

# PLANNING COMMISSION OF THE COUNTY OF SOLANO, CALIFORNIA

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## RULES OF ORDER and PROCEDURE

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# SOLANO COUNTY PLANNING COMMISSION

## RULES OF ORDER AND PROCEDURE

### SECTION 1 ELECTION AND TERMS OF OFFICE

- 1.01 Commission Makeup. The Solano County Planning Commission consists of five Commissioners appointed from each supervisorial district for a term of four years. In the case that a Commissioner cannot complete a four-year term, the County Supervisor who originally nominated that Commissioner shall appoint another person to complete the Commissioner's term.
- 1.02 Organizational Meeting. At the first regular meeting of the Commission held in February of each year, the Commission shall hold an organizational meeting, at which the Commission shall elect a Chair and Vice-Chair who shall serve for one year.
- 1.03 Vacancies. In case of a vacancy in any office, it shall be filled by an election, held in the first two (2) months subsequent, and such replacement shall be for duration of the unexpired term of such office.
- 1.04 Conduct of Elections. Elections shall be by nomination and roll call vote. The member receiving the highest number of votes shall be declared elected.

### SECTION 2 DUTIES OF OFFICERS AND STAFF

- 2.01 Chair. The Chair shall preside at all meetings of the Commission and perform all other duties necessary or incidental to the office. The Chair shall or with approval of the Commission, appoint all committees, members and a chair of such committees.
- 2.02 Vice Chair. In the event of the absence of the Chair, or their inability to act, the Vice-Chair shall take the place and perform the duties of the Chair.
- 2.03 Presiding Officer. The person elected to the Chair in accordance with this rule is designated the Presiding Officer. The Presiding Officer shall call the Commission to order and direct the order of business. The Chair, or in their absence, the Vice-Chair, shall immediately relinquish the duties of the Chair at the conclusion of the item of business then before the Commission. In the absence of the Chair and Vice-Chair, the senior member of the Commission shall act as temporary Presiding Officer. Upon the arrival of the Chair or Vice-Chair, the temporary Presiding Officer shall immediately relinquish the duties of the Chair at the conclusion of the item of business then before the Commission. With consent of the Commission, the Presiding Officer may make decisions concerning clerical and administrative matters, including extension of time as requested.

- 2.04 Secretary. The Director of Resource Management or their designee shall serve as Secretary to the Commission. The Secretary shall certify each official document and resolution of the Commission, maintain records of operation, and perform such other duties as the Commission assigns or prescribes.
- 2.05 Administrative Officer. The Director of Resource Management or their designee (herein referred to as the Director) is the Administrative Officer of the Commission. They shall furnish professional and technical advice to the Commission and shall assist the Commission in the discharge of its duties and responsibilities.
- 2.06 Clerk. The Director of Resource Management shall designate a Clerk to the Planning Commission. The Clerk shall keep minutes of each meeting and shall record the official actions taken. On all official actions where a vote is taken, the Clerk shall take the vote by roll call.

### **SECTION 3 MEETINGS OF THE COMMISSION**

- 3.01 Regular Meetings. All meetings of the Commission will be held in accordance with the Ralph M. Brown Act, Government Code sections 54950 et seq. The Commission shall hold regular meetings on the first and third Thursday of each month at 7:00 p.m. in the Board of Supervisors' Chambers, 675 Texas Street, Fairfield, California, and such meetings shall be open to the public. No new agenda item will be considered after 10:00 p.m. unless otherwise approved after an affirmative vote of the majority of Commissioners present.
- 3.02 Change in Meeting Place. The majority of the Commission may change the location of a regular meeting to an alternative location, provided the same is within the territorial limits of the County of Solano. If the meeting place is changed, the agenda or meeting notice shall clearly so specify, listing the new location and its street address or other adequate description, as soon as reasonably possible.
- 3.03 Cancellation of Meetings. The Director, Chair, or majority vote of the Commission may cancel a regularly scheduled meeting if it is determined that there is insufficient business or other reason to transact. Written notice of cancellation shall be given at least 24 hours before a regularly scheduled meeting.
- 3.04 Special Meetings.
- a. The Chair of the Commission or a majority of the Commission may call for a special meeting at any time. Special meetings shall be open to the public and may be held at such times and places as the majority of the Commission determines acceptable.
  - b. Written notice of every special meeting shall be mailed to each member of the Commission, and to each local newspaper of general circulation, radio or television

station requesting notice in writing, and posted to the County’s internet website at least twenty-four (24) hours before the time of such meeting as specified in the notice.

- c. The notice shall specify all business to be transacted or discussed at the special meeting. No other business shall be considered at such meeting by the Commission, and the agenda or meeting notice shall so state.

3.05 Adjournment of Meetings. The Commission may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum of the Commission may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the Secretary of the Commission may declare the meeting adjourned to a stated time and place, and they shall cause a written notice of the adjournment to be given in the same manner as provided in Section 3.04(b) for special meetings.

