

City of Chino Planning Commission Rules and Procedures

MISSION STATEMENT

Our City is dedicated to creating a safe, fulfilling, and unique environment that will preserve and enhance the quality of life for ourselves, our families and neighbors, and is committed to providing quality and caring services to our community that are responsive, innovative, fiscally sound and result in a community where people make the difference.

The City Council has the ultimate political and legal responsibility for conduct of our city government, and makes all major policy decisions for the City through its enactment of ordinances and resolutions. However, in making these decisions, members of the Council rely on City staff reports, recommendations from its Commissions and Committees, as well as applicant and public input.

The Planning Commission, a nine-member board appointed by the City Council, is established by Chapter 2.36 of the Chino Municipal Code (CMC) and has advisory authority, final approval authority, and appellate authority on issues related to the long-term growth and development of the community. The Commission holds regular public meetings and acts through the vote of its board members.

The scope of the Commission's authority is defined in Chino Municipal Code §§ 2.36.060 and 20.23.010. The Commission has authority to review and make recommendations to the City Council on requests for general plan amendments, specific plan amendments, zone changes, zone ordinance amendments, and development agreements. The Commission also has authority to review and take final action on a variety of planning applications, including special conditional use permits, major variances, site approval applications, tentative tract and parcel maps, and pre-zoning of areas within the City's sphere of influence. Finally, the Commission has authority to hear appeals of decisions made by the Development Services Director regarding minor variances, zoning clearance, and administrative approvals. Final decisions of the Commission may be appealed to the City Council.

The Commission contributes a vital link between the Council and the public, and provides a publicly noticed open forum through which important land use issues are given careful examination and thorough discussion. The Commission further serves in an advisory capacity to the City Council in undertaking any additional duties, responsibilities, and functions assigned to it by the City Council, including but not limited to provision of policy guidelines for structuring development agreements and development incentives, and promotion of the development opportunities and reputation of the City in accordance with its General Plan, applicable Specific Plans, zoning and other land use regulations and policies and Capital Improvement Plans.

Adopted: December 3, 2007

Amended: July 2, 2012
June 18, 2018

April 17, 2023
February 19, 2025

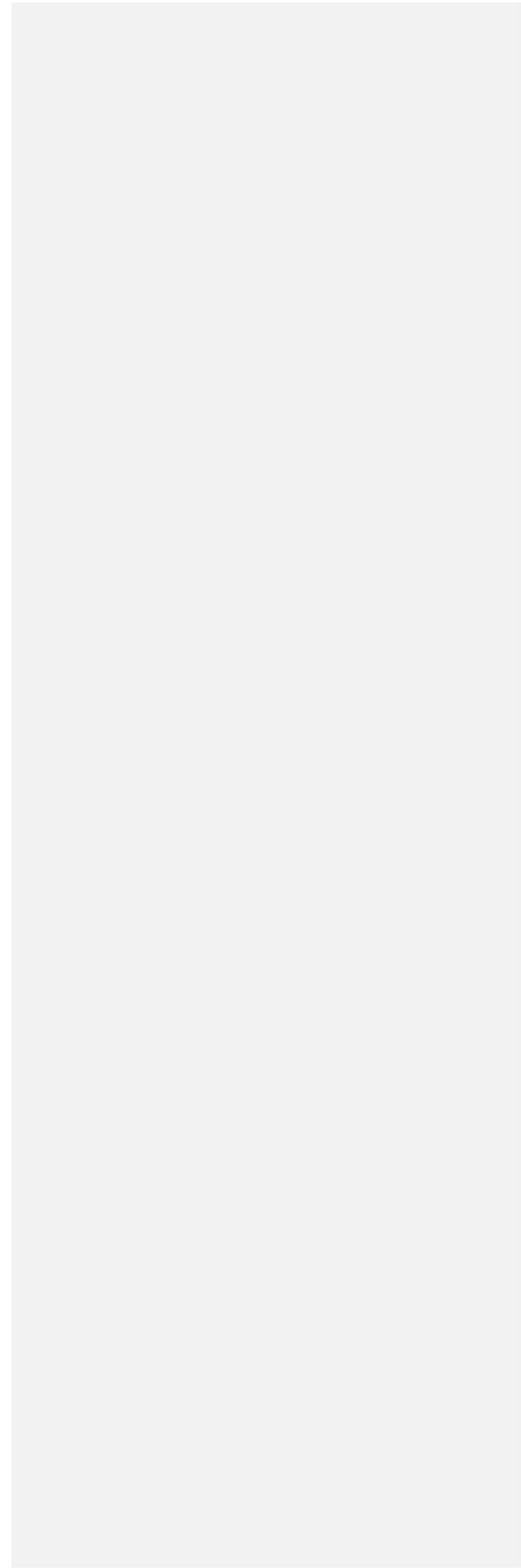


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A. Organization

1. Establishment

A Planning Commission (“Commission”) consisting of nine (9) members, including seven (7) members from within the City’s boundaries and two (2) ex-officio members from the City’s sphere of influence areas (collectively, “Members”) has been established for the City of Chino (“City”) by its City Council, pursuant to Chapter 2.36 of the Chino Municipal Code.

