

CITY OF ESCONDIDO

Planning Commission and Staff Seating



- A. **CALL TO ORDER:** 7 p.m.
- B. **FLAG SALUTE**
- C. **ROLL CALL:**
- D. **MINUTES:** [July 26, 2022](#)

The Brown Act provides an opportunity for members of the public to directly address the Planning Commission on any item of interest to the public before or during the Planning Commission's consideration of the item. If you wish to speak regarding an agenda item, please fill out a speaker's slip and give it to the minutes clerk who will forward it to the chairman.

Electronic Media: Electronic media that members of the public want to be used during any public comment period should be submitted to the Planning Division at least 24 hours prior to the meeting. The electronic media will be subject to a virus scan and must be compatible with the City's existing system. The media must be labeled with the applicable agenda item and the name and contact information of the person presenting the media.

The time used to present any electronic media will be considered as part of the maximum time limit provided to speakers. City staff will queue the electronic information when the applicable speaker is called upon to speak. Materials shown to the Commission during the meeting are part of the public record and will be retained by the City.

The City of Escondido is not responsible for the content of any material presented, and the presentation and content of electronic media shall be subject to the same protocol regarding decorum and presentation as are applicable to live presentations.

If you wish to speak concerning an item not on the agenda, you may do so during the designated time for "Oral Communications." All persons addressing the Planning Commission are asked to state their names for the public record. If you wish to submit a written comment online please do so at <https://escondido-ca.municodemeetings.com/bc-citycouncil/webform/public-comment>

Availability of supplemental materials after agenda posting: Any supplemental writings or documents provided to the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Division located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

The City of Escondido remains committed to complying with the Americans with Disabilities Act (ADA). Qualified individuals with disabilities who wish to participate in City programs, services, or activities and who would need accommodations are invited to present their requests to the City by filling out a Request for Accommodations Form or an Inclusion Support Request Form for Minors, or by calling 760-839-4643, preferably at least 72 hours in advance of the event or activity. Forms can be found on the City's website at: <https://www.escondido.org/americans-with-disabilities-act>

**The Planning Division is the coordinating division for the Planning Commission.
For information, call 760-839-4671.**

E. WRITTEN COMMUNICATIONS:

Under state law, all items under Written Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda.

F. ORAL COMMUNICATIONS:

Under state law, all items under Oral Communications can have no action, and may be referred to the staff for administrative action or scheduled on a subsequent agenda.

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

G. PUBLIC HEARINGS:

Please try to limit your testimony to three minutes.

H. CURRENT BUSINESS:

Note: Current Business items are those that under state law and local ordinances do not require either public notice or public hearings. Public comments will be limited to a maximum time of three minutes per person.

1. [PHG20-0030: 2021 – 2029 Draft Housing Element Update:](#)

REQUEST:	Receive update on the 2021 – 2029 Draft Housing Element.
PROPERTY SIZE AND LOCATION:	N/A
ENVIRONMENTAL STATUS:	Not a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5).
APPLICANT:	Development Services Department
STAFF RECOMMENDATION:	None
COMMISSION ACTION:	
PROJECTED COUNCIL HEARING DATE:	N/A

2. [PL22-0357: Planning Commission Bylaws:](#)

REQUEST:	Amendment of Planning Commission Bylaws
PROPERTY SIZE AND LOCATION:	N/A
ENVIRONMENTAL STATUS:	Not a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5).
APPLICANT:	Development Services Department
STAFF RECOMMENDATION:	Approve amended Planning Commission bylaws.

COMMISSION ACTION:

PROJECTED COUNCIL HEARING DATE: N/A

I. ORAL COMMUNICATIONS:

Under state law, all items under Oral Communications can have no action and may be referred to staff for administrative action or scheduled on a subsequent agenda.

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

J. PLANNING COMMISSIONERS

K. DIRECTOR'S REPORT

L. ADJOURNMENT

CITY OF ESCONDIDO

**ACTION MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION**

July 26, 2022

The meeting of the Escondido Planning Commission was called to order at 7 p.m. by Chair Barba, in the City Council Chambers, 201 North Broadway, Escondido, California.

Commissioners present: Katharine Barba, Chair; Rick Paul, Vice-Chair; David Barber, Commissioner; and Stan Weiler, Commissioner.

Commissioners absent: Dao Doan, Commissioner; Carrie Mecaro, Commissioner; Barry Speer, Commissioner.

Staff present: Andrew Firestine, Director of Development Services; Adam Finestone, City Planner; Dare Delano, Senior Deputy City Attorney; Jason Christman, Principal Engineer; Veronica Morones, Senior Planner; and Jessica Engel, Minutes Clerk.

MINUTES:

Moved by Chair Barba, seconded by Commissioner Barber, to approve the Action Minutes of the July 12, 2022, Planning Commission meeting. Motion carried (4-0). Ayes: Barba, Paul, Barber, and Weiler. Absent: Doan, Mecaro, and Speer.

WRITTEN COMMUNICATIONS: None.

ORAL COMMUNICATION: None.

PUBLIC HEARINGS: None.

CURRENT BUSINESS:

1. **2022 General Plan Amendment - General Plan Community Protection Chapter Updates, Environmental Justice Element:**

REQUEST: Receive information on upcoming community outreach and engagement meetings for the 2022 General Plan Amendment work effort to update the City's Community Protection chapter (safety element) and create a new Environmental Justice Element.

PROPERTY SIZE AND LOCATION: N/A

ENVIRONMENTAL STATUS: Not a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5).

APPLICANT: City of Escondido

STAFF RECOMMENDATION: None

COMMISSION DISCUSSION:

Commissioners discussed the updates, including transparency, reviewing previous General Plan policies, potential re-zoning, identification of disadvantaged communities, the use of a mapping website, and general feedback received by the Public.

PUBLIC COMMENTS:

Erika Carter provided comments on the City's outreach efforts.

COMMISSION ACTION: None.

2. **PL22-0357 / Planning Commission By-Laws:**

REQUEST: Amendment of Planning Commission By-Laws.

PROPERTY SIZE AND LOCATION: N/A

ENVIRONMENTAL STATUS: Not a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5).

APPLICANT: Development Services Department

STAFF RECOMMENDATION: Review existing Planning Commission By-Laws and discuss potential revisions to be incorporated into forthcoming draft amended document.

COMMISSION DISCUSSION:

Commissioners discussed potential changes, including extending the length of time for public testimony, public contact with Commissioners, potential City email addresses for Commissioners, changing meeting time, cut off time for written communication, and distribution of the agenda.

COMMISSION ACTION: None.

ORAL COMMUNICATION: None

PLANNING COMMISSIONERS:

Vice-Chair Paul requested to add a discussion about covered parking to a future agenda.

DIRECTOR'S REPORT:

City Planner Adam Finestone introduced Jason Christman, Principal Engineer; and Andrew Firestine, Director of Development Services, to the Commission.

ADJOURNMENT:

Chair Barba adjourned the meeting at 8:08 p.m.

Adam Finestone, Secretary to the
Escondido Planning Commission

Jessica Engel, Minutes Clerk

TO: Planning Commissioners

FROM: Veronica Morones, Senior Planner

SUBJECT: PHG20-0030: 2021 – 2029 Draft Housing Element Update

On August 2, 2022, the City received a comment letter from the California Department of Housing and Community Development (“HCD”) regarding the draft revisions to the 2021 – 2029 Draft Housing Element (Attachment 1). Specifically, HCD reiterated their request for stronger strategies and actions to affirmatively further fair housing, and for consistency clean up regarding Appendix B of the Draft Housing Element.

As a result of the outstanding comment letter, the City’s 2021 – 2029 Draft Housing Element is out of compliance with State requirements. City staff will be meeting with HCD staff later this month to obtain further clarification and direction on subsequent revisions.

City staff will revise the Draft Housing Element to address the outstanding comments provided by HCD during the months of August and September. To ensure compliance with AB 215, the City will post all draft revisions to the HCIS webpage (<https://www.escondido.org/hcis>) for a 14-day review period and notify all individuals and organizations previously requesting notice of the housing element at the beginning of the review period. City staff intends to submit the revisions to the Draft Housing Element to HCD by mid-October, at which time HCD will commence another 60-day review period.

Attachments:

1. August 2, 2022, HCD Review Letter

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



August 2, 2022

Mike Strong, Director
Community Development Department
City of Escondido
201 North Broadway
Escondido, CA 92025

Dear Mike Strong:

RE: Escondido's 6th Cycle (2021-2029) Revised Draft Housing Element Update

Thank you for submitting the City of Escondido's (City) revised draft housing element received for review on June 2, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from Escondido Community Housing Coalition and Sierra Club North County Group (NCG), pursuant to Government Code section 65585, subdivision (c).

The revised draft element addresses many statutory requirements; however, the following revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code):

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)

Strategies, Actions, Metrics, and Milestones: HCD's prior review found that the element must include stronger actions to address housing mobility, displacement risks, and place-based strategies. Additionally, prior reviews found that the element must include metrics or numeric objectives to target meaningful affirmatively furthering fair housing (AFFH) outcomes in the planning period. While the element included revisions, it still should be revised with significant programs to enhance housing mobility and include quantifiable metrics or numerical objectives to target beneficial impacts for people, households, and

neighborhoods (e.g., number of people or households assisted, number of housing units built, number of parks or infrastructure projects completed). HCD will be following up under a separate cover with additional information and specific guidance.

2. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level... (Gov. Code, § 65583, subd. (a)(3).)*

Suitability of Nonvacant Sites: While the element now clearly details the methodology and criteria used when identifying sites, it should support the assumptions and criteria utilized as part of the methodology. For example, the element included project examples in Appendix B and anecdotally discussed projects throughout the analysis. However, several of the projects discussed did not align with the criteria utilized. The examples listed in Appendix B only highlighted existing uses and occasionally referenced the land to improvement ratio (LIR) while the methodology considered, at minimum two out of three factors including building age, LIR, and new net ratios. To clearly relate project examples to the methodology, the element could include a table listing out project examples with the same characteristics utilized in the methodology. The examples should also include information about existing uses, location and affordability.

As a reminder, since the element relies upon nonvacant sites to accommodate more than 50 percent of the regional housing needs allocation (RHNA) for lower-income households, absent of findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and nonvacant sites will not be utilized toward demonstrating adequate sites to accommodate the RHNA. The City's resolution for the adopted housing element (adopted August 11, 2021) did not include the required findings. Any future re-adoption of the housing element must include the appropriate finding as part of the adoption resolution.

The element will meet statutory requirements of State Housing Element Law once it has been revised and adopted to comply with the above requirements pursuant to Government Code section 65585.

Pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), a jurisdiction that failed to adopt a compliant housing element within one year from the statutory deadline cannot be found in compliance until all required rezones of sites pursuant to Government Code section 65583, subdivision (c), paragraph (1), subparagraph (A) and Government Code section 65583.2, subdivision (c) are completed. As the year has

passed and Program 1.1 (Sites Inventory and No Net Loss...) and Program 1.3 (By-right Approvals on Reuse Sites...) has not been completed, the housing element is out of compliance and will remain out of compliance until the rezoning have been completed.

For your information: Pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory (for all income-levels). Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml> for a copy of the form and instructions. Please note, upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

HCD appreciates the hard work and responsiveness of City staff Adam Finestone and Veronica Morones during the review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Sohab Mehmood, of our staff, at Sohab.Mehmood@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager



PLANNING COMMISSION

Agenda Item No.: H.2
Date: August 23, 2022

PROJECT NUMBER / NAME: PL22-0357 / Planning Commission Bylaws

REQUEST: Amendment of Planning Commission Bylaws

LOCATION: N/A

APN / APNS: N/A

GENERAL PLAN / ZONING: N/A

APPLICANT: Development Services
Department

PRIMARY REPRESENTATIVE:
Adam Finestone, AICP
City Planner

DISCRETIONARY ACTIONS REQUESTED: N/A

PREVIOUS ACTIONS: The Planning Commission approved the Planning Commission bylaws on October 23, 2018, through adoption of Planning Commission Resolution No. 2018-01.

PROJECT PLANNER: Adam Finestone, City Planner

CEQA RECOMMENDATION: Not a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5).

STAFF RECOMMENDATION: Approve amended Planning Commission bylaws

REQUESTED ACTION: Adopt Resolution No. 2022-05

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS: Adam Finestone, City Planner

A. B.ACKGROUND:

The City of Escondido Planning Commission is governed by State laws, City ordinances, and other policies established by the City Council. These standards and policies collectively provide guidance to have a fair decision-making process and to make appropriate determinations concerning land use or community development applications.

Chapter 20 of the Escondido Municipal Code provides general regulations related to the establishment, composition, appointment and removal of members, powers and duties, and adoption of rules of procedure of the Planning Commission. Pursuant to section 20-8, the “planning commission shall have the power to adopt its own rules of procedure,” which it last did in 2018 through the establishment of bylaws. The bylaws are comprised of the following six articles: Objectives, Officers, Committees and Subcommittees, Meetings – Regular and Special, Meeting Business, and Amendments; and have been included as Attachment 1 to this staff report.

B. SUMMARY OF REQUEST:

Over the past several months, staff has identified several amendments to the Planning Commission bylaws that should be considered. These were presented to the Planning Commission for comment and discussion at its July 26, 2022, meeting. The topics included the following:

- Role and responsibilities of the Planning Commission secretary
- Public testimony
- Public contact with commissioners
- Meeting time
- Setting of agenda
- Distribution of agenda materials

Information on each of these items can be found in the Supplemental Details of Request below.

Additionally, in 2021 the City Council updated its rules of procedure and policies through the adoption of City Council Resolution No. 2021-156. Staff sees value in considering incorporation of certain provisions of that resolution that are applicable to the Planning Commission’s procedures and responsibilities. (A copy of the City Council resolution is included as Attachment 2 to this staff report for reference.)

C. SUPPLEMENTAL DETAILS OF REQUEST:

In order to address the concerns identified above and described in further detail below, staff has reformatted the bylaws to be similar in content (where appropriate) and appearance to the City Council’s rules of procedure. While the format of the bylaws has changed significantly, staff maintained and modified (where applicable) much of the content that was present in the existing version, while expanding upon them where necessary. The draft revised bylaws are included as

Exhibit “A” to draft Planning Commission Resolution No. 2022-05, which is attached hereto as Attachment 4.

The draft bylaw are in an outline format, with the following five sections:

- A. Introduction – Identifies the creation and establishment of the Planning Commission, and describes their role as an advisory body to City Council.
- B. Planning Commission Meetings – Describes the types of meetings, meeting location, posting and distribution of agendas, order and description of business, agenda content, manner of addressing the Commission, Commission action, meeting closing time, meeting minutes, and meeting cancellations.
- C. Roles and Responsibilities – Identifies the role and conduct of Commissioners, its officers (including process by which they are selected), and City staff. This section also provides information related to committees and subcommittees.
- D. Correspondence and Communication – Provides overall guidance on official correspondence and communication related to Planning Commission business, including staff/Commission communication, public/Commission communication, and communication between Commissioners.
- E. Amendments – Identifies a process by which the bylaws can be amended.

The topics discussed at the July 26, 2022, Planning Commission meeting have been addressed as described below.

Role and Responsibilities of the Planning Commission Secretary

The Director of Development Services or his/her designee (typically the City Planner) serves as the secretary of the Planning Commission and is responsible for the preparation of agendas and staff reports, and for all record-keeping tasks and activities related to Planning Commission business. While it is possible for the secretary to be considered an officer of the Planning Commission, they are not a member of the Planning Commission and have no authority to act in such a manner. One item of concern identified to this end is that the current bylaws require the secretary to call a meeting to order in the event that both the Chair and Vice-Chair are absent, however because the secretary is not a member of the commission, they cannot do so.

The revised bylaws do not identify the secretary as an officer of the Commission. Rather, the City Planner, as a member of City staff, is identified to serve in the role of secretary of the Planning Commission. In addition to serving as secretary of the Commission, the role of the City Planner, and of other members of City staff, are clearly defined in the bylaws. This includes a method by which the City Planner will accommodate calling a meeting to order in the absence of both the Chair and Vice-Chair.

Public Testimony

Public participation in the Planning Commission’s proceedings is an integral part of the decision-making process. One mechanism by which the public can participate in Planning Commission

meetings is to make public comments directly to the commission at a meeting. Comments can be made on any item on the agenda during the time which the item is under consideration, or on items not on the agenda during oral communications at both the beginning and end of the meeting. Per the existing bylaws, public comments are limited to three minutes per speaker, at which time the Planning Commission chair will ask the speaker to end their testimony. The chair also has the authority to reduce the time allotted per speaker as long as the reduction applies to all speakers.

In some circumstances, however, it is appropriate to allow for more time for one or more speakers to address the commission for longer than three minutes. Specifically, when an individual is speaking on behalf of a project applicant, or is the spokesperson for an organized group, it is appropriate that they be allotted a sufficient amount of time to present information relevant to their positions for consideration by the Commission. While a project applicant or group spokesperson's time to speak should not be unlimited, it is acknowledged that three minutes may not be sufficient. Staff believes that 15 minutes should be allocated to a project applicant or group spokesperson if they desire to utilize it, and the bylaws have been revised to reflect this. (Note that time allotted to a group spokesperson also has a limitation of three minutes per member of the group in attendance.) Additionally, while the Planning Commission does not typically have the ability to ask questions of public speakers, staff believes it is appropriate to allow that practice when the speaker is the applicant.

Public Contact with Commissioners

The draft revised bylaws include a robust description of how members of the public can contact Planning Commissioners on topics within the Commission's purview. This includes establishment of an email address that will automatically be forwarded to the Commissioners. Other means of communication with members of the commission are outlined in the bylaws as well.

Meeting Time

Based on Commissioner discussion at the July 26, 2022, Planning Commission meeting, no change to the meeting time has been proposed. Unless modified by the Commission, the bylaws continue to identify regular meetings as occurring at 7 p.m. on the second and fourth Tuesdays of each month, unless cancelled.

Setting of Agenda

Any subject matter within the purview of the Planning Commission must be included on the agenda in order for the Commission to discuss and deliberate on it. Agendas include both Public Hearing and Current Business items, typically related to development projects, and to policy issues currently being considered by the City.

