

Ontario Planning Commission

Rules & Procedures



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A. Planning Commission Organization

- A.1 Membership – The Planning Commission shall consist of seven members, two of which shall be appointed at-large.
- A.2 Appointment / Removal Process and Term of Office – The City Council makes all rules pertaining to the appointment, removal, and terms of office for the Planning Commission, pursuant to adopted resolutions on file at the City Clerks office.

B. Election of Officers/Terms of Office

- B.1 Election Dates – The Chairperson and Vice-Chairperson shall be elected at the first regular meeting in March of each year.
- B.2 Terms of Office – The Chairperson and Vice-Chairperson shall hold offices for one (1) year and may be elected for a maximum of two (2) consecutive years within any three year period.
- B.3 Vacancy of Office – In case of any vacancy of office, the vacancy shall be filled by an election held at the first regular meeting after the occurrence of the vacancy.

C. Duties of Officers, Commissioners, and Staff

- C.1 Chairperson – The Chairperson shall preside at all meetings of the Commission. The Chairperson shall appoint all committee membership in April of each year, or as needed throughout the year, and shall perform all other duties necessary, customary, or incidental to this office.
- C.2 Vice-Chairperson – In the event of an absence by the Chairperson or the inability of the Chairperson to act, the Vice-Chairperson shall take the place of the Chairperson and perform those duties.
- C.3 Commissioners – The Planning Commission shall attend all required meetings of the Commission, including the study work-sessions. Members should improve their skills by attending training programs and planning related seminars when available. Commissioners who attend a City-funded conference or training session shall report on such activities to the full Commission at the next available meeting or work-session. Commissioners should actively participate in the planning review process by reviewing the Commission agenda packet, studying the staff reports and recommendations, participating in Commission discussions, and balancing all pertinent information before making an objective decision on a matter before the Commission and staying knowledgeable about local and regional issues affecting the physical development of the City.

In the event of the absence of or the inability to act of both the Chairperson and Vice-Chairperson, the remaining members of the Commission shall appoint one (1) of their number to act as temporary Chairperson.

- C.4 Secretary of the Commission – The Secretary (Planning Director) shall provide professional and technical advice to the Commission, shall sign approved Planning Commission Resolutions as true and correct, shall sign all final subdivision maps for the Commission, shall assist the officers and members of the Commission in the discharge of their duties, and shall have maintained the minutes of meetings, and records of hearings and official actions. The secretary shall be responsible for the release of all official information regarding the Commission and their actions. The Secretary of the Commission shall be the primary contact for all Planning Commissioners in any matters dealing with the City.
- C.5 Secretary Pro Tempore – The Secretary Pro-Tempore (Planning Administrative Assistant) shall assist the Secretary in fulfilling the responsibilities of administering to the needs of the Commission, including attending meetings to take audio recordings of the meetings, preparing minutes of all meetings, preparing resolutions, maintaining personnel records of the Commissioners, and coordinating meeting schedules.
- C.6 Planning Staff – The Planning staff, through the direction of the Planning Director, shall provide technical assistance to the Planning Commission by preparing reports and making recommendations on planning actions. The staff, through direction of the Planning Director, may assist the Planning Commission in developing planning goals and policies and implementing state and local laws and policies.

D. Meetings

- D.1 Regular Meetings – Regular meetings of the Commission shall be open to the public and shall be held on the fourth Tuesday of each month at 6:30 p.m. in the City Council Chambers of Ontario City Hall. If the regular meeting date falls on a legal holiday, the Commission may fix another day therefor. All actions of the Planning Commission are subject to the provisions of the Brown Act. As a general policy, no scheduled public hearing or agenda item will be heard after 11:30 P.M. unless agreed upon by a majority of the Commission (see also D.7f).
- D.2 Special Meetings – Special meetings of the Commission shall be open to the public and shall be held at such times as the Commission may determine, or they may be called by the Chairperson any time where an emergency situation warrants such a meeting.
- D.3 Study Sessions – Study sessions of the Commission shall be scheduled on the Thursday prior to the regularly scheduled Planning Commission meeting at a time determined by the Chairman. The study session shall be legally advertised, and open to the public. No actions regarding the approval or denial of any project shall be taken at this session. However, administrative items which are non-discretionary may be agendaized and acted upon by the Commission. The purpose of the Study Session is to review the agenda for

the upcoming Regular Meeting in order to be prepared and identify any outstanding issues or questions that need to be addressed before the item is heard at the Regular Meeting. The Study Session is also intended to be used for training and education purposes.

