

**CITY OF SOUTH LAKE TAHOE**

*Planning Commission Protocols*



Adopted September 12, 2019

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**Resolution 2019-XXX, Adoption of the City of South Lake  
Tahoe Planning Commission Protocols, dated September 12, 2019**

## CITY OF SOUTH LAKE TAHOE PLANNING COMMISSION PROTOCOLS

### I. *MISSION STATEMENT*

"To ensure the development of the built environment is orchestrated to achieve the highest quality of life, community engagement while embracing our environment and diversity in our community."

### II. *ORGANIZATION AND OFFICERS*

- A. Organization - The Planning Commission shall consist of five (5) regular members appointed by the City Council and shall be organized and exercise such powers as prescribed by the City of South Lake Tahoe Municipal Code. Each Planning Commission member is appointed to a two-year term.
- B. Officers Selection - A Chairperson and Vice-Chair shall be elected annually from among the membership in February to serve at the pleasure of the entire Commission, with the Chairperson and Vice Chairperson assuming office immediately following an affirmative vote.

The Vice-Chairperson shall succeed the Chair to complete the term if the Office of Chair is vacated before the term is completed. A new Vice-Chair shall be elected at the next regular meeting and shall complete the term of that office.

In the event that the Office of Vice-Chair is vacated before the term is completed, a new Vice-Chair shall be elected to complete the term of that office.

In the absence of the Chair and Vice-Chair, the senior member in length of service shall call the Commission to order, whereupon a Vice-Chairperson shall be elected from the members present to preside.

Secretary to the Commission shall be Director of Development Services, or as otherwise appointed by the City Manager.

- C. Responsibilities - The responsibilities and powers of the officers of the Planning Commission shall be as follows:
- i. Chairperson
    - a. Preside at all meetings of the Commission
    - b. Call special meetings of the Commission in accordance with legal requirements and these Protocols.
    - c. Sign documents of behalf of the Planning Commission.
    - d. See that all conduct and actions of the Planning Commission are properly taken.
    - e. Assist staff in determining agenda items.

- ii. Vice-Chair
  - a. During the absence, disability or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and responsibilities of the Chairperson.
- iii. Secretary
  - a. The Secretary shall keep Commission records, prepare agendas, prepare minutes and otherwise provide staff assistance to the Commission in the performance of its duties.

D. Duties and Powers

- i. The Commission shall have the power to approve certain land use applications consistent with municipal code, as well as make recommend to the City Council and/or shall advise the City Council on those matters falling within its charged responsibilities by Ordinance or Resolution of the City Council.
- ii. If any Commissioner should be absent for three consecutive regular meetings without permission of the Commission expressed in its official minutes, he/she shall relinquish his/her seat on the Commission. In all other cases of excessive absenteeism, tardiness, or other unacceptable conduct, a simple majority of the Commission shall be sufficient to recommend disciplinary action be taken by the City Council up to and including removal from the Commission.

III. MEETINGS

A. Rules of Order

- i. Except as otherwise provided in these Bylaws, "Rosenberg's Rules of Order," shall be used as a guide to the conduct of the meetings of the Commission provided, however, that the failure of the Commission to conform explicitly to said Rules of Order shall not, in any instance, be deemed to invalidate the action taken.
- ii. Public Meetings:
  - a. All public meetings shall be held in compliance with the provision of Ralph M. Brown Act and these protocols.
  - b. Regular Meetings shall be held on the second Thursday of each month, at 3:00pm in the Council Chambers, 1901 Lisa Maloff Way, South Lake Tahoe, unless otherwise determined by the Commission.
    - i. Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting may be rescheduled to another business day, or canceled by motion adopted by the Commission.

- c. Adjourned Meeting - In the event it is the wish of the Commission to adjourn its meeting to a certain hour on another day, a specific date, time and place must be set by the Commission prior to the regular motion to adjourn.
- d. Special Meeting of the Commission may be held at any time following at least 24-hour notice to the general public and each member of the Commission and to the press, upon the call of the Chair or by a majority of the voting members of the Commission or upon request of the City Council. The time and place of the special meeting shall be determined by the convening authority.
- e. Study Sessions/Workshop - The Commission may be convened as a whole, or at its own discretion, as a committee of the whole, in the same manner as prescribed for regular or special meetings, for the purpose of holding one or more Study Sessions. When convened as a whole body, a quorum shall be required. When convened as a sub-committee of the whole, a quorum shall not be required. In either case, no official action shall be taken.
- f. The Commission may convene in whole or in part, in either manner prescribed for regular or special meetings, for the purpose of holding a workshop on any topic of its choosing. When so convened, a quorum shall not be required and no official action may be taken.
- g. All such meetings shall be open to the public.
- h. Meeting Cancellation Due to Inclement Weather – In the case of a National forecast of one (1) foot of snow or more, at any time within 24 hours of the scheduled commencement of the Planning Commission meeting, and/or existing road conditions deemed unsafe or travel restriction message has been issued by the City, the Planning Commission President and Secretary shall confer to determine the existing condition.