In addition to items placed on the agenda by City staff, members of the Planning Commission have also expressed interest in having various topics within their purview placed on the agenda to allow for commission discussion of them. The draft revised bylaws have established a process by which commissioners can do so.

Distribution of Agenda Materials

Prior to the COVID-19 pandemic, agenda packets were delivered to members of the Planning Commission by City staff, typically on Thursday afternoons, five days ahead of the upcoming meeting. During the pandemic the City transitioned to fully electronic agenda packets for both City Council and its boards and commissions. At this point, staff provides agenda packets electronically, unless requested otherwise by individual Commissioners. The revised bylaws have been drafted to continue distribution of agenda packets by the means currently utilized.

D. FISCAL ANALYSIS:

There is no fiscal impact associated with the bylaws.

E. ENVIRONMENTAL STATUS:

Consideration of the Planning Commission bylaws is not considered a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5), which excludes from the definition of a project, “organizational or administrative activities of governments that will not result in direct or indirect physical changes to the environment.”

F. PUBLIC INPUT:

A letter received from the public related to this agenda item has been included with the staff report as Attachment 3.

G. CONCLUSION AND RECOMMENDATION:

Staff recommends the Planning Commission adopt Resolution No. 2022-05, amending the Planning Commission bylaws

ATTACHMENTS:

1. Existing Planning Commission bylaws, adopted October 23, 2018
2. City Council Resolution No. 2021-156
3. Public Correspondence
4. Planning Commission Resolution No. 2022-05, including Exhibit “A”

ESCONDIDO PLANNING COMMISSION BY-LAWS

ADOPTED BY PLANNING COMMISSION RESOLUTION NO. 2018-01

October 23, 2018

Advisory bodies play an important role in City government by assisting and advising the City Council in formulating and implementing policy. Advisory bodies also develop recommendations and present supporting information to the City Council.

The Escondido Planning Commission ("Commission") is established in accordance with Section 20-1 of Chapter 20 of the Escondido Municipal Code.

ARTICLE I. OBJECTIVES

The Commission serves in an advisory capacity to the City Council on land use policy planning matters, which guide the future development of the City. The Commission has final approval authority on certain cases and recommends action to the City Council on others. Areas of focus include:

- Providing citizen input by being positive representatives of the City Council and community;
- Conducting a detailed review of all types of development projects and individual land use requests, such as subdivision maps, specific plans, conditional use permits, planned developments, and appeals of administrative approvals, as well as others; and
- Assisting the Council in the formulation of policies and ordinances that implement the General Plan, such as amendments to the Zoning Code, the adoption of new code sections, changes to the existing zoning text and maps, etc.

The Commission has the authority to make final decisions in some cases; some decisions may be appealed to the City Council. The Commission is not involved in the administration or operation of City departments. They should not contact the media or speak on behalf of the advisory body unless authorized to do so. The scope of authority of the Commission are those powers and duties delegated to the Commission by the City Council, set forth by provisions of the Municipal Code, and adopted hereto. In all matters of parliamentary procedure not specifically governed by these by-laws or otherwise required by law, the current edition of *Robert's Rules of Order* shall apply.

ARTICLE II. OFFICERS

The officers of the Commission shall consist of a Chair, a Vice-Chair and a Secretary. The appointment of officers for Chair and Vice-Chair shall be held on the regular meeting date in April of each year, or the next regular meeting if no regular meeting is held in April, and the newly elected officers shall immediately preside upon election.

A. Chair: The Chair must preside at and conduct all meetings of the Commission, administer all rules of the Commission, and rule upon other business transacted by the Commission. The Vice-Chair shall, in the absence of the Chair, exercise all responsibilities of the Chair. The Chair shall have the following duties:

1. The Chair shall preside at meetings of the Commission.
2. When authorized by the Commission, the Chair shall execute in its name all communications of the Commission, all recommendations to the City Council, as well as any contracts, bonds, or other obligations.
3. The Chair must appoint all committees and subcommittees.
4. The Chair shall have general supervision of the conduct of the affairs of the Commission and shall instruct the Secretary in conducting Commission business.
5. The Chair shall have the discretion to set time limits on individual public speakers, not to exceed three (3) minutes.
6. The Chair shall preserve order and decorum at all meetings of the Commission.
7. The Chair is responsible for moving the discussion forward involving all members of the Commission and allowing for adequate public participation.
8. The Chair facilitates meeting protocol.
9. The Chair shall, when called upon, represent or appoint one of the members to represent the Commission before the City Council. Such representation shall reflect the view of the majority of the Commission on any particular matter upon which the Commission has acted.

B. Vice-Chair: The Vice-Chair shall perform the duties of the Chair during the absence or disability of the Chair.

C. Temporary Chair: In the absence of both the Chair and Vice-Chair at any meeting, the Commission shall appoint a Chair pro-tem to conduct that meeting. In the absence of the Chair and Vice-Chair, the Planning Commission Secretary shall call the meeting to order and immediately call for a motion to select a Chair pro-tem whom shall perform the duties of the Chair during the absence or disability of the Chair and Vice-Chair.

D. Secretary: The Director of the Community Development Department shall determine who serves as the Secretary to the Commission. The Secretary may, in performance of the

Secretary's duties, appoint a Deputy Secretary to perform the secretarial function for the Commission in the Secretary's absence.

The Secretary or the Secretary's designee shall have the following duties:

1. The Secretary shall attend all regular and special meetings and keep or supervise the keeping of a record of same and transcribe same properly to preserve the records thereof.
2. The Secretary shall have charge of all official books, papers, maps, and records of the Commission and shall conduct all official correspondence relative to hearings, meetings, and other business of the Commission.
3. The Secretary shall prepare the agenda and staff reports for items of business on the Commission's agenda.
4. The Secretary shall notify the Vice-Chair, by phoning or in person, on the day the Chair informs the Secretary that he will not attend a future Commission meeting.

E. Parliamentarian: A representative from the Office of the City Attorney shall act as Parliamentarian for the Commission and may be called upon by the Chair to rule on motions or decisions made. Only the Parliamentarian, other than the Chair, may proactively intervene on matters of procedure or other legal matters as determined by the Parliamentarian.

ARTICLE III. COMMITTEES AND SUBCOMMITTEES

A. Creation: Committees and subcommittees shall be appointed by the Chair at the time deemed necessary or advisable so as to conduct Commission business properly. Each committee shall consist of no fewer than two (2) and no more than three (3) Commission members. The members of committees shall serve for the duration of the committee unless a reassignment is made of the committee personnel by the Chair, in which case they shall serve until their successors are appointed. The Commission Chair shall fill any vacancy in committees.

B. Reporting Obligations: All reports of committees and subcommittees shall be made at the direction of the Chair; however, no committee shall be required to make a formal report prior to the next regular Commission meeting following that meeting at which the committee was directed by the Chair of the Commission to report on the matter of business referred to such committee. Reports of committees and subcommittees shall be made orally or in writing. If in writing, the original copy thereof shall be filed with the Secretary and become a part of the administrative record.

ARTICLE IV. MEETINGS – REGULAR AND SPECIAL

The Commission may hold two (2) types of meetings: regular and special meetings.

- A. Schedule:** The Commission shall prepare and adopt an annual schedule of regular meetings. The Planning Commission holds regular meetings on the 2nd and 4th Tuesday of each month, at 7:00 p.m. Special meetings of the Commission may be called by the Chair or by any two (2) members upon written request to the Chair. Special meetings shall be coordinated with the City Council's schedule so referrals of reports and plans to the City Council can be timely.
- B. Location:** The official meeting place of the Commission shall be in the Council Chambers of the City of Escondido, California. All regular and special meetings shall be held there or at a location as determined by the Secretary and at such times as the Commission may, by a majority vote of those present at any regular or special meeting, otherwise direct.

ARTICLE V. MEETING BUSINESS

All meetings of the Commission shall be conducted in an orderly manner designed to expedite the business of the Planning Commission. The current edition of Robert's Rules of Order shall provide the basis for meeting structure and official decisions shall be made by motion and vote of the Commission, as herein specified, unless stated otherwise in Commission resolutions or in City Ordinances.

- A. Meeting Order:** The Secretary is authorized to place items on agendas that are generated by City administrative requirements, laws, or City ordinances. Only those cases set for hearing on a given date will be heard and they shall be heard in the order in which they appear on the agenda unless otherwise directed by the Chair.
- B. Motion:** Any Commissioner may offer a motion for Commission action. For each time a first motion is made, the Chair should restate the motion. The Chair should solicit a second of the motion.
- C. Discussion on the Motion:** No recall of speakers for questions may occur when a motion is on the floor. When the Chair determines that there has been enough discussion, the debate may be closed, and the item can be put to a vote. After the vote, the Chairman should announce the decision.
- D. Planning Commission Action:** The Planning Commission shall act by motion, motion to adopt resolution, or may give direction to staff by consensus (minute order). A majority of voting members present is required for a motion to be approved. In case of a tie vote, or deadlock, the Chair shall have the item of business placed on the next agenda of the

Commission as a matter for reconsideration and vote, but not for rehearing. If the returned matter again results in a tied vote it will be forwarded to the City Council with no recommendation.