2. Qualification of Members

All Members shall be residents of the City, or from the north and south sphere of influence areas of the City as to the two (2) ex-officio members (collectively, “SOI Members”), at the time of their appointment and throughout their terms of office. If a Member moves their residence outside of the City limits or outside their respective Sphere of Influence area, as applicable, their Commission appointment automatically will be relinquished at the time their new residency is established.

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No Member shall be a City employee, or a member of more than one City board, commission or standing committee at any one time.

All Members also must be sworn in by the City Clerk and take the Oath of Office pledging to defend the Constitution of the United States prior to assuming the duties of their office.

3. SOI Members.

Two members of the Commission shall be residents of the City’s Sphere of Influence area, as defined under California Government Code section 56076 and determined by the Local Agency Formation Commission of San Bernardino (LAFCO), at the time of their appointment and throughout their terms of office, and shall serve for a term of two years as ex-officio members. One SOI Member shall be a resident of the City’s North Sphere of Influence, and one member shall be a resident of the City’s South Sphere of Influence. Should the portion of the City’s Sphere of Influence area in which the SOI Member resides be annexed into the City, the SOI Member shall be removed from their position as SOI Member and may thereafter apply for full membership to the Commission when a position is available. In such circumstance, should there remain any area within the Sphere of Influence area annexed following the removal of the SOI Member, the City will advertise and fill such vacated position in accordance with the procedures set forth in these rules and Chapter 2.36 with a qualified person from such remaining area, or the position may remain vacant.

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SOI Members may only vote on matters or items which involve land within the Sphere of Influence area in which the SOI Member resides. Each SOI Member will also serve as an alternate to the other SOI Member, so that if one member is absent, unavailable, or otherwise unable to participate in a matter or item, the other SOI Member may participate in his or her place.

4. Appointment and Term

All Members shall be appointed by the Mayor, in accordance with Chino Municipal Code § 2.36.020, with approval of a majority of the total membership of the City Council, for staggered terms of four years, except that the SOI Members shall be appointed for terms of two years each, unless that appointment is for the unexpired term of a Member who has resigned or been removed by the Mayor and such Council majority. There shall be no limit on the number of terms a Member may serve. However, in order to be eligible for reappointment to the next succeeding term, a Member must submit a written request expressing their interest in reappointment to the Mayor at least 60 days prior to the expiration of the current term of that Member.

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Pursuant to Chino Municipal Code § 2.36.020, all Members shall continue in office until their successors are appointed by the Mayor and approved by the City Council, except that as to the SOI Members, their membership shall automatically terminate upon the City's annexation of the sphere of influence area in which the SOI Member resides, as provided in Section 3 above.

4. Resignation

A Member may resign before the end of the term to which appointed by submittal of a letter of resignation to the City Clerk, who then shall forward it to the City Council. The City Council at its next regular meeting after receipt of such letter shall declare that office vacant, either immediately or at the time of the proposed resignation by the Member, and shall begin the process of appointing a replacement Member.

5. Attendance

Except for the SOI Members, all Members shall attend every regular, adjourned regular, special and adjourned special meeting of the Commission unless excused by the Chair, after notice to the Secretary of the Commission prior to such meeting stating the reason for the absence of such Member. SOI Members shall only be required to attend every regular, adjourned regular, special and adjourned special meeting of the Commission when matters or items which involve land within the Sphere of Influence area in which the SOI Member resides are agendized or where the SOI Member is serving as an alternate to the other SOI Member

pursuant to these rules. Any SOI Member may be excused pursuant to the above procedures in this Section 5.

6. Vacancies

A vacancy in the office of a Member shall occur upon either the expiration of the term of that Member or the earlier resignation or removal of that Member by motion of the Mayor with approval of a majority of the total membership of the City Council.

Also, if a Member is absent from a meeting, that Member shall notify the Secretary of such absence prior to the meeting, stating the reason for such absence. The Chair may excuse such absence at such meeting or the next regular meeting of the Commission. If a Member fails to attend three meetings of the Commission in any calendar year, without excuse by the Commission, the Chair immediately shall report such absences to the City Council, who thereafter may declare a vacancy in the office of such Member by motion of the Mayor and approval by a majority vote of its membership.

If a vacancy on the Commission is created by any reason other than expiration of a term, it shall be filled by appointment of the Mayor for the unexpired portion of the term, with approval of the City Council membership.

A notice of vacancy shall be posted in the office of the City Clerk, the San Bernardino County Library Chino Branch, and in other places directed by the City Council not earlier than twenty days before or later than twenty days after a vacancy occurs. However, the Mayor and City Council shall not make a replacement appointment for at least ten working days after posting such notice in the office of the City Clerk, except that the vacancy may be filled immediately if an emergency exists¹ by an acting appointment until a final appointment is made.

