

## ARTICLE I: NAME

1. The name of this Organization shall be the City Planning Commission of the City of Manteca, California; herein after referred to as the Planning Commission or the Commission.

## ARTICLE II: MEMBERSHIP AND TERM OF OFFICE

1. Membership, term of office and procedures for removal of members and the filling of vacancies shall be as established by Ordinance No. 271 of the City of Manteca and consistent with the Manteca Municipal Code and decisions of the City Council. (Refer to Ordinance No. 271 attached)

(Amendments: Ordinance No. 1437: 2009; Ordinance No. 434: 1973; Ordinance No. 271: 1966; Ordinance No. 128: 1954; Ordinance No. 92: 1948; Ordinance No. 22: 1921)

The following highlights are included in the proposed edits to the Municipal Code, Chapter 2.24:

- Each councilmember shall nominate a City resident from their district for council approval to serve as a commissioner for a four (4) year term concurrent with the councilmember;
- For any councilmember elected at-large, or serving out a term from a council member elected at-large, that council member may select a resident at-large to serve as a Commissioner for the remainder of that term.
- The Mayor shall nominate a City resident from an at-large pool of candidates for council approval to serve as a commissioner for a four (4) year term concurrent with the Mayor;
- The Mayor shall nominate a City resident from an at-large pool of candidates for council approval to serve as an alternate for a four (4) year term concurrent with the Mayor;
- If the City Council does not approve a councilmember's nomination from their district or should the district not yield any applications, the councilmember may then select from an at-large pool of candidates.

## ARTICLE III: OFFICERS

1. There shall be annually elected, on the first meeting of each year, from the membership of the Commission, a Chair, Vice Chair, and Secretary. The Director of Development Services, of the City of Manteca, may, at the option of the Commission, be appointed as Secretary; the Director of Development Services may delegate that authority to a designee within the Development Services Department.

2. Should the membership term of an officer expire prior to the next annual election of officers, a special election shall be held to fill that office for the duration of the term.

## ARTICLE IV: DUTIES OF OFFICERS

1. The Chair shall preside at all regular meetings and shall call all special meetings.

2. The Vice Chair shall assume all duties of the Chair in his or her absence or disability.
3. In case of the absence of both the Chair and Vice Chair from any meeting, an acting Chairman shall be elected from among the members present with preference given to the longest serving Commissioner.
4. The Commission may establish standing and/or special committees of the Commission that may be deemed necessary for carrying out the functions and purposes of the Commission.
5. The Chair shall decide on all points of order and procedure during meetings and his/her decisions shall be final unless overruled by a majority of the members present.
6. The Chair shall sign all official copies of minutes of meetings upon approval of same.
7. The Secretary shall receive and record all exhibits, petitions, documents or other materials presented to the Commission in support of, or in opposition to any question before the Commission.
8. The Secretary shall sign all notices prepared in connection with Commission business and shall attest to such records of actions, transmittals, and referrals as may be necessary or required by law.

### **ARTICLE V: STAFF**

1. It shall be the duty of the Director of Development Services to transact official business of the Commission, carry out its policies and directives, prepare, supervise, and administer the Planning program subject to the approval of the City Manager.
2. The Director of Development Services shall be responsible for the maintenance of proper records and files having to do with Commission business.
3. The Director of Development Services shall prepare, not less frequently than annually, a report of the activities of the Planning Commission. This report covering the activities of the preceding year shall be submitted at the second regular meeting in January for its adoption and report to the City Council.

(Amendment: Planning Commission Resolution No. 670: 1970)

### **ARTICLE VI: COMMITTEES**

1. The Chair of the Planning Commission shall make all committee assignments and appoint the Chair of each committee.

2. The Chair shall serve as an ex-officio member of the all committees.
3. Committee meetings shall be held upon call of the Chair of the Committee.
4. A verbal or written report may be made at any meeting of the Commission by the Chair or member of a Committee on any subject under consideration by such Committee, or such report may be requested by the Chair of the Commission.

