

Peters, Sarah

From: Jacob Patterson <jacob.patterson.esq@gmail.com>
Sent: Wednesday, February 23, 2022 1:44 PM
To: cdd
Cc: Peters, Sarah; O'Neal, Chantell
Subject: Public Comment -- 2/23/22 PC Mtg., Item No. 7A, Bylaws revisions
Attachments: PC Bylaws PC01-2022 - redline.docx; PC Bylaws PC01-2022 - redline.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Planning Commission,

I have attached my own redline of the PC's bylaws for your consideration for Item 7A. My version is based off of the staff recommended revisions and I made further changes, including some minor changes to capitalization and punctuation for consistency. Staff's suggested revisions concerning public comments would not satisfy legal requirements for quasi-adjudicative public hearing items, in my opinion, and you may want to consult the City Attorney if he attends tonight. In fact, most of these changes appear to be for staff's convenience despite the likely negative impacts on the public, which could be construed as interfering with public participation and reducing transparency. You should reject some of the staff-recommended revisions for that reason.

I have attached Word and PDF versions of my recommended changes to staff's suggested revisions.

Best regards,

--Jacob

Exhibit A
FORT BRAGG PLANNING COMMISSION
BYLAWS
02/23/2022

I. PURPOSE

The purpose of the bylaws of the Fort Bragg Planning Commission is to adopt its rules of procedure governing its meetings, its operation, its conduct of public hearings and the performance of its duties. (Ord. 740, §1, 1992) (Fort Bragg Municipal Code §2.20.090 and 2.20.100)

II. MEETINGS

- A. ~~the~~The Commission shall hold its regular meetings on the second and fourth Wednesday of each month at 6:00 p.m. At the first regularly held meeting in nthe month of January of the year, the Commission may adopt a project work plan and specific meeting schedule that provides alternate meeting dates to avoid conflict with recognized City holidays. There will be no fourth Wednesday meetings in November and December. The meeting schedule shall be posted for public review at City Hall and on the City's website. (Ord. 740, §1, 1992) (Fort Bragg Municipal Code§ 2.20.060, 2.20.090 and 2.20.100)
- B. The meeting place of the Planning Commission for the transaction of business is fixed and established at the Town Hall, situated on the southwest corner of North Main and Laurel Streets, and commonly known as 363 North Main Street, Fort Bragg, California, in a hybrid format, or virtually if resolved by the body in accordance with AB361. The meetings will be conducted in person and/or via webinar and televised on local TV as well as livestreamed on the City's website. (Ord. 274, §2, 1947; Ord. 740, §1, 1992) (Fort Bragg Municipal Code §2.04.020).
- C. A special meeting of the Planning Commission may be called at any time by:
1. The Chair; or,
 2. In the Chair's absence, by the Vice-Chair; or,
 3. By a majority of the members of the Planning Commission; or
 4. The City Manager or, Community Development Director, ~~or City Staff.~~

Unless a special meeting is called by a majority vote of the members at a regular or special meeting, a written notice must be delivered, to each member of the Planning Commission at least twenty-four hours prior to the special meeting. The notice must specify the time and place of the special meeting and the business to be considered. The notice must be posted at City Hall in the kiosk, ~~and~~ on the City's website, and emailed to all members of the public who have signed up for the City's notifications concerning Planning Commission meetings. The only business that may be considered at a special meeting is the business shown on the notice. (Ord. 499 §2, 1978; Ord. 740 §1, 1992) (Fort Bragg Municipal Code §2.04.190)

D. All regular and special meetings shall be open to the public. (Ord. 623, 1984; Ord. 602, 1983; Ord. 83, §2, 1905) (Fort Bragg Municipal Code §2.04.010). Public Comments

E. The order of business of the Planning Commission shall be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
5. Public Comments on Non-Agenda Items
6. Disclosure of Ex Parte Communications on Agenda Items
7. Public Hearings
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10. Matters from Staff

~~40-11.~~ Additional Public Comments

~~11-12.~~ Adjournment

(Ord. 738 §1, 1992; Ord. 674 §1, 1987; Ord. 84 §4, 1905) (Fort Bragg Municipal Code §2.04.060)

F. The adjournment time for all Commission meetings shall be 9:00 p.m. If the Commission is still in session at 9:00 p.m., the Commission may continue the meeting upon majority vote. Further, if it appears that the meeting will adjourn, the Planning Commission shall vote upon which items are to be continued to a future meeting.

