

**CITY OF PITTSBURG**  
**PLANNING COMMISSION BYLAWS**  
**Adopted by City Council May 2, 2005**  
**Amended September 21, 2015**

**Amended by City Council: April 2, 2019**

**Article A. Purpose/Mission Statement**

**Section 1. Purpose.** The Planning Commission is the land use decision-making body appointed by the City Council and vested with the duty to guide the physical development of the community and enhance the built environment by exercising the powers and duties prescribed to it by statute, City Council resolution and by ordinance.

**Section 2. Mission Statement.** The mission of the Planning Commission is to make land use and design review decisions which will enable Pittsburg to become the best possible place in which to live, work, learn, play, and conduct business.

**Article B. Meetings**

**Section 1. Regular Meetings.** The Planning Commission shall schedule at least one regular meeting in each month, subject to the availability of business items. All meetings shall be held in accordance with State law, the Brown Act, Government Code 54950 et. Seq. Regular meetings of the Commission shall be scheduled on the second and fourth Tuesday of each month, except as may conflict with City Council meetings, and shall be held in the Council Chambers, City Hall, 65 Civic Avenue starting at 7:00 p.m.

**Section 2. Special Meetings.** Special Meetings must be coordinated between the Chair and the Planning Secretary by providing written notice twenty-four (24) hours in advance of the proposed meeting time to each Commissioner, the local newspaper and posting of said notice at 65 Civic Avenue, Pittsburg.

**Article C. Order of Business for Regular Meetings**

The agenda shall be prepared by the Planning Secretary with the order of business at regularly scheduled meetings to generally be conducted in the following order:

1. Call to order
2. Roll Call
3. Pledge of Allegiance
4. Public Comments
5. Presentations
6. Consent Calendar
7. Public Hearings
8. Consideration Items
9. Study Sessions
10. Staff Comments

11. Committee Reports
12. Adjournment

## **Article D. Procedures for the Conduct of Business**

**Section 1. Quorum.** A quorum for the transaction of all Commission business shall consist of not less than four Planning Commissioners present.

**Section 2. Majority Vote.** Decisions of the Planning Commission shall be carried by a majority vote of the Commission members voting on a motion which has been seconded and received no less than three votes in the majority. Notwithstanding the foregoing requirement, Commission recommendations for approval of a general plan or specific plan action shall be carried by the affirmative vote of not less than a majority of the total membership of the Commission, in accordance with state law. Formal decisions of the Commission may be memorialized in prepared resolutions and/or as minute orders.

**Section 3. Tie Vote.** When a vote results in a tie vote, the decision shall be declared a denial of the question before the Commission and the Commission shall entertain a new motion.

**Section 4. Making Motions.** When a member of the Commission wishes to make a motion, they must go through the following steps:

1. The Commissioner must ask to be recognized by the Chair
2. After being recognized, the Commissioner must state the entire motion: *"I move that we ..."*
3. Another Commissioner must second the motion: *"I second the motion."*
4. The Chair must then restate the motion and ask for any discussion on the motion.
5. When the Chair determines that there has been enough discussion, the debate may be closed with: *"I call the question,"* or *"Is there any further discussion?"*
6. If no one asks for permission to speak, the Chair then puts the question to a vote. The Chair should restate the motion prior to the vote to ensure the motion is clearly understood by all. Any Commissioner may request a roll call vote on a motion.
7. After the vote, the Chair announces the decision: *"The motion carries unanimously,"* *"The motion carries four to three (list individually if requested),"* or *"The motion has failed."*

**Section 5. Motion to Reconsider.** Any Commissioner on the prevailing side may make a motion to reconsider a motion previously adopted. The motion to reconsider shall be brought up prior to the end of the meeting. Should a motion to reconsider be adopted, the effect of said motion is to stay the prior motion until another motion which reaffirms, amends or denies the original motion is adopted.

