

1 RESOLUTION NO.

2  
3 A RESOLUTION OF THE PLANNING COMMISSION  
4 OF THE CITY OF LONG BEACH AMENDING AND  
5 RESTATING THE RULES AND PROCEDURES FOR THE  
6 PLANNING COMMISSION  
7

8 WHEREAS, on July 5, 1996, the Planning Commission adopted Rules and  
9 Regulations for the Planning Commission by Resolution No. R-1104; and

10 WHEREAS, the Planning Commission now intends to amend and restate  
11 the Rules and Procedures in accordance with applicable laws and regulations.

12 NOW, THEREFORE, the Planning Commission of the City of Long Beach  
13 resolves as follows:

14 Section 1. The Planning Commission of the City of Long Beach hereby  
15 adopts the attached Rules and Procedures for the Planning Commission.

16 Section 2. The Director shall transmit a copy of this resolution to the City  
17 Clerk and to each member of the Planning Commission.

18 Section 3. This resolution shall take effect immediately upon its adoption  
19 by the Planning Commission, and the Planning Commission Secretary shall certify to the  
20 vote adopting this resolution.  
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22 I hereby certify that the foregoing resolution was adopted by the Planning  
23 Commission of the City of Long Beach at its meeting of \_\_\_\_\_, 2014, by the

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following vote:

Ayes: Commissioners:

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Noes: Commissioners:

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Absent: Commissioners:

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Secretary

# RULES AND PROCEDURES FOR THE PLANNING COMMISSION

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
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**RULES AND PROCEDURES FOR THE PLANNING COMMISSION**  
**TABLE OF CONTENTS**

		Page
1	Article 1	Purpose ..... 1
2	Article 2	Members..... 1
3	Article 3	Commission Access to Staff ..... 2
4	Article 4	Election of Officers..... 2
5	Article 5	Quorum..... 3
6	Article 6	Meetings ..... 3
7	6.1	Regular Meetings..... 3
8	6.2	Meeting Breaks..... 3
9	6.3	Emergency or Special Meetings ..... 4
10	6.4	Study Sessions ..... 4
11	6.5	Open and Closed Sessions ..... 4
12	Article 7	Parliamentary Procedure ..... 4
13	Article 8	Agenda ..... 5
14	8.8	Staff Reports..... 5
15	8.9	Agenda Packets..... 6
16	Article 9	Order of Business ..... 6
17	9.1	Agenda Items..... 6
18	Article 10	Application and Appeal Hearings..... 7
19	10.4	Swearing in of Participants ..... 8
20	10.5	Evidence, Time Limits, Numbers of Speakers ..... 8
21	10.5.1	Formal Rules of Evidence ..... 8
22	10.5.2	Burden of Proof ..... 8
23	10.5.3	Name and Address..... 8
24	10.5.4	Time Limits..... 8

1	10.5.5	Number of Speakers .....	9
2	10.6	Questions Through the Chair.....	9
3	10.8	Unruly or Disruptive Member of Audience .....	9
4	10.9	Evidence Received Outside a Hearing .....	9
5	10.9.3	Use of Electronic Communication Devices Discouraged.....	10
6	10.10	Appearance of a Commissioner Before the Planning Commission.....	10
7	10.11	Motions .....	10
8	10.11.1	Motion-Second .....	10
9	10.11.2	Amendment of Motion or Substitute Motion.....	10
10	10.11.3	Withdrawal of Motion or Second.....	11
11	10.11.4	Tabling a Motion.....	11
12	10.11.5	Discussion, Closure, and Question .....	11
13	10.11.6	Motions for Reconsideration.....	11
14	10.12	Decision-making .....	11
15	10.12.1	Voting .....	11
16	10.12.2	Tie Votes .....	12
17	10.12.3	Abstentions.....	12
18	10.12.4	Roll Call.....	12
19	10.12.5	Motions Include Staff Recommendations .....	12
20	10.12.6	Absentees .....	12
21	10.13	Findings .....	13
22	10.14	Consent Items.....	13
23	10.15	Continuances.....	13
24	10.15	Construction .....	14
25	Article 11	Commission Authority.....	14

# RULES AND PROCEDURES FOR THE PLANNING COMMISSION

## ARTICLE 1

### PURPOSE

1.1. The Planning Commission of the City of Long Beach ("Planning Commission" or "Commission") is established by the Long Beach City Charter.