7. Officers

The Chair of the Commission shall preside at all meetings of the Commission, appoint all committees with approval of a majority of the Commission membership, and perform all other necessary, customary or incidental duties of this office.

The Vice-Chair shall take the place of the Chair and perform all duties of the Chair if the Chair is absent or unable to perform such duties. In the event of the absence or inability to act of both the Chair and Vice-Chair in any meeting, the

¹ Government Code § 54974

remaining Members shall appoint one of the remaining Members to act as temporary Chair for such meeting.

The Chair and Vice-Chair shall be elected by a majority of the Commission membership at the first regular meeting of the Commission in December or as soon thereafter as possible, for a term of two consecutive years beginning the following January 1st and continuing thereafter until their successors are elected. The SOI Members shall not be eligible to serve as Chair or Vice-Chair. In the event the term of a Member elected to such office ends prior to such meeting of the Commission because of resignation or removal, the Commission shall elect a replacement at the next regular meeting of the Commission after the end of such term, or as soon thereafter as possible.

The Secretary of the Commission ("Secretary") shall be the Director of Development Services for the City or the designee of that Director, who shall provide professional and technical advice to the Commission, sign approved final subdivision maps and parcel maps, assist the Commission in the discharge of its duties and maintain all minutes of meetings and other official records of Commission actions.

8. Design Review Board

At the request of the Director of Development Services, the Commission shall establish a Design Review Board ("DRB"), consisting of two Members, an alternate Member, and the Director of Development Services or designee of such Director. The SOI Members shall not be eligible to serve on the DRB. The DRB shall be an ad-hoc committee and only meet on an as-needed basis in order to direct Staff and recommend to the Commission interpretations of Design Guideline provisions or to review development projects that do not directly conform to adopted Design Guidelines. The Board membership may be augmented by a professional design consultant from time-to-time, as determined by the Director. The DRB Members shall serve two consecutive years that coincide with the Chair and Vice Chair terms.

9. Committees

The Chair, with approval of a majority of the Commission membership, may order the establishment of any committee deemed necessary or desirable for the conduct of Commission business, define the duties of such committee and appoint its members. The members of such Committees may include representatives of the public as well as Planning Commission Members, subject to approval of such representatives of the public by a majority of the members of the City Council.

Any such committee shall continue in existence until abolished by the Chair with approval of a majority of the Commission membership.

10. Statements of Financial Interests

All Members, DRB and standing committee members shall file the Statement of Economic Interests ([Form 700](#)) required by the Political Reform Act², regulations of The Fair Political Practices Commission³ and the City Conflict of Interest Code⁴ with the [Fair Political Practices Commission \(FPPC\)](#), at the following times:

- Upon Assuming Office. Within thirty (30) days after being appointed as a Member.
- Annually Thereafter. On April 1st of each succeeding calendar year.
- Upon Leaving Office. Within 30 days after the last day in office.

The Statement of Economic Interests shall be [filed electronically with the FPPC](#), with a copy retained by the City Clerk.

11. Required [Communication and Training](#)

[Communication with the Planning Commission will primarily occur through City email. All Planning Commissioners are expected to check their City emails regularly and stay in contact with City staff on a consistent basis to ensure necessary communication and/or information is exchanged effectively to successfully conduct Commission duties.](#)

Within [one-year](#) of the appointment of the members of the Commission, and every two calendar years thereafter, each member shall complete an ethics training course pursuant to California Government Code § 53235, and certify to their attendance on a form provided by the City Clerk. [The Planning Commission shall also be required to complete annual training as described by the City to successfully conduct Commission duties. A review of Commission Members training and performance will be conducted annually.](#)

12. [Code of Conduct Acknowledgement](#)

[Upon appointment and every calendar year thereafter, every member shall acknowledge the City of Chino Code of Conduct, a written set of guidelines outlining appropriate expectations, behavior and interactions with each other, City staff, citizens and all other groups encountered as a result of City business so](#)

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² CA Govt. Code §§ 81000 – 91015 (See Section 87200, et seq.)

³ 2 CA Code of Regs. § 18109 et seq.

⁴ Chapter 2.60 of the Chino Municipal Code

[as to efficiently and effectively develop and carry out the mission, vision, goals and established policies of the City \(City Council Resolution No. 2024-052\).](#)

13. Minutes

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Minutes of all Commission meetings will be prepared and kept by the Secretary as part of the permanent record of the Commission. Minutes approved by a majority of the members of the Commission shall constitute the official record of Commission activities at such meeting.

Minutes are not verbatim, but instead are intended to be a record of the essence of input received from the applicant, public and staff, actions taken, and decisions made.

However, a verbatim transcript of a public hearing before the Commission on the subject matter of an appeal shall be provided if the proponent and/or appellant so requests. The cost of preparation of the transcript shall be paid within five days following the appeal request.

Upon receipt of an appeal request, the Director of Development Services also shall prepare the record before the Commission on the subject matter of the appeal, including staff reports and Commission meeting minutes, and transmit same to the City Council. The Director of Development Services shall also prepare a written response to the appeal statement, containing a recommendation on the appeal and proposed findings to deny or support the appeal, along with any appropriate conditions, which shall be made available to the appellant at least seventy-two hours prior to the appeal hearing before the city council.