- E. Agenda Packets:** The Secretary is responsible for the preparation of the meeting agenda. Every matter on which the Commission is authorized or required to act or brought before the Commission by any person, official, organization or agency, shall be presented in writing or on forms provided by the Commission for a specific presentation and shall include all information necessary for a clear understanding and informed action by the Commission. Such information (which includes and is not limited to maps, surveys, drawings, plans, charts, and descriptive information) shall be transmitted as an agenda packet to the full Commission and posted online to the Planning Commission webpage not less than 72-hours before a scheduled meeting.

All matters for Commission consideration and recommendation shall be filed as hardcopies in the Planning Office with the Secretary at least 72-hours prior to a meeting of the Commission at which the item is to be on the agenda.

F. Public Testimony and Participation:

1. Speaker slips will be available in the Council Chambers to be submitted by persons wishing to speak on an agenda item. The normal time allowed for a person to speak will be three (3) minutes. The Chair shall have the authority to reduce equally each speaker's time to accommodate a larger number of speakers, or to limit the total speakers' time on an agenda item.
2. Speaker slips for agenda items will be accepted by the Planning Commission Minutes Clerk in the Council Chambers no earlier than one (1) hour before the meeting and up until the public testimony on the item is finished. At times, up to the discretion of the Secretary, shall be the option for an individual to register support or opposition but do not wish to speak included on the speaker slip (individual must be present).
3. Written correspondence directed to the Commission that is received prior to an agenda packet being posted shall be held by the Secretary and included for Planning Commission review as part of the agenda packet. Written communications submitted after the agenda packet is posted, but before the meeting begins, will be provided to the Commission at the beginning of the meeting.
4. Written communications may also be presented to the Planning Commission Minutes Clerk at Planning Commission meetings, as part of the record of the meeting and for distribution to the Commission.
5. After the close of the public hearing, no person shall testify before the Commission and no other new evidence shall be received by it; provided, however, this rule shall

not prohibit the members of the Commission from examining any public record or requesting additional information from staff.

G. Meeting Cancellation and Adjournment: Regular meetings may be cancelled from time to time due to a lack of business or for other reasons. A meeting cancellation notice shall be provided by the Secretary.

H. Meeting Minutes: The Planning Commission Minutes Clerk is instructed to prepare action minutes for each Planning Commission meeting. The Planning Commission Clerk shall add a brief description/topic for oral communication speakers and note whether the speaker was speaking in favor or opposition to agenda items.

The Commission shall keep action minutes and records of all its meetings, resolutions, transactions, findings and determinations, and the vote shall be recorded with each motion, order or resolution. Audio recordings, action minutes, records, resolutions, transactions, findings and determinations shall be of public record and be posted online.

ARTICLE VI. AMENDMENTS

These Rules and By-laws may be added to, amended, or revised at any meeting of the Planning Commission by a majority of a quorum of the Planning Commission by proper notice in advance of the meeting.

Attachment 2

RESOLUTION NO. 2021-156

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING AND READOPTING RULES OF
PROCEDURE FOR CITY COUNCIL
MEETINGS AND CITY COUNCIL POLICIES

WHEREAS, the City Council of the City of Escondido, State of California, has previously adopted resolutions which provide Rules of Order and Procedure for City Council meetings and certain written policies governing Council procedures, methods of operation and ethics which are amended from time to time; and

WHEREAS, the City Council wishes to re-adopt its Rules and Policies for the purpose of including certain amendments and clarifications.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the following Rules shall govern the City Council:

Section A: Rules of Order and Procedure

1. Time of Regular Meetings.

Unless the City Council schedules otherwise or cancels a meeting, the City Council shall hold regular meetings at 4:00 p.m. commencing with closed session items and thereafter at 5:00 p.m. commencing with a public session on each of the first four (4) Wednesdays of each calendar month at the City Hall.

2. Matters Covered.

For the purpose of efficiently focusing only on matters affecting the City of Escondido, the Council should consider those resolutions, motions

or matters which affect the conduct of the business of the City of Escondido or its corporate powers or duties as a municipal corporation, or such resolutions or motions supporting or disapproving legislation or actions pending in the Legislature of the State of California, the Congress of the United States or before any officer or agency of said State or nation where such proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers and duties of the City of Escondido or its officers or employees as such.

3. Order of Business.

Regular business of the Council at the 5:00 p.m. public session shall be taken up for consideration in substantially the following order, except as may be otherwise ordered by the Mayor or Council:

- a. Moment of Reflection
- b. Flag Salute
- c. Roll Call
- d. Closed Session Report
- e. Proclamations/Presentations
- f. Oral Communications (up to 15 minutes or as directed by the Mayor)
- g. Consent Calendar, including Affidavits of Publications, Mailing, Posting, Warrant Register & Minutes Approval
- h. Public Hearings
- i. Current Business Matters
- j. Future Agenda Items
- k. Council Members Subcommittee Reports
- l. Council Member Reports
- m. City Manager's Weekly Activity Report Highlights
- n. Oral Communications

o. Adjournment

4. Consent Calendar Defined.

Those items on the Council agenda which are generally considered routine matter of business such as the approval of minutes, approval of the warrant register, Notices of Project Completion, Treasurer's Quarterly Investment Report, certain contract and grant awards, resolutions setting hearings, final maps, and various leases and agreements are listed on the "Consent Calendar" and shall be adopted by one motion unless Council, staff or a member of the public requests specific items to be discussed and/or removed for separate action. Those items so approved under the heading "Consent Calendar" will appear in the Council minutes in their proper form, i.e., resolution accepting grant deed or easement, approval of minutes, award of bid, etc.

From time to time, the Council may schedule a "workshop" style meeting. Such workshops shall comply with all applicable noticing laws and shall be dedicated primarily to general information gathering and sharing, discussion and possible direction to staff. Final actions of the Council shall not take place at workshop sessions.

5. Oral Communications.

Time has been reserved near the beginning and end of each regular meeting agenda to provide an opportunity for members of the public to directly address the Council on items of interest to the public. The Mayor as the presiding officer may set a limit on the time at the beginning of the meeting devoted to oral communications and may at his

or her discretion extend the time for a speaker or speaker representative to address the Council. Comments on an item already appearing on the agenda shall only be taken at the time reserved for discussion of that agenda item. No action will be taken by the Council on items discussed under Oral Communications, except to refer the matter to staff or schedule for future action.

6. Council Member Reports.

The Council Member Report agenda item provides members of the Council an opportunity to report matters of general interest to the public and their fellow Council Members. No actions, votes or further discussions shall occur on any such matter(s).

7. Council Action on Agenda Matters.

Prior to the request for a motion and second by any Council member on an agenda matter, Council shall be allowed to hear any presentation by staff or member of the public, ask questions and discuss among themselves the matter to be decided. At the conclusion of the presentation, questions and discussion by Council members a request for a motion and second may be made and a roll call vote shall be taken. A motion that fails to obtain a second or a majority vote shall die.

8. Manner of Addressing Council - Time Limit.

- a. Each person addressing the Council shall step up to the microphone, shall state their name and city of residence in an audible tone of voice for the record and, unless further time is granted by the presiding officer, shall limit their

address to three (3) minutes. If significant numbers of persons desire to speak on a given item, the presiding officer has the discretion to limit speaking times and/or alter the sequence of hearing matters on the agenda. Longer time limits may be permitted for an applicant, appellant, or spokesperson for a larger group, at the discretion of the presiding officer.

- b. Whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Council and, in case additional matters are to be presented at the time by any other member of the said group, to limit the number of persons so addressing the Council so as to avoid unnecessary repetitions before the Council.
- c. City staff presentations and responses to Council questions are not governed by this time limit.

9. Posting of Agenda.

At least 72 hours before a regular meeting, the City Clerk shall post a certified copy of the agenda specifying the time and location of the regular meeting in a place accessible so as to be available for review by members of the public.

10. Content of Agenda.

Under state law, the City Council is limited to consideration of items which are on a posted agenda. Items may be placed on an agenda by city staff, by the Mayor, or upon the request of an individual Council member in coordination with the City Manager. The City Manager shall be in charge of preparing the Council agenda and all items shall be coordinated with the City Manager. To the fullest extent practicable, any items placed on the agenda by the Mayor, any Council member or City staff should also be listed under "Future Agenda Items" as early as possible to assure the best possible advance notice of the nature of items and discussion which are upcoming.

11. Proclamations and Presentations.

The City of Escondido recognizes members of the public, groups, or other entities in different ways. Individual Councilmembers may request the preparation of a Certificate of Achievement, Acknowledgment, or Recognition (depending on the circumstances) to be presented in their individual capacity as a member of the City Council. Such certificates shall be prepared by the City Manager's office in a manner such as to preserve consistency in design and form of the City. Such certificates shall be requested directly from the City Manager's office, with ample advance notice to the City Manager's office to enable preparation and delivery. Each Council member requesting a certificate shall be solely responsible for providing the content and verifying the accuracy of the

document. Multiple Councilmembers may sign and present such certificates subject to coordination among themselves.