1.2. It is the responsibility of the Planning Commission to advise the City Council on all matters affecting the development and redevelopment of the City and to perform such other related functions as may be authorized by the City Council. All actions of the Planning Commission shall be advisory only, except for those matters where final authority has been assigned to the Planning Commission by the City Charter or action of the City Council.

1.3. In order to effectively and efficiently perform its duties as assigned by the City Charter and the City Council, the Planning Commission desires to specify procedural rules to govern the conduct of its meetings and hearings.

1.4. The following procedural rules shall, consistent with the State Constitution, applicable statutes, including the Brown Act, the City Charter and City ordinances, and related resolutions, govern the conduct of all business before the Planning Commission.

## ARTICLE 2

### MEMBERS

2.1 The Planning Commission consists of seven (7) regular members appointed by the Mayor and confirmed by the City Council. The Chairman and the Vice Chairman shall be elected by a majority of the Planning Commission. The term of each Commissioner shall be four (4) years. No person shall serve more than two (2) full terms.

2.2 The Chairman shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred on such an officer. Consistent with these rules and procedures, the Chairman shall have the privilege of discussing all matters before the Planning Commission and to vote thereon.

1           2.3    The Vice Chairman shall act for the Chairman in his or her absence.

2           2.4.   In the absence of both the Chairman and Vice Chairman, the members  
3 present at such meeting may elect a Chairman Pro Tem who shall serve only for the  
4 duration of the meeting in which he or she is appointed and shall have all powers of the  
5 Chairman for that particular meeting.

6           2.5    The Director of Development Services ("Director") shall be responsible for  
7 keeping minutes of the Planning Commission proceedings and transactions, preparing  
8 the agenda of the regular and special meetings, arranging proper and legal notice of the  
9 hearings, attending to correspondence, and performing such other duties for the Planning  
10 Commission as are normally performed by a secretary to a legislative body. Where this  
11 resolution refers to duties of the Director, the Director may delegate such duties as he or  
12 she deems appropriate.

13                                   ARTICLE 3

14                                   COMMISSION ACCESS TO STAFF

15           3.1    Commission or Commissioner requests for assistance or research by staff,  
16 other than simple requests for information or clarification, shall require the consent and  
17 approval of the Director.

18                                   ARTICLE 4

19                                   ELECTION OF OFFICERS

20           4.1    The Chairman and Vice Chairman shall be elected by and from the  
21 members of the Planning Commission. Election of the Chairman and Vice Chairman  
22 shall be held at the second meeting of September each year. The newly elected officers  
23 shall assume their offices at the first regular meeting of October.

24           4.2    The terms of office for Chairman and Vice Chairman shall be for one (1)  
25 year, and thereafter until their respective successors are elected and qualified.

26           4.3    Vacancies in offices shall be filled immediately by regular election  
27 procedure, but for the unexpired term only.

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ARTICLE 5

QUORUM

5.1 A simple majority of members of the Commission currently in office shall constitute a quorum to conduct business. Except as otherwise required by law, the vote of a simple majority of a quorum of the Commission shall determine the act or decision.

5.2 In the event of the lack of a quorum at a meeting, the Chairman or Vice Chairman, or Chairman Pro Tem, in that order, shall adjourn the meeting to another time, place, and date. Such order of adjournment shall serve as sufficient notice thereof to all members not present. It shall be the duty of the Director to employ such reasonable means as may be necessary to notify the absent members of the adjournment. The Director may adjourn a meeting where no Commissioners are present, provided that if the meeting is adjourned to a time other than the next regular meeting, notice of the meeting shall be given as if the meeting were a special meeting.

ARTICLE 6

MEETINGS

6.1 Regular Meetings. Regular meetings of the Planning Commission shall be held on the first and third Thursdays of each month. If the regular meeting dates falls on a City holiday, then the meeting may be rescheduled by the Planning Commission.

6.1.1 All regular meetings of the Planning Commission will be called to order at 5:00 p.m., unless properly noticed otherwise, canceled, or rescheduled. No Planning Commission meeting shall be canceled or rescheduled unless the Director of Development Services or designee first confers with the Chairman. No matter shall be cancelled or rescheduled unless the Director and Chairman mutually agree to such action.

6.1.2 The Commission shall endeavor to adjourn its meetings not later than 9:30 p.m. If necessary, business not completed by 9:30 p.m. will be continued to the next regular or special meeting as determined by the Planning Commission.