14. Agenda

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Agenda packets detailing the items of business to be discussed and containing any communication or other documentation to be presented at a meeting of the Commission shall be prepared by the Secretary and delivered [electronically](#) to the Members no less than 72 hours before such meeting. In order to be prepared for a meeting, Members shall read [the agenda packet](#) and contact the Chair, Secretary or Project Planner before such meeting with any questions they may have regarding agenda items or such meeting.

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B. Procedures

1. Meetings

a. Rules and Procedures

The Commission shall be governed by these Rules and Procedures, when adopted by a majority of its total membership, rather than any Rules and Procedures previously adopted.⁵ The DRB and standing committees also shall be governed by these Rules and Procedures as well as any additional rules and procedures adopted by a majority of the DRB and committee membership. However, except as otherwise provided herein, the Commission, DRB and committees shall be governed by the rules and procedures contained in the most recent edition of Robert’s Rules of Order.

b. Compliance with Ralph M. Brown Act

All meetings of the Commission, DRB and any standing Committee appointed hereunder shall be open to the public, and otherwise comply with the requirements of the Ralph M. Brown Act.⁶

c. Definition of “Meetings”⁷

Meetings – Generally

“Meetings” shall include any congregation of a majority of the Commission, DRB or standing Committee at the same time and place to hear, discuss, or deliberate upon any item that is within their subject matter jurisdiction, as well as individual ex parte contacts to develop collective concurrence on action to be taken by a majority of the Commission, DRB or standing Committee, except as provided in the following subsections.

i. Conferences and Seminars

Attendance by a majority of the Commission, DRB or standing Committee at a conference or similar gathering does not constitute a meeting, as long as they are open to the public, involve a discussion of issues of general interest to Planning Commissions, Design Review Boards or such standing committees, and a majority of the members do not discuss among themselves business of a specific nature that is within their subject matter jurisdiction, other than as a part of the scheduled program.

ii. Community Meetings

⁵ Chino Municipal Code § 2.36.40

⁶ CA Govt. Code §§ 54950, et seq.

⁷ CA Govt. Code § 54952

Attendance by a majority of the Commission, DRB or standing Committee at a publicized meeting open to the general public to address a topic of local community concern, by a person or organization other than the local agency, does not constitute a meeting, provided such majority does not discuss among themselves business of a specific nature that is within their subject matter jurisdiction, other than as part of the scheduled program.

iii. Social and Ceremonial Gatherings

Attendance by a majority of the Commission, DRB or standing Committee at a purely social or ceremonial occasion does not constitute a meeting, provided such majority does not discuss among themselves business of a specific nature that is within their subject matter jurisdiction.

iv. Other Public Agency Meetings

Attendance of a majority of the Commission, DRB or standing Committee at an open and publicly noticed meeting of any other elected public agency or appointed body of such agency does not constitute a meeting, provided such majority does not discuss among themselves business of a specific nature that is within their subject matter jurisdiction, except as part of the scheduled meeting.

d. Quorum

A majority of the total membership of the Commission, DRB and any standing Committee shall constitute the minimum quorum necessary for transaction of business. For purposes of establishing a quorum of the Commission, the SOI Member shall not be included in the calculation of a quorum, except when an issue pertaining to the City's Sphere of Influence area(s) are being discussed, in which case, both SOI Members shall be included in the calculation of a quorum of the Commission.

However, in the event one or more Members or DRB or standing Committee members have been disqualified because of an approved conflict of interest on an item on the agenda, so that a quorum of the Commission, DRB or standing Committee cannot be convened for action on such item at that meeting, but legally it is necessary for action to be taken on such item at that meeting, as many disqualified Members or DRB or standing Committee members as necessary to constitute a quorum shall be selected by a random lot process of the remaining

Members or DRB or Commission members, and participate in the deliberations and actions of the Commission, DRB or Committee on such item as if no such conflict existed. However, prior to such participation, a disqualified Commission, DRB or standing Committee member shall:

- i. Disclose the existence and nature of such conflict of interest for the record;
- ii. State the reason why action on such agenda item is necessary at such meeting, in which the majority of the remaining Members, or DRB or Committee members must concur; and
- iii. Participate in the discussion and action on such agenda item only during a noticed public meeting of the Commission, DRB or Committee.

e. Regular Meetings

The regular meetings of the Commission shall be held on the ~~third~~ Wednesday of each month at ~~6:00~~ 6:00 p.m., in the Council Chambers of the City of Chino City Hall, or such other temporary facilities designated by the Commission, subject to notice in a newspaper of general circulation, and radio or television stations requesting notice in writing, and the posting of such notice at City Hall and other locations designated by the City for the posting of public notices.