**ARTICLE VII: MEETINGS**

1. Regular meetings of the Commission shall be held on the first and third Thursdays of each month beginning at 6:00 P.M. at the Council Chambers, City Hall of the City of Manteca.
2. In the event that the scheduled date for a regular meeting falls on a holiday, such meeting shall be held on the next business day.
3. Any regular meeting may be adjourned, or any item on the agenda continued to the next or any subsequent regular meetings of the Commission. If a meeting be adjourned, or an item continued to a special meeting to be held on other than a regular meeting date, the time, place, and date of such special meeting shall be specified in the order of adjournment or continuance.
4. A special meeting may be called by the Chair of the Commission or a majority of the membership. Notice of such special meetings shall be given as required by law, and the purpose of, or the business to be transacted during such special meeting shall be stated in the notice.
5. All meetings of the Commission shall be open, public meetings.
6. Any Planning Commissioner arriving at a meeting later than 6:30 P.M., or after meeting is adjourned whichever is earlier, shall be deemed to have an unexcused absence for the purpose of remuneration.

(Amendments: Planning Commission Resolution No. 768: 1986; Planning Commission Resolution No. 677: 1977; Planning Commission Resolution No. 669: 1970; Planning Commission Resolution No. 668: 1970)

**ARTICLE VIII: QUORUM**

1. A quorum shall consist of three (3) members of the Planning Commission for all matters of routine nature.

2. For public hearing dealings with the review, adoption or amendment of the General Plan or parts thereof, including zoning, set-back or subdivision ordinance considerations, a quorum shall consist of three members.

3. In the event of a vacancy or vacancies on the Commission, a quorum for routine items shall consist of a majority of the existing membership; for Public Hearings a quorum shall consist of a majority of the existing membership plus one (1).

4. In the absence of a quorum at any meeting, such meeting may be adjourned by any member present, or, if no member be present, by the Secretary of the Commission, or, if the Secretary be not present, by the clerk, to the next regular meeting.

(Amendment: Planning Commission Resolution No. 663: 1968)

### **ARTICLE IX: CONDUCT OF MEETINGS**

1. At the time and place established for meeting, and with a quorum present, the Chair shall call the meeting to order.

2. Order of presentation during public hearings and petitions for variances or use permits shall be as follows:

- a. Presentation by staff.
- b.. Report on formalities of notice.
- c. Presentation by applicant. (5 minute limit).
- d. Opening of Public Hearing.
- d. Statements of witnesses supporting and protesting application.
- e. Public Hearing closed.
- f. Rebuttal by applicant or his witness.
- g. Questions by members of Commission to staff, applicant, or opponent.
- h. Discussion amongst members of the Planning Commission.
- i. Motions and roll call, vote of the Planning Commission.

### **ARTICLE X: MOTIONS**

1. Upon conclusion of discussion on a matter, or at such time as any member may feel that all points have been sufficiently reviewed, the Chair may call for a motion or one may be offered by a member. In the event no motion is offered, the Chair may offer a motion.

2. The Chair shall receive all motions and shall call for a second to the motion if none has been made.

3. If, after a reasonable time, no second has been made, a motion shall be declared dead for lack of a second and this shall be so stated by the Chair.

4. After a motion has been made and seconded, further discussion shall be limited to that of the motion only.

5. Persons having made a motion may accept amendment to it only after approval of the second. Should the second not approve a proposed amendment to the motion, he may withdraw his second and the motion, as amended, shall be restated as a new motion. Should the second refuse to withdraw, the Chair shall call for a vote on the original motion.

6. When required, the reasons for moving the proposed action shall be stated as a part of the motion.

7. At such time as any member of the Commission shall call for the question, the Chair shall close discussion. Any member shall have the opportunity to make a statement, and then the Chair shall immediately put the matter to a vote.

8. Should a motion fail to pass, the Chair shall so state, and call for a new motion in the matter.

### **ARTICLE XI: VOTING**

1. Upon acceptance of a motion and completion of discussion on same, the Chair shall instruct the Secretary to read the motion and to poll the membership for the vote.

2. All votes shall be verbally stated as "Aye", "No", or "Abstain". Should he so desire, a member shall be given an opportunity to state the reasons for his vote, which reasons shall be entered into the minutes of the meeting.

3. Except where the By-Laws otherwise require, adoption of a motion shall be by a simple majority of the members present.

### **ARTICLE XII. PRECEDENCE**

1. These by-laws shall be subservient to the decisions of the City Council, the Manteca Municipal Code, and/or State or Federal Law. As such, nothing herein shall be interpreted to be contrary to decisions of the City Council, the Manteca Municipal Code, and/or State or Federal Law.

2. The Decorum and Public Speaking Policy adopted by the City Council shall apply to Planning Commission meetings.