3.06 Quorum. A quorum for conducting business shall be a majority of the members then appointed to the Commission. No action of the Commission shall be taken unless a quorum is present.

3.07 Official Action.

- a. All actions shall consist of a motion and second, followed by a vote. Except as provided by general law, every official action taken by the Commission shall require an affirmative (“aye” or “yes”) vote by a majority of the quorum present.
- b. When considering an application over which the Commission has original jurisdiction, the application is denied if it fails to receive the affirmative vote of the majority of the quorum present, unless otherwise provided by law. When considering an appeal to the Commission, the appeal is denied if it fails to receive the affirmative vote of a majority of the quorum present.
- c. When considering adoption or amendment of the County’s General Plan or any specific plan, the Commission shall by motion and resolution make a written recommendation to the Board of Supervisors as provided by law. Pursuant to Government Code Section 65354, an affirmative vote by a majority of the *total* membership of the Commission is required to recommend approval on the adoption or amendment. Any other vote outcome, including a tie vote, constitutes a recommendation for denial. The following table shows the possible voting outcomes specific to this provision (e.g., 5-0 means 5 “yes” votes and 0 “no” votes).
  - Recommendation for approval: 5-0, 4-1, 3-2, 3-1, or 3-0
  - Recommendation for denial: 0-5, 1-4, 2-3, 2-1, 1-2, 2-2

3.08 Order of Business. At regular meetings the order of business shall be as follows:

- a. Opening of the meeting by Presiding Officer.

- b. Salute to the flag.
- c. Roll call (the late arrival of any absentee shall be entered into the minutes).
- d. Approval of minutes not previously approved.
- e. Public comment on unscheduled items.
- f. Hearings or other scheduled items.
- g. Announcements and reports (by Commissioners and then the Director).
- h. Future agenda items.
- i. Adjournment.

With the consent of the Commission, the above regular order of business may be suspended or varied at any time upon order of the Presiding Officer.

### 3.09 Manner of Addressing Commission

- a. Protocol. Each person addressing the Commission shall complete a speaker card and deliver it to the Clerk before the Commission considers the particular agenda item. Persons making comments shall give their name in an audible tone of voice for the record. All remarks shall be addressed to the Commission as a body and not to any member thereof. No person, other than the Commissioners and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Presiding Officer. No questions shall be asked of the Commission or member of the staff except through the Presiding Officer. No person shall be allowed to speak twice until others desiring to do so have had the opportunity to speak.
- b. Spokesperson for Group of Persons. Whenever any group of persons wishes to address the Commission on the same subject matter, it shall be proper of the Presiding Officer to request that a spokesperson be chosen by the group to address the Commission and in case additional data or argument is to be presented at the time by any other member of said group to limit the number of persons so addressing the Commission and the scope of their remarks so as to avoid unnecessary repetition.
- c. Time Limits. As a general matter, each speaker shall be limited to five (5) minutes. The time limit may be modified by the Chair or by a majority of the Commissioners in attendance. This provision applies to public comment on unscheduled items and all agenda items.

3.10 Decorum of Commission Members. While the Commission is in session, the members must preserve order and decorum, and a member shall not, by conservation or otherwise, delay or interrupt the proceedings or the peace of the Commission nor disturb any member, nor refuse to obey the orders of the Commission or the Presiding Officer. The Presiding Officer may pause the meeting and then recommence when order is restored.

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

- a. Presiding Officer calls for agenda item.
- b. Director or their designee presents agenda item, communications, and makes any recommendations.
- c. Commission discusses the matter with staff.
- d. Presiding Officer opens the public hearing.
- e. Applicant or their representative may make a presentation or comments relative to their application, limited to 15 minutes or as otherwise permitted by the Presiding Officer.
- f. Commission hears other members of the public present (limited to five (5) minutes or as modified by the Chair. (The Presiding Officer is to canvass the audience in orderly sequence to determine the pros and cons of the public hearing matter. All speakers and Commissioners are to abide by the rules of the Commission which govern the "Manner of Addressing Commission" Section 3.09. Questions by Commissioners are allowed at all stages of the hearing.)
- g. The Presiding Officer closes the public hearing. (The public hearing shall not be reopened without the approval of a majority of the quorum present. The Commission may seek clarification of testimony from staff, the applicant, or any speaker without reopening the public hearing.)
- h. Commission discusses matter.
- i. Motion and vote of Commission by roll call.
- j. Presiding Officer calls for next agenda item.

3.12 Public Hearing Decisions. Commissioners shall engage in a fair hearing and act in a fair and impartial manner and shall avoid reaching a final decision prior to the close of the public hearing. Commissioners may express tentative opinions and concerns prior to their final decision, as this facilitates robust exploration and discussion of issues with which the Commission is concerned.