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The meetings of the DRB shall be held on an as needed basis as determined to be necessary by the Secretary, subject to delivery of written notice by the Secretary to the DRB members at least 48 hours prior to the meetings. However, such written notice may be dispensed with as to any DRB member who at or prior to the time such meeting convenes files a written waiver of notice with the Secretary, and as to any DRB member who is present at such meeting at the time it convenes.

The regular meetings of any Committee appointed hereunder shall be held at the time and place designated by a majority of the Committee membership.

If any such regular meeting falls on a legal holiday, it shall be held on the next business day or another alternative day fixed by the Commission, DRB or Committee in advance of their next regular meeting date.

f. Special Meetings

Special meetings of the Commission may be called by the Chair or a majority of the membership of the Commission describing the items on

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the agenda of such meeting which may be considered at such meeting, to the exclusion of all other items, the time and place of such meeting, and delivered to the members of the Commission, and any newspaper of general circulation, radio or television station requesting notice in writing, as well as posted at City Hall and other places designated by the City for the posting of public notices at least 24 hours in advance of such meeting. However, such written notice to Members may be dispensed with as to any Member who files with the Secretary a written waiver of notice at or prior to the time such meeting convenes, and as to any Member who is present at such meeting at the time it convenes.

g. Adjourned Meetings

If the agendaed business of the Commission, DRB or standing Committee is not finished during any regular, adjourned regular, special or adjourned special meeting, that meeting may be adjourned by a majority of its quorum then present to a specified time and place prior to its next regular meeting. However, within 24 hours after such adjournment, a notice of such adjournment shall be posted on the door of the Council Chambers or other location in which such meeting was held, and also shall be posted in all other locations designated by the City for posting public notices.

If less than a majority of the Commission, DRB or standing Committee members attend a regular, adjourned regular, special or adjourned special meeting, that less than a majority may adjourn that meeting to a stated time and place, the Secretary shall declare that meeting adjourned to a stated time and place, with written notice of such adjournment given in the same manner as provided herein for adjournment of regular or special meetings.

If all of such Members are absent from any regular or adjourned agenda meeting, the Secretary may declare the meeting adjourned to a stated time and place and cause a written notice of adjournment to be given in the same manner or provided in Government Code § 54956 for special meetings.

A copy of the Notice of Adjournment shall be conspicuous posted on or near the door of the place where the adjourned meeting was held within 24 hours after the time of adjournment.

h. Agenda

The Secretary, in cooperation with the Chair, shall prepare an agenda describing the items to be considered in a brief general description, and

specifying the time and location of every meeting of the Commission, DRB and standing Committee. All agendas provided to Members and DRB and standing Committee members shall be accompanied by an agenda packet, consisting of staff reports on the agenda items and all communications and other documentation relating to such item received by the Secretary prior to preparation of that agenda.

The agenda for any regular or adjourned regular meeting of the Commission, DRB or standing Committee shall be posted 72 hours in advance of such meeting, and the agenda for any special or adjourned special meeting of the Commission, DRB or standing committee shall be posted 24 hours in advance of such meeting in a location that is freely accessible to the public for the entire 72 or 24 hour period, and also shall be delivered personally or by any other means resulting in receipt by every Member, DRB and standing Committee member, as well as every Council member and any newspaper, radio or television station that has requested notice in writing, 72 hours in advance of such regular or adjourned regular meeting and 24 hours in advance of such special or adjourned special meeting.

Only items of business listed on the posted agenda for a regular or adjourned regular meeting can be transacted by the Commission, DRB or standing Committee unless added to the agenda under the authority of Govt. Code § 54954.2 et seq. (1) when an emergency, as defined in Government Code § 54956.5, is determined to exist by a majority of the quorum of Commission, DRB or standing Committee members present, or (2) when it is determined by two-thirds of the quorum or by unanimous vote when less than two-thirds of the Members, DRB or standing Committee members are present that both (a) there is need to take action immediately, and (b) the need for action came to the attention of the Commission, DRB or standing Committee after their agenda was posted, or (3) the item was posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken. Only items described in the notice calling a special meeting may be considered at such meeting; and the forgoing additions of items to the agenda authorized by Govt. Code § 54952.2 do not apply.

i. Study Sessions and Workshops

All study sessions and workshops of the Commission, DRB or Committees shall be conducted as a regular, special, adjourned regular or adjourned special meeting pursuant to the requirements established in these Rules and Regulations.

j. Pre-filing Meetings

The Development Services Department staff is adequately knowledgeable about City policies and Commission procedures, practices and standards to provide an applicant with necessary guidance for filing any application with the City, without participation by any Member. The applicant also can address any issues of concern with the Commission at the public hearing on its project, contest any staff recommendations to the Commission, rebut any adverse evidence, and if necessary appeal the Commission decision on such project to the City Council as provided herein.

