This meeting is held pursuant to the State Emergency Services Act, the Governor's Emergency Declaration, and Governor's Executive Order N-29- 20 to allow members of the City Council or staff to participate via teleconference.

As a precautionary measure to help slow the spread of COVID-19, the City Council facilities are temporarily closed to the public. The public is encouraged to view the meeting from home on the City's website at Oxnard.org/city-meetings, Spectrum channel 10, Frontier channel 35, or YouTube at Youtube.com/oxnardnews. Video recordings are typically available online immediately following the meeting.

The public may provide comments to the Planning Commission via email at planning@oxnard.org no later than 3:00 p.m. on the day of the meeting. Please identify the meeting date and agenda item in the Subject line.

A telephone option for public comments is also available at this time. Requests to speak must be submitted no later than 3:00 p.m. on the day of the meeting. Use the form on the city's website to submit your request: Oxnard.org/city-meetings, or call the Planning Division Office at (805) 385-7878, or email your request to planning@oxnard.org.

CITY OF OXNARD
PLANNING COMMISSION
AGENDA

REGULAR MEETING
Service Center West Conference Room, 214 South C Street
Thursday, August 19, 2021, 6:00 p.m.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

C. PUBLIC COMMENTS - On Items Not On The Agenda

At this time, a person may address the Planning Commission on matters within the jurisdiction of the Planning Commission, including information/consent items and any item not appearing on the agenda. The Chair shall limit public comments to three (3) minutes. The Planning Commission cannot take action on any item presented during public comments that is not on the agenda and such item may only be referred to the Commission Secretary. Persons wishing to speak on public hearing items should do so at the time of the public hearing.

D. CONSENT AGENDA

1. APPROVAL OF REGULAR MINUTES – August 5, 2021

2. APPROVAL OF SUBCOMMITTEE MINUTES - August 5, 2021

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

F. PUBLIC HEARING

1. **Project Name: Oxnard Successor Agency Meta and Sixth Street Property Disposition General Plan Conformity -** PLANNING AND ZONING PERMIT No. 21-625-03 (General Plan Conformity Determination). A request that the Planning Commission adopt a Resolution affirming that the City of Oxnard's disposition of real property located at 544 Meta Street and 201 East Sixth Street is in conformance with the City of Oxnard 2030

General Plan and recommending that the City Council order the disposition. The site is located within the 2030 General Plan land use designation of Downtown (DT) and is zoned Downtown General (DT-G) in the City of Oxnard. The Planning Commission's determination of whether the proposed disposition of the City's subject property is consistent with the Oxnard 2030 General Plan is not a "project" for purposes of the California Environmental Quality Act (CEQA) and State CEQA Guidelines (CEQA Guidelines Section 15061(b)(3) and Section 15378. Requested by Emilio Ramirez, Housing Director, on behalf of the City of Oxnard, 435 South D Street, Oxnard, CA 93030, on behalf of the property owner which is the City of Oxnard.
City Staff: Joe Pearson, Senior Planner

Recommendation: That the Planning Commission

a) Find the project Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and Section 15378(b)(5); and
b) Adopt Resolution 2021-XX affirming that the Oxnard Community Development Commission Successor Agency disposition of real property located at APNs 201-0-213-140 and 201-0-272-030 is in conformance with the City of Oxnard 2030 General Plan, and recommending that the City Council order the disposition.

Please click the following link to view the required Measure M pre-recorded presentation video: https://www.youtube.com/watch?v=pIy-QBmxjjE

2. **Project Name: Oxnard Successor Agency Seventh Street Property Disposition General Plan Conformity Determination -** PLANNING AND ZONING PERMIT No. 21-625-04 (General Plan Conformity Determination). A request that the Planning Commission adopt a Resolution affirming that the City of Oxnard's disposition of real property located at 141 East Seventh Street and 145 East Seventh Street is in conformance with the City of Oxnard 2030 General Plan and recommending that the City Council order the disposition. The site is located within the 2030 General Plan land use designation of Downtown (DT) and is zoned Downtown General (DT-G) in the City of Oxnard. The Planning Commission's determination of whether the proposed disposition of the City's subject property is consistent with the Oxnard 2030 General Plan is not a "project" for purposes of the California Environmental Quality Act (CEQA) and State CEQA Guidelines (CEQA Guidelines Section 15061(b)(3) and Section 15378. Requested by Emilio Ramirez, Housing Director, on behalf of the City of Oxnard, 435 South D Street, Oxnard, CA 93030, on behalf of the property owner which is the City of Oxnard.
City Staff: Joe Pearson, Senior Planner

Recommendation: That the Planning Commission

a) Find the project Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) and Section 15378(b)(5); and
b) Adopt Resolution 2021-XX affirming that the Oxnard Community Development Commission Successor Agency disposition of real property located at APNs 201-0-272-030 and 201-0-272-020 is in conformance with the City of Oxnard 2030 General Plan, and recommending that the City Council order the disposition.

Please click the following link to view the required Measure M pre-recorded presentation video: https://www.youtube.com/watch?v=KLQviUyonE8

3. **Project Name: Oxnard Wastewater Treatment Facility Improvements -** PLANNING AND ZONING PERMIT No. 20-400-02 (Coastal Development Permit). The City-initiated application proposes to remove, replace, and/or upgrade vital structures, equipment and site improvements associated with the existing City Wastewater Treatment Facility on a 9.28-acre site. The Project would replace an existing approximately 1,700 square-foot maintenance storage building with a 9,096 square foot maintenance storage building, demolish an existing approximately 6,700 square-foot electrical building and replace with a new approximately 2,600 square-foot electrical building, upgrade the digester, site fencing, security features, electrical systems, piping, headworks, and other associated site improvements. The Project site is located at 5751 through 6001 Perkins Road within the Industry Priority to Coastal Dependent land use designation and Coastal Development Industry (CDI) zone. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 (Class 2, Replacement or Reconstruction) of the CEQA Guidelines. Filed by Timothy Beaman, City of Oxnard Public Works, 305 West Third Street, Oxnard, California 93030.
City Staff: Randy Baez, Associate Planner

Recommendation: That the Planning Commission
a) Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15302 (Class 2, Replacement or Reconstruction); and
b) Adopt Resolution 2021-XX approving Planning and Zoning Permit No. 20-400-02 (Coastal Development Permit), subject to certain findings and conditions.

Please click the following link to view the required Measure M pre-recorded presentation video: https://www.youtube.com/watch?v=By2hZA4Occw

4. **Project Name: Encanto Homes Subdivision -** PLANNING AND ZONING PERMIT No. 20-500-05 (Special Use Permit for Planned Development); PZ 20-300-04 (Tentative Subdivision Map for T6054); and PZ 20-535-03 (Density Bonus), request to demolish

existing infrastructure consisting of modular classroom buildings and site improvements serving the former Oxnard Union High School's Adult Education Program; subdivide the Project 4.10-acre site into 27 lots ranging between 3,838 and 9,946 square feet in size and dedication of approximately 1-acre of land for the benefit of public right-of-way for existing and proposed roadway improvements along all four sides of the proposed development; to allow for the construction of the single-story, three bedroom homes offered in two plans with two unit sizes (1,149 & 1,201 square feet) and attached or detached 484 square-foot two-car garages with alley access and associated site improvements. The Project also includes a request for the ministerial approval of a Density Bonus Permit to allow for a 35 percent Density Bonus to increase the maximum number of units from 22-units to 27-units. Twenty-two (22) of the homes will be market rate and five (5) of the 27 homes will be affordable units (equity share) that will be set aside for low income persons. Approval of the following Density Bonus concessions/incentives are requested pursuant to Government Code Section 65915(d) (State's Density Bonus law): a) reduction of lot area from 6,000 square feet to lots averaging 4,070 square feet (37 feet by 110 feet); b) reduce the minimum lot frontage and width from 50-feet to 37-feet; and c) reduce the rear yard setback from 25-feet to 5-feet. The Project site is located at 1101 & 1111 West Second Street within the Residential Low land use designation, Single Family Residential (R-1) zone, and is in the Fremont South Neighborhood. The Project is exempt from environmental review pursuant to Section 15332 (Class 32, In-fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines. Filed by Henry Casillas, on behalf of the Oxnard Union High School District, LLC, property owner, 451 West Fifth Street, Oxnard, California 93030.
City Staff: Juan Martinez, Associate Planner

Recommendation: That the Planning Commission continue the Project to a Special Meeting to be held on a date certain of August 26, 2021.