6.2 Meeting Breaks. The Chairman shall, with the concurrence of the



Commission, recess the meetings as necessary to grant relief to the Commissioners, staff and audience.

6.3 Emergency or Special Meetings. An Emergency or Special Meeting may be called at any time by the Chairman of the Planning Commission, or by a majority of its membership, on its own motion or at the direction of the City Council. The call, notice and conduct of such emergency or special meeting shall comply with the Ralph M. Brown Act, Government Code section 54950, *et seq.*

6.4 Study Sessions. The Planning Commission may hold study sessions as part of a regular, adjourned or special meeting. No action may be taken by the Commission at such a study session. When a matter is set for a study session, public testimony may be barred or limited to particular persons at the discretion of the Chairman, with the concurrence of a simple majority of the Commission.

6.4.1 If necessary, a study session may be conducted with less than a quorum of the Commission present.

6.5 Open and Closed Sessions. All meetings of the Planning Commission shall be open and public. All persons are welcome to attend. The Planning Commission may, upon the advice of the City Attorney and pursuant to the Ralph M. Brown Act, Government Code Section 5490, *et seq.*, hold a closed session during a regular or special meeting.

## ARTICLE 7

### PARLIAMENTARY PROCEDURE

7.1 Robert's Rules of Order shall govern in the conduct of Commission meetings in all cases to which they are applicable and in which they are not inconsistent with these Rules and Procedures or any other applicable statutes, ordinances, resolutions or regulations of the City.

7.2 If properly agendized, the Rules and Procedures may be amended at any regular or special meeting of the Commission by an affirmative simple majority vote of a Commission quorum.

7.3 The Planning Commission may suspend any of these Rules and Procedures for the duration of the meeting or for a particular item only by an affirmative simple majority vote of a Commission quorum.

## ARTICLE 8

## AGENDA

8.1 A written agenda shall be prepared for each meeting of the Planning Commission.

8.2 The agenda must contain a brief general description of each item of business to be discussed at the meeting.

8.3 The agenda shall be posted as required by law and made available at the office of the Zoning Administrator.

8.4 The Planning Commission may not take action on an item not appearing on the posted agenda unless an exception is made as permitted under applicable law.

8.5 The Chairman, in his/her discretion, and with the consent of the Planning Commission, or upon the request of any Commissioner, may rearrange the order of the presentation of any items appearing on the agenda. No person should rely upon the order in which public hearing items appear on the posted agenda.

8.6 Any public hearing on any agenda item may commence upon the opening of the meeting.

8.7 To ensure that the Commission has ample opportunity to carefully review written materials, members of the public who wish to submit written materials on agenda matters should submit them to the Planning Commission no later than 4:30 p.m. on the day the matter is scheduled for discussion. Materials received after the deadline will be placed in the official case file (record), although the Commission is not obligated to review any material submitted after the deadline.

8.8 Staff Reports. Staff reports shall be prepared with recommendations and the basis for those recommendations. To the extent possible, alternate positions and their justifications should be included as well. Staff reports are included in the hearing

1 record. Reports shall be in writing and staff shall endeavor to provide the project  
2 applicant with a copy of the report at least three (3) days before any hearing or action by  
3 the Planning Commission. Amended (redlined) staff reports must be provided to the  
4 Planning Commission via email by 1:00 p.m. the day of hearing.

5 8.9 Agenda Packets. Staff shall endeavor to provide the entire agenda packet  
6 to each member of the Planning Commission no later than five (5) days prior to the  
7 regularly scheduled meeting. Packets may be provided in part or in whole in an  
8 electronic format. Amended/redlined documents or reports can be provided in electronic  
9 format.

## 10 ARTICLE 9

### 11 ORDER OF BUSINESS

12 9.1 Agenda Items. Agendas for regular meetings shall be organized in  
13 substantially the following order:

- 14 a. Call to Order
- 15 b. Roll Call
- 16 c. Pledge of Allegiance
- 17 d. Review and approval of Minutes
- 18 e. Director's Report
- 19 f. Chairman Addresses Audience (Outlines Meeting Procedure)
- 20 g. Swearing In of Witnesses
- 21 h. Consent Calendar
- 22 i. Carryover Items
- 23 j. Regular calendar
- 24 k. Matters from the Audience
- 25 l. Matters from the Planning Commission
- 26 m. Adjourn.