(Ord. 740§1, 1992) (Fort Bragg Municipal Code §2.20.100)

III. OPERATIONS

A. A majority of the Planning Commission constitutes a quorum for the transaction of business. (Government -Code §36810)

B. At the first ~~regularly held~~ meeting in the month of January of the year, the Planning Commission shall select one of its members as Chair and one member as Vice-Chair of the Commission. In case of the absence of the Chair, the Vice-Chair shall act as the Chair. If the Chair and Vice-Chair leave the Commission, and there are no officers, the Commission shall elect a Chair and Vice-Chair at the next Commission meeting. (Ord. 740 §1, 1992) (Fort Bragg Municipal Code §2.20.050)

C. ~~At the first regularly held meeting of the year~~ During the month of January and as frequently thereafter as they so choose, the Commission may discuss and adopt a work ~~schedule plan~~ for the year as a guide for work on the General Plan of the City. (Ord. 740 §1, 1992) (Fort Bragg Municipal Code §2.20.070)

D. The Community Development Director or designee shall provide a quarterly update to the Commission of all major current planning projects and all ~~long-long~~-range planning activities.

- E. After the close of the calendar year, the Commission may discuss and prepare a summary report of its work for the calendar year. The report may be submitted to the City Council and may be used for reporting to County, State or Federal agencies. (Ord. 740§1, 1992) (Fort Bragg Municipal Code §2.20.010)
- F. To allow for efficient consideration of planning and zoning matters, Ad Hoc committees may be appointed to consider specific matters and report to the Commission. Ad Hoc committees will be appointed by the Chair, after consultation with the Commission as to the purpose and composition of the committee. Not more than two commissioners may be appointed to an Ad Hoc committee. (Ord. 500 §3, 1978; Ord. 740 §1, 1992) (Fort Bragg Municipal Code §2.04.075)
1. At the first meeting of each Ad Hoc committee, one member shall be elected as Chair. The Chair shall be responsible to direct the committee and to report to the Commission when the committee believes it has completed its task. The Chair shall ensure that proper notices are posted at City Hall for meetings of the Ad Hoc committee. The Chair shall account for member participation and attendance at meetings or other work related to the task, including records of action or progress. The Chair may report to the Commission periodically, about progress and/or about member attendance. Each member of an Ad Hoc committee is responsible to attend meetings of the committee. Committee meeting dates shall be set by a consensus of the committee.
 2. If one or more members of an Ad Hoc committee is/are absent from one (1) meeting that has been set by consensus, the Chair shall attempt to contact the member and determine his/her interest in serving on the committee. The Chair shall report to the Commission, requesting a replacement member, if the member is not willing to continue or if failure to attend meetings continues.
 3. Final Ad Hoc committee recommendations shall be presented to the Commission by the Chair in writing. When the committee report is received, the Commission may receive majority and minority opinions from committee members.
- G. The Chair shall decide all questions of order.
(Ord. 674 §1, 1987; Ord. 84 §2, 1905) (Fort Bragg Municipal Code §2.04.040)
- H. The Chair may make or second any motion before the Planning Commission and present and discuss any matter as a member of the Planning Commission.
(Ord. 498 §6, 1978) (Fort Bragg Municipal Code §2.04.034)
- I. In the event of a tie vote, the motion shall fail.
(Ord. 552 § §2, 3, 1981) (Fort Bragg Municipal Code §2.04.038)
- J. A motion to reconsider shall not be in order except on the same day or at the next session of the Commission after which the action proposed to be reconsidered took place. Such motion must be made by a member who voted with the majority on the question, except that a member who was necessarily absent may, at the next meeting at which he or she is present, have a right to move a reconsideration of the same. A motion to reconsider shall

require a majority vote. Whenever a motion to reconsider fails, further reconsideration shall not be granted.