G. STUDY SESSION/REPORTS

1. **Project Name: Rules and Procedures (Bylaws) Discussion**
City Staff: Scott Kolwitz, Planning and Environmental Services Manager
Ken Rozell, Chief Assistant City Attorney

Recommendation: That the Planning Commission
a) Allow the Planning Commission Rules and Procedures (Bylaws) Subcommittee to present their findings and recommended revisions to the Planning Commission and seek adoption of the final Bylaws onAugust 19, 2021;
b) Approve the Resolution 2021-XX to adopt the revised Rules and Procedures of the Planning Commission; and

c) Disband the Planning Commission Rules and Procedures (Bylaws) Subcommittee following the adoption of the Bylaws and adoption of final Minutes documenting the Subcommittee's work.

H. PLANNING COMMISSION BUSINESS

I. COMMUNITY DEVELOPMENT STAFF UPDATES

J. ADJOURNMENT

FUTURE MEETINGS

Special Meeting: Thursday, August 26, 2021, 6:00 p.m., Service Center West Conference Room

Regular Meeting: Thursday, September 2, 2021, 6:00 p.m., Service Center West Conference Room

MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
August 5, 2021 Minutes
DRAFT

A. ROLL CALL

1. At 6:00 p.m., the regular meeting of the Oxnard Planning Commission convened in the Service Center West Conference Room, 214 South C Street. Chair Chavez announced pursuant to Governor Newsom's Executive Order N-29-20, members of the Planning Commision or staff may participate in meetings via teleconference.
2. Chair Chavez (via videoconference), Vice Chair Arruejo (via videoconference), Commissioners Connelly (via videoconference), Lopez (via videoconference), Meyer (via videoconference), Nash (via videoconference), and Sanchez (via videoconference) were present.
3. Staff members present were: Scott Kolwitz, Planning & Environmental Services Manager; Kathleen Mallory, Planning & Sustainability Manager; Jose Cotoyl, Associate Planner; Ken Rozell, Chief Assistant City Attorney; Eric S. Sonstegard, Assistant Police Chief; Jessica Monterroso, Recording Secretary.
4. Chair Chavez presided and called the meeting to order.
5. Scott Kolwitz, Planning & Environmental Services Manager, announced that the City Council Chambers are being remodeled, so the Council Chambers are not available for meetings. While this construction project is happening: 1) City staff have relocated the Planning Commission meetings to Service Center West Conference Room, 214 South C Street, 2) the Planning Commission and the public will continue to join virtually, and 3) live broadcasts of the Planning Commission meetings will be limited to the YouTube platform.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

1. Commissioner Nash led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. None.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES - July 15, 2021

MOTION: Commissioner Nash moved and Vice Chair Arruejo seconded a motion to approve the minutes of July 15, 2021, with an edit to the Amendment to the Main Motion Vote on page 5 to read as follows:

~~Vice Chair Arruejo and~~ Commissioners Meyer and Sanchez voted in favor. Chair Chavez, Vice Chair Arruejo and Commissioners Connelly, and Nash ~~and Sanchez~~ voted against. Commissioner Lopez was absent. The motion failed 2:4:1:0:0

VOTE: Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Meyer, Nash, and Sanchez voted in favor. Commissioner Lopez abstained. The motion carried 6:0:0:1:0[1].

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. Vice Chair Arruejo commented that he will recuse himself from participating in Item F-1 due to 18 U.S. Code § 203 and 18 U.S. Code § 205.
2. Chair Chavez commented that he had an ex parte communication for item F-1. Chair Chavez hosts a podcast which has included members from the Cannabis Industry. He can hear and consider the request in a fair, objective and unbiased manner.
3. None of the remaining Planning Commissioners had any ex parte communications to report for Item F-1.

F. PUBLIC HEARING

1. **Project Name: Harbor Management Group, LLC. - Commercial Cannabis Business Retail SUP -** PLANNING AND ZONING PERMIT No. 21-516-22 (Special Use Permit – Cannabis: Retail). A request to permit the operation of a commercial cannabis retail facility within a proposed 4,131 square-foot commercial retail suite of an 18,296 square-foot industrial building on a 2.79-acre site located at 2150 Trabajo Drive within the Business Research Park (BRP) zone. Proposed development includes tenant improvements: installation of interior wall partitioning, plumbing upgrades, upgrades to an existing fire alarm system, security upgrades to the existing building, and installation of new secure doors/windows. In accordance with Section 16-651 of the Oxnard City Code (OCC) the applicant is seeking Administrative Parking Relief to reallocate parking based on new exclusive uses and hours of operation between the two buildings within the industrial property. Cannabis retail operations will be conducted between the hours from 9:00 AM to 9:00 PM daily. Filed by John A. Muller on behalf of Harbor Management Group, LLC.
   City Staff: Jose Coyotl, Associate Planner

Recommendation: That the Planning Commission

a) Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act; and
b) Adopt Resolution 2021-16 approving Planning and Zoning Permit No. 21-516-22 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

Jose Coyotl, Associate Planner, provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: https://youtu.be/KAiZrGpwInI

[1] In Favor: Against: Absent: Abstain: Recused

City staff, including Jose Coyotl, Associate Planner; Kathleen Mallory, Planning & Sustainability Manager; and Eric S. Sonstegard, Assistant Police Chief, were available for questions.

The applicant team, consisting of Lonnie and Nancy Jarvis (Safeport, Owners) and John A. Muller (Muller Worthy Architects, Architect), provided a presentation and were available for questions.

Chair Chavez opened the public comments portion of the public hearing.

Public verbal comments were received in support of Item F-1.

1. Steve Kinney (Economic Development Consultant) gave positive comments regarding his interaction with Safeport's first operation established in Port Hueneme.
2. Andrew Salinas, Chief of Police from City of Port Hueneme, gave positive comments regarding his interaction with Safeport. He described Safeport as a responsible cannabis business, great donors and contributors to the City of Port Hueneme.

No other public or written comments were received in support of or against Item F-1.

Chair Chavez closed the public comments portion of the public hearing.

Discussion ensued among the Commissioners and staff about several topics, including: the City's comprehensive cannabis regulations; interaction between the cannabis businesses being operated by Safeport onsite (manufacturing, distribution, and retail); outreach and positive feedback between the applicant and other adjacent business and the church; limitations on the number of customers in the facility at one time; shared parking agreement operations; onsite and offsite loitering; Police Department's satisfaction with the security plan; lighting improvements; assurance that cannabis will not be consumed onsite; regulations for onsite business identification signage; potential need for onsite or offsite traffic and parking related signage; one-year permit renewal and or revocation procedures; Community Benefit Agreement and procedure to use funds collected; an appreciation of the applicant's presentation and detailed responses to questions as well as staff's thorough staff materials and robust conditions to protect the industry, City, residents and visitors; and acknowledgement that the applicant is known as a good operator and corporate citizen in Port Hueneme with an expectation that they will be the same in Oxnard.