k. Ex-hearing Evidence on Quasi-Judicial Matters

While Members may utilize their common knowledge of the facts and circumstances on matters subject to a quasi-judicial public hearing on matters such as a variance or special conditional use permit, after public notice of such a hearing has been given they should avoid receipt of any evidence outside of such public hearing through contact with the applicant and all other persons. However, if a Member receives such evidence, through inadvertence or otherwise, that Member is required to make a full and fair disclosure to the Commission of such evidence and its source, at a meeting of the Commission, which shall be entered in the minutes of that meeting. Thereafter, the applicant, or any interested person may rebut such evidence, and shall be entitled to a continuance for that purpose. However, no person may examine a Member regarding such evidence.⁸

l. Ex-hearing Evidence on Legislative Matters

The restriction on receipt of ex-hearing evidence on quasi-judicial matters, however, is not applicable to legislative matters such as general plan amendments, and adoption of specific plans or zoning. However, while Members may receive such evidence, that practice is discouraged. The Development Services Department staff is adequately knowledgeable about City policies and Commission procedures, practices and standards to provide an applicant with any necessary guidance without participation by a Member.

2. Appeal

⁸ Chino Municipal Code § 20.03.110 H

Actions or decisions of the Commission may be appealed to the City Council by an applicant or other interested person, by filing a written request for an appeal with the Secretary within 10 calendar days of any such action or decision, together with the appropriate fee set by resolution of the City Council. The request shall include a statement identifying the specific action or decision of the Commission that is being appealed, the specific grounds for the appeal, and the relief requested from the City Council. The grounds for appeal shall be limited to those raised during the public hearing before the Commission on such action or decision, if any. The appeal also shall be governed by the provisions of Chino Municipal Code § 20.23.150(B).

3. Voting

- a. Commission Action: Every official act of the Commission shall be by resolution or motion adopted by a majority vote of the Commission quorum, unless otherwise provided herein or required by law. Every Member, including the Chair or other presiding officer, is entitled to one vote, and is required to vote on all agenda items coming before the Commission unless excused because of a legally prohibited conflict of interest; provided that the SOI Members may only vote on items within their authority pursuant to Section 3 above. However, no proxy votes are permitted.
- b. Voting Procedure: On the passage or defeat of every motion, the vote shall be taken by voice or roll call and entered in full in the record of the Commission. When a roll call vote is called, the order of voting shall rotate each time, with the Chair voting last.
- c. Roll Call Voting: A roll call vote shall be required for action on all public hearing matters and adoption of any resolution. Any other questions before the Commission shall not require a roll call unless requested by a Member. Any Member may change his or her vote before the next order of business is called by the Chair.
- d. Reconsideration: Any Member who voted with the majority may move for reconsideration of any action at the same meeting, except for actions taken after a noticed public hearing. However, after a motion for reconsideration has failed, no other motion for reconsideration of the same matter shall be made without unanimous consent of the Commission. A motion to reconsider actions taken after a public hearing shall require the public hearing to be reconvened pursuant to the notice and other proceedings required herein.
- e. Abstention: Members are required to vote on all items on the agenda for a meeting unless a Member's participation in an item is prohibited by the

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Deleted: be: 1) Member making the motion; 2) Member seconding the motion; 3) all other Members in aAlphabetical order, rotating...

Political Reform Act.⁹ However, in the event a Member casts a vote of “abstention,” the same shall be deemed to constitute an “affirmative” vote on any item in which the Member is otherwise allowed to participate in consideration and action on the same.

- f. Silence: Unless a Member’s participation in an item is prohibited by the Political Reform Act, the silence of such Member on a vote shall be recorded as an affirmative vote on any item in which the Member is otherwise allowed to participate in consideration and action on the same.
- g. Tie Votes: Tie votes shall be recorded as a failure of a proposed action to be approved by the Commission.
- h. Absence: Any Member absent from a meeting shall not be allowed to vote on any matter discussed at that meeting, unless that Member has reviewed evidentiary record of the public hearing(s) of that meeting and reviewed the minutes of that meeting if then approved by the Commission.
- i. Robert’s Rules of Order: Unless otherwise provided in these Rules and Procedures, the procedure for conduct of Commission meetings shall be governed by the most recently revised and published edition of Robert’s Rules of Order. However, the failure of the Commission to conform to such Rules of Order shall not invalidate any action taken by the Commission.

4. Regular Meeting Order of Business

The order of business at any regular meeting shall be as follows:

- a. Flag Salute.
- b. Roll Call.
- c. Announcements.
- d. Public Communications not to exceed three minutes for each speaker on matters not included on the agenda for that meeting, which may be placed on the agenda for the next regular meeting of the Planning Commission if deemed necessary by a majority of its Members.
- e. Consent Calendar.

⁹ CA Govt. Code §§ 1090, 1091, 1091.5, 87100, 87103, and California Administrative Code Title 2, Chapter 7, Sections 18700 et seq.

- f. Public Hearings.
- g. New Business.
- h. Director's Reports.
- i. Commission Comments.
- j. Adjournment.

