments as a reference to staff on factual matters of community concern, or make brief announcements in a manner consistent with Government Code section 54952.2 (Brown Act). New assignments will not be given nor will major policy issues be discussed or considered. To the extent possible, Commission members will confer with staff before raising matters under this agenda item. This agenda item will generally be limited to 15 minutes in length and the public may not speak to matters discussed.

D. Consent Calendar. Items may be placed upon the consent calendar by the Secretary whenever, in his or her judgment, such items are expected to be routinely approved without discussion or debate. Quasi-judicial items typically should not be considered on the consent calendar. The consent calendar shall be voted upon as one item. Any Commissioner may request that an item be removed from the consent calendar; if the request is seconded, the item will be removed from the consent calendar and the presiding officer, in consultation with the Secretary, will determine the earliest practical opportunity for the item to be heard, which may include a hearing on the same date. Any member of the public wishing to speak to an item on the consent calendar shall be afforded an opportunity to speak prior to the Commission's taking action.

E. Items to be Considered After Nine p.m. Before nine p.m. the Commission will determine whether it will commence any new items after nine p.m. and shall determine which specific items will be taken up. The Commission will make every reasonable effort to complete the agenda before ten p.m.

F. Scheduling of Closed Session. Any closed sessions scheduled under Section IV.F of these rules shall be scheduled to the extent possible and appropriate prior to regular or special Commission meetings. Any closed session may be scheduled during or after a regular or special Commission meeting.

G. Meeting Adjourned Without Date Certain. When a regular meeting is adjourned without specification of a date certain for consideration of continued business, all unfinished items will be listed under unfinished business on the next regular Commission meeting agenda; except that, where deemed appropriate, the Secretary may place those items in a different order on the agenda.



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H. Continued Items; Meeting Adjourned to Date Certain. When an item on the agenda is continued to a subsequent meeting, or when a meeting is adjourned to a date certain, all continued and/or unfinished items will be listed under unfinished business on such agenda unless the Secretary deems it appropriate to place such item at a different location on such agenda.

I. No final action shall be taken on matters other than those on the agenda; provided, however, that matters deemed to be emergencies or of an urgent nature by any Commission member, the City Manager, the Director of Planning and Community Environment, or the Commission's Attorney, with an explanation of the emergency or urgency stated in open Commission meeting and deemed adequate under state law (Brown Act) by the Commission's Attorney may, with the consent of two-thirds of all members, or if less than two-thirds are present, with the consent of all members, be considered and acted upon by the Commission.

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### III. **Motions, Debate & Voting**

A. Policy. It is the policy of the Commission to follow simplified rules of parliamentary procedure for motions, debate and voting. These rules focus on the types of motions the Commission can debate and when those motions are properly used.

1. Purpose. The purpose of these rules is to facilitate orderly and thorough discussion and debate of Commission business. These rules shall not be applied or used to create strategic advantage or unjust results.
2. Summary of Rules. Palo Alto does not follow Roberts Rules of Order. See the Summary Table below.
3. Commissioner Conduct. Commissioners are expected to prepare in advance of meetings, be familiar with issues on the agenda, and focus comments on the issues at hand. Commissioners should demonstrate professionalism, respect, and courtesy to members of the public, fellow Commissioners, and staff; for example, during meetings Commissioners should limit cell phone use, practice active listening, avoid ad hominem arguments, and respect the role of the Chair and Vice-Chair in maintaining the order and decorum of the meeting.

B. Motions. A motion is a formal proposal by a Commissioner asking that the Commission take a specified action. A motion must receive a second before the Commission can consider a matter.

1. Types of Motions. There are two kinds of motions. These are the “main” motion and any secondary motions. Only one main motion can be considered at a time.
  2. Procedure.
    - a) Get the Floor. A Commissioner must receive the permission of the presiding officer before making a motion.
    - b) State the Motion. A motion is made by a Commissioner (the “maker”) stating his or her proposal. Longer proposals can be written and may be in the form of a resolution.
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c) Second Required. Any other Commissioner (including the presiding officer) who supports the proposal (or who simply wishes it to be considered) may “second” the motion without first being recognized. A motion to raise a question of personal privilege does not require a second. If there is no second stated immediately, the presiding officer should ask whether there is a second. If no Commissioner seconds the motion the matter will not be considered.

d) Motion Restated. The presiding officer should restate the motion for the record, particularly if it is long or complex.

e) Discussion. The maker shall be the first Commissioner recognized to speak on the motion if it receives a second. Generally Commissioners will speak only once with respect to a motion. If the presiding officer permits any Commissioner to speak more than once on a motion, all Commissioners shall receive the same privilege.

f) Secondary Motions. Secondary motions may be made by a Commissioner upon getting the floor.

g) Action. After discussion is complete the Commission will vote on the motion under consideration.