MOTION: Commissioner Nash moved and Commissioner Lopez seconded a motion to approve the Harbor Management Group, LLC. - Commercial Cannabis Business Retail Special Use Permit as submitted, finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) of the CEQA; and Adopt Resolution 2021-16 approving Planning and Zoning Permit No. 21-516-22 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

VOTE: Chair Chavez, and Commissioners Connelly, Lopez Meyer, Nash, and Sanchez voted in favor. Vice Chair Arruejo was recused. The motion carried 6:0:0:0:1[2]

G. STUDY SESSION/REPORTS

1. Project Name: Rules and Procedures (Bylaws) Discussion
City Staff: Scott Kolwitz, Planning and Environmental Services Manager
Ken Rozell, Chief Assistant City Attorney

Recommendation: That the Planning Commission Rules and Procedures (Bylaws) Subcommittee present their findings and recommended revisions to the Rules and Procedures to the Planning Commission and seek adoption of the final Bylaws by August 19, 2021.

Vice Chair Arruejo provided a statement that the final review of the Planning Commission Rules and Procedure (Bylaws) have been submitted to the Planning Commission in writing and only a few minor adjustments will be made for the next meeting to present a final version.

Discussion ensued among the Commissioners and staff about several topics, including: an appreciation of the Rules and Procedures (Bylaws) Subcommittee's work effort; formatting; potential language regarding disruptive public speakers.

MOTION: Commissioner Nash moved and Vice Chair Arruejo seconded a motion to add language to Rule 6 Conduct of Public Hearing of the Planning Commission Rules and Procedures (Bylaws) as follows:

"Any person making a verbal or written threat of violence against any commissioner, staff or audience member shall be referred to the Oxnard Police Department for investigation or making terrorist threats and possible enforcement of a Gun Violence Restraining Order, GVRO."

VOTE: Chair Chavez, Vice Chair Arruejo, and Commissioners Connelly, Lopez Meyer, Nash, and Sanchez voted in favor. The motion carried 7:0:0:0:0[3]

Vice Chair Arruejo presented a Motion for the final formatting of the Bylaws.

MOTION: Vice Chair Arruejo moved and Commissioner Lopez seconded a motion to follow Bylaws Sectioning formatting Option 1 (Numbers & Letters) for the structure of the Planning Commission Rules and Procedures (Bylaws), as presented in the Bylas Sectioning Memo dated August 5, 2021.

VOTE: Chair Chavez, Vice Chair Arruejo, and Commissioners Connelly, Lopez Meyer, Nash, and Sanchez voted in favor. The motion carried 7:0:0:0:0[4]

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[2] In Favor: Against: Absent: Abstain: Recused
[3] In Favor: Against: Absent: Abstain: Recused
[4] In Favor: Against: Absent: Abstain: Recused

H. PLANNING COMMISSION BUSINESS

1. Commissioner Nash thanked staff for assisting in the disruptive public speakers language and for sending Agenda Packets.
2. Commissioner Lopez
   i. Announced the Notice of Intent to Adopt a Mitigated Negative Declaration for the 2021-2029 Housing Element has been posted (https://www.oxnard.org/wp-content/uploads/2021/08/Oxnard-HE-NOI-Final.pdf). The City would be hosting a virtual meeting August 18th from 3:30 p..m to 5:00 p.m. to review changes of the Housing Element since the release of the Draft Housing Element. Commissioner Lopez encouraged the Commissioners and the general public to participate in the open public comment period beginning August 5 through September 3, 2021 (comments are due by 5:00 p.m. on September 3).
   ii. Thanked members of the Bylaw Subcommittee for their time and service.
3. Chair Chavez
   i. Congratulated Mayor Pro Tem MacDonald on his marriage 36 year wedding anniversary and Councilmember Teran for his 15 year wedding anniversary.
   ii. Announced that he was elected as Vice Chair of the Ventura County Climate Emergency Council.
   iii. Shared that Metrolink will open their new extended services as of Saturday August 14, and more information can be found on the website at www.metrolinktrains.com.
   iv. Commented that he was proud of the Commission and its member's respect for everyone.

I. COMMUNITY DEVELOPMENT STAFF UPDATES

Scott Kolwitz, Planning & Environmental Services Manager announced:

1. The Housing Element document will be presented in the Planning Commission meetings during their September 2nd and 16th meetings. On September 2, 2021, the focus will be on the policy changes, and on September 16, 2021, the focus will be on the environmental review. Staff recommends that Planning Commissioners start to review the Housing Element's Mitigated Negative Declaration now. For more information, can be found at the following link: https://www.oxnard.org/housing-element-update/
   i. The current version of the Draft Housing Element is posted on the City's website: https://www.oxnard.org/wp-content/uploads/2021/08/Adoption-Final_8-13-21_clean.pdf
   ii. The Draft Housing Element Mitigated Negative Declaration is posted on the City's website: https://www.oxnard.org/wp-content/uploads/2021/08/Oxnard-HEU-IS-MND-Public-Review-Draft.pdf
   iii. The next planning Commission meeting is scheduled for August 19, 2021 at 6:00 p.m.

J. ADJOURNMENT

1. At 8:06 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, August 19, 2021, 6:00 p.m., 214 S. C Street

______________________________	ATTEST ______________________________
Daniel Chavez Jr.,	Scott Kolwitz,
Chair	Planning & Environmental Services Manager

MINUTES
OXNARD PLANNING COMMISSION
RULES AND PROCEDURES (BYLAWS) SUBCOMMITTEE MEETING
August 5, 2021 Minutes

A. ROLL CALL

1. At 8:12 p.m., the Planning Commission Rules and Procedures (Bylaws) Subcommittee meeting of the Oxnard Planning Commission convened in the Council Chambers.
2. Chair Chavez (via videoconference), Vice Chair Arruejo (via videoconference), and Commissioners Connelly (via videoconference) were present.
3. Staff members present were: Scott Kolwitz, Planning & Environmental Services Manager; Ken Rozell, Chief Assistant City Attorney; Jessica Monterroso, Recording Secretary.

B. PUBLIC COMMENTS - On Items Not On The Agenda

1. None.

C. CONSENT AGENDA

1. APPROVAL OF SUBCOMMITTEE MINUTES - July 15, 2021

MOTION: Chair Chavez moved and Commissioner Connelly seconded a motion to approve the subcommittee minutes of July 15, 2021 as submitted.

VOTE: Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, voted in favor. The motion carried 3:0:0:0:0[5].

D. STUDY SESSION/REPORTS

1. **Project Name: Rules and Procedures (Bylaws) Discussion**
   City Staff: Scott Kolwitz, Planning and Environmental Services Manager
   Ken Rozell, Chief Assistant City Attorney

Recommendation: That the Planning Commission Rules and Procedures (Bylaws) Subcommittee review and suggest revisions to the Rules and Procedures of the Planning Commission in preparation of reporting its findings and recommendations to the Planning Commission by August 19, 2021.

