



**City of Manteca
Planning Commission Training
City Attorney's Office
February 20, 2025**

CITY OF MANTECA
ADMINISTRATION CENTER

OBJECTIVES

- Review Basic Role of the Planning Commission
- Brown Act
- Meeting Management
- Relevant City Policies



ROLE OF THE PLANNING COMMISSION

- Manteca Municipal Code Section 17.06.04:
 - The Zoning Ordinance is collectively administered by the City Council, Planning Commission, and Director of Development Services, with specific roles delegated to each.
- The Planning Commission:
 - Serves as the decision-making authority on most designated permit and approval applications.
 - Provides recommendations to the City Council on legislative actions related to the General Plan and Zoning Code.
 - Reiterate: takes discretionary actions and serves in an advisory role to the CC based on limited matters
 - The Planning Commission is not a “JV” City Council
 - Title 17, the General Plan, and Zoning Laws are your “bread and butter”



Examples To Consider

- The Sushi Restaurant
- The Cigarette Outlet Store
- The Art Deco Designed Building
- The Industrial Warehouse
- The Fast-Food Chicken Restaurant



THE BROWN ACT

- “All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter” - Government Code § 54953(a)
- So what is a meeting (i.e., what constitutes a quorum)?
 - same time, place (including teleconference and/or online), regarding any item within their subject matter jurisdiction
- Planning Commission = Legislative Body
- Legislative Body does not include ad hoc committees or “2x2” committees



BROWN ACT MEETINGS – CONTINUED...

- When is a meeting not a “meeting?”
 - Individual contacts
 - Conferences and seminars
 - Community meetings
 - Another body of the agency when it is an open and noticed meeting of that body (i.e., more than a quorum of PC attending a City Council meeting)
 - Social or ceremonial event – be proactive!



BROWN ACT MEETINGS – CONTINUED...

Serial Meetings Are Illegal!!! (- Gov't Code § 54952.2)

- **What is a serial meeting?**

- Series of communications
- Direct or indirect (intermediaries/technology)
- Employed by a majority
- To discuss, deliberate, or take action on any item of business or potential business
- Beware of social media!!!
- Beware of “reply all”!!!



BROWN ACT MEETINGS – CONTINUED...

- Meetings generally must be within the local jurisdiction (exceptions: legal proceedings, site inspection)
- Teleconferencing OK if a quorum participates from the regular location and teleconference site is identified on the agenda, notice is posted at site, site provides for public participation – check with the Clerk’s Office!!!
- Agenda must be posted 72 hours in advance (regular meetings); 24 hours in advance (special meetings)
- Brief description of items of business
- Freely accessible to public
- Agendas must be publicly accessible and distributed in advance to those who request copies



BROWN ACT MEETINGS – CONTINUED...

- No discussion or decision on items not on the posted agenda, EXCEPT...
 - Clarification / reference to staff
 - Brief announcements / report on activities
 - Requests for future report
 - Placement of items on future agenda with Commission consensus



BROWN ACT MEETINGS – TOP 10 LIST

10. Remember that the public has a right to speak and criticize
9. Enforce speaking time limits consistent with the Decorum Policy (public comment – *address not required*)
8. Avoid texting from the dais
7. Avoid debate between public comment speakers and the Commission
6. Stick to the Agenda
5. Disclose any changes and/or potential changes about a meeting to the Director of Development Services and City Attorney *before* the meeting
4. Avoid sidebar conversations during a break
3. Equal Treatment
2. Do not disclose privileged/confidential communications
1. Consensus Required



Meeting Management - Making Motions

**When to
make a
motion**

**How to
make a
motion**

**Amending
a motion**

Motions to reconsider

Timing:
Made at
same
meeting
item was
first voted
upon

Made by
member
who voted
in majority
on original
motion

Requires
majority
vote



When is a roll call vote required?

When to simply ask for “all in favor, any objections?”

- Straightforward items such as approval of the minutes or directing staff to place a noncontroversial item on a future agenda.



“All in favor of a cap on our liability?”



Tie Votes

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- Results in no action taken and a new motion may be made that results in a majority vote.
- A tie vote on whether to grant a project is considered a denial of the project or no recommendation to the City Council.



Clarity of motions

**No. 1 Tip for
Commissioners:
Be clear.**

Examples:

“I make a motion that we adopt Resolution No. 1234 approving a Conditional Use Permit for a restaurant at 73 Market Street.”

“I make a motion that we recommend that the City Council consider revisions to the City’s ADU Ordinance.”

Examples of motions that are not clear:
“Motion to approve.” (Approve what?)



Absent Members

Votes of Members Previously Absent



For public hearing items continued from a prior meeting, a Commissioner who was absent from the prior meeting may participate and vote as long as:

(1) the Commissioner has read the staff report, reviewed any other materials submitted, and listened to audio/video of the prior meeting; and (2) affirms having done so at the present meeting, for the record.

RELEVANT POLICIES FOR PC KNOWLEDGE

- Code of Ethics Policy

*“Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, City Officials shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.”

- Censure Policy

*applicable to City’s Code of Ethics, the Brown Act, the Workplace Civility and Respect Policy, and any applicable laws concerning conflict of interest.

- Time Management Policy --- Staff Time

- Decorum Policy

- Nepotism Policy

- Civility Policy

• **ALL OF THESE APPLY TO THE PLANNING COMMISSION!!!**