5. Public Hearings

a. Continued Public Hearing:

In the event the Secretary recommends a continuance of any agenda item subject to a public hearing, the Chair shall announce the item, open the public hearing, and immediately state that the public hearing is being continued at the request of staff in compliance with Commission Rules and Procedures. The Chair then shall announce the continued public hearing date. Thereafter, members of the audience shall not testify, but shall be encouraged to attend the continued hearing, submit comments to staff in writing, or arrange for someone to speak on their behalf.

b. Public Hearing Order of Business:

In the conduct of any public hearing of the Commission, the procedure shall be as follows:

- i. Chair announces the agenda item under consideration.
- ii. Chair opens hearing.
- iii. Development Services Department staff describes the agenda item, and presents its report and recommendation.
- iv. Questions by Commission concerning staff report.
- v. Applicant is given first opportunity to speak for ten minutes to present its case.
- vi. Members of the public then may speak in favor or opposition, for five minutes each.

- vii. Applicant then is given the opportunity to speak for five minutes in rebuttal and summary.
- viii. Questions by Commission Members.
- ix. The public hearing then is closed, and no further public testimony may be received, unless the public hearing is reopened while members of the public who were present during the initial public hearing still are in attendance.
- x. Further discussion by Commission and staff only.
- xi. Action by Commission.

6. Motions

a. Procession of Motions:

When a motion is made and seconded, it shall be stated by the Chair before debate. A motion may not be withdrawn by the maker of the motion without the consent of the Member seconding the motion.

b. Motions Out of Order:

The Chair may permit a Member to introduce a resolution or motion out of the regular Agenda order at any time, with consent of a majority of the Members then present.

c. Division of the Question:

If a question contains two or more divisible parts, a Member may move to divide the question, so that the Commission may vote separately on each part. The motion is debatable, and if approved by a majority of the Members then present, the Chair shall divide the question, and proceed with separate votes on each part.

d. Subsidiary Motions:

When a motion is pending, no other motion may be entertained except the following, which shall have precedence in the following order:

- i. Motion to Adjourn: A motion to adjourn is not debatable, except that a motion to adjourn to another time is debatable as to the time to which the meeting is adjourned, and shall be in order at any time except:

- (a) When repeated without intervening business or discussion;
 - (b) When made as an interruption of a Member while speaking;
 - (c) When the previous question has been ordered; or
 - (d) While a vote is being taken.
- ii. Motion to Fix Hour of Adjournment: Such a motion shall be to set a definite time at which to adjourn, may not be debated and may not be amended except as to time set.
 - iii. Motion to Table: A motion to table may be used to temporarily bypass an agenda item. A motion to table is not debatable, and shall preclude all amendments or debate of the subject under consideration. If the motion is adopted, the matter may be taken from the table at any time prior to the end of the next regular meeting. This motion suspends any further discussion of the pending motion without setting a time certain to resume debate. In order to bring the matter back before the Commission, a motion must be adopted by a majority of the Members then present that the matter be taken from the table. Otherwise the tabled motion dies, although it can be raised later as a new motion.
 - iv. Motion for Previous Question: Such a motion shall be used to close debate on the main motion and is not debatable. If the motion fails, debate shall continue, but if the motion is adopted, debate shall cease and a vote shall be taken on the previous question.
 - v. Commit or Refer: Any Member may move that the matter being discussed be referred to the City staff, Board or Committee for further study. The motion may contain directions, as well as a time when the matter will be returned to the Commission agenda. If no such date is set, any Member at any time may move to require the matter be returned to the agenda at a stated time.
 - vi. Motion to Amend: A motion to amend shall be debatable only as to that amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion also shall be in order, but an amendment relating to a different subject shall not be in order. However, a

substitute motion on the same subject shall be acceptable, and voted on or before a vote on the amendment. Amendments shall be voted on first, then the main motion.

- vii. Motion to Continue: A motion to continue to a definite time shall be amendable and debatable as to propriety of postponement and the time set. The maker of the motion also may move to reopen the hearing to receive further testimony, with the consent of the majority Members and reconvene such hearing pursuant to the notice and procedures required herein.

e. Privileged Motions:

The following motions are intended to insure orderly conduct of meetings. They take precedence over any pending main or subsidiary motion, and may be debated except as noted.

- i. Limit or Extend Debate: Any Member may vote to limit or extend the time for debate of a motion. The motion must be made and seconded, and requires a majority vote of the Members present for adoption, but is not debatable.
- ii. Call for Orders of the Day: Any Member may demand that the Agenda be followed in the order stated therein. No second is required, and the Chair or other presiding officer must comply unless the Commission, by majority vote of the quorum present, sets aside the Agenda order of the day. A motion to call for orders of the day is not debatable.
- iii. Request for Privilege: Any Member may make a request of the Chair at any time during the meeting to accommodate the personal needs of the Commission for such things as reducing noise, adjusting room temperature, ventilation, etc. The validity of the request shall be ruled on by the Chair.
- iv. Recess: Any Member may move for a recess at any time during the meeting. No second is required, and the Chair must comply unless the Commission, by majority vote of the quorum present, sets aside the motion.
- v. Point of Order: Any Member may require the Chair to enforce the rules of the Commission by raising a point of order which shall be ruled on by the Chair.
- vi. Appeal: Any Member may move to appeal any ruling of the Chair to the full Commission. The motion to appeal requires a second,

and the ruling of the Chair will be over turned by a majority vote of the Commission Members then present.