- D.3.2 Tours / Field Trips – Field trips to observe project related issues or tours of planning related places are a valid and useful tool available to the Planning Commissioners. Official tours or trips must be coordinated through the Planning Director’s office and a staff person will be assigned to attend the event to record the proceedings. For trips involving less than a quorum of a hearing body (either the Commission or Historic Preservation Sub-Committee) no official announcement or legal posting is necessary. If a quorum of the Commission or Historic Preservation Sub-Committee is present then all requirements of legal notification for a meeting under the Brown Act shall be complied with and shall be open to the public. No official actions shall be taken during tours or field trips and a summary report of the event shall be made by participants at the next scheduled Planning Commission meeting or study session. As a general rule, the Planning Commission should schedule at least one tour once per year to visit sites of particular interest to the Commissioners.
- D.3.3 Conference Attendance – Attendance by one or more of the Planning Commissioners at a professional planning conference or training seminar or other similar meetings, does not constitute a meeting under the Brown Act and does not require legal noticing. The Commissioners should refrain from discussing official City matters that have been or may be scheduled before them so as not to taint or prejudice future hearings. (See also C.3)
- D.4 Noticing of Meetings – Noticing of all meetings shall be in conformance with State Planning Code and the Ontario Municipal Code.
- D.5 Order of Business (Agendas) – Order of Business at any regular meeting shall be as follows:
- a. Roll Call
 - b. Announcements
 - (1) Agenda items
 - (2) Commissioner items
 - c. Special Ceremonies (if scheduled)
 - d. Consent Calendar Items (non-public hearing items)
 - e. Public Hearing Items
 - f. Historic Preservation Items
 - g. Matters from the Planning Commission
 - (1) Old Business
 - a. Report from Sub-Committees
 - (2) New Business
 - (3) Nominations for Special Recognition
 - h. Director’s Report

- (1) Monthly Status Reports
- (2) Special Reports
- i. Adjournment

D.6 Public Hearing Procedures – In the conduct of any public hearing, the procedure shall be as follows:

- a. Chairperson announces case under consideration.
- b. Planning staff describes area under consideration and presents staff report and recommendation.
- c. Questions by Commission concerning staff report.
- d. Chairperson opens public hearing.
- e. Written communications received by staff are read or noted into record.
- f. Applicant is given first opportunity to speak (five (5) minute time limit or fifteen minutes maximum for a multiple speaker applicant presentation, with the concurrence of the Planning Commission).
- g. Persons in favor or opposition speak (five (5) minute time limit).
- h. Applicant is allowed rebuttal (five (5) minute time limit).
- i. Questions by Commission of public speakers shall take place as the need arises.
- j. The public hearing is closed. After the hearing is closed by the Chairperson, no further testimony shall be received unless the public hearing is reopened by the consent of a majority of the Commission present. If further testimony is taken, the applicant shall be given three (3) minutes to offer rebuttal, if so requested.
- k. Further discussion by Commission and staff only.
- l. Commission takes action.

D.7 Motions –

- a. Process of Motions: When a motion is made and seconded, it shall be stated by the Chairperson before debate. A motion shall not be withdrawn by the mover without the consent of the member seconding the motion. No debate or discussion of a motion shall occur until a second has been made.
- b. Motions Out of Order: The Chairperson may at any time, by majority consent of the Commission, permit a member to introduce a resolution, or motion, out of the regular Agenda order.
- c. Division of Question: If the question contains two or more divisible propositions, the Chairperson may, and upon request of a member shall (unless appealed), divide the same. It is not necessary to divide composite hearing items as long as they are all items within the final review of the Commission or if they are all actions that are recommendations to the City Council. Actions on CEQA matters, with the exception of exemptions or not a project under CEQA, shall be taken first and separate from other following actions.
- d. Precedence of Motions: When a motion is before the Commission, no motion shall be entertained except the following which have precedence in the following order:

- (1) Adjourn
- (2) Fix hour of Adjournment
- (3) Table
- (4) Previous question
- (5) Amend
- (6) Postpone

e. Motion to Adjourn: (Not debatable) A motion to adjourn shall be in order at any time except as follows:

- (1) When repeated without intervening business or discussion
- (2) When made as an interruption of a member while speaking
- (3) When the previous question has been ordered
- (4) While a vote is being taken

A motion to adjourn “to another time” shall be debatable only as to the time that the meeting is adjourned.

- f. Motion to Fix Hour of Adjournment: Such a motion shall be to set a definite time at which to adjourn and shall not be debated and may not be amended except as to time set.
- g. Motion to Table: A motion to table shall be used to temporarily bypass the subject. A motion to table shall not be debated and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be taken from the table at any time prior to the end of the next regular meeting.
- h. Motion for Moving Previous Question: Such a motion shall be used to close debate on the main motion and shall not be debated. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.
- i. Motion to Amend: A motion to amend shall be debatable only as to amendment. A motion to amend an amendment shall be in order, but an amendment to amend an amendment shall not be in order. An amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments shall be voted first, then the main motion as amended.
- j. Motion to Continue: Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set. If desired, the maker of the motion to continue may also move to reopen the hearing to receive further testimony.

D.8 Voting – Every official act taken by the Commission shall be by Resolution or motion by a majority vote.

- a. Voting Procedure: On the passage of every motion, the vote shall be taken by voice or roll call (necessary for all public hearing items) and entered in full upon the record. The order of voting shall be: Alphabetical order, rotating each time, with the Chairperson voting last.

- b. Roll Call Voting: A roll call vote shall be used for all public hearing matters. Any other questions before the Commission shall not require a roll call unless requested by any member. Any member may change his or her vote before the next order of business.
- c. Reconsideration: Any member who voted with the majority may move a reconsideration of any action at the same meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the Commission.
- d. Abstention: Allowable only with qualified reasons given.
- e. Quorum in Instances of Disqualification: Whenever conflicts of interest arise which require the disqualification of members so that a quorum cannot be convened, as many disqualified Commissioners shall be selected by a random process to participate in the decision as is necessary to form a quorum. The appointed disqualified Commissioner(s) shall participate in the Commission as if no conflicts existed. However, prior to such participation, said Commissioner(s) shall first comply with the foregoing requirements:
 - (1) Disclose for the public record the existence of the financial interest;
 - (2) Describe with particularity the nature of the financial interest before he or she makes or participates in making the decision;
 - (3) State the reason there is no alternative source of decision-making authority;
 - (4) Participate in the decision only during the open meeting of the Commission.

D.9 Decorum and Order –

- a. Points of Order: The Chairperson shall determine all Points of Order subject to the right of any member to appeal to the Commission. If any appeal is taken, the question shall be, “Shall the decision of the Chairperson be sustained?” in which event a majority vote shall govern and conclusively determine such question of order.
- b. Decorum and Order – Commission Members:
 - (1) Every Commissioner desiring to speak shall address the Chair and, upon recognition by the Chairperson, shall confine any remarks to the question under debate.
 - (2) A Commissioner, once recognized, shall not be interrupted while speaking unless called to order by the Chairperson, unless a Point of Order is raised by another Commission member or unless the speaker chooses to yield to questions from another Commission member.
 - (3) If a Commissioner is called to order while speaking, the Commissioner shall cease speaking immediately until the question of order is determined. If ruled to be not in order, the Commissioner shall remain silent or shall alter any further remarks so as to comply with rules of the Commission.

