

Resolution 2024-__

**A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION AMENDING THE
PLANNING COMMISSION BYLAWS TO BE CONSISTENT WITH CHAPTERS 2.26 AND
2.28 OF THE KERMAN MUNICIPAL CODE**

WHEREAS, the City of Kerman City Council adopted Ordinance No. 23-08 adding Chapter 2.26 relating to Boards and Commissions and repealing and adding a new Chapter 2.28 relating to the Planning Commission to Title 2 of the Kerman Municipal Code; and

WHEREAS, the adoption of Ordinance No. 23-08 impacts the Planning Commission's rules and regulations established by Planning Commission Resolution No. 2023-04; and

WHEREAS, draft Bylaws were provided to the Planning Commission for review no less than ten (10) days prior to the meeting; and

WHEREAS, the Planning Commission now wishes to adopt amended Bylaws to be consistent with Chapters 2.26 and 2.28 of the Kerman Municipal Code.

NOW, THEREFORE, BE IT RESOLVED, by the City of Kerman Planning Commission as follows:

1. The above recitals are true and correct and are incorporated herein:
2. The Bylaws attached hereto as Exhibit 'A', shall supersede any other previous Planning Commission rules or regulations, and shall serve as the official Bylaws under which the City of Kerman Planning Commission will transact its business.

I HEREBY CERTIFY, that the foregoing resolution was passed and adopted by the City of Kerman Planning Commission at a regular meeting thereof held on the 8th day of January 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

ATTEST:

Chairperson

Jesus R. Orozco
Planning Commission Secretary



Exhibit 'A'

BYLAWS OF THE CITY OF KERMAN PLANNING COMMISSION

PREAMBLE

The name of the commission shall be known as the City of Kerman Planning Commission, hereinafter referred to as the "Planning Commission" or "Commission". The Planning Commission was established by the authority of the City of Kerman City Council pursuant to the Government Code of California, codified by Chapter 2.28 of the City of Kerman Municipal Code. The Planning Commission shall consist of five voting members. The Planning Commission shall serve as the City of Kerman's Planning Agency with the powers as authorized under the State Planning and Zoning Law (Government Code Sections 65100 et seq.) and set duties as delegated by the City of Kerman City Council, pursuant to the Kerman Municipal Code.

ARTICLE 1 – PURPOSE

The purpose of the Planning Commission is to serve a central role in the planning and development process in four important ways.

- 1.1. Act as an advisory board to the City Council on planning and development issues.
- 1.2. Assure implementation of the General Plan, Specific Plans, Zoning and Subdivision Ordinances, and other City policy documents, by reviewing development applications on a case-by-case basis.
- 1.3. Function as the decision-making body for development applications of residential and commercial projects, as delegated by Title 16 (Subdivision Ordinance) and Title 17 (Zoning Code), and associated environmental studies and reports.
- 1.4. Function as an appeal board for appeal requests of ministerially reviewed development applications.

ARTICLE 2 – OFFICERS OF THE COMMISSION

- 2.1. **Officers.** The Commission shall have the following officers: Chairperson, Vice-Chairperson, and Secretary

- A. Chairperson and Vice-Chairperson.** The officers of the Commission shall be a Chairperson and a Vice-Chairperson, who shall be sitting members of the Commission, elected by the Commission. The election of officers shall occur at the first meeting of each calendar year with a said term lasting until the last Commission meeting of December of each year or until their successors are appointed. Should either position be vacated, the Commission must elect a successor to serve the balance of the year.

The Commission shall endeavor to conduct its nominations and elections such that each commissioner desirous and able to do so, shall have an opportunity of serving as a Chairperson or Vice-Chairperson.

- B. Secretary.** The Community Development Director (Director) shall be the Planning Commission's Secretary, who shall not be a voting member of the Commission. In the Director's absence, the City Manager shall appoint a Secretary Pro-Tem. The Secretary shall be vested with all the powers and duties pursuant to these rules and regulations and the municipal code.