The Planning Commission President and Secretary shall jointly make a determination by 10:00a.m. the morning of the Commission Meeting. In this scenario, project applicant/proponent/appellant will be immediately notified of the status of the meeting, with additional notification by a meeting notice posted to the City's/Commission's webpage and the City's social media channels, and via hard copy to the entrance of City Hall/City Airport.

Should the meeting be cancelled, all agenda items will be heard at the next regular meeting of the Planning Commission.

#### IV. AGENDA

- A. An agenda for each meeting of the Commission shall be prepared by the staff with the cooperation and input of the Chairperson.

- B. Each agenda item shall contain a brief description which gives the general public an understanding of each item of business to be discussed and/or acted upon.
- C. A copy of the agenda shall be provided to the general public and members of the Commission by posting the Agenda on the Chambers Bulletin Board, located at 1901 Lisa Maloff Way, South Lake Tahoe, and Service Center Bulletin Board, located at 1052 Tata Lane, South Lake Tahoe, which are locations freely accessible to members of the public, for a period of at least 72 hours prior to the time set for holding any regular meeting and at least 24 hours prior to the time set for holding any special meeting of the Commission.

V. *APPLICATION OF THE RULES OF ORDER*

- A. General Meeting Conduct - A public hearing is an official civil proceeding where there is an opportunity for all voices, points of view, opinions to be heard. All meetings shall be conducted in a courteous, professional, and efficient manner and all persons in attendance shall comport themselves in a manner befitting the proceedings.
  - i. The Planning Commission understands the sensitivity of hearing development projects that could impact the surrounding neighborhood, your property or way of life and the subject property. To ensure these public conversations are valued it is inappropriate to cheer, boo, talk, applaud, or interrupt in any way.
  - ii. Members of the public are not expected to agree on all issues but must make an effort to respect the process so that all viewpoints are heard.
  - iii. All comments should be addressed to the Chairperson. Questioning and arguing between individuals in the audience is not only inappropriate but is not an effective way to make a case to support your views on an issue.
  - iv. The Planning Commission adopted Guidelines for Planning Commission Hearings are hereby incorporated into these Protocols.
- B. Quasi-Judicial Proceedings – Quasi-judicial proceedings are those proceedings in which the Commission is required to make findings based on the evidentiary record as to the decision. In quasi-judicial proceedings, the Commission sits as the judge and jury, and is required to make findings based on the evidence and records presented. Examples of quasi-judicial proceedings heard by the Commission include, but are not necessarily limited to, discretionary permits and appeals of staff and/or Planning Commission decisions.
  - i. Identification on Agenda – To facilitate identification of quasi-judicial matters, quasi-judicial proceedings will be identified as such on the Commission agenda.

- ii. Ex Parte Communications – An ex parte communication is a communication made by a Commissioner outside the Council Chambers.
- iii. Rules of Evidence - Hearings and meetings before the City Planning Commission need not be conducted according to formal rules of evidence. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to relying on, in the conduct of serious affairs. The Chairperson may exclude irrelevant or redundant testimony and may make such other rulings as may be necessary for the orderly conduct of the proceedings while ensuring basic fairness and full consideration to the issues involved. Evidentiary objections shall be deemed waived unless made in a timely fashion before the Planning Commission.
- iv. Burden of Proof - The burden of proof of all legal prerequisites to the granting of the relief or action sought shall be upon the party requesting such relief or action.

## VI. *THE ORDER OF BUSINESS*

- A. The Chair shall call the Commission to order at the hour appointed for the meeting and the public shall be advised of the procedures to be followed in the meeting.
- B. Each Members shall acknowledge their present, absence, or excused and be recorded as part of the record.
- C. Under Public Communication, the public will have an opportunity to speak on any matter not listed on the agenda (Government Code Section 54954.2).
- D. The agenda shall be approved as submitted or revised. If a new matter not listed on the agenda requires Commission action, it shall be either:
  - i. Added to the Agenda for the meeting at which it was brought up by a member of the public only if the Commission determines by a two-thirds vote (or if less than two-thirds of the members are present, then by a unanimous vote of the members present) that the need to take urgent action arose after the Agenda was posted and the Commission believes it is necessary to take action immediately; or
  - ii. The item shall be referred to staff for investigation and placement on a future Agenda without any action.
- E. The minutes of any preceding meeting shall be considered for approval.
- F. The Commission shall then hear and act upon those proposals scheduled for consideration or public hearing, together with such other matters of business that require Commission consideration. The agenda shall then contain the following

items;