- (4) Commissioners shall accord the utmost courtesy to each other, to City employees and to the public appearing before the Commission and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, statements as to motives and personalities, and talking or carrying out conversations during deliberations, staff presentations, or public comments.
 - (5) Any Commissioner may move to require the Chairperson to enforce the rules, and the affirmative vote of a majority of the Commission shall require the Chairperson to so act.
 - (6) Members of the Commission shall not leave their seats during a meeting without the consent of the Chairperson, except in emergency situations.
 - (7) Members of the Planning Commission and staff attending all public hearings shall wear appropriate business attire. Casual attire may be appropriate for work sessions and workshops.
 - (8) Members of the Commission shall refrain from using any personal electronic communication device during a meeting or hearing. Such devices include, but are not limited to, cell phones, Blackberrys, I-Phones, I-Pods, Droids, or similar equipment. This rule does not apply to electronic devices (tablets, etc.) that are issued to Planning Commissioners by the City for distribution of Planning Commission Agenda Packet materials.
 - (9) Members of the Commission shall refrain from eating foods of any type while on the dias. This does not include drinks such as water, coffee, or other non-alcoholic fluids.
- c. Decorum and Order – Employees: Members of the Administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Commission. Any staff member desiring to address the Commission or members of the public shall first be recognized by the Chair. All remarks shall be addressed to the Chair and not to any one individual, Commissioner, or public member.
- d. Decorum and Order – Public: Public attending Commission meetings shall observe the same rules of order and decorum applicable to the Commission. Any persons making impertinent and slanderous remarks or who becomes boisterous while addressing the Commission meeting shall be removed from the room if so directed by the Chairperson. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Chairperson, who shall direct the removal of such offenders from the room. Aggravated cases shall be subject to prosecution on appropriate complaint signed by the Chairperson. All communication devices (telephones, beepers, etc.) shall be turned off or put on non-audible mode (vibrate) so as not to cause a disruption in the Commission's proceedings. The public shall address all comments and questions of the Commission and of staff to the Chairperson who shall have discretion as to who shall address such responses.
- e. Enforcement of Decorum: The Chief of Police shall be ex-officio sergeant-of-arms of the Commission. The Chief of Police shall carry out all orders and

instructions given by the Chairperson for the purpose of maintaining order and decorum in the Commission Chambers. Any person disrupting Commission proceedings may be deemed guilty of a misdemeanor, and upon conviction thereof, may be punished by fine or imprisonment or both. Upon instructions from the Chairperson it shall be the duty of the Chief of Police or the representative of the Chief of Police to eject any person from the Commission Chambers or place any person under arrest or both.

D.10 Record of Meetings –

- a. Minutes Preparation: Minutes of the regular meetings of the Planning Commission shall be prepared by the Secretary Pro-Tempore and presented to the Commission for adoption. Summary minutes of non-regular meetings of the Commission or of their committees will be prepared by the Secretary of the Planning Commission, or their designee, and be available upon request at the Planning Department.
- b. Minutes Retention: After approval, original minutes shall be permanently filed in yearly minute books by the Secretary Pro-Tempore.

E. Creation of Committees

E.1 Membership Appointment and Reporting

- a. Sub-committees shall be comprised of no more than three (3) Planning Commissioners and there is no minimum number necessary.
- b. Sub-Committee membership shall be reviewed and appointed on an annual basis by the Commission Chairperson, at the first meeting following the election of officers (April).
- c. All committees will report on their activities at each regular meeting of the Planning Commission.

E.2 Standing –

- a. The Chairperson, a majority of voting members of the Planning Commission, or the City Council may establish standing committees when necessary for the conduct of Commission business.
- b. Standing Committees shall continue to serve until abolished or replaced by the convening authority.

E.2.2 Standing Committees Created – The following list contains those Standing Committees created and active:

- a. Historic Preservation Sub-committee

- i. Membership – Three (3) members appointed by Chairperson. The Commission Chairperson shall not appoint themselves to this sub-committee unless all other Commissioners are not able to accept appointment. One member shall be selected as Chairperson.
 - ii. Meetings – Meets twice per month as advertised hearings.
 - b. Airport Land Use Subcommittee
 - i. Membership – Three (3) members
 - ii. Meetings – As needed but at least once per year – non-advertised.
 - c. Rules and Procedures Sub-committee
 - i. Membership – Three (3) members
 - ii. Meetings – Required to meet at least once per year to review and revise Planning Commission Rules and Procedures and report to the full Commission.