3. Precedence of Motions. When a motion is before the Commission, no new main motion shall be entertained. The Commission recognizes the following secondary motions, which may be considered while a main motion is pending. These motions shall have precedence in the order listed below. This means that a secondary motion that is higher on the list will be considered ahead of a pending secondary motion that is lower on the list:

- a) Fix the time to which to adjourn;
- b) Adjourn;
- c) Take a recess;
- d) Raise a question of personal privilege;
- e) Table discussion;
- f) Call the question (close debate and vote);
- g) Limit or extend limits of debate;
- h) Motion to continue to a certain time;
- i) Refer to committee;
- j) Amend or substitute;



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4. Secondary Motions Defined. The purpose of the allowed secondary motions is summarized in the following text and table.

a) Fix the time to which to adjourn. This motion sets a time for continuation of the meeting. It requires a second, is amendable and is debatable only as to the time to which the meeting is adjourned.

b) Adjourn. This motion ends the meeting or adjourns it to another time. It requires a second and is not debatable except to set the time to which the meeting is adjourned, if applicable. A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion; (b) when made as an interruption of a member while speaking; (c) when the previous question has been ordered; and (d) while a vote is being taken.

c) Take a recess. This motion interrupts the meeting temporarily. It is amendable, but is not debatable. To maintain the orderliness and decorum of the meeting, the Chair may call a recess without a vote.

d) Raise a question of personal privilege. This motion allows a Commissioner to address the Commission on a question of personal privilege and shall be limited to cases in which the Commissioner's integrity, character or motives are questioned, or when the welfare of the Commission is concerned. The maker of the motion may interrupt another speaker if the presiding officer recognizes the "privilege." The motion does not require a second, is not amendable and is not debatable.

e) Table discussion. This motion is used to interrupt business for more urgent business. A motion to table discussion requires a second, is not amendable and is not debatable. It shall preclude all amendments or debate of the subject under consideration. If the motion prevails, and the subject is tabled, the matter must be reagendaized in the future if further consideration is to be given to the matter.

f) Call the question. This motion closes debate and calls for a vote on the pending motion. A motion to call the question requires a second, is not debatable and is not amendable. If the motion to call the question fails, debate is reopened; if the motion passes, then the



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Commission must vote on the pending motion. A motion to call the question requires a two-thirds vote of those Commissioners present and voting.

g) Limit or extend debate. This motion limits or extends the time for the Commission or any Commissioner to debate a motion. It requires a second, is amendable and is not debatable. The motion requires a two-thirds vote of those Commissioners present and voting.

h) Continue to a certain time. This motion continues a matter to another, specified time. It requires a second, is amendable and is debatable as to propriety of postponement and time set.

i) Refer to a city agency, body, committee, board, commission or officer. This motion sends a subject to another city agency, body, committee, board, commission or officer for further study and report back to the Commission, at which time subject is fully debated. It requires a second, is amendable, and is debatable only as to the propriety of referring. The substance of the subject being referred shall not be discussed at the time the motion to refer is made.

j) Amend. Colloquially referred to as an “unfriendly amendment,” this motion changes the main motion *without the consent of the maker and seconder*. It requires a second, is amendable, and is debatable. A motion to amend an amendment is in order, but one to amend an amendment to an amendment is not. An amendment raising an independent question or one that is not germane to the main motion shall not be in order. Motions to amend shall be resolved before returning to the main motion. Note: a so-called “friendly amendment,” which asks the maker and seconder of the main motion to change their motion, is not a secondary motion and may be incorporated into the main motion without a vote of the commission.

k) Substitute. *Substitute motions are not permitted under the Commission’s rules.* Similar to a motion to amend, but different in degree, this motion reverses or replaces the main motion without the consent of the maker or seconder. It requires a second, is amendable, and is debatable. A motion to amend a substitute motion is in order, but a motion to substitute a substitute motion is



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not. A substitute motion raising an independent question or one that is not germane to the main motion shall not be in order. Substitute motions shall be resolved before returning to the main motion. In the event of a dispute, the presiding officer shall determine whether a motion represents an amendment or a substitute.