Discussion ensued among the members of the Bylaws Subcommittee and staff regarding final formatting, numbering, and the "Corrections, Minor Updates and Grammatical /

[5] In Favor: Against: Absent: Abstain: Recused

Typographical Edits" Memo dated August 5, 2021, and the forthcoming presentation of the Rules and Procedures (Bylaws) to the full Planning Commission on August 19, 2021.

MOTION: Chair Chavez moved and Commissioner Connelly seconded a motion to approve the presentation of the Rules and Procedures (Bylaws), as amended during the August 5, 2021 meeting, and to present the Bylaws to the full Planning Commission on August 19, 2021.

VOTE: Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, voted in favor. The motion carried 3:0:0:0:0[6].

B. ADJOURNMENT

1. At 8:44 p.m, the Planning Commission Rules and Procedures (Bylaws) Subcommittee concurred to adjourn.

FUTURE MEETINGS

None.

______________________________	ATTEST ______________________________
Ronald Arruejo,	Scott Kolwitz,
Vice Chair	Planning & Environmental Services Manager

[6] In Favor: Against: Absent: Abstain: Recused

MEMO

CITY OF OXNARD CALIFORNIA

DATE: August 12, 2021

TO: Planning Commission

FROM: Scott Kolwitz, Planning and Environmental Services Manager
Ken Rozell, Chief Assistant City Attorney

SUBJECT: Study Session / Report: Rules and Procedures (Bylaws) Agenda Item No. G.1

Ronald Arruejo, Chair of the Planning Commission's Rules and Procedures (Bylaws) Subcommittee has prepared and submitted a memo highlighting the Subcommittee's work, a written "Edited" version of the proposed Bylaws and a written "Finalized" version of the proposed Bylaws. The Memo includes a recommendation for the full Planning Commission to approve the Bylaws on August 19, 2021.

Staff recommends the following actions.

That the Planning Commission

a) Allow the Planning Commission Rules and Procedures (Bylaws) Subcommittee to present their findings and recommended revisions to the Planning Commission and seek adoption of the final Bylaws onAugust 19, 2021;
b) Approve the Resolution 2021-XX to adopt the revised Rules and Procedures of the Planning Commission; and
c) Disband the Planning Commission Rules and Procedures (Bylaws) Subcommittee following the adoption of the Bylaws and adoption of final Minutes documenting the Subcommittee's work.

Members of the public are welcome to provide comments on this item during the public comment portion of this item.

Attachments:

1. Ronald Arruejo's:
   a. Revision Proposal of the Planning Commissions Rules and Procedures (Bylaws) Memo
   b. Revisions to Rules and Procedures Memo
      i. Edited Bylaws
      ii. Finalized Bylaws

MEMO

DATE: August 19, 2021

TO: Planning Commission

CC: Scott Kolwitz, Planning Manager
Ken Rozell, Chief Assistant City Attorney

FROM: Ronald Arruejo, Rules and Procedures (Bylaws) Subcommittee, Chair

SUBJECT: Revision Proposal of the Planning Commission Rules and Procedures (Bylaws)

Recommendation: That the Planning Commission ("Commission")

a) Approves Resolution 2021-XX on adopting the revised Rules and Procedures of the Planning Commission.

The Rules and Procedures (Bylaws) Subcommittee was created by the Planning Commission and has been meeting immediately after each Planning Commission since June 3, 2021. It was discussed that members of the subcommittee will propose amendments to the Rules and Procedures (Bylaws) for an eventual revision proposal to be presented and recommended for approval at the full Planning Commission on August 19, 2021.

On August 5, 2021, the subcommittee moved to approve the resolution (as amended) to adopt the Rules and Procedures of the Planning Commission and to report to the Planning Commission on August 19, 2021, that the Rules and Procedures (Bylaws) Subcommittee recommends to approve Resolution 2021-XX on adopting the revised Rules and Procedures of the Planning Commission.

In an attempt to describe how the "finalized" version came to be, two versions of the Rules and Procedures (Bylaws) draft are enclosed and briefly described below. (The "finalized" version is the draft version for review before the Planning Commission.)

1. <u>With Edits</u>: Version as it stood at the conclusion of the subcommittee meeting on August 5, 2021, which incorporated the below changes:
    a. Motion proposed by Commissioner Nash and approved at the Planning Commission meeting on August 5, 2021, regarding a verbal or written threat of violence.[1]
    b. Bylaws Sectioning Option 1 approved at the Planning Commission meeting on August 5, 2021.[2]
    c. Corrections, minor updates, and grammatical/typographical edits.[3]
2. <u>Finalized</u>: Version without any changes, strikethroughs, or any other similar editorial updates.

If the resolution on the adoption of the revised Rules and Procedures is approved, it will be presented to the City Council for final approval. It was also discussed that it would be prudent to send (at least) 1 member of the Planning Commission to provide further context and information if needed and requested by the City Council.

Respectfully Submitted,

Ronald J Arruejo

Rules and Procedures (Bylaws) Subcommittee, Chair

Enclosures:

1. <u>With Edits</u> version of the Planning Commission Bylaws as of August 5, 2021
2. <u>Finalized</u> version of the Planning Commission Bylaws as of August 5, 2021

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[1] Incorporated in the proposed revision as 6.B.2.
[2] Refer to Bylaws Sectioning Memo dated August 5, 2021.
[3] Refer to Corrections Memo dated August 5, 2021.

~~IN THE PLANNING COMMISSION OF THE CITY OF OXNARD~~

RESOLUTION NO. 2021-XX (Revised 8.19.2021)

~~PENDING DATE~~

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD ESTABLISHING RULES AND PROCEDURES FOR THE CONDUCT OF MEETINGS

~~RESOLUTION~~

~~Offered by Mr. Chávez~~

~~To adopt rules **and procedures** of the Planning Commission pursuant to Section A of Rule XIV of these Commission rules in the City of Oxnard.~~

~~*Resolved* that the Rules **and Procedures** of the Planning Commission of the City of Oxnard shall be:~~

The Planning Commission of the City of Oxnard ("Commission") resolves to adopt the following rules and procedures to govern the conduct of its meetings:

RULE 1

TITLE

A. The official title of this Commission shall be "Planning Commission of the City of Oxnard, California".

RULE 2

PREFACE

A. The Planning Commission shall adopt written rules and regulations as to the time, place and date of its regular meetings and shall adopt such rules and regulations as it deems necessary to conduct its business including rules of procedure. Such rules and regulations shall not be inconsistent with the laws of the State of California or with the ordinances, resolutions, or regulations of the City of Oxnard. These rules and procedures are prepared to serve this purpose.

The City Council of the City of Oxnard established the Planning Commission and granted to it responsibilities in the area of land use, redevelopment issues, and planning permit decisions. These rules and procedures are intended to assist and be used by the Planning Commission in performing its duties and conducting its meetings. If a conflict arises between these rules and procedures and the City of Oxnard Municipal Code, the Code shall control.

RULE 3

GENERAL PROVISIONS

A. The ~~rules of the~~ Planning Commission of the City of Oxnard (hereinafter in these rules referred to as the "Commission") adopt**s** the following rules and procedures to govern the conduct of its meetings.

B. Upon appointment:

1. Each member of the Commission shall receive a copy of these rules and procedures, and upon amendment.
2. Each member **shall** receive a copy of the Robert's Rules of Order**,** Newly Revised.
3. Each member shall receive training on the **Ralph M.** Brown Act.

RULE 4

MEETINGS

A. Calling of Meetings

1. The Commission shall regularly meet on the first and third Thursday of each month. The regular meeting shall commence at 6:00 p.m. in the City Council Chambers, and as may be allowed by State law.
2. The Commission shall approve an annual calendar in the prior year.
3. Special meetings shall be called and convened by the Chair or majority of the members as provided by Rule 5.
4. The Ralph M. Brown Act shall govern all meetings of the Commission.