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ARTICLE 10

APPLICATION AND APPEAL HEARINGS

10.1 In order to expedite agenda items and hearings, the Director shall cause notice of said agenda item or hearing to be given as required by the applicable law. Unless otherwise noticed, all hearings or non-hearing agenda items shall be set for 5:00 p.m.

10.2 Unless the Chairman in his or her discretion should direct otherwise, the order for presentation during a public hearing should be as follows:

- a. Public hearing is opened.
- b. Presentation of Development Services Department staff report, including any environmental analysis, with recommendations for Planning Commission action.
- c. Questions of staff by members of the Planning Commission.
- d. Presentations from the applicant or appellant.
- e. Presentations of persons in favor of or in opposition to the requested action.
- f. Rebuttal comments by the applicant or appellant.
- g. Closing remarks by staff.
- h. Public hearing is closed. The Chairman declares the public hearing closed when members of the Planning Commission indicate they have heard all pertinent testimony. After the public hearing is closed, no additional substantive testimony may be given. However, the Commission may clarify information which has been received into the public record by directing questions to its staff or the public, provided that such clarifications are made at the same meeting and prior to or during deliberation on the subject matter.
- i. Planning Commission discussion.
- j. Chairman may entertain a motion on the item. A proper motion is presented.

1 k. Motion is to be seconded or shall fail for lack of second prior to  
2 Commission debate.

3 l. Commission debate on the motion, if seconded.

4 m. Once debate is concluded, Commission votes pursuant to Rules and  
5 Procedures.

6 10.3 If necessary to permit additional testimony and evidence, public hearings  
7 may be re-opened during Commission deliberation at the meeting in which the public  
8 hearing was held. Such re-opening requires a majority consent of the Commission.

9 10.4 Swearing In of Participants. Members of the Planning staff and audience  
10 who plan to testify will be asked to stand and raise their right hand to "Swear In."

11 10.5 Evidence, Time Limits, Numbers of Speakers.

12 10.5.1 Formal Rules of Evidence. Formal rules of evidence need not be  
13 followed. Any relevant evidence may be considered. The Chairman may exclude  
14 irrelevant or redundant testimony and may make such other rulings as may be necessary  
15 for the orderly conduct of the proceedings while ensuring basic fairness and full  
16 consideration of the issues involved. Evidentiary objections shall be deemed waived  
17 unless made in a timely fashion before the Planning Commission.

18 10.5.2 Burden of Proof. The burden of proof of all legal prerequisites to  
19 the granting of relief or action sought shall be upon the party requesting such relief or  
20 action.

21 10.5.3 Name and Address. Any person desiring to speak must first be  
22 recognized by the Chairman. All comments must be made clearly and audibly. All  
23 speakers must first state their full names and addresses and the names and addresses of  
24 any person in whose behalf they are appearing.

25 10.5.4 Time Limits. Applicants and appellants shall be given sufficient  
26 time, in the reasonable judgment of the Chairman, to present their concerns. All other  
27 speakers normally will be limited to a three (3) minute presentation. If a speaker requires  
28 the assistance of an interpreter, the Chairman may grant the speaker a reasonable

1 amount of additional time to make his or her presentation.

2                   10.5.5 Number of Speakers. The Chairman, with the concurrence of a  
3 Planning Commission majority, may limit the number of speakers or amount of testimony  
4 time upon a particular issue in order to avoid repetitious and cumulative comments, and  
5 to hear those interested in testifying. Except when necessary for immediate clarification  
6 of a particular point, no person shall be allowed to speak a second time until all others  
7 wishing to speak have had an opportunity to do so, and then only at the discretion of the  
8 Chairman and the concurrence of the Commission.

9                   10.6 Questions Through the Chair. Any person other than a Commission  
10 member desiring to direct a question to a speaker or staff member shall submit the  
11 question to the Chairman, who shall determine whether the question is relevant to the  
12 subject of the hearing and whether or not it should be answered by the speaker or staff  
13 member.

14                   10.7 After the Commission meeting is opened, members of the audience will not  
15 be permitted behind the rail.

16                   10.8 Unruly or Disruptive Member of Audience. The Chairman has the  
17 responsibility to maintain a lawful, controlled, orderly, respectful and dignified meeting.  
18 To assure these conditions, the Chairman may take whatever lawful actions he or she  
19 deems necessary up to and including adjournment of the meeting.