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Motion	Description	2 <sup>nd</sup> Req'd	Debatable	Amendable	2/3 Vote
Fix the time to which to adjourn	Sets a next date and time for continuation of the meeting	X	Only as to time to which the meeting is adjourned	X	
Adjourn	Sets time to adjourn. Not in order if (a) repeated without intervening business (b) made as an interruption of a member while speaking; (c) the previous question has been ordered; and (d) while a vote is being taken	X	Only to set the time to which the meeting is adjourned		
Take a recess	Purpose is to interrupt the meeting	X		X	
Raise a question of personal privilege	Allows a commissioner who feels his or her personal integrity has been impugned to address the Commission.				
Table discussion	Interrupts business for more urgent business	X			
Call the question	Closes debate on pending motion	X			X
Limit or extend limits of debate	Purpose is to limit or extend debate	X		X	X
Motion to continue to a certain time	Continues the matter to another, specified time	X	X	X	
Refer to committee	Sends subject to another city agency, body, committee, board, commission or officer for further study and report back to the Commission, at which time subject is fully debated	X	Only as to propriety of referring, not substance of referral	X	
Amend	Modifies (but does not reverses course of) proposed action. Cannot raise independent question. Can amend an amendment, but no further.	X	Only if underlying motion is debatable	X	
Substitute	Reverses the proposed action. <i>Substitute motions are not permitted.</i> When permitted: Cannot raise independent question; can amend a substitute once, but cannot substitute a substitute motion. Chair to determine whether a motion represents an amendment or a substitute	N/A	N/A	N/A	N/A



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### C. Debate and Voting.

1. Presiding officer to state motion. The presiding officer shall assure that all motions are clearly stated before allowing debate to begin. The presiding officer may restate the motion or may direct City staff to restate the motion before allowing debate to begin. The presiding officer shall restate the motion or direct City staff to restate the motion prior to voting.
2. Presiding officer may debate and vote. The presiding officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all Commissioners. The presiding officer shall not be deprived of any of the rights and privileges of a Commissioner.
3. Division of question. If the question contains two or more divisible propositions, each of which is capable of standing as a complete proposition if the others are removed, the presiding officer may, and upon request of a Commissioner shall, divide the same. The presiding officer's determination shall be appealable by any Commissioner.
4. Withdrawal of motion. A motion or second may be withdrawn by the maker or seconder, respectively, without the consent of other. In the event a motion or second is withdrawn, the presiding officer may allow another Commissioner to take the place of the maker or seconder.
5. Voting. On the passage of every motion, the vote shall be taken by voice, show of hands, or other means, and entered in full upon the record. Unless otherwise indicated in these rules, a motion may be adopted by a majority of commissioners present and voting.
6. Failure to vote. It is the responsibility of every Commissioner to vote unless disqualified for cause accepted by the Commission or by opinion of the Commission's Attorney. No Commissioner can be compelled to vote.
7. Abstaining from vote. The abstainer chooses not to participate in a vote and, in effect, "consents" that a majority of the Commissioners present and voting may act for him or her.
10. Not participating. A Commissioner who disqualifies him or herself pursuant to the Political Reform Act of 1974 because of any financial interest shall disclose the nature of the conflict and may not participate in the



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discussion or the vote. A Commissioner may otherwise disqualify him or herself due to personal bias or the appearance of impropriety.

11. Tie votes. Tie votes may be reconsidered during the time permitted by these rules on motion by any member of the Commission voting aye or nay during the original vote. Before a motion is made on the next item on the agenda, any member of the Commission may make a motion to continue the matter to another date. Any continuance hereunder shall suspend the running of any time in which action of the Commission is required by law. Nothing herein shall be construed to prevent any Commissioner from agendaizing a matter that resulted in a tie vote for a subsequent meeting.

12. Motion to reconsider. A motion to reconsider any action taken by the Commission may be made only during the meeting or adjourned meeting thereof when the action was taken. A motion to reconsider requires a second, is debatable and is not amendable. The motion must be made by one of the prevailing side, but may be seconded by any Commissioner. A motion to reconsider may be made at any time and shall have precedence over all other motions, or while a Commissioner has the floor, providing that no vested rights are impaired. The purpose of reconsideration is to bring back the matter for review. If a motion to reconsider fails, it may not itself be reconsidered. Reconsideration may not be moved more than once on the same motion. Nothing herein shall be construed to prevent any Commissioner from making a motion to rescind such action at a subsequent meeting of the Commission.

13. Appeal from the decision of presiding officer. When the rules are silent, the presiding officer shall decide all questions of order, subject to appeal by a Commissioner. At the presiding officer's discretion, the presiding officer may submit the question to the Commission, in which case a majority vote shall prevail. Any decision or ruling of the presiding officer may be appealed by request of any member. A majority vote is required to reverse the decision of the presiding officer.