- vii. Suspend the Rules: Any Member may move to suspend the Commission Rules and Procedures if necessary to accomplish a matter that otherwise would violate such Rules and Procedures. The motion requires a second, and a majority vote of the quorum present is required for passage.

7. Rules of Decorum and Order

a. Decorum and Order – Members:

- i. Every Member desiring to speak shall address the Chair, and upon recognition by the Chair shall confine any remarks to the question under debate.
- ii. A Member, once recognized, shall not be interrupted while speaking unless called to order by the Chair, unless a Point of Order is raised by another Member or unless the speaker chooses to yield to questions from another Member.
- iii. If a Member is called to order while speaking, the Member immediately shall cease speaking until the question of order is determined. If ruled out of order, the Member shall remain silent or alter any further remarks to comply with rules of the Commission.
- iv. Members shall accord the utmost courtesy to each other, to applicants, City employees and to members of the public appearing before the Commission, and shall refrain at all times from rude or derogatory remarks, reflections as to integrity of any person, and abusive comments and statements as to motives and personalities.
- v. Any Member may introduce a motion at any time to require the Chair to enforce these Rules and Procedures, and after a second the affirmative vote of a majority of the Commission quorum shall require the Chair so to act.

- b. Decorum and Order – Employees: City staff shall observe the same rules of order and decorum applicable to Members. Any staff member desiring to address the Commission shall be recognized by the Chair before beginning to speak. All remarks shall be addressed to the Chair and not to any individual Member or member of the public.

- c. Decorum and Order – Public: Members of the public attending Commission meetings shall observe the same rules of order and decorum applicable to Members.
- d. Enforcement of Decorum: The Chief of Police or designee shall be the ex-officio sergeant-of-arms of the Commission, and shall carry out all orders and instructions given by the Chair for the purpose of maintaining order and decorum in the Commission chambers.
- e. Warning: The Chair shall request a person who is violating the rules of decorum and order of the Commission to cease such conduct. If, after receiving a request from the Chair, the person persists in violating these rules, the Chair shall order a recess. Any representative of City law enforcement authority who is present at the meeting when the violation occurs shall be authorized to warn the person that his or her conduct is violating these rules, to request that person to cease such conduct. If, upon resumption of the meeting, the violation persists, the Chair shall order another recess; whereupon the Chair shall have the authority to ask the City law enforcement personnel to remove the person from the meeting and/or to cite the person as being in violation of Penal Code § 403.
- f. Motion to Enforce: If the Chair fails to enforce these rules of decorum, any Member may move to require the Chair to do so, and after a second and an affirmative vote of a majority of the commission quorum the Chair shall be required to do so. If the Chair thereafter fails to do so, a majority of the quorum may designate another member to act as Chair for the limited purpose of enforcing such rules of decorum.
- g. Clearing the Room: In the event that any meeting is interrupted willfully by a person or groups of persons so as to render the orderly conduct of such meeting unfeasible, and order cannot be restored by the removal of such person or groups of persons, the meeting room may be ordered cleared by motion of a Member, a second and a majority vote of the Commission quorum, and the meeting shall continue in session.¹⁰ Only matters appearing on the agenda may be considered in such a continued session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any such continued session. Upon instructions from the Chair it shall be the duty of the Chief of Police or the representative of the Chief of Police to eject any person from the Commission Chambers or place any person under arrest or both.
- h. Violation of the California Penal Code: A person who substantially interrupts and impairs the orderly conduct of a commission meeting by knowingly and intentionally violating these rules of decorum and order

¹⁰ Government Code § 54957.9

shall be prosecuted under Penal Code § 403 for disturbing a public meeting. Every person who violates Penal Code § 403 is guilty of a misdemeanor.

8. Communications

The Secretary shall release all official information. No Commission member shall speak for the Commission as a whole. The City's Media Relations Policy and Use of Social Media policy are attached hereto as exhibits.

9. City Council Communication

When a majority of the Commission quorum determines, after a Member's motion and second, that there is a need for the Commission to communicate with the City Council on a non-public hearing matter, that communication shall be in the form of a memo from the Chair to the Mayor. It shall be the responsibility of the Secretary to prepare and forward such memo to the City Clerk for placement in the mailbox of each City Council person by 5:00 p.m. on the day following the Planning Commission meeting. A copy of that memo also shall be provided to the City Manager and all the Members.

If requested by a majority of the Commission quorum, after a Member's motion and second, that memo shall request the matter be considered by the City Council at its next available regular meeting, but in no case later than thirty (30) days after the Commission meeting in which preparation of such memo was requested.

10. Amendments to Rules and Procedures:

These Rules and Procedures may be amended by the Commission at any regular meeting by a majority vote of its membership, after a Member's motion and second, or at any special meeting provided that the proposed amendment is included in the written notice of such special meeting.