2.2. Powers and Duties of Officers.

- A. Chairperson.** The Chairperson shall preside over and vote at all Commission meetings and hearings, call special meetings, see that all actions of the Commission are properly taken, make Commission committee assignments, and sign official documents of the Commission.
- B. Vice-Chairperson.** The Vice-Chairperson shall have and perform all the powers and duties of the Chairperson in the absence of the Chairperson from any meeting of the Commission or whenever the Chairperson is unable for any reason. If both the Chairperson and the Vice-Chairperson are unable to, the Commission shall elect a Chairperson Pro-tem.
- C. Secretary.** The Secretary shall be responsible for;
1. Keep and record the minutes of all meetings of the Commission, and furnish a copy of the minutes of each regular and special meeting to each of the Commission members; and
 2. Keep complete files of all communications to the Commission, all pleadings and documents filed with the Commission, and all other necessary records of the Commission; and

3. Give or serve notices required by law; and
4. Prepare and distribute the agenda packets for each meeting; and
5. Act as custodian of the minutes and all the books, documents, papers, and records of the Commission; and
6. Sign Commission minutes and resolutions as authorized by the Commission in each instance; and
7. Determine the need for City staff; including but not limited to the Public Works Director, City Engineer, Chief Building Official, Fire Marshal, or their respective designees, to attend any Commission meetings as technical advisors; and
8. Perform such other duties as the Commission may from time to time prescribe.

ARTICLE 3 – MEETINGS

3.1. Regular Meetings. Regularly scheduled meeting day and time shall be established by resolution of the Planning Commission. Unless canceled by the Secretary or the Chairperson, the Commission's regular meetings shall be held at the City Council Chambers or such other place as shall be determined in advance and announced by posting notice thereof on the official bulletin board at City Hall. The Commission may, however, on a majority vote of its members dispense with any regular meeting. Regular meetings shall generally be concluded by 9:00 p.m. unless extended by the Commission. In the event there are no items on the Planning Commission Agenda for consideration, the Secretary may cancel any regular meeting.

3.2. Special Meetings. A special meeting may be called by;

- A. The Chairperson
- B. Any Three Commissioners
- C. The Secretary
- D. City Council

Notice of any special meeting shall satisfy the requirements of California Government Code section 54986 (or be waived as provided therein), and the business transacted at that meeting must be limited to that specified in the call and notice.

- 3.3. Adjourned Meetings.** The Commission may adjourn any regular, adjourned regular, special, or adjourned special meeting to a specific date, time, and location. Notices of that adjourned meeting must be given as required by State Law. Less than a quorum may so adjourn from time to time. If all members are absent from any meeting, the Secretary may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in Section 3.2 of this article.
- 3.4. Quorum.** A majority of the members (three of five) of the Commission shall constitute a quorum for the transaction of business. Except as may be otherwise provided by law and by these rules and regulations, a majority of a quorum may decide all matters of business that come before the Commission.
- 3.5. Attendance and Participation.** In an effort to transact business in an orderly and expedient manner, Commissioners are expected to attend and participate in all regular meetings. In the event that a Commissioner is unable to attend a meeting, he or she shall be responsible for notifying the Secretary no less than twenty-four hours before the meeting's convening. Failing to notify the Secretary of the absence shall constitute an unexcused absence. In the event that a Commissioner exceeds three unexcused absences in a twelve month period, he or she shall be referred to the City Clerk by the Secretary in accordance with Chapter 2.26 of the Kerman Municipal Code.