**Section 6. Motion to Amend.** A motion which has been seconded may be amended before the vote, in accordance with the following procedures:

1. A motion may be amended by a Commissioner stating; *“I move to amend the motion to read as follows: ...”*. The motion to amend the original motion must then be seconded by another Commissioner.
2. If another Commissioner seconds the amendment, the presiding officer shall then state; *“It has been moved and seconded to amend the motion to read as follows: ...”*. A vote shall then be taken on the motion to amend. If the motion carries, the Commission shall then take action on the amended motion.
3. Alternately, if the maker of the original motion and the Commissioner who seconded the original motion accept the proposed amendment, they can simply state *“I accept the amendment”*, in which case the motion as amended can be restated and then voted on directly.
4. The maker of the motion to amend has the right to modify or withdraw the motion at any time before the question is called and the presiding officer has restated the motion to the Commission.

**Section 7. Other Rules of Order.** Except as may be noted above to the contrary, the Commission will strive to follow Roberts Rules of Order in the conduct of all Commission business. Any lapse in adhering to Roberts Rules of Order shall not be cause to void an action taken by the Commission.

**Section 8. Role of Chairperson and Vice Chairperson.** The Chairperson shall have the duty to preside at all meetings and make Commission committee assignments. The Vice Chairperson shall have the duty, in the absence of the Chairperson, or his/her inability to act, preside at all meetings. Refer to the current Handbook for City Advisory Bodies for more details on the responsibilities of the Chair.

**Section 9. Minutes and Records of Actions Taken.** Minutes of Commission meetings shall be prepared and submitted as “Action Minutes” (following City Council protocol) for review and approval of the Commission prior to becoming finalized.

## **Article E. Officers and How Selected**

**Section 1. Officers.** The officers of this Commission shall be: 1) a Chairperson whose duties shall be to preside at all meetings and make Commission committee assignments; and 2) a Vice Chairperson who shall, in the absence of the Chairperson, or his/her inability to act, preside at all meetings.

The City Planner (as defined in section 18.10.060 of the Pittsburgh Municipal Code) or his/her designated representative shall serve as the secretary to the Planning Commission with the duty to staff all Planning Commission meetings and sign all resolutions and minutes approved by the Planning Commission, but shall not be a voting member of the Commission.

**Section 2. Selection Process.** The positions of Chairperson and Vice Chairpersons shall be for one-year terms and shall be rotated among all Commission members before a Commissioner assumes the previously held position of Chairperson or Vice Chairperson. The sitting Vice Chairperson shall automatically become the Chairperson at the first meeting after annual Commission appointments are made by the City Council . The selection of the Vice Chairperson shall follow a standardized rotation order as follows:

The position of Vice Chairperson shall be rotated among all Commissioners based on seniority. Seniority for new Commissioners shall be determined by the order in which a Commissioner was appointed. The Commissioner appointed first in the rotation for that group of Commissioners shall serve first, the Commissioner appointed second for that group of Commissioners shall serve second and so forth. In case of appointment to the Commission to fill a vacancy, however, that person will occupy the last position in that rotation. Each new series of appointments will determine the rotation only for newly appointed Commissioners. Should any Commissioner not be willing to take his/her regular place in the established rotation, the next person in the rotation will be elevated to the position of Vice Chairperson, and the rotation will continue as previously set.

**Section 3. Acting Chairperson.** In the event that the Chairperson and Vice Chairperson are both absent from a meeting, the next Commissioner in line for those duties who is present shall serve as acting Chairperson in their absence, and so on.

## **Article F. Committees**

**Section 1. Selection.** Upon annual rotation of the Chairperson and Vice Chairperson, the Chairperson, in consultation with the Planning Secretary, shall determine what committees warrant Planning Commission member representation that year. Current standing committees include the Land Use Subcommittee, which includes two members from the Commission plus one alternate, and Transplan, which includes one member from the Commission plus one alternate. The Planning Secretary may request and the Chairperson may assign members to additional committees during the year, as needed. The Chairperson shall assign Commissioners to the various committees warranting Commission representation. The Chairperson shall assign both a committee representative and alternate. An attempt shall be made to evenly distribute committee assignments to all Commissioners, when feasible.