14. Getting the floor; improper references to be avoided. Every Commissioner desiring to speak shall address the chair and, upon recognition by the presiding officer, every Commissioner shall be confined to the question under debate, avoiding all indecorous language and personal attacks.



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15. Interruptions. Except for being called to order, a Commissioner once recognized, shall not be interrupted when speaking, except as otherwise provided for in these rules. A Commissioner called to order while speaking shall cease speaking until the question or order is determined, and, if in order, said Commissioner shall be permitted to proceed.

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## **IV. Additional Requirements for Quasi-Judicial Hearings and Planned Community Zoning Applications**

A. Policy. It is the policy of the Commission to assure that the due process rights of all persons are protected during City hearings. A “quasi-judicial” hearing is a hearing that requires a higher level of procedural due process because of the potential impact on life, liberty or property. Usually, quasi-judicial hearings involve a single parcel of land and apply facts and evidence in the context of existing law. Findings must be stated to explain the evidentiary basis for the Commission’s decision.

1. Purpose. These rules are intended to assure that Commission decision-making on quasi-judicial matters is based upon facts and evidence known to all parties.

B. General Requirements.

1. Quasi-Judicial and Planned Community Zoning Proceedings Defined. Proceedings subject to these procedural rules include hearings or preliminary review (including prescreenings or study sessions) involving the following matters:

- a) Conditional Use Permits
- b) Variances
- c) Home Improvement Exceptions
- d) Design Enhancement Exceptions
- e) Subdivisions, other than final map approvals
- f) Site and Design Review
- g) Planned Community Zoning
- h) Other matters as determined by the Commission’s Attorney
- i) Appeals related to any of the above
- j) Environmental Review relating to any of the above

2. Restrictions on Commission Communications Outside of Quasi-Judicial Hearings. It is the policy of the Commission to discourage the gathering and submission of information outside of any required hearing when such information will impair the Commission’s impartiality on a quasi-judicial decision or Planned Community Zoning Application. The following



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procedural guidelines are intended to implement this policy, but shall not be construed to create any remedy or right of action.

3. Identification of Quasi-Judicial/Planned Community Matters. The City Attorney, in conjunction with the Planning Director, will identify agenda items involving quasi-judicial/planned community decisions on both the tentative and regular Commission agendas. This identification is intended to inform the Commission, interested parties, and the public that this policy will apply to the item.

4. Commissioners to Track Contacts. Commissioners will use their best efforts to track contacts pertaining to such identified quasi-judicial/planned community decision items. Contacts include conversations with any individual, meetings, site visits, mailings, or presentations during which substantial factual information about the item is gathered by or submitted to a Commissioner.

All current and new Commissioners shall receive training on appropriate conduct in communications outside of quasi-judicial hearings.

5. Disclosure. When the item is presented to the Commission for hearing, Commissioners will disclose any contacts in which the Commissioners learned new and pertinent information that is not a part of the public record. Alternatively, Commissioners may prepare a written summary describing contact in which they learned new information that is not a part of the public record and provide that summary to the Planning Department within a reasonable time to allow the Department to post the summary online or otherwise make it available to the public before the item is heard. The disclosure may be oral or written, and should explain not only the nature of the contact but also the substance of the information learned, so that other Commissioners, interested parties, and the public will have an opportunity to become apprised of the factors influencing the Commission's decision and to attempt to controvert or rebut any such factor during the hearing. Disclosure of a contact and new information alone shall not be deemed grounds for disqualification of a Commissioner from participation in a quasi-judicial decision unless the Commissioner determines that the nature of the contact is such that it is not possible for the Commissioner to reach an impartial decision on the item.



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- a) If a Commissioner receives any written materials in connections with these types of discussions, a copy of those materials shall be made a part of the public record.
- b) At the beginning of any such meeting or discussion, Commissioners are strongly encouraged to review these Guidelines with the party they are meeting.
- c) Commissioners shall endeavor to always keep an open mind, and not rush to pre-judge any matter, until after all concerned parties (including but not limited to applicants, members of the public and Staff) are heard during the public hearing.
- d) Commissioners shall refrain from coming to a conclusion on the item until the public hearing is closed.
- e) No Contacts after Hearings. Following closure of the hearing, and prior to a final decision, Commissioners will refrain from any contacts pertaining to the item, other than clarifying questions directed to City staff.