B. Notice for Meetings

1. The Commission meetings shall comply with Ordinance No. 2948 (Sunshine Ordinance), and the legislative body and public shall have **the** agenda ~~/~~ **and** attachments available 7 days before the regular meeting.

RULE 5

MEETING AND HEARING PROCEDURES

A. In general

1. Meetings and hearings of the Commission shall be called to order and presided over by the Chair or, in the Chair's absence, by the Vice-Chair to carry out such duties.
2. Meetings and hearings of the Commission shall be open to the public unless closed under the Commission's Counsel direction.
3. Any meeting or hearing of the Commission that is open to the public shall be open to coverage by television broadcast, online through the city website, and YouTube channel.
4. No person other than a member of the Commission or city staff may stand in or be seated at the Council Chambers' dais area unless the Chair determines otherwise.

B. Quorum

1. A quorum of the Commission shall be four members.
2. A quorum shall be present in order for the Commission to conduct business.
3. Absence of a quorum
    a. In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, majority of members present, or staff.
    b. A meeting may be declared adjourned for absence of a quorum after a 15-minute period has elapsed from the scheduled time of the start of the meeting.
    c. A meeting may also be declared adjourned in advance if the absence notifications received by staff provided for the absence of a quorum.
    d. Adjournment may be declared by the Chair, Vice-Chair, or staff.
4. ~~Expection~~ Exception to absence of quorum because of abstentions due to a conflict of interest:
    a. If enough Commissioners abstain due to a conflict of interest so as to lose a quorum, the Commission shall exercise the rule of necessity to regain a quorum.
    b. Otherwise disqualified Commissioners shall be chosen by lot until a quorum is reached.
    c. The Commissioners so chosen shall continue to participate in that matter until its conclusion.

C. Voting

1. No vote may be conducted on any item before the Commission unless the Commission's requisite (4) number of members is present.
2. No vote by any member of the Commission on any item may be cast by proxy.
3. Unless otherwise specified by State law, an affirmative vote of a majority of the members present and eligible to vote shall take action on any items.
4. If any item fails to receive a majority vote, it will be considered denied or recommended for denial.

D. Meeting procedures

1. The Chair shall call the meeting to order and announce the date, time, and meeting type.

2. Each Commission meeting shall include preliminary items, such as "Roll Call" and "Pledge of Allegiance."
3. Each meeting shall have a time for the public to speak entitled "Public Comments on items not on the Agenda." The public will also be allowed to speak on all items listed on the agenda.
4. When the Chair calls for public comments during a regular meeting, the public member may address the Commission on matters within the Commission's subject matter jurisdiction and that do not appear on the agenda as a listed item.
5. When the Chair calls for public comments during a special meeting, the public member may address the Commission on matters within the Commission's subject matter jurisdiction and that only appear on the agenda as a listed item.
6. Each member of the public is allowed a minimum of three (3) minutes to speak, but additional time may be granted by the Chair or majority of the members.
7. The Commission shall not take action on any item not appearing on the agenda unless the action is authorized by the Ralph M. Brown Act.

E. Consent Agenda

1. This portion of the agenda shall include minor or routine items, whether previous meeting minutes, or other matters.
2. When the consent portion of the agenda is called, the Chair shall ask the members if they have questions or if a discussion is required. Staff may respond to routine inquiries from members of the Commission concerning items on the consent agenda. If there are substantial questions by members of the Commission, an item may be removed from the consent agenda and considered separately.
3. Any member of the Commission may move that a matter on the consent agenda be removed from the consent agenda and be considered separately.

F. Ex Parte Declarations for Public Hering Items

1. Commissioners are discouraged from suggesting any change to any project to the applicant or staff before the project is considered by the Commission as a whole.
2. To ensure that all Commissioners receive the same information relative to a project that will be reviewed by the Commission, third party contacts are discouraged.
3. The below should be disclosed by the Commissioner at the Commissione meeting prior to the item being considered:
   a. Ex Parte Communications
   b. Site Visits
   c. Conflict of Interest
   d. Financial Impacts

G. Continued Public Hearings

1. A continued public hearing shall be resumed at the point of the public hearing at which such matter was continued. If the public testimony

portion of the public hearing had been closed, public testimony may be reopened upon a motion and second that is then approved by a vote of the Commission.

H. New Public Hearings

1. Shall be conducted as outlined in Rule ~~X~~ **6**.

I. Manager/Staff Comments

1. This portion is an opportunity for the Manager or staff to provide updates on upcoming items, past items, study sessions, and other announcements.

J. Commissioner Comments

1. During this portion of the agenda, members of the Commission may make a brief announcement, report on their activities, or request an item be placed on the agenda for future consideration.

K. Adjournment

1. Commission meetings shall adjourn by 10:00 p.m. unless extended as set forth in the next subsection.

2. If a motion to extend the meeting after 10:00 p.m. is passed by at least two-thirds of the members of the Commission who are present and eligible to vote upon such motion, the Commission may hear and consider any matter on the agenda after 10:00 p.m.

RULE 6

CONDUCT OF PUBLIC HEARING

A. Purpose

1. The ~~**Planning**~~ Commission is a public agency with land use planning and decision-making duties. It is the policy of the ~~**Planning**~~ Commission to encourage free and open discussion of issues on a ~~**Planning**~~ Commission meeting agenda, but also to ensure that the Commission completes the agenda in a timely manner and in a process that accords courtesy and respect to all participants.

B. Disruptive Public Speakers

1. No member of the public shall engage in conduct that disrupts, disturbs, or impedes the Commission meeting's orderly conduct. Such behavior may include making loud, threatening, abusive, personal, impertinent, or profane remarks. The Chair or a majority of the Commission present members may order any person who engages in such to be silent. If such an order is given, such person shall be barred from further communication with the Commission during that meeting or be required to leave the meeting room.

2. **Any person making a verbal or written threat of violence against any commissioner, staff, or audience member shall be referred to the Oxnard Police Department for investigation of making terrorist threats and possible enforcement of a Gun Violence Restraining Order, GVRO.**

C. Public Hearing Procedure

1. Unless otherwise directed by the Chair, the order of presentation of evidence or testimony, oral and written, on any public hearing item shall be as follows:

a. The Chair opens the public hearing.

b. Staff makes a brief presentation, including a summary of the item, an analysis of the issues, and a recommendation.

c. Introduction of applicant and participants.

d. If present, the applicant may make a presentation (**of** 15 min**utes** unless extended by majority vote) and shall be available for questions from the Commission. The Commission may proceed whether or not an applicant is present.

e. Members question both staff and applicant(s).

f. The Chair invites public testimony.

g. Staff and applicant(s) respond to public testimony.

h. Chair closes hearing to public testimony.

i. Members deliberate and vote on the item.

D. Oral Testimony

1. All oral testimony received at meetings of the Commission shall be directed to the Chair. All oral testimony from one person shall be limited to three minutes, provided, however, that the Chair may grant additional time to an applicant, an appellant, a staff member, a consultant to the City, a representative of a neighborhood council, or a representative of another public agency.

E. Debate and Questions

1. The Chair shall not allow debate among members of the public. Any person wishing to direct a question to another person shall submit such question to the Chair, who may, at his or her discretion, ask the question. The Chair may prohibit a member of the public from speaking on an issue more than once during any hearing.