The Mayor and any Councilmember may also recommend the public acknowledgement of any member of the public, group, entity or matter of public interest through the issuance and presentation of a formal proclamation on behalf of the City of Escondido. Such recommendations shall be made in coordination with the City Manager's office. Upon approval by the Mayor, such proclamations shall then be prepared by the City Manager's office in a manner such as to preserve consistency in design and form of the City. Proclamations will normally be signed on behalf of the City by the Mayor. However, if some or all City Councilmembers also wish to sign a proclamation, and signatures can be obtained in a timely maner, proclamations may be signed by the full City Council or by those members wishing to sign the document. Proclamations shall normally be presented by the Mayor at the commencement of a meeting of the City Council, unless circumstances dictate the presentation of the proclamation elsewhere. Any disagreement with whether or not such a proclamation shall be issued shall be resolved by a majority vote of the City Council.

The Mayor or any Councilmember may request that a presentation to the City Council at a regular meeting be made by members of the public, other public entities, or other groups, on issues of interest to the City Council or members of the public. Such presentations shall be coordinated with the Mayor and the City Manager's office and shall be

subject to scheduling in a manner that does not interfere with the need to conduct normal City business. Any disagreement with whether or not such a presentation is to be scheduled shall be resolved by a majority vote of the City Council.

12. Closing Time of Council Meetings.

No agenda item may be introduced after the hour of 10:00 p.m.; however, the meeting may be extended beyond 10:00 p.m. upon a majority vote of the Council members.

13. Processing of Motions.

- a. When a motion is made, it shall be stated clearly and concisely by its mover. After a motion is made and seconded, it may be stated by the presiding officer before debate. A motion may be withdrawn by the mover without consent of the Council members.
- b. The presiding officer shall at any time by majority consent of the Council members, permit a Council member to propose the reordering of agenda items.
- c. If a question contains two or more divisible propositions, the presiding officer may, and upon request of a Council member shall, divide the same.

14. Precedence of Motions.

- a. When a motion is before the Council, no motion shall be entertained except (precedence in order indicated):
 - (1) To adjourn

- (2) To fix hour of adjournment
- (3) To lay on the table
- (4) For the previous question
- (5) To postpone to a certain day
- (6) To refer
- (7) To amend
- (8) To postpone indefinitely

b. A motion to adjourn shall be in order any time, except as follows:

- (1) When repeated without intervening business or discussion
- (2) When made as an interruption of a Council member while speaking
- (3) When the previous question has been ordered
- (4) While a vote is being taken

c. A motion to adjourn "to another time" is debatable only as to the time to which the meeting is adjourned.

d. A motion to table or lay on the table is not debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" only by adding it to the agenda of the next regular meeting, to be discussed at the following regular meeting.

e. A motion for previous question shall close debate on the main motion and shall be undebatable. The statement by a Council member of "question" does not accomplish the

same purpose. If a motion fails, debate is reopened; if motion passes, then vote shall be taken on the main motion.

- f. A motion to amend shall be in order and is debatable only as to amendment. A motion to amend an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable and amendments are to be voted first, then the main motion is amended.
- g. A motion to postpone indefinitely shall be fully debatable and if the same is adopted, the principal motion shall be declared lost. A motion to postpone to a definite time shall be amendable and debatable as to propriety of postponement and time set.
- h. A motion to refer shall not be debatable except for the propriety of referring.

15. Administrative Mandamus.

Persons who are dissatisfied with a decision of the City Council may have the right to seek review of that decision by a court. In addition, the City has adopted Section 1094.6 of the Code of Civil Procedure which generally limits to ninety (90) days the time within which the decision of City boards and agencies may be judicially challenged.

16. Appeals; Continuances.

Any person appealing an action of a City Board or Commission or City Staff to the City Council has a right to two two-week postponements of the initial hearing scheduled on the appeal. After exhaustion of this right, the appeal shall be considered withdrawn. This procedure shall not limit the ability of the City Council to continue a hearing which has commenced to a subsequent meeting to receive additional public testimony or information from City Staff.

17. Reconsideration.

Any member of the Council, voting in the majority on any action of the Council, may at the same meeting, or at a subsequent time, request the Council reconsider an action. A reconsideration request made by a member of the Council voting in the minority shall not be allowed, except when made more than one (1) year after the date of the original action.

All requests for reconsideration of a Council action shall be provided to each Council member, and the City Manager in writing or via electronic mail, and the request shall be placed on the next available agenda. In the event an item to be reconsidered requires public notice, it shall be calendared and noticed after Council determines when reconsideration shall occur.

18. Personal Privilege.

The right of any Council member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questioned.

19. Council Conduct.

Each member of the Council shall act in a courteous and respectful manner to all members of the Council, including providing each member the full opportunity to ask questions, voice opinions and make statements without interruption during closed and open sessions of the Council.

20. Parliamentarian.

A majority vote of the Council shall generally control matters of procedure not addressed by this Resolution. The City Attorney shall decide all other questions of interpretations of these rules and any other questions of a parliamentary nature which may arise at a City Council meeting.

21. Voting and Non-Profit Entity Membership.

It shall be the policy of this Council that a council member who serves on the governing board of a private non-profit entity shall not participate in the discussion or voting process to determine whether or not that entity receives City funds. In the event the request of a non-profit entity with a council member on its governing board is part of a larger request involving several items, or is part of the budget process, a separate vote shall be taken to allow the necessary abstention.

22. Selection of Chairperson.

In the event that the Mayor and the Deputy Mayor are absent from a City Council meeting, the three remaining Council members present shall promptly determine which Council member will conduct and serve as the chairperson of the meeting.

23. Decorum and Security.

- a. While the City Council is in session, the Council members, staff, and members of the public are expected to act in a manner to preserve order and decorum for the meeting. No person shall engage in disorderly or disruptive behavior during the meeting. No person shall, either by conversation, applause, shouting, or any other conduct, interrupt or delay the proceedings.
- b. The City Manager, in coordination with the Mayor and/or Deputy Mayor, are authorized to and shall designate and post signs specifying those areas of the Chamber for the media wishing to record the meeting, areas for staff presentations, and areas which are restricted to City employees and elected officials.
- c. Signs, placards, posters, or similar objects which are larger than 8.5 by 11 inches and which disrupt the proceedings shall not be displayed during Council proceedings by members of the public.

Section B: City Council Policies.

1. Correspondence with Members of the City Council.

The purpose of this policy is to provide for a coordinated response to correspondence (i.e. letters, emails, and similar items) which is sent to the City generally, or in which the same correspondence is sent in identical fashion to all Council members. In such circumstances, the Council directs that the Mayor (or as appropriate the City Manager or City Attorney) shall answer such correspondence on behalf of the City, according to the procedure set forth below.

In addition to individual e-mail addresses, the City Manager's Office shall also establish a shared email address by which citizens may direct emails to all Council members at the same time. The shared email address shall be featured on the City's website and in other publications in such a manner as to allow citizens to use the address and thereby communicate with all Council members at the same time. All Council members shall have access to review items in the mailbox at all times. All responses to such emails shall also be sent from the shared mailbox, such that all Council members may review such responses.

With respect to other communications, such as those involving other governmental entities, organizations, and related entities where such communication occurs between the entities rather than specific individuals, the Mayor shall respond on behalf of the City, with copies to all Council members. Matters involving routine city administrative issues shall generally be responded to by either the City Manager or City Attorney, as appropriate, on behalf of the City. With respect to correspondence that consists of invitations to events, the Mayor and Council shall coordinate such invitations with the City Manager's support staff.

Because substantial portions of City Council communication, whether electronic or written, is subject to California's Public Records laws, all City Council communications shall be coordinated with the City Manager for the purpose of compliance with various laws governing public

records. All Council members using city computers shall be subject to the City's Administrative Directives regarding computer use.

2. Press Releases.

All press releases on behalf of the City shall be issued on City letterhead and only on behalf of the City generally or the entire City Council. Press releases shall be prepared and coordinated by the City Manager's Office.

3. Council Calendar.

The responsibility for managing the calendars of the City Council and the City Council members shall be delegated to the City Manager's secretary.

4. Audits.

Staff shall informally assist the City Council in a periodic accounting of individual expenditures for travel, phone use, etc.

5. Council Travel Policy.

Council members shall be bound by all City policies, as expressed in Administrative Directives or otherwise, regarding travel on City business.

The City Council shall fix an amount in the City Council budget which each Council member may use for business-related education and travel expenses, including attendance at seminars, conferences and other related educational opportunities. These funds will be separate from any budget established for Council member participation in committees associated with other public agencies and entities. If these funds are not

used during the fiscal year appropriated, they shall be returned to the General Fund.

Elected officials shall provide brief reports on meetings attended at the City's expense at the next regular City Council meeting. If multiple elected officials attended, a joint report may be made. Reports may be provided in writing as part of the Agenda packet distribution.

6. Council Communication with Staff.

The Council members shall request information or give direction only to the City Manager or City Attorney, or those persons designated by the City Manager or City Attorney to assist the Council members in such inquiries or requests. Requests for information should be directed to the City Manager, although incidental or minor requests (not involving analysis or significant time) may be requested directly from department heads, with a copy to the City Manager. Requests which involve change of policy, expenditure of funds, or use of significant staff time shall be submitted to the full Council for approval.

7. Review of Reimbursements.

The Director of Finance or a designee shall review all City Council requests for reimbursement of expenses for consistency with City policy on such expenses.

In all cases, Council members shall be bound by the same policies and procedures adopted and applicable for all City employees on a citywide basis. To the extent such policies provide for per diem reimbursements, auto allowances, and related forms of reimbursement

rather than receipt-specific reimbursement, it is hereby determined that such per diem or fixed amount reimbursements, so long as applicable to all city employees, are the best and most efficient method of reimbursing expenses on an actual and necessary basis.