- K. No member of the Planning Commission shall be permitted to interrupt another during debate or discussion of any subject. (Ord. 674 §1, 1987; Ord. 84 §10, 1905) (Fort Bragg Municipal Code §2.04.120)
- L. 1. Every member of the Planning Commission present shall vote on every question or matter when put, except when disqualified from voting by operation of law, or unless the Planning Commission for special reasons entered in the minutes, excuses the member from voting on a particular matter then under consideration. Should a member abstain from voting, they shall state the reason for abstaining, and said reason shall be recorded in the minutes of said meeting. (Ord. 738§5, 1992; Ord. 84§11, 1905) (Fort Bragg Municipal Code §2.04.130)
2. Any member of the Planning Commission who votes in the minority, on any question or matter, may file a minority opinion. The minority opinion may be verbal at the time of the vote, or written and submitted for inclusion into the minutes of the question or matter, or prepared in writing after the conclusion of the meeting. A minority opinion shall be shown as the personal comments of an individual member and not subject to change by a majority of the Commission. A written minority opinion must be submitted to the Planning Community Development Director between the vote on the question or matter and the beginning of the next regular meeting when the minutes on the question or matter are considered.

~~M. When the Commission revises staff recommendations on an application and the applicant is not present or represented, the Commission shall defer a decision until the applicant can be present or represented.~~

N.M. Each member of the Planning Commission is responsible to attend Commission meetings. Section 2.20.080 of the Fort Bragg Municipal Code shall be enforced for each member.

O.N. If the Planning Community Development Director determines that a substantial question of interpretation on a planning matter needs the review of the Planning Commission, the Planning Community Development Director shall introduce the matter at the next regular meeting. The matter may apply to City ordinances or to a current project. The Planning Community Development Director shall provide a written report to the Planning Commission including the following:

1. A statement of the substantial question for review.
2. A reference to ordinances in the Municipal Code that apply to the substantial question.
3. A reference to the portions of the General Plan that may apply.
4. A reference to previous actions by the Commission or City Council that may apply.

After the Planning Commission has studied the substantial question, it shall adopt a finding to be used by the Planning DirectorCommunity Development Department.

IV. PUBLIC HEARINGS

On any matter before the Planning Commission that requires a public hearing, the following procedure shall be followed:

- A. The Chair will announce the item from the agenda;
- B. The Chair will open the public hearing, stating the time:
 1. The Community Development Director and/or planner will present a staff summary report and answer questions of the Commissioners;
 2. If it is apparent that there is considerable public interest in the matter, the Chair may poll the audience for an indication of the number of persons who wish to address the Commission; and,
 3. The Chair may:
 - a) impose a three (3) minute time limit on each person who addresses the Commission;
 - b) request that testimony be combined through a spokesperson where possible; and,
 - c) limit each person who has addressed the Commission to a single opportunity to clarify their testimony.
- C. The applicant shall be given an opportunity to present the matter and answer questions from staff or Commissioners, unless they waive that right by letter in advance of the meeting;
- D. Members of the public and/or public agencies will be given an opportunity to present their comments;
- E. For meeting held in person or in a hybrid format, speakers before the Planning Commission shall approach the public podium and give their comments or provide comments by telephone or virtually via the software used to facilitate the hybrid meeting. They may also provide their name, address, and whether they live or work in the City prior to addressing the Commission;
- F. For meetings held virtually via webinar, public comments can be made at any time prior to the meeting in writing, including via email, and in real-time while the item is being considered by the Planning Commission via the software used to facilitate the webinar.
- F.G. All public comments or emails received by the City until one hour prior to the start of the meeting will be uploaded to the City's online agenda management platform for review by the public and will be printed and made available at the meeting location for in-person or hybrid meetings. Public comments received after that time but before or during the meeting that have not been published with the agenda packet or otherwise published online will be forwarded to the Committee Members as soon as possible after receipt and will be available for inspection by the public at the meeting, online, and at City Hall, 416 N. Franklin Street, Fort Bragg, California, during normal business hours. All comments will become a

permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible.

G.H. Public comments are restricted to three minutes per item unless the Chair elects to extend that time. Written comments on agendized and non-agendized matters ~~and those exceeding three minutes~~ will be included in the public record as part of the agenda packet the next business day after the meeting.

H.I. Questions from the public or Commissioners should be directed through the Chair, unless the Chair decides to manage questions in a different manner;

I.J. When all comments have been presented to the Commission, any of the following options may be selected:

1. Continue the public hearing until a future date ~~if there are issues raised during the hearing that need further review~~;
2. Leave the public hearing open while the Commission discusses action proposed to be taken; and,
3. Close the public hearing, stating the time and then the Commission can discuss action to be taken. (Ord. 740 §1, 1992) (Fort Bragg Municipal Code §2.20.100)

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