F. Rules of Evidence

1. Public hearings held by **the** Commission need not be conducted according to the rules of evidence contained in the California Evidence Code. The following rules of evidence shall apply:

a. The Commission may consider any evidence that is the sort of evidence that responsible persons are accustomed to relying upon in the conduct of serious affairs.

b. All evidence shall be directly related to the item under consideration.

c. Persons testifying before the Commission shall be encouraged to submit their testimony and comments in writing for the record.

RULE 7

COMMUNICATIONS AND REPORTS OF THE COMMISSION

A. Information provided by Staff

   1. Customarily, staff reports and other information related to a regular meeting shall be provided to the Commission on the Monday preceding a Thursday meeting.
   2. Staff may provide the Commission with supplemental information closer to the time of or at a meeting, and the agenda item need not be continued.
   3. As provided in Government Code section 54957.5, agendas, staff reports, supplemental information, and other writings distributed to all, or a majority, of the members of the Commission in connection with a matter subject to discussion or consideration at a Commission meeting shall be made available for public inspection or copying without delay, unless such writings are exempt by law from public disclosure.

B. Written Communications from the Public

   1. The Commission encourages the public to prepare and send written communications that may assist the Commission in its deliberations on an item. The correspondent shall provide fifteen copies, no larger than page size 11x17 of all written material for members, the recording secretary, staff, file, and the public with the below specifications:
      a. Font Size: Minimum 12-point font.
      b. Spacing: Single
      c. Page Limitation (double-sided equivalent):
         i. 3 days prior to meeting by 5:00 P.M.: 5 pages maximum, including exhibits
         ii. Between 3 days prior to meeting at 5:00 ~~pm~~ P.M. to the meeting: 1 page maximum, including exhibits
   2. The Commission shall refer to staff all such written communications, including e-mails, regarding a subject or matter, not appearing on the agenda.

RULE 8

ELECTION AND DUTIES OF OFFICERS

A. Election of the Chair and Vice-Chair

   1. Officers of the ~~Planning~~ Commission shall consist of a chair and vice-chair.
   2. Elections will be held during the first regular meeting of the Commission held in every calendar year or during the first regular meeting after appointment of the members of the Commission by the City Council.
   3. The members of the Commission shall elect one member as Chair and another as Vice-Chair, to serve for one year or until a successor is appointed, unless either is earlier removed from such positions by a majority vote of the members of the Commission or by the City Council.
   4. Selection of Chair and Vice-Chair
      a. The Chair will open nominations for Chair.
      b. After all nominations, the Chair will close nominations.

c. The Commission Clerk will perform a roll call of the members.

d. If there are multiple nominees, ~~E~~each member will vote by stating their choice for Chair or abstain ~~of the nominees if there is multple~~. A single nomination will be a ~~simple~~ Yes, No, or abstain vote.

e. At the conclusion, the new Chair will assume all duties and conduct the Vice-Chair selection.

5. The Chair shall preside at all regular and special meetings, re-order the agenda as necessary, call special meetings, ~~and shall~~ jointly set ~~with staff~~ meeting ~~agenda(s)~~ agendas with staff, and represent the Commission at meetings of the City Council, other public agencies, and at civic events. The Chair is also responsible to for signing resolutions adopted by the Commission and verifying the accuracy of the contents.

6. Vacancy of an Office

   a. If a vacancy occurs prior to the next annual election, a special election shall be held to fill the vacant office from among the membership.

   b. That member shall serve until the next regularly scheduled election.

7. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair.

8. In the absence of both the Chair and Vice-Chair, the immediate past chair shall preside at the meeting. If the immediate past chair is not present, the most senior member of the Commission shall perfom the duties of the Chair.

9. A removal of an elected officer needs to have a motion and a second to be placed on the next meeting's agenda.

   a. The chair or vice-chair may be removed by a two-thirds majority vote of the ~~full~~ ~~Planning~~ Commission at a regularly scheduled meeting of the ~~Planning~~ Commission, when all appointed members are present.

   b. Any officer removed ceases to hold the office once the vote has been tallied and announced.

RULE 9

SEATING ARRANGEMENT

A. The seating arrangement for the Commission shall be as follows:

1. The Chair shall be seated in the middle of the dais. The Vice-Chair shall sit immediately to the Chair's right.

2. The senior member on the Commission will sit immediately to the Chair's left.

3. The Commission members will sit in seniority~~,~~ with the newest member seated on the far right of the Chair.

4. When a member of the Commission leaves the Commission, the members will close the gap based on seniority towards the Chair, and the newly appointed member is seated on the far right of the Chair.

RULE 10

RESTRICTION ON REPRESENTATION

A. No member of the Commission shall purport to represent or speak on behalf of the Commission without obtaining the consent of the Commission in the form of a motion passed at a regular or special meeting of the Commission.

RULE 11

CONDUCT OF COMMISSION MEMBERS

A. All Commission members are expected to conduct themselves respectfully while on the dais.
B. Members are expected to be actively engaged during meetings and work cooperatively with other Commission members.
C. ~~Do~~ **Members** are expected to not engage in side conversations or to be on personal mobile devices while on the dais.
D. Members are expected to respect fellow Commissioners' time and wait to be recognized by the Chair before speaking.
E. Members are to be familiar with the Parlimentary Procedures in Rule 14.

RULE 12

RECORD OF MEETINGS

A. A minute record of all proceedings before the Commission shall be prepared and preserved by staff.
B. Minutes shall be prepared in the form and format prescribed by the City Council for citizen advisory groups.
C. All reports and written communications directed to the Commission shall be made a part of the permanent record of the Commission.
D. All motions considered by the Commission shall be recorded whether they pass or fail.
E. Members of the Commission wishing to have specific comments regarding an item reflected in the minutes and preserved for the record shall state, prior to making a comment, that the comment is "for the record."
F. Draft minutes of meetings shall be presented by the recording secretary to the Commission for correction and approval as soon as practical.

RULE 13

SUBCOMMITTEES

A. With the approval of a majority of the Commission members, the Chair may appoint **a minimum of 2** members~~, (minimum of 2 members)~~ of the Commission to subcommittees to make recommendations to the full Commission on land use policy matters or such other matters as the Chair may deem appropriate.

B. Each subcommittee is a part of the Commission and is subject to the Commission's authority, ~~and~~ direction, and ~~its~~ rules.

RULE 14

PARLIAMENTARY PROCEDURE

A. In conducting meetings, the Chair shall be guided by, but is not required to strictly adhere to, Robert's Rules of Order, Newly Revised.

RULE 15

RESIGNATION

A. Any member of the Commission desiring to resign from the Commission shall submit a written resignation to the City Clerk.

RULE 16

ADOPTION AND AMENDMENT OF RULES AND PROCEDURES

A. Planning Commission Adoption and Amendment

1. These rules and procedures shall be adopted and may be amended at any regular meeting of the Commission by a majority of the members of the Commission, provided that the amendment has been submitted in writing at a previous meeting.

B. City Council Adoption and Amendment

1. Upon adoption or amendment by the Planning Commission, such rules and procedures shall be submitted to the City Council for review. The City Council shall have the power to approve, disapprove, or modify said rules and procedures, as it deems necessary.