9. Council Salary.

To assure attention to the Council compensation allowable under state law, the City Council shall have an agenda item during a meeting in December of odd numbered years for the purpose of determining whether or not to take action regarding Council compensation.

10. Campaign Activity Funding.

The City Council shall not direct or authorize the expenditure of public funds to prepare or distribute a publication or communication when the style, tenor, and timing of the publication or communication demonstrates that it constitutes traditional campaign activity or that it supports or opposes the approval or rejection of a ballot measure.

11. Council Use of City Staff for Public Events.

The Council believes that making opportunities available for Council members to interact with the public outside of regular public meetings is a benefit to the Council and residents of the City. The ability to communicate to the public the availability of the Councilmembers for such events is critical to their success.

Council members may request through the City Manager's Office the services of City staff to assist in the hosting of public events related to City business including, but not limited to, the electronic posting of notices

of public events involving the Council members on the City's social media platforms. To the greatest extent possible, the amount of staff resources devoted to such efforts shall be equal among all Council members.

To the extent any such staff efforts require time beyond the posting of notices on the City's or related website, the City Manager shall be responsible for determining whether such personnel resources are available, whether there is a sufficient budget to cover the costs related to such efforts, and ensuring that all council members may obtain like and equal services during the course of any fiscal year. Council members shall not use any city staff or resources as part of, or in coordination with, any campaign for public office.

Section C: City Council Ethics Policy.

1. Declaration of Policy.

The respected operation of democratic government emphasizes that elected officials be independent, impartial, and responsible to the people. It requires that they conduct themselves in a manner above reproach.

This Ethics Policy provides the following general guidelines and specific prohibitions to which elected Escondido City Officials must conform in pursuit of their assigned duties and responsibilities. This policy is in addition to all applicable provisions of state law, including the Brown Act, the Political Reform Act and implementing regulations, and all other laws governing the conduct of elected officials.

2. Disclosure of Closed Session Matter.

No member of the City Council shall disclose to any person, other than members of the Council, the City Attorney, the City Manager, or other City staff designated by the City Manager to handle such matters of confidential City business, the content or substance of any information presented or discussed during a closed session meeting unless the City Council first authorizes such disclosure by the affirmative vote of three members.

3. Disclosure of Confidential Communications.

Except when disclosure is mandated by state or federal law, no member of the City Council shall disclose to any person, other than members of the Council, the City Attorney, or the City Manager, or other City staff designated by the City Manager to handle such matters of confidential City business, the content or substance of any confidential or privileged communication relating to matters of City business, received under circumstances where the confidential or privileged nature of the communication is reasonably conveyed, unless the City Council first authorizes such disclosure by the affirmative vote of three members of the City Council.

4. Conduct During Negotiations/Litigation.

The City Council is authorized to provide direction to specifically identified negotiators in a legally constituted closed session on matters involving pending litigation, real estate negotiations, and labor negotiations. If the City Council in closed session provides such direction to its negotiators, all contact with the negotiating party or the party's

representative, shall be limited to, and made by, those individuals designated to handle the negotiations.

During a pending labor negotiation, no member of the City Council shall communicate any negotiating position on behalf of the City or engage in any negotiations for employee salary, benefits or working conditions. In addition, during pending litigation or real estate negotiations, no member of the City Council (unless they have been designated as a negotiator) shall have any contact or discussion with the litigating or negotiating party or the party's representative regarding the subject matter of the pending litigation or real estate negotiations.

No member of the City Council shall communicate or disclose to any person, other than members of the Council, the City Attorney, the City Manager, or other City staff designated by the City Manager to handle such matters of confidential City business, any discussion or information received in closed session regarding the negotiation or litigation.

Nothing in this section shall prohibit Council members from receiving written communications provided they are made available to all Council members, the City Manager, the City Attorney, and the City's designated negotiators on an equal basis.

5. Ex Parte Communications.

The purpose of this provision is to guarantee that all interested parties to any adjudicatory matter before the City Council have equal opportunity to express and represent their interests. Ex parte communications are those communications members of the City Council

have with representatives of only one side of a matter outside the presence of other interested parties on a matter relevant to an adjudicatory proceeding. A communication concerning only the status of a pending matter shall not be regarded as an ex parte communication.

Any written or oral ex parte communication received by a member of the City Council in matters where all interested parties are entitled to an equal opportunity for a hearing shall be made a part of the record by the recipient.

6. Violations and Penalties.

Any violation of this Ethics Policy by a member of the City Council shall constitute official misconduct if determined by an affirmative vote of three members of the City Council in an open and public meeting. In addition to any criminal or civil penalties provided for by federal, state or other local law, any violation of this Ethics Policy shall constitute a cause for censure by City Council adoption of a Resolution of Censure.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof the 29th day of September, 2021 by the following vote to wit:

AYE : Councilmembers: GARCIA, INSCOE, MORASCO, MARTINEZ, MCNAMARA

NOES : Councilmembers: NONE

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:
Paul McNamara
PAUL MCNAMARA, Mayor of the
City of Escondido, California

ATTEST:

DocuSigned by:
Zack Beck
ZACK BECK, City Clerk of the
City of Escondido, California

RESOLUTION NO. 2021-156

August 11, 2022

Chair Barba and Planning Commission
City of Escondido
Via Email



RE: Sierra Club NCG Sierra Club NCG recommendations for Planning Commission By-Laws

Dear Chair Barba and Planning Commissioners:

Sierra Club North County Group appreciates the opportunity to comment and make recommendations to improve the By-Laws governing the operation of and public engagement with the Escondido Planning Commission. We request your consideration of the following in your upcoming By-Laws update at your up-coming meeting. We request the By-Laws be amended to:

1. Provide a direct means, such as individual official email that the City Council employs, for the public to effectively use to communicate with Planning Commissioners. The past practice of lumping all communications into one huge scan, often of questionable legibility, does a huge disservice to the public who wishes to participate and communicate with the Commissioners in their important role. A simple and effective remedy would be to provide each Commissioner their own @escondido.org email. This would significantly improve the public's ability to interface effectively with the Commission.
2. Provide clear and written direction clarifying the ability of the public to meet with individual commissioners. There has been a lack of clarity in the past about the appropriateness of public meetings with Commissioners on topics that may come before the Commission and/or are relevant to the Commission decision-making.
3. Provide more clarity in about the extent and limits of Commission discretion in the By-Laws. One specific example from the past was confusion about the ability of a commissioner to vote no on a project that they did not believe was supportable.
4. Provide clear guidance about what is allowable under the public meetings act beyond just the Commission meetings. For example, Commissioner field trips, attendance at public meetings, etc... are all allowable, with proper notice, under the public meeting rules.
5. Regarding agenda item placement, we recommend the requirement be reduced to allow one single Commissioner to place an item on the agenda. (Article IV. A)

Thank you for the opportunity to comment on this issue.

Sincerely

A handwritten signature in blue ink that reads 'Laura Hunter'.

Laura Hunter, Chair
NCG Conservation Committee
cc. Adam Finestone

Attachment 4

Planning Commission

Hearing Date: August 23, 2022

Effective Date: September 3, 2022

PLANNING COMMISSION RESOLUTION NO. 2022-05

A RESOLUTION OF THE PLANNING
COMMISSION OF THE CITY OF ESCONDIDO,
CALIFORNIA, AMENDING BYLAWS OF THE
ESCONDIDO PLANNING COMMISSION

APPLICANT: City of Escondido

CASE NO: PL22-0357

WHEREAS, the City of Council established the Planning Commission and granted it responsibilities in the area of land use, development, and planning permit decisions; and

WHEREAS, Chapter 20 of the City of Escondido Municipal Code governs the formation and operation of the Planning Commission. Per section 20-8 of the Municipal Code, the Planning Commission shall have the power to adopt its own rules of procedure; and

WHEREAS, bylaws are the written rules that control the internal affairs of an organization. Bylaws generally define things like the group's official name, purpose, requirements for membership, officer titles and responsibilities, how offices are to be assigned, how meetings should be conducted, and how often meetings will be held; and

WHEREAS, the Escondido Planning Commission adopted bylaws in 2018 through adoption of Planning Commission Resolution No. 2018-01; and

WHEREAS, the Escondido Planning Commission desires to amend its bylaws to provide clarity as to its rules of procedure and conduct of meetings; and

WHEREAS, such bylaws shall not be inconsistent with the laws of the State of California or with the ordinances, resolutions, or regulations of the City of Escondido, as well as all applicable laws. These bylaws are intended to assist and be used by the Planning Commission in performing its duties and conducting its meetings. If a conflict arises between these bylaws and any applicable local, state, or federal law, the preemptive law shall control.

NOW, THEREFORE, BE IT RESOLVED by the Escondido Planning Commission:

1. That the above recitations are true and correct.
2. That the Planning Commission certifies that it has reviewed and considered the environmental determination that the amendment of bylaws is not considered a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378(b)(5), which exempts organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.
3. The Planning Commission finds that the amended bylaws, attached hereto as Exhibit "A" and incorporated as though fully set forth herein, will be

essential in helping the Commission carry out its purpose and how it will go about its business.