**Section 2. Reports to the Commission.** Commissioners assigned committee duties are expected to represent the Commission at the related committee meetings and provide follow-up verbal reports of committee actions to the full Commission at the next regularly scheduled Planning Commission meeting.

## **Article G. Attendance Requirements of Commission Members**

**Section 1.** Commissioners are expected to attend all regularly scheduled meetings and assigned committees, barring unforeseen emergencies or other unavoidable reasons. Maintaining a quorum at regularly scheduled meetings is imperative to conducting the

business of the Planning Commission and providing quality customer service to the City's business community and residents alike.

**Section 2.** Any Commissioner who is absent more than three consecutive regular meetings, without approval by way of formal action of the City Council, shall be deemed to have resigned his/her position on the Planning Commission. Additionally, any member who misses twenty five percent (25%) or more of the regular meetings in any twelve month period, without approval of the City Council, shall be deemed to have resigned his/her position on the Planning Commission.

**Section 3.** Attending a meeting by video or teleconferencing shall be avoided unless there would otherwise be a lack of a quorum. It is preferable that Commissioners not schedule vacations, out of town trips or business meetings that would require the need for the additional noticing and electronic requirements of video or teleconferenced meetings.

#### **Article H. Communication with the Public, City Staff, and City Council.**

**Section 1.** All meetings with applicants or members of the public regarding pending planning related applications shall be held at City Hall with a City planning staff member present during the meeting, and at a time convenient to both the Commissioner and City staff member. Commissioners shall not indicate whether they will vote to support or not support an application, prior to the close of the public hearing on the pending action before the Commission.

**Section 2.** All communication with City planning staff related to pending planning related applications shall be through the City Planner, except as otherwise directed by the City Planner.

**Section 3.** All formal communication from the Planning Commission to the City Council on pending planning related applications shall be in writing and approved by the Commission. Resolutions and minutes shall bear the signature of the Secretary to the Planning Commission. All other written correspondence shall bear the signature of the Chairperson, except as otherwise directed by the Commission, through a minute order.

**Section 4.** Members of the Commission may want to speak to the City Council/Council members and the general public on pending planning related matters outside the provisions in Section 3 above. In such instances, the Commissioner shall clearly indicate that they are not speaking as a Commissioner or for the Commission, but for themselves, as a resident of the City of Pittsburgh.

#### **Article I. Amendment of Bylaws.**

**Section 1.** The City Council has the sole authority to modify these bylaws. Any amendments recommended to the bylaws by the Commission shall be presented to the Council for consideration. Any such recommendation shall be in the form of a resolution

adopted in the affirmative and carried by the majority of the members who constitute the Commission. The bylaws shall not be amended more than once per year.

**Section 2.** These bylaws, and any amendments thereto, shall be consistent with State law, applicable Municipal Code provisions, and with the City Council Policy and Procedures manual and the Handbook for City Advisory Bodies. To the extent that they are not consistent, State law, and applicable Municipal Code provisions, as they may be amended from time to time, shall prevail.

## **Article J. Other Matters**

**Section 1. Annual Training Required.** Commission members shall on an annual basis participate in training concerning: 1) the Open Meeting Laws under Ralph M. Brown Act, California Government Code Section 54950 et Seq. and 2) Conflict of Interest Laws under the California Political Reform Act, Government Code Section 81000 et. Seq. Commission members shall also participate in AB 1234 and Ethics Training every two years.

### **Section 2. Special Reporting.**

No less than once per year, the Commission shall provide the City Council with attendance records of members.

**Section 3. Minutes/Official Records.** The Planning Secretary shall keep a record of all formal actions taken by the Planning Commission during regular and special meetings. A copy of the minutes shall be posted to the City website after they have been adopted. Resolutions executed by the Planning Commission shall include a resolution number, the name of the maker of the motion, the name of the Commissioner who seconded the motion, a record of the vote and the signature of the Planning Secretary confirming the approval of the resolution. The Planning Secretary is further empowered to sign certifications referring to actions of the Commission or agenda items in accordance with State law.