E. Ad-Hoc –

- a. The Chairperson or a majority of voting members of the Planning Commission may establish special, ad-hoc committees when necessary for the purpose of reviewing or studying planning related topics.
- b. Ad-Hoc Committees shall be established with specific objectives to accomplish and/or sunset time frames upon which they are to expire, unless continued for good reason by the convening authority.

F. Policies

F.1 Contact with Applicants (Pre-Meetings) – In order that an applicant or member of the general public not knowingly, or unknowingly, create a situation where a serial meeting could occur in violation of the Brown Act, the Planning Commission has deemed it necessary to limit individual Commissioner contact with applicants, their representatives, or the public, regarding items that will be scheduled before the Commission. Therefore, the following policy shall guide Planning Commission contacts:

- a. No member of the Planning Commission will participate in private pre-hearing meetings with applicants, their representatives, or interested parties of the general public. To that extent, no Commissioner(s) should participate in independent investigations on items that are or will be scheduled for Planning Commission hearing, without prior acknowledgement and consent of the Commission. If such investigations are deemed warranted, then a Planning Department staff member appointed by the Director shall be present to record such activity for reporting to the full Commission. This policy should not be construed to limit the individual Commissioner's ability to perform an independent site review prior to a Commission meeting.
- b. Should an applicant or other person wish to meet with less than a quorum of the Commission to discuss an issue that is to be scheduled before the Planning Commission, the meeting will be scheduled through the Planning Commission

Secretary and be held in City Hall (or other appropriate public location). A Planning staff member shall be present at the meeting to record the general discussion topics of the meeting and indicate those present at the meeting. A memo recording such meeting will be made available to the Planning Commission and the general public in the staff report for the appropriate application.

F.2 Publicity – The Secretary shall release all official information regarding Planning Commission matters. No Commission member shall speak for the Commission as a whole.

F.3 Attendance –

A. Each Commission member is expected to attend every regular, special, and study session meeting unless unavailable for valid reasons. Multiple absences, even for valid reasons, can be very disruptive to the functioning of the Planning Commission as a whole. Therefore, in order to establish a fair and equitable standard for all Planning Commissioners, the following shall guide the review of attendance of Commissioners.

(1) Regular Meetings – After two consecutive absences, or three absences in a calendar year, whether or not the absences are excused, the Secretary of the Commission shall report such absences to the City Council and Chairman of the Planning Commission.

(2) Briefings – If a Commission member cannot attend a scheduled study session, that member shall contact the Secretary prior to the Planning Commission regular meeting to discuss the agenda items. Failure to make themselves available for either the study session or make up session will result in an unexcused absence being recorded. After three unexcused absences in a calendar year, the Secretary shall report such absences to the Chairperson. For purposes of this policy, excused absences shall include those for sickness, vacation, business meetings/trips, and family school functions.

(3) Special Meetings / Sub-Committees – After two consecutive absences or three absences in a calendar year, whether or not the absences are excused, the Secretary shall report such absences to the Chairman.

B. A yearly attendance record will be assembled by the Secretary indicating the attendance record of each Commission member. Such record will be forwarded to the Planning Commission on or before their first meeting in February and, subsequently, to the City Council.

F.4 Conflict of Interest – Any Planning Commissioner who has a direct or indirect financial or other personal interest in any matter before the Commission shall publicly disclose, on the official record, the nature and extent of such interest, and such Commissioner, upon acceptance by the Chairperson, shall step down from their post and leave the room.

That Commissioner shall not be counted toward achieving a quorum while the item is discussed. The Commissioner may, pursuant to the Regulations of the Fair Political Practices Commission, speak as a member of the public on matters related to their “personal interests” as defined by those Regulations. In no case shall the affected Commissioner participate with the Planning Commission in debate on the matter.

G. Amendments Procedures

- G.1 Amendments – These rules and regulations may be amended by the Commission at any regular meeting by majority vote, or at any special meeting, provided that the proposed amendment is included in a written notice of such meeting.
- G.2 Annual Review – These Rules and Procedures shall be reviewed each year by the standing subcommittee appointed pursuant to Section E of these Rules and Procedures. The review subcommittee shall present their recommendations regarding these rules to the full Commission for consideration.

H. Related Documents