4. Subject to the provisions of all applicable statutes and in order to carry out the duties and functions of the Planning Commission vested in it by Chapter 20 of the City of Escondido Municipal Code and the statutes of the State of California, the Planning Commission hereby amends its bylaws. In addition to the rules and procedures set forth herein, the Planning Commission is likewise governed by the Brown Act, the Public Records Act, and all other applicable statutes and laws.

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 23rd day of August, 2022, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ABSENT: COMMISSIONERS:

RICK PAUL, Vice-Chair
Escondido Planning Commission

ATTEST:

ADAM FINESTONE, Secretary of the
Escondido Planning Commission

I hereby certify that the foregoing Resolution was passed at the time and by the vote above stated.

JESSICA ENGEL, Minutes Clerk
Escondido Planning Commission

Decision may be appealed to City Council
pursuant to Zoning Code section 33-1303

Exhibit "A"

Section A: Introduction.

1. The Escondido Planning Commission ("Planning Commission" or "Commission") is established pursuant to Chapter 20 of the Escondido Municipal Code, and is authorized by Government Code section 65100 et. seq.
2. The Planning Commission serves in an advisory capacity to the City Council on land use policy planning matters which guide the future development of the City.
 - a. Planning Policy Matters.
 - i. The Planning Commission considers and provides recommendations to the City Council on land use policies and documents including, but not limited to, the Escondido General Plan, specific plans, and the Escondido Zoning Code. These and other documents establish development standards and design parameters for future development projects and improvements in the City.
 - b. Development Projects.
 - i. The Planning Commission has decision-making authority on various development projects and serves in an advisory capacity to the City Council on other projects, as described in the Escondido Zoning Code.
 - ii. The Planning Commission shall hear appeals of administrative decisions and decisions made by the

Zoning Administrator pursuant to section 33-1303 of the Escondido Zoning Code.

- iii. Decisions of the Planning Commission can be appealed to the City Council pursuant to section 33-1303 of the Escondido Zoning Code.

Section B: Planning Commission Meetings.

1. Type of Meetings.

a. Regular Meetings.

- i. Regular meetings of the Planning Commission shall be held at 7:00 p.m. on the second and fourth Tuesdays of each month.
- ii. Regular meetings may be canceled by the Director of Development Services or their designee if there is no business to be conducted by the Commission.

b. Special Meetings.

- i. Special meetings of the Planning Commission may be scheduled from time-to-time at the determination of the Director of Development Services or their designee if there is urgent business to be conducted.

2. Location:

- a. All regular and special meetings of the Planning Commission shall be held in the Council Chambers of the City of Escondido, California. Changes to the location shall be properly identified in

any public hearing notices and agendas prepared for said meeting.

- b. Further changes in the location of meetings may be authorized if required pursuant to state mandates and public health emergencies. This includes virtual meetings.

3. Posting and Distribution of Agenda.

- a. At least 72 hours before a regular meeting, the Secretary of the Planning Commission or their designee shall post a certified copy of the agenda specifying the time and location of the regular meeting in a place accessible so as to be available for review by members of the public, and on the City of Escondido's website (www.escondido.org).

- b. The Planning Commission agenda shall be delivered to Planning Commissioners via email unless otherwise requested by individual Commissioners.

4. Order and Description of Business.

- a. Regular business of the Planning Commission shall be taken up for consideration in substantially the following order, except as may be otherwise ordered by the Planning Commission Chair, or Vice-Chair in the absence of the Chair:

- i. Call to Order

- ii. Flag Salute: The Chair or their designee shall lead the Pledge of Allegiance.

- iii. Roll Call: The Minutes Clerk shall call role and identify any Planning Commissioners who are not present.
- iv. Consideration of Minutes: The Planning Commission shall review the minutes of the prior meeting, and shall approve or approve with modifications said meeting minutes.
- v. Written Communications: The City Planner or their designee shall identify any written communication that has been provided on the dais for the Planning Commission's consideration. Under state law, items provided to the Commission as written communications can have no action taken unless they are specifically related to an item on the Planning Commission's agenda.
- vi. Oral Communications: The Chair shall provide an opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission which is not on the current agenda. Under state law, no action can be taken on items presented under Oral Communications.
- vii. Public Hearings: The Planning Commission shall hold public hearings on items for which have been duly noticed pursuant to the Escondido Zoning Code and state law.
- viii. Current Business: The Planning Commission shall consider items on the agenda for which no public hearing notice is required.

- ix. Future Agenda Items: This is an opportunity for Planning Commissioners to identify items of interest within the jurisdiction of the Commission which they would like to discuss at a future meeting, by following the process stated in section B(5)(c)(ii) of these laws. No discussion on these items is permitted.
 - x. Oral Communications: This is a second opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission which is not on the current agenda. Under state law, no action can be taken on items presented under Oral Communications.
 - xi. Planning Commissioner Reports: Commissioners are afforded the opportunity to provide information regarding activities related to issues in the Commission's purview. No discussion on these items is permitted.
 - xii. City Planner Report: The City Planner or their designee shall provide information to the Commission on activities related to issues in the Commission's purview. Discussion shall be limited to requests by Commissioners for clarification.
 - xiii. Adjournment
- b. In the event that both the Chair and Vice-Chair are not able to attend a meeting, the City Planner shall coordinate with an

individual Commissioner to call a meeting the order. The first order of business will be to select an acting Chair to serve in that role for the remainder of the meeting.

5. Content of Agenda.

- a. Under state law, the Planning Commission is limited to consideration of items which are on a posted agenda.
- b. The City Planner shall be responsible for preparation of the agenda.
- c. Items may be placed on an agenda by city staff, or upon the request of a majority of the members of the Planning Commission present at the meeting at which the item is identified.
 - i. Items placed on the agenda by city staff:
 1. Items placed on the agenda by city staff shall be accompanied by a staff report or other written materials providing sufficient information to enable the Planning Commission to consider and deliberate upon the item.
 - ii. Items placed on the agenda by the Planning Commission:
 1. Any Planning Commissioner may request an item be considered at a future meeting during the Future Agenda Items portion of the agenda. Requests shall be made by motion as described in section B.6 below.

2. No discussion of the requested item shall be allowed. As such, a Commissioner should be as clear with their request as possible.
3. Request by a Planning Commissioner shall require a majority vote of Commissioners present prior to it being placed on a future agenda.
4. City staff will prepare a memorandum as part of the agenda packet identifying the item and the Planning Commissioner who initially requested it be placed on the agenda. No staff report or other written information will be provided by city staff.
5. The Planning Commissioner who requested the item be placed on the agenda may provide staff with written information to be included with the agenda packet.
6. Placement of items on the agenda by members of the Commission shall be for discussion purposes only. No action shall be taken by the Commission and city staff will not take further action on such items unless instructed to do so by the City Council or City Manager.
7. No item shall be placed on the agenda by the Planning Commission that relates to a specific development project that is under review by City

staff, nor to any policy issue identified in the Planning Commission Work Plan or other topic anticipated to be brought forward to the Commission in the coming 12 months.

- d. Development projects shall be considered prior to policy items or other current business items.
 - e. Items placed on the agenda by staff shall be considered before items placed on the agenda at the request of the Planning Commission.
 - f. At the beginning of a Planning Commission meeting, the City Planner shall be authorized to recommend to the Chair that the order of Public Hearing or Current Business items on the agenda be modified, and shall state the reason for the recommendation. It shall be the Chair's sole discretion as to whether to accept the recommendation.
6. Manner of Addressing the Planning Commission - Time Limit.
- a. Each person wishing to address the Commission shall fill out a speaker slip and provide it to the Minutes Clerk prior to the item being considered by the Commission.
 - b. When called upon by the Planning Commission Chair, each person addressing the Commission shall step up to the microphone, shall state their name and city of residence in an audible tone of voice for the record, and shall limit their address to three minutes. If significant numbers of persons desire to speak

on a given item, the presiding officer has the discretion to limit speaking times and/or alter the sequence of hearing matters on the agenda.

- c. Longer time limits may be permitted for a project proponent or appellant, or for a spokesperson representing an organized group of individuals present at the meeting. This shall generally be limited to 15 minutes, unless additional time is requested by the proponent, appellant or group spokesperson ahead of time. In such an instance, staff will communicate with the Chair who will have sole discretion as to whether to grant such extra time. Said request and the Chair's decision on it shall be stated by the Chair prior to the proponent, appellant, or spokesperson's comments.
 - i. A spokesperson representing a group of individuals shall be allotted a maximum of three minutes per member of the group in attendance. Each member of the group shall fill out a speaker slip identifying the name of the individual who will be speaking on behalf of that group.
- d. Only a project proponent or appellant shall be permitted to provide a multimedia presentation to the Commission. A request to provide such a presentation must be made, and the electronic content provided to staff, at least 24 hours prior to the meeting.
- e. City staff presentations and responses to Commission questions are not governed by the time limits described in this section.