RESOLUTION NO. 2021-XX (Revised 8.19.2021)

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD ESTABLISHING RULES AND PROCEDURES FOR THE CONDUCT OF MEETINGS

The Planning Commission of the City of Oxnard ("Commission") resolves to adopt the following rules and procedures to govern the conduct of its meetings:

<u>RULE 1</u>

TITLE

A. The official title of this Commission shall be "Planning Commission of the City of Oxnard, California".

<u>RULE 2</u>

PREFACE

A. The Planning Commission shall adopt written rules and regulations as to the time, place and date of its regular meetings and shall adopt such rules and regulations as it deems necessary to conduct its business including rules of procedure. Such rules and regulations shall not be inconsistent with the laws of the State of California or with the ordinances, resolutions, or regulations of the City of Oxnard. These rules and procedures are prepared to serve this purpose.

The City Council of the City of Oxnard established the Planning Commission and granted to it responsibilities in the area of land use, redevelopment issues, and planning permit decisions. These rules and procedures are intended to assist and be used by the Planning Commission in performing its duties and conducting its meetings. If a conflict arises between these rules and procedures and the City of Oxnard Municipal Code, the Code shall control.

<u>RULE 3</u>

GENERAL PROVISIONS

A. The Planning Commission of the City of Oxnard (hereinafter in these rules referred to as the "Commission") adopts the following rules and procedures to govern the conduct of its meetings.

B. Upon appointment:

   1. Each member of the Commission shall receive a copy of these rules and procedures, and upon amendment.

2. Each member shall receive a copy of the Robert's Rules of Order, Newly Revised.
3. Each member shall receive training on the Ralph M. Brown Act.

RULE 4

MEETINGS

A. Calling of Meetings
   1. The Commission shall regularly meet on the first and third Thursday of each month. The regular meeting shall commence at 6:00 p.m. in the City Council Chambers, and as may be allowed by State law.
   2. The Commission shall approve an annual calendar in the prior year.
   3. Special meetings shall be called and convened by the Chair or majority of the members as provided by Rule 5.
   4. The Ralph M. Brown Act shall govern all meetings of the Commission.

B. Notice for Meetings
   1. The Commission meetings shall comply with Ordinance No. 2948 (Sunshine Ordinance), and the legislative body and public shall have the agenda and attachments available 7 days before the regular meeting.

RULE 5

MEETING AND HEARING PROCEDURES

A. In general
   1. Meetings and hearings of the Commission shall be called to order and presided over by the Chair or, in the Chair's absence, by the Vice-Chair to carry out such duties.
   2. Meetings and hearings of the Commission shall be open to the public unless closed under the Commission's Counsel direction.
   3. Any meeting or hearing of the Commission that is open to the public shall be open to coverage by television broadcast, online through the city website, and YouTube channel.
   4. No person other than a member of the Commission or city staff may stand in or be seated at the Council Chambers' dais area unless the Chair determines otherwise.

B. Quorum
   1. A quorum of the Commission shall be four members.
   2. A quorum shall be present in order for the Commission to conduct business.
   3. Absence of a quorum
      a. In the absence of a quorum at any meeting, such meeting shall be adjourned to the next regular meeting date by the Chair, majority of members present, or staff.

    b. A meeting may be declared adjourned for absence of a quorum after a 15-minute period has elapsed from the scheduled time of the start of the meeting.
    c. A meeting may also be declared adjourned in advance if the absence notifications received by staff provided for the absence of a quorum.
    d. Adjournment may be declared by the Chair, Vice-Chair, or staff.
  4. Exception to absence of quorum because of abstentions due to a conflict of interest:
    a. If enough Commissioners abstain due to a conflict of interest so as to lose a quorum, the Commission shall exercise the rule of necessity to regain a quorum.
    b. Otherwise disqualified Commissioners shall be chosen by lot until a quorum is reached.
    c. The Commissioners so chosen shall continue to participate in that matter until its conclusion.

C. Voting
  1. No vote may be conducted on any item before the Commission unless the Commission's requisite (4) number of members is present.
  2. No vote by any member of the Commission on any item may be cast by proxy.
  3. Unless otherwise specified by State law, an affirmative vote of a majority of the members present and eligible to vote shall take action on any items.
  4. If any item fails to receive a majority vote, it will be considered denied or recommended for denial.

D. Meeting procedures
  1. The Chair shall call the meeting to order and announce the date, time, and meeting type.
  2. Each Commission meeting shall include preliminary items, such as "Roll Call" and "Pledge of Allegiance."
  3. Each meeting shall have a time for the public to speak entitled "Public Comments on items not on the Agenda." The public will also be allowed to speak on all items listed on the agenda.
  4. When the Chair calls for public comments during a regular meeting, the public member may address the Commission on matters within the Commission's subject matter jurisdiction and that do not appear on the agenda as a listed item.
  5. When the Chair calls for public comments during a special meeting, the public member may address the Commission on matters within the Commission's subject matter jurisdiction and that only appear on the agenda as a listed item.
  6. Each member of the public is allowed a minimum of three (3) minutes to speak, but additional time may be granted by the Chair or majority of the members.
  7. The Commission shall not take action on any item not appearing on the agenda unless the action is authorized by the Ralph M. Brown Act.

E. Consent Agenda

1. This portion of the agenda shall include minor or routine items, whether previous meeting minutes, or other matters.
2. When the consent portion of the agenda is called, the Chair shall ask the members if they have questions or if a discussion is required. Staff may respond to routine inquiries from members of the Commission concerning items on the consent agenda. If there are substantial questions by members of the Commission, an item may be removed from the consent agenda and considered separately.
3. Any member of the Commission may move that a matter on the consent agenda be removed from the consent agenda and be considered separately.

F. Ex Parte Declarations for Public Hering Items

1. Commissioners are discouraged from suggesting any change to any project to the applicant or staff before the project is considered by the Commission as a whole.
2. To ensure that all Commissioners receive the same information relative to a project that will be reviewed by the Commission, third party contacts are discouraged.
3. The below should be disclosed by the Commissioner at the Commissione meeting prior to the item being considered:
   a. Ex Parte Communications
   b. Site Visits
   c. Conflict of Interest
   d. Financial Impacts

G. Continued Public Hearings

1. A continued public hearing shall be resumed at the point of the public hearing at which such matter was continued. If the public testimony portion of the public hearing had been closed, public testimony may be reopened upon a motion and second that is then approved by a vote of the Commission.

H. New Public Hearings

1. Shall be conducted as outlined in Rule 6.

I. Manager/Staff Comments

1. This portion is an opportunity for the Manager or staff to provide updates on upcoming items, past items, study sessions, and other announcements.

J. Commissioner Comments

1. During this portion of the agenda, members of the Commission may make a brief announcement, report on their activities, or request an item be placed on the agenda for future consideration.

K. Adjournment

1. Commission meetings shall adjourn by 10:00 p.m. unless extended as set forth in the next subsection.
2. If a motion to extend the meeting after 10:00 p.m. is passed by at least two-thirds of the members of the Commission who are present and eligible to

vote upon such motion, the Commission may hear and consider any matter on the agenda after 10:00 p.m.

RULE 6

CONDUCT OF PUBLIC HEARING

A. Purpose
   1. The Commission is a public agency with land use planning and decision-making duties. It is the policy of the Commission to encourage free and open discussion of issues on a Commission meeting agenda, but also to ensure that the Commission completes the agenda in a timely manner and in a process that accords courtesy and respect to all participants.