6. Written Findings Required. On any matter for which state law or City ordinance requires the preparation of written findings, the staff report and other materials submitted on the matter will contain findings proposed for adoption by the Commission. Any motion directly or impliedly rejecting the proposed findings must include a statement of alternative or modified findings or a direction that the matter under consideration be continued for a reasonable period of time in order for staff to prepare a new set of proposed findings consistent with the evidence which has been presented and the decision which is anticipated.

7. Rules of Evidence. Commission hearings need not be conducted according to formal rules of evidence. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons rely in the conduct of serious affairs. The presiding officer may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings while ensuring basic fairness and full consideration of the issues involved. Evidentiary objections shall be deemed waived unless made in a timely fashion before the Commission.



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8. Burden of Proof. The applicant and appellant shall bear the burden of proof on all aspects of the action or relief they seek. The person with the burden of proof must offer evidence to the Commission to support his or her position.

9. Commissioners Who are Absent During Part of a Hearing. A Commissioner who is absent from any portion of a hearing conducted by the Commission may vote on the matter provided that he or she has watched or listened to a video or radio broadcast, or video or audio recording, of the entire portion of the hearing from which he or she was absent and if she or he has examined all of the exhibits presented during the portion of the hearing from which he or she was absent and states for the record before voting that the Commissioner deems himself or herself to be as familiar with the record and with the evidence presented at the hearing as he or she would have been had he or she personally attended the entire hearing.

10. Appeals. Appeals to the Commission shall be conducted *de novo*, meaning that new evidence and arguments may be presented and considered. All matters in the record before any other City board, commission or official shall be part of the record before the Commission.

C. Record Before the Commission. The Records before the Commission on any matter shall be deemed to include the Comprehensive Plan, the Municipal Code and any relevant plans or studies which have been formally accepted or approved by the Commission or by the City Council.

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### **V. Special Meetings/Committees**

A. Special Meetings. A Special Meeting may be called by the presiding officer or by a majority of the Commission for a day and time other than a regularly scheduled meeting. A Special Meeting shall be set and publicized in accordance with the Brown Act.

B. Retreats. At least once a year, the Commission shall hold an off-site retreat. The retreat shall be fully noticed and open to the public. The purpose of the retreat shall be to review the work of the Commission over the prior year, discuss items of policy and general interest, changes to the Brown Act or any other changes to the law that affect the conduct of meetings and to review the Bylaws and procedures. Retreats may be conducted informally and the rules of Motions, Debate and Voting may be suspended for the duration of the Retreat. No final decisions shall be made at a retreat, and no formal votes may be taken.

C. Site Visits/Off-Site Meetings. A regular or special meeting of the Commission may be held off-site provided that proper notice to the public is given. Other than Retreats, off-site meetings should be limited to those circumstances in which the presiding officer, the Director of Planning and Community Environment or a majority of the Commission determines that an off-site meeting is necessary for the evaluation of a matter before the Commission or is necessary to allow for broader community input.

D. Study Sessions. Study Sessions are meetings during which the Commission receives information about City business in an informal setting. The informal study session setting is intended to encourage in-depth presentations by City staff, and detailed questioning and brainstorming by the Commission. The Commission may discuss the material freely without following formal rules of parliamentary procedure. Staff may be directed to bring matters back for Commission consideration at future meetings, but no action can be taken. Study sessions shall not be for the purpose of taking evidence with respect to a project. Decorum rules still apply to the behavior of the Commission and public.

E. Committees. The authority to create standing committees is limited to the City Council and the City Manager. The Commission may create ad hoc subcommittees to study Commission business in greater depth than what is possible in the time allotted for Commission meetings. No more than three Commissioners may participate on any ad hoc subcommittee. An ad hoc subcommittee shall be made up of Commission members only; shall be formed



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for a specified duration, not to exceed six months; and shall be limited to the discussion of a specific subject matter or the completion of a defined task.

F. Closed Sessions. In the event that the City Attorney's Office advises that a closed session of the Commission is authorized and necessary, the Commission shall comply with all rules adopted by the City Council for the conduct of closed sessions and with all applicable state law.

G. Pre-Commission Meetings. Prior to a scheduled meeting, the Chair and Vice-chair should meet with staff to plan how the meeting will be conducted, to identify any issues or questions that may need greater staff preparation and to discuss future meetings. The purpose of the meeting is not to discuss policy issues.

H. Commission Representation at City Council. Each month, one member of the Commission will attend all City Council meetings in which the business of the Commission has been agendaized for Council review. The Commission representative will present the Commission's recommendations and answer any questions the Council may have. The Commissioners will rotate this responsibility.

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