7. Commission Action on Agenda Matters.

- a. Action by the Planning Commission shall be taken in the same manner as described for City Council actions in City Council Resolution No. 2021-156.
- b. The Planning Commission shall take action on the following agenda items only:
 - i. Minutes of prior meetings;
 - ii. Public Hearing items;
 - iii. Certain Current Business items as detailed in any staff report prepared for said items; and
 - iv. Decisions to place items on a future agenda.
- c. Action cannot be taken on any oral or written communications related to items not on the agenda.
- d. Prior to the request for a motion and second by any Commissioner on an agenda matter, the Commission shall be allowed to hear any presentation by staff or member of the public, ask questions, and discuss among themselves the matter to be decided. At the conclusion of the presentation, questions and discussion by Commissioners, a request for a motion and second may be made and a roll call vote shall be taken. A motion that fails to obtain a second or a majority vote shall die.
- e. Precedence of motions shall be in the same manner as described for City Council meetings in City Council Resolution No. 2021-156.

8. Closing Time of Planning Commission Meetings.

- a. No agenda item may be introduced after the hour of 10:00 p.m.; however, the meeting may be extended beyond 10:00 p.m. upon a majority vote of the Commission.
- b. Items not introduced at a Planning Commission meeting as a result the time limitations described above shall be placed on the next available agenda.

9. Meeting Minutes.

- a. The Minutes Clerk is instructed to prepare action minutes for each Planning Commission meeting. The Planning Commission Clerk shall add a brief description/topic for oral communication speakers and note whether the speaker was speaking in favor or opposition to agendized items.
- b. The Commission shall keep action minutes and records of all its meetings, resolutions, transactions, findings and determinations, and the vote shall be recorded with each motion, order or resolution. Audio recordings, action minutes, records, resolutions, transactions, findings and determinations shall be of public record and be posted online.
- c. Activities and processes regarding meeting minutes may be changed as a result of direction from the City Clerk's office. Such changes shall not require immediate amendment to these bylaws, but shall be incorporated into said bylaws as part of any subsequent update.

10. Cancellation of Meetings.

- a. Regular meetings may be cancelled from time to time due to a lack of business or for other reasons. A meeting cancellation notice shall be provided by the Secretary.

Section C: Roles and Responsibilities.

1. General.

- a. The Commission is not involved in the administration or operation of City departments.
- b. Commissioners should not contact the media or speak on behalf of the advisory body unless authorized to do so.

2. Commissioners.

- a. Pursuant to Municipal Code Section 20-2, the Planning Commission is comprised of seven Commissioners, each of whom shall be entitled to vote on all items on the agenda except where a conflict of interest may exist.

3. Officers.

- a. The Planning Commission shall select a Chair and Vice-Chair at the first regular meeting held after March 31st of each year.
- b. The Chair shall have the following responsibilities:
 - i. Preside at and conduct all meetings of the Commission;
 - ii. Administer all rules of the Commission;
 - iii. Rule upon other business transacted by the Commission;
 - iv. Appointment of all committees and subcommittees;

- v. Preserve order and decorum at all meetings of the Commission;
 - vi. Ensure equal ability for input from all Commissioners;
 - vii. Allow for adequate and complete public participation; and
 - viii. Represent or appoint another Commissioner to represent the Commission before the City Council. Such representation shall reflect the view of the majority of the Commission on any particular matter upon which the Commission has acted.
- c. The Vice-Chair shall, in the absence of the Chair, exercise all responsibilities of the Chair.

4. Selection of Officers.

- a. Selection of Chair and Vice-Chair shall be included on the agenda for the first regular meeting after March 31st of each year.
- b. When called for by the Chair, Commissioners may nominate any Commissioner, including themselves, for the role of Chair.
- c. The Chair shall ask the nominated Commissioners if they have interest in serving in the role of Chair.
- d. Each nominated Commissioner shall be allowed adequate time to make a statement to the Commission regarding their qualifications, desire, and other reason(s) they should be considered for the position.

- e. Upon completion of Commissioner statements, the Chair shall call for a vote. Each Commissioner will have the ability to vote for any nominated Commissioner.
- f. In the event that no Commissioner succeeds in gaining a majority of votes, the Commissioner with the fewest votes shall be eliminated from consideration and another vote shall be held. This process shall continue until one Commissioner has received a majority of votes.
- g. Selection of the Vice-Chair shall occur immediately after selection of the Chair, utilizing the same procedure identified above.

5. Committees and Subcommittees.

a. Creation.

- i. Committees and subcommittees shall be appointed by the Chair at the time deemed necessary or advisable so as to conduct Commission business properly.
- ii. Each committee shall consist of no fewer than two and no more than three Commission members.
- iii. The members of committees shall serve for the duration of the committee unless a reassignment is made of the committee personnel by the Chair, in which case they shall serve until their successors are appointed.
- iv. The Commission Chair shall fill any vacancy in committees.

b. Reporting.

- i. All reports of committees and subcommittees shall be made at the direction of the Chair; however, no committee shall be required to make a formal report prior to the next regular Commission meeting following that meeting at which the committee was directed by the Chair of the Commission to report on the matter of business referred to such committee.
- ii. Reports of committees and subcommittees shall be made orally or in writing. If in writing, the original copy thereof shall be filed with the Secretary and become a part of the administrative record.

6. Staff Support.

- a. City staff shall provide support to assist the Planning Commission in carrying out their responsibilities.
- b. City Staff shall serve in the following roles:
 - i. The City Planner or their designee shall serve as the Secretary of the Planning Commission.
 - ii. The City Attorney or their designee shall serve as the Parliamentarian of the Planning Commission. In said role, the City Attorney or their designee shall advise upon all questions of interpretations of these bylaws and any other questions of a parliamentary nature which may arise at a Planning Commission meeting.

- iii. The City Engineer or their designee shall be available to provide technical expertise to the Commission related to civil engineering and land development issues.
- iv. The City Planner shall make provisions for a Minutes Clerk to be present and serve at Planning Commission meetings.
- c. The City Planner or their designee shall be responsible for preparation and publication of the Planning Commission agenda.
- d. The City Planner or their designee shall be available to discuss matters related to future Planning Commission business with individual members of the Commission outside of Planning Commission meetings.

7. Commissioner Conduct.

- a. Each member of the Commission shall act in a courteous and respectful manner to all members of the Commission, including providing each member the full opportunity to ask questions, voice opinions and make statements without interruption during Commission meetings.

Section D: Correspondence and Communication.

- 1. This section shall apply to all official correspondence and communication related to projects and policy topics which are within the purview of the Planning Commission. It does not apply to correspondence and communication related to topics not within the purview of the Planning Commission.

2. Communication between Planning Commission and Staff.

- a. In the event that Staff and members of the Commission shall have a need to communicate outside of public meetings or other public setting, communication shall occur in full compliance with the Ralph M. Brown Act and any other laws and regulations governing public meetings.
- b. In the event that staff has a need to communicate with all members of the Planning Commission, that communication shall be undertaken independently between staff and no more than three Commissioners at a time.
- c. In the event that individual Commissioners have a need to communicate with staff, that communication shall occur directly with the City Planner or their designee.

3. Public Correspondence with Planning Commissioners.

- a. Members of the public may contact the Planning Commission from time-to-time on subject matters within the Commission's general purview. Staff understands that members of the Planning Commission do not have City of Escondido email addresses and respects Commissioners' privacy should they not wish to have their email addresses made available to the general public. As such, staff will accommodate public correspondence with members of the Planning Commission as follows:
 - i. Staff has created an escondidoplanningcommission@escondido.org email

address that the public can use to send emails to all members of the Commission. Emails sent to that address will be redirected (as blind copies) to the Commissioners' email addresses on file with the City Clerk's office, with a copy sent to the City Planner and City Attorney or their authorized designees.

- ii. Emails may also be sent to members of Planning Division staff with a request to forward to individual Planning Commissioners or to the full Commission.
- iii. Comments on duly noticed public hearing items or other items on a published Planning Commission agenda which are made through the City Clerk's office's Public Comment webpage will be forwarded to escondidoplanningcommission@escondido.org.

Comments provided through this means which are received less than 24 hours before the meeting will be provided to Commissioners on the dais, and the first three minutes read into the record by the Minutes Clerk.

- iv. The time limits above do not apply to weekends and city holidays.

- b. Correspondence received by staff as hard copies will be scanned in and emailed to escondidoplanningcommission@escondido.org.

c. Members of the public may wish to discuss or meet with Commissioners related to proposed projects or other issues of concern to them. Should requests from a member of the public be received by staff, staff will forward the request to the Commissioners.

i. It is the prerogative of individual Commissioners if they wish to accommodate such meetings/discussions. Any Commissioner who wishes to do so should contact the individual to make arrangements. Staff can assist in this role if necessary.

ii. Staff will inform the individual that their request has been forwarded on to the Commissioners and that either staff or any member of the Commission will respond if the Commissioner wishes to accommodate said request.

4. Communication and Correspondence Between Commissioners.

a. Individual Planning Commissioners shall not communicate with more than two other Commissioners via any means on items within the purview of the Planning Commission.

b. This section does not pertain to personal communication between Commissioners on items not within the purview of the Commission, however care should be taken to ensure that any correspondence and communication not related to Planning Commission business does not inadvertently transition into that related to Planning Commission business.

5. Commissioner's communications, including those using a personal email address, may be subject to disclosure under the Public Records Act.

Section E: Amendments

1. These bylaws may be added to, amended, or revised at any meeting of the Planning Commission by a majority of a quorum of the Planning Commission by proper notice in advance of the meeting.