## **SECTION 4 DUTIES AND PRIVILEGES OF COMMISSION MEMBERS**

### **4.01 Rules of Debate.**

- a. **Presiding Officer.** The Presiding Officer may debate and vote. The Presiding Officer shall not be deprived of any of the rights and privileges of a Commissioner by reasons of acting as the Presiding Officer. Prior to the Presiding Officer making a motion, the Presiding Officer shall relinquish the duties of the Chair to the Vice-Chair or to the next senior member of the Commission present. Upon completion of the vote on the motion, the Presiding Officer will automatically regain the gavel and continue to preside over the meeting.
- b. **Obtaining the Floor; Improper References to be Avoided.** Every Commissioner desiring to speak shall address the Presiding Officer, and upon recognition by Presiding Officer shall confine themselves to the question under debate, avoiding all indecorous language.
- c. **Interruptions.** A Commissioner, once recognized, shall not be interrupted when speaking unless it is to call the Commissioner to order. If a Commissioner is called to order while speaking, they shall cease speaking until the question of order to be determined and, if in order, shall be permitted to proceed.
- d. **Restriction of Discussion.** Except for purposes of inquiry or furnishing information to the Commission, Commissioners shall speak to the subject, motion or resolution at hand and then only when recognized by the Presiding Officer.
- e. **Limitation of Debate.** No Commissioner shall speak more than once upon any one subject until every other Commissioner within to speak thereon has spoken.

### **4.02 Voting.**

- a. **Quorum.** A quorum for voting shall be a majority of the members then appointed to the Commission.
- b. **Motions and Voting.** As provided in Section 3.07, all official actions shall consist of a motion and second, followed by a vote.
- c. **Abstention.** An abstention shall count as neither a “yes” or “no” vote. Each member shall state the reason for any abstention and shall abstain from voting on matters involving the consideration of their own official conduct, or in which their own personal or business interests are involved. A Commissioner abstaining from voting has forfeited his/her right to vote and it shall not be counted for any purpose.
- d. **Vote; Tie Vote.** Voting shall be in the same manner as provided in Section 3.07 unless otherwise provided by law. Any matter requiring a decision on which the vote is tied,



is lost and automatically referred to the Board of Supervisors pursuant to Ordinance No. 1217.

- e. Demand for Roll Call. Upon demand of any Commissioner, or by direction of the Presiding Officer, the roll shall be called for yeas and nays upon any motion before the Commission. A Commissioner shall not explain or comment on their vote during or after roll call, except upon consent of the Presiding Officer.
- f. Sequence of Voting. Whenever a roll is taken, Commission members shall be called for their vote. The order of voting may be variable, as determined by the Secretary or as otherwise directed by the Chair.

4.03 Personal Privilege. The right of a Commission member to address the Commission on a question of personal privilege shall be limited to cases in which the Commissioner's integrity, character or motives are assailed, questioned or impugned or as may otherwise be permitted by the Chair.

4.04 Dissents and Protests. Any Commissioner shall have the right to dissent from any action of the Commission or ruling of the Presiding Officer and have the reason therefore entered in the minutes. Such dissent shall be in writing, couched in respectful terms and presented to the Commission not later than the next regular meeting following the date of said action.

4.05 Excusal During Meeting. A Commissioner shall leave the meeting location while the Commission is in session only with permission of the Presiding Officer.

## **SECTION 5 COMMISSION PROCEDURES**

5.01 Second Required. Commission procedure requires a second to any motion made by a Commissioner.

5.02 Precedence of Motions. When a question is before the Commission, no motion shall be entertained except:

- a. To adjourn.
- b. To fix an hour of adjournment.
- c. To lay on the table.
- d. To call the previous question.
- e. To postpone to a certain day.
- f. To refer.
- g. To amend.
- h. To substitute.
- i. To postpone indefinitely.

These motions shall have precedence in the descending order indicated. Any such motion, except a motion to adjourn, amend, or substitute, shall be put to a vote without debate.

5.03 Motions to be stated by Presiding Officer. When a motion is made, it shall, upon the request of any Commissioner, be stated by the Presiding Officer before debate. Any Commissioner may demand that it be put in writing.

5.04 Motions Out of Order. The Commission, by majority vote of the present quorum, may permit a member to introduce a motion out of the regular order of the agenda.

5.05 Motion to Adjourn – When not in Order – When Debatable. A motion to adjourn shall be in order at any time, except as follows:

- a. When repeated without intervening business or discussion. In other words, there shall only be one motion to adjourn put before the Commission at a time.
- b. When made as an interruption of a member speaking.
- c. When the previous question has been ordered.
- d. While a vote is being taken on a motion to adjourn, the motion is not debatable or amendable except as to the specific time when the Commission will adjourn.