20                   10.9 Evidence Received Outside a Hearing. Commissioners are discouraged  
21 from receiving information or evidence other than at the regularly scheduled hearing or  
22 agenda item including electronic communications received during the meeting from any  
23 person. If a member of the Commission talks with an applicant or visits a site  
24 independently, or receives any other information pertinent to a pending matter, he or she  
25 shall disclose the contact and information or evidence so received during the hearing on  
26 the matter. The applicant or appellant shall have the opportunity to supplement or rebut  
27 the information or evidence so disclosed, and failure to do so shall be deemed a waiver  
28 of any objection regarding the information or evidence.

1                   10.9.1 Commissioners are discouraged from engaging in discussions with  
2 individuals outside of the Planning Commission meeting to assure that everyone hears  
3 and receives the same information from the same source at the same time.

4                   10.9.2 It is recommended that members of the Commission perform no  
5 more than a physical "Field Check" of the property or location that may be the subject of  
6 a hearing item before the Commission.

7                   10.9.3 Use of Electronic Communication Devices Discouraged.  
8 Commissioners' use of electronic communication devices (including cell phones), other  
9 than for the purpose of accessing agenda materials that are on a Commissioner's  
10 electronic device, is discouraged during Planning Commission meetings.

11                  10.10 Appearance of a Commissioner before the Planning Commission. After a  
12 Commissioner has disqualified him or herself as a result of a potential conflict of interest,  
13 he or she may appear before the Commission during hearing on the matter and present  
14 testimony regarding the matter, provided it is done with the advice of the City Attorney's  
15 office.

16                  10.11 Motions.

17                   10.11.1 Motion-Second. Action upon an order, resolution, ordinance  
18 or any other action of the Planning Commission may be proposed by any member by a  
19 motion. The Chairman may make a motion only after all other members of the Planning  
20 Commission present have had an opportunity to make a motion on the question. Before  
21 a motion can be considered or debated it must be seconded, at which time it shall be on  
22 the floor and must be considered. If not seconded, the motion fails for lack of a second  
23 and shall be so declared by the Chairman. The Chairman may second a motion.

24                   10.11.2 Amendment of Motion or Substitute Motion. A motion on the  
25 floor may be amended or a substitute motion offered at any time before adoption or  
26 rejection of the main motion. When a motion to amend or substitute motion is made and  
27 seconded, the Planning Commission will debate and take action on the amendment or  
28 substitute before acting on the main motion. If the amendment or substitute is not

1 adopted, the main motion will be considered. If the amendment is adopted, the main  
2 motion, as amended, will then be considered. If the substitute is adopted, no further  
3 action is necessary.

4 10.11.3 Withdrawal of Motion or Second. A motion may be withdrawn  
5 by the maker at any time before adoption or rejection. A second to a motion may be  
6 withdrawn by the seconding member at any time before adoption or rejection of the  
7 motion. The motion will then be lost for lack of a second and so declared by the  
8 Chairman unless seconded by another person.

9 10.11.4 Tabling a Motion. Tabling a motion is not a procedure utilized  
10 by the Planning Commission. Motions should be voted upon or continued to a date  
11 certain.

12 10.11.5 Discussion, Closure, and Question. After a motion has been  
13 seconded, any member, including the Chairman, may discuss or comment on the subject  
14 motion. The Chairman shall recognize any and all members of the Planning Commission  
15 who desire to speak, beginning with the motion's maker, and will protect each speaker  
16 from disturbance or interference. When no member wishes to discuss or comment  
17 further, the Chairman will call for a vote on the motion. Any member of the Planning  
18 Commission may at any time move to close the debate.

19 10.11.6 Motions for Reconsideration. Motions for reconsideration of a  
20 matter may be made by any member who voted with the prevailing majority on the matter  
21 to be considered. Any member of the Planning Commission may second a motion to  
22 reconsider. Motions to reconsider shall be made at the same meeting as the original  
23 motion. If the matter to be reconsidered required a public hearing, the public hearing will  
24 be reopened pursuant to these Rules and Procedures before additional evidence is  
25 received.

26 10.12 Decision-making.

27 10.12.1 Voting. Approval of any motion before the Planning  
28 Commission shall require the affirmative vote of a majority of the members present,



1 unless otherwise specified by law.

2                   10.12.2       Tie Votes. Any tie vote shall constitute a denial of the motion  
3 and may be reconsidered by a motion offered by any member who voted on the matter.  
4 If there is no subsequent affirmative vote, the result is denial. If the matter involves an  
5 appeal and an affirmative vote does not occur, the result is that the decision appealed  
6 stands as decided by the decision-maker from which the appeal was taken.