B. Disruptive Public Speakers
   1. No member of the public shall engage in conduct that disrupts, disturbs, or impedes the Commission meeting's orderly conduct. Such behavior may include making loud, threatening, abusive, personal, impertinent, or profane remarks. The Chair or a majority of the Commission present members may order any person who engages in such to be silent. If such an order is given, such person shall be barred from further communication with the Commission during that meeting or be required to leave the meeting room.
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      a. The Chair opens the public hearing.
      b. Staff makes a brief presentation, including a summary of the item, an analysis of the issues, and a recommendation.
      c. Introduction of applicant and participants.
      d. If present, the applicant may make a presentation (of 15 minutes unless extended by majority vote) and shall be available for questions from the Commission. The Commission may proceed whether or not an applicant is present.
      e. Members question both staff and applicant(s).
      f. The Chair invites public testimony.
      g. Staff and applicant(s) respond to public testimony.
      h. Chair closes hearing to public testimony.
      i. Members deliberate and vote on the item.

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1. All oral testimony received at meetings of the Commission shall be directed to the Chair. All oral testimony from one person shall be limited to three minutes, provided, however, that the Chair may grant additional time to an applicant, an appellant, a staff member, a consultant to the City, a representative of a neighborhood council, or a representative of another public agency.

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    a. The Commission may consider any evidence that is the sort of evidence that responsible persons are accustomed to relying upon in the conduct of serious affairs.
    b. All evidence shall be directly related to the item under consideration.
    c. Persons testifying before the Commission shall be encouraged to submit their testimony and comments in writing for the record.

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COMMUNICATIONS AND REPORTS OF THE COMMISSION

A. Information provided by Staff

1. Customarily, staff reports and other information related to a regular meeting shall be provided to the Commission on the Monday preceding a Thursday meeting.
2. Staff may provide the Commission with supplemental information closer to the time of or at a meeting, and the agenda item need not be continued.
3. As provided in Government Code section 54957.5, agendas, staff reports, supplemental information, and other writings distributed to all, or a majority, of the members of the Commission in connection with a matter subject to discussion or consideration at a Commission meeting shall be made available for public inspection or copying without delay, unless such writings are exempt by law from public disclosure.

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a. Font Size: Minimum 12-point font.
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    i. 3 days prior to meeting by 5:00 P.M.: 5 pages maximum, including exhibits
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2. The Commission shall refer to staff all such written communications, including e-mails, regarding a subject or matter, not appearing on the agenda.

<u>RULE 8</u>

ELECTION AND DUTIES OF OFFICERS

A. Election of the Chair and Vice-Chair
1. Officers of the Commission shall consist of a chair and vice-chair.
2. Elections will be held during the first regular meeting of the Commission held in every calendar year or during the first regular meeting after appointment of the members of the Commission by the City Council.
3. The members of the Commission shall elect one member as Chair and another as Vice-Chair, to serve for one year or until a successor is appointed, unless either is earlier removed from such positions by a majority vote of the members of the Commission or by the City Council.
4. Selection of Chair and Vice-Chair
    a. The Chair will open nominations for Chair.
    b. After all nominations, the Chair will close nominations.
    c. The Commission Clerk will perform a roll call of the members.
    d. If there are multiple nominees, each member will vote by stating their choice for Chair or abstain. A single nomination will be a Yes, No, or abstain vote.
    e. At the conclusion, the new Chair will assume all duties and conduct the Vice-Chair selection.
5. The Chair shall preside at all regular and special meetings, re-order the agenda as necessary, call special meetings, jointly set meeting agendas with staff, and represent the Commission at meetings of the City Council, other public agencies, and at civic events. The Chair is also responsible to for signing resolutions adopted by the Commission and verifying the accuracy of the contents.
6. Vacancy of an Office
    a. If a vacancy occurs prior to the next annual election, a special election shall be held to fill the vacant office from among the membership.
    b. That member shall serve until the next regularly scheduled election.

7. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair.
8. In the absence of both the Chair and Vice-Chair, the immediate past chair shall preside at the meeting. If the immediate past chair is not present, the most senior member of the Commission shall perfom the duties of the Chair.
9. A removal of an elected officer needs to have a motion and a second to be placed on the next meeting's agenda.
    a. The chair or vice-chair may be removed by a two-thirds majority vote of the Commission at a regularly scheduled meeting of the Commission, when all appointed members are present.
    b. Any officer removed ceases to hold the office once the vote has been tallied and announced.

<u>RULE 9</u>

SEATING ARRANGEMENT

A. The seating arrangement for the Commission shall be as follows:
    1. The Chair shall be seated in the middle of the dais. The Vice-Chair shall sit immediately to the Chair's right.
    2. The senior member on the Commission will sit immediately to the Chair's left.
    3. The Commission members will sit in seniority with the newest member seated on the far right of the Chair.
    4. When a member of the Commission leaves the Commission, the members will close the gap based on seniority towards the Chair, and the newly appointed member is seated on the far right of the Chair.

<u>RULE 10</u>

RESTRICTION ON REPRESENTATION

A. No member of the Commission shall purport to represent or speak on behalf of the Commission without obtaining the consent of the Commission in the form of a motion passed at a regular or special meeting of the Commission.

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CONDUCT OF COMMISSION MEMBERS

A. All Commission members are expected to conduct themselves respectfully while on the dais.

B. Members are expected to be actively engaged during meetings and work cooperatively with other Commission members.
C. Members are expected to not engage in side conversations or to be on personal mobile devices while on the dais.
D. Members are expected to respect fellow Commissioners' time and wait to be recognized by the Chair before speaking.
E. Members are to be familiar with the Parlimentary Procedures in Rule 14.

<u>RULE 12</u>

RECORD OF MEETINGS

A. A minute record of all proceedings before the Commission shall be prepared and preserved by staff.
B. Minutes shall be prepared in the form and format prescribed by the City Council for citizen advisory groups.
C. All reports and written communications directed to the Commission shall be made a part of the permanent record of the Commission.
D. All motions considered by the Commission shall be recorded whether they pass or fail.
E. Members of the Commission wishing to have specific comments regarding an item reflected in the minutes and preserved for the record shall state, prior to making a comment, that the comment is "for the record."
F. Draft minutes of meetings shall be presented by the recording secretary to the Commission for correction and approval as soon as practical.

<u>RULE 13</u>

SUBCOMMITTEES

A. With the approval of a majority of the Commission members, the Chair may appoint a minimum of 2 members-of the Commission to subcommittees to make recommendations to the full Commission on land use policy matters or such other matters as the Chair may deem appropriate.
B. Each subcommittee is a part of the Commission and is subject to the Commission's authority, direction, and rules.

<u>RULE 14</u>

PARLIAMENTARY PROCEDURE

A. In conducting meetings, the Chair shall be guided by, but is not required to strictly adhere to, Robert's Rules of Order, Newly Revised.

RULE 15

RESIGNATION

A. Any member of the Commission desiring to resign from the Commission shall submit a written resignation to the City Clerk.

RULE 16

ADOPTION AND AMENDMENT OF RULES AND PROCEDURES

A. Planning Commission Adoption and Amendment
   1. These rules and procedures shall be adopted and may be amended at any regular meeting of the Commission by a majority of the members of the Commission, provided that the amendment has been submitted in writing at a previous meeting.

B. City Council Adoption and Amendment
   1. Upon adoption or amendment by the Planning Commission, such rules and procedures shall be submitted to the City Council for review. The City Council shall have the power to approve, disapprove, or modify said rules and procedures, as it deems necessary.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 19th day of August 2021.

Daniel Chavez, Jr., Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 19th day of August 2021, and carried by the following vote:

AYES:	Commissioner(s):
NOES:	Commissioner(s):
ABSENT:	Commissioner(s):
ABSTAIN:	Commissioner(s):
RECUSED:	Commissioner(s):

Scott Kolwitz, Secretary