5.06 Motion to Lay on the Table. A motion to lay on the table shall preclude any amendments or debate of the subject under consideration. Further consideration of the subject may be resumed only after an affirmative vote of the majority of the present quorum.

5.07 Motions to call the Previous Question. When a Commissioner makes a motion to call the previous question, the Presiding Officer shall allow no further debate and shall as “Shall the main motion now be put?” If the motion carries, the Presiding Officer shall put pending amendments to vote, without debate, in the inverse order of their introduction, before putting the main question to vote. If the question, “Shall the main question now be put?” is decided negatively, the main question and its amendments shall remain before the Commission.

5.08 Division of Question. If a question put before the Commission contains two or more separable propositions, the Presiding Officer may, and upon request of a Commissioner, shall divide the question.

5.09 Amendments. When a motion to amend a motion is made, the Presiding Officer shall first cause the question to be read as it stands, then the words proposed to be stricken and added and finally, the question as it would stand if so amended.

5.10 Amend an Amendment. When a motion to amend an amendment has been installed for debate, a motion to amend the same amendment further shall not be in order.

- 5.11 Motion to Postpone. A motion to postpone, except one to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely carries, the main motion is lost.
- 5.12 Reconsideration. Any Commissioner who voted with the majority on a question may move to reconsider that question at the same meeting in which the decision was made. After a motion for reconsideration has been acted on, no other such motion on the same question shall be made without unanimous consent of the present Commissioners.
- 5.13 Procedure in Absence of Rule. In the absence of a rule to govern a point of procedure, “Robert’s Rules of Order, Revised” shall be used to decide a point of procedure.

## **SECTION 6 RECORD OF PROCEEDINGS; MINUTES**

- 6.01 Record of Proceedings. The Clerk shall take an audio recording of all regular meetings of the Commission and shall maintain that recording for at least one year. Any person wishing to listen to or make a copy of the recording of the meeting may do so by contacting the Department. Nothing herein shall preclude the Commission or any interested person from using the service of a court reporter in any public hearing. The party desiring the services of a court reporter shall be responsible for making arrangements and for payment of such services.
- 6.02 Minutes. All official actions or decisions of the Commission shall be entered into the minutes of the Commission prepared by the Clerk.

## **SECTION 7 COMMITTEES**

- 7.01 Committees. When desirable, standing and ad hoc committees may be established when necessary for technical or advisory purposes for the conduct of the Commission's business. Committees may be composed of Commissioners, staff members and members of the public. The Ralph M. Brown Act applies to certain standing committees, pursuant to Government Code section 54952(b).
- 7.02 Appointment. The Chair shall appoint all standing and ad hoc committee members, and a chair of such committees.
- 7.03 Tenure of Standing Committees. Members of standing committees shall serve for one (1) year and shall serve thereafter until their successors are appointed by the Commission
- 7.04 Ad Hoc Committees. Ad hoc committees shall be discharged at the conclusion of their assignment.

## **SECTION 8 POLICIES**

- 8.01 Scheduling Agenda Items.** The scheduling of items on the agenda shall be the responsibility of the Director of Resource Management. At any regular meeting, a Commissioner may add an item to a future meeting agenda with the consent of a majority of the present quorum, so long as the item is within the Commission's subject matter jurisdiction.
- 8.02 Publicity.** The Chair, Director, or Secretary shall make public all official information regarding Commissioner actions.
- 8.03 Visitation of Sites.** Individual Commissioners may meet with interested parties and go on site visits prior to a public hearing, provided such "*ex parte*" contacts (i.e., "without all present") are disclosed at the public hearing and members of the public are able to respond to that information during the hearing. Commissioners must disclose any meetings or site visits, along with any material facts learned therefrom which is not in the staff report or public record, after the agenda item is announced and before opening of the public hearing on the item. Commissioners must abide by the provisions of the Ralph M. Brown Act in conducting site visits, and no more than two Commissioners may visit a site at the same time.
- 8.04 General Law Provisions.** It shall be the policy of the Commission to comply with all applicable provisions of general law, the Ralph M. Brown Act, the Political Reform Act of 1974, and the Conflict of Interest Code of the Planning Commission of Solano County.
- 8.05 Absenteeism.** It shall be the policy of the Commission that members attend meetings on a regular basis. Members unable to attend a meeting should notify the Commission Secretary in advance of the meeting so that an excused absence may be recorded in the meeting minutes. In the event three (3) consecutive unexcused absences occur, the Planning Commission may forward a recommendation to the Board of Supervisors to consider replacement of the member.

## **SECTION 9 AMENDMENTS**

- 9.01 Notice of Amendment.** These Rules of Order and Procedure may be amended by a majority of the Commission at any regular or special meeting, provided that notice of the proposed amendment or amendments, including the exact text of the same, shall have been delivered to each Commissioner at least ten (10) days prior to the meeting date.