ARTICLE 4 – RULES OF BUSINESS

- 4.1. Preparation of the Agenda.** In preparing the agenda for Commission meetings, the Secretary shall have the discretion to determine the order of business, however, the following shall be the standard order of business;
- A. Call to Order
 - B. Roll Call
 - C. Pledge of Allegiance
 - D. Introduction of Staff
 - E. Agenda Approval / Additions / Deletions
 - F. Presentations/Ceremonial Matters
 - G. Request to Address Commission
 - H. Consent Calendar
 - I. Public Hearings
 - J. Petitions / Resolutions
 - K. Administrative Reports
 - L. Communications
 - M. Adjournment

- 4.2. Distribution of Agenda.** The Secretary shall be responsible to make all material to be considered by the Commission available to the Commission and interested persons no less than 72 hours before any regular meeting. The agenda shall be posted on the City's bulletin board and the City's official website.
- 4.2. Changing of the Order.** After the agenda has been published, a majority of the Commissioners in attendance at any meeting may change the order of business as outlined in the agenda.
- 4.3. Rule of Order.** The current edition of Robert's Rules of Order will govern the conduct of Commission meetings in all cases not otherwise provided for in these Bylaws.
- 4.4. Conduct of Hearings.** The public hearing of an item before the Commission should be conducted in a way to provide all interested parties a reasonable opportunity to be heard before the Commission deliberates and votes on the item. To accomplish this, all those wishing to address the Commission on an item will be provided the opportunity to do so after the public hearing has been opened on the item in the following order:
- A) Chairperson opens the public hearing
 - B) Initial Staff Report & Analysis
 - C) Applicant's/Representatives Presentation
 - D) Members of the public in favor of the application
 - E) Members of the public in opposition of the application
 - F) Applicant's rebuttal
 - G) Staff Summation (if necessary)
 - H) Close the hearing
 - I) Discussion and action, if any, by the Commission
- 4.5. Limiting Length of Public Debate.** The Chairperson, with the concurrence of the Commission, may limit either the number of persons speaking on a matter and/or the length of such oral presentations when, in the Chairperson's discretion, doing so:
- A) Is reasonably necessary to avoid an undue consumption of time or repetition of points or facts; or
 - B) Will expedite the conduct of the meeting; and
 - C) Will not deprive a person of a right guaranteed under applicable laws.
 - D) Unless otherwise specified by the Chairperson, all public testimony shall be limited to three (3) minutes.

ARTICLE 5 – ETHICS

- 5.1. Code of Conduct.** All members of the Planning Commission shall be responsible for adhering to the City’s Code of Conduct, norms, policies, and procedures when conducting business, corresponding with City Staff and members of the public, and representing the City. Members of the Commissioners shall exercise professional judgment with fairness, respect, responsibility, and integrity; when conducting analysis, making recommendations, taking actions, and engaging on behalf and in the best interest of the City, the Commission, City Council, and Citizens.
- 5.2. Conflict of Interest.** No member of the Commission shall make, participate in making, or in any way attempt to use the Commissioner’s official position to influence a Commission decision in which such Commissioner knows or has a reason to know he or she has a financial interest, as defined and made applicable to Planning Commissions under Article 1, Chapter 7, Title of the Government Code (Conflicts of Interest Law § 87100 et. seq.).
- 5.3. Statement of Economic Interest.** Commission members shall file those statements disclosing the interest required of and made applicable to the Commission under Articles 2 and 3, Chapter 7, Title 9 of the Government Code (Conflicts of Interest Law §87200 and 87300 et. seq.).
- 5.4. Appearance Before the City Council.** Any Commissioner presenting a minority report to the Kerman City Council may do so as a member of the Commission, but shall make it clear to the Council that such member is not representing the sentiment of a majority of the Commission.

ARTICLE 6 – AMENDMENTS TO RULES

Subject to the requirements of the Ralph M. Brown Act (Government Code § 54950 et. seq.), these Bylaws may be amended at any time, if a majority of the Planning Commission agrees to the amendment(s), when, all Commissioners are provided with prior notice of the proposed amendment(s).

RESOLUTIONS & AMENDMENTS

Resolution No. 2022-04: Establishing Bylaws

Resolution No. 2024-xx: Amendments: Consistency with KMC 2.26 & 2.26