7                   10.12.3       Abstentions. Except when a conflict exists and abstention is  
8 required by state law, every member of the Commission who is present, when a roll call  
9 is called, shall vote for or against the motion, unless excused by a majority of the  
10 Commission members present prior to the calling of the roll on such question.

11                   10.12.4       Roll Call. Voting upon a motion may, at the discretion of the  
12 Chairman, and shall, upon the request of any member, be by roll call. When voting is not  
13 by roll call, the Chairman may, in the absence of objection by any member of the  
14 Planning Commission, declare an item to be unanimously approved.

15                   10.12.5       Motions Include Staff Recommendations. A motion to adopt  
16 or approve staff recommendations or simply to approve the action under consideration  
17 shall, unless otherwise particularly specified, be deemed to include adoption of all  
18 proposed findings and execution of all additions recommended in both the written staff  
19 report on file on the matter and any oral staff report presented during the hearing.

20                   10.12.6       Absentees. A Planning Commission member who is absent  
21 from any portion of a hearing conducted by the Planning Commission may still vote on  
22 the matter provided that he or she has listened to the tape recording of the entire portion  
23 of the hearing from which he or she was absent and examined the Staff Report and  
24 evidence presented during the portion of the hearing from which he or she was absent.  
25 In such a case, the Commissioner shall state for the record that he or she is familiar with  
26 the record and with the evidence presented at the hearing.

27                   10.12.7       In those matters involving a recommendation to the City  
28 Council, the recommendation shall be transmitted in a timely manner to the City Council

1 for its consideration. In the event that staff has a recommendation that is different from  
2 that of the Planning Commission, the staff recommendation may also be presented to the  
3 City Council for its consideration. However, the staff report presented to the City Council  
4 shall make clear the precise nature of the Planning Commission recommendation and  
5 shall further articulate staff's rationale for providing a different recommendation. Before  
6 providing a recommendation to the City Council that is not the same as or is in addition to  
7 that of the Planning Commission, the Director of Development Services or designee shall  
8 first inform the Planning Commission Chairperson of the intended course of action. The  
9 Chairperson shall have the right to appear at any scheduled meeting of the City Council  
10 for the purpose of presenting the Planning Commission's position relative to its  
11 recommendation to the City Council.

12 10.13 Findings. On any matter for which state law or City ordinance requires the  
13 preparation of written findings, the staff report submitted on the matter will contain  
14 findings proposed for adoption by the Planning Commission. Any motion directly or  
15 implied rejecting the proposed findings should include a statement of alternative or  
16 modified findings or direction that the matter under consideration be continued for a  
17 reasonable period of time in order for staff to prepare a new set of proposed findings  
18 consistent with the evidence which has been presented and the decision which is  
19 anticipated.

20 10.14 Consent Items. Items that require little or no discussion by the Planning  
21 Commission may be considered as consent items. The Planning Commission will act on  
22 these items in one motion at the beginning of the meeting. Approval by the Planning  
23 Commission of consent items means that the staff recommendation was approved along  
24 with the findings and conditions set forth in the staff report. Any member of the Planning  
25 Commission, the applicant, or members of the public may request that consent items be  
26 considered in their regular order on the agenda. Removal of an item from the consent  
27 calendar is subject to approval by a majority the Commission members present.

28 10.15. Continuances. Upon a showing of good cause, the Planning Commission

1 may continue an agendized item to a specified date and time by a motion and roll call  
2 vote of all members present.

3 10.16 Construction. These procedural rules shall be construed and applied so as  
4 to ensure a full and fair hearing of relevant evidence which is offered on a land use  
5 matter and to facilitate an orderly analysis of evidence and issues by the Planning  
6 Commission.

7 ARTICLE 11

8 COMMISSION AUTHORITY

9 11.1 Failure of the Commission to follow the procedures established by this  
10 Resolution shall not invalidate or otherwise affect any action of the Commission.

11 11.2 These rules and procedures in no way modify, amend or suspend the  
12 Commission's or individual Commissioner's obligations pursuant to the Political Reform  
13 Act, Open Meeting Law or other applicable statute of statewide concern. These rules  
14 and procedures shall be construed to remain consistent with such statutes, as they may  
15 be amended from time to time.

16 -End-  
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