- i. Consent items are considered to be routine in nature.
  - ii. Old Business contains items previously were previously before the Commission and requiring additional consideration.
  - iii. New Business contains items presented to the Commission for the first time.
- G. Each Planning Commissioner shall the have an opportunity to report briefly on recent activities and events, as well as, make requests of staff for specific issues to come back on a future agenda for consideration and possible action.
- H. The Secretary and Development Services staff also have an opportunity to report recent and forth coming activities and events.
- I. Adjournment

## VII. *PROCEDURE FOR PUBLIC HEARING*

- A. Project introduction by the Chair of the Planning Commission.
- B. This is followed by Planning Commissioner(s) disclosing any contact and/or nature of conversation with the project proponent and/or member of the public related to the specifics of the project being heard by the Commission.
- i. Recusal - If a Commissioner intends to recuse himself/herself from the proceeding and voting on a matter, that Commissioner shall announce his/her intention to do so prior to the discussion of the matter and shall not participate in the discussion or vote on the matter.  
  
A Commissioner who wishes to recuse himself/herself from voting on an item which is on the Consent Agenda may do so before the vote is taken on the Consent Agenda and without removing the item from the Consent Agenda. When a Planning Commissioner has recused himself/herself from voting on an item on the Consent Agenda, the Commissioner may vote on the remaining items on the Consent Agenda.
  - ii. Disclosures - A Commissioner who has a personal interest in a particular matter to be voted on shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the Commissioner's vote on the measure.
- C. Staff Presentation – Typically 10-15 minutes in length. The Planning Commission may grant additional time based upon the complexity of the project.



- i. Followed by questions from Planning Commissioners.
- D. Applicant – 5 minutes in length.
  - i. An applicant is not required to prepare and deliver a presentation.
  - ii. The Planning Commission may grant additional time based upon the complexity of the project.
  - iii. Followed by questions from Planning Commissioners.
- E. Public Testimony – 3 minutes per speaker, unless otherwise noted.
- F. Applicant's opportunity to respond to comments and questions.
- G. Staff responds to statements, issues and/or questions raised by the applicant or public.
- H. The Chairperson will close the public hearing and the Commission will begin their deliberations on the matter before them. Commissioners will deliberate and render a decision to either approve or deny the project based upon regulatory Findings, or to continue the item to a future meeting.

#### VIII. *MOTION(S)*

- A. The Chairperson may entertain (or make) an action motion at any point during Commission discussion and deliberation of the matter. Discussion should enable each Commission member to state his/her position including specific reasons for the position taken, such as what factors were taken into account, which lead the Commissioner to their conclusion.
- B. A motion should precisely state the action it proposes and detail the justification for the action, including all formal findings as may be required for the action.
- C. Any Commissioner, including the Chairperson shall have the discretion to make and second a motion, followed by debate and deliberation.

#### IX. *VOTING*

- A. Voting Requirements
  - i. A quorum shall consist of three (3) members (a majority).
  - ii. In order to cast a vote on a particular agenda item, a member must be present for the entirety of the proceeding on that matter, prior to voting on the item.

- iii. Certain votes of the Commission will require a majority vote of the entire Commission to carry.
- iv. If a member abstains from voting, except when abstaining due to a conflict of interest, he/she is counted as present for quorum purposes, but, is not deemed to be “voting” for purposes of determining whether there has been a “majority vote of those members present and voting.” If the member abstains due to a conflict of interest, the member will not be counted toward making a quorum and will not be deemed to be “voting” for purpose of determining whether there has been a “majority vote of those members present and voting.”

- B. Voting Order - When votes are cast by voice, the Chair shall vote last.
- C. Recording of Votes - The minutes of the Commission's proceeding shall show the vote of each member, including if they were absent or failed to vote, on any matter considered.
- D. Disqualification from Voting - In case of a potential, or appearance of a conflict of interest, that member should announce the fact prior to the consideration of such matter by the Commission. Disqualification from voting shall be announced and the member shall then leave the meeting room and refrain from any official Commission discussion or action on the matter.

## X. *ETHICS*

- A. All members of the Planning Commission are duty-bound to:
  - i. Uphold the sworn oath taken when appointed to serve.
  - ii. Fully comply with all applicable federal, state, and local statutes regarding disclosure of assets, open meeting practices, and other ethics-based requirements.
  - iii. Act in good faith and conscience using professional expertise, personal experience, and common sense based upon the best available information, observation, and testimony and within established legal limits and authority. In recognition of the ever-increasing cultural diversity amongst the members of our community and the changes reflected in the composition of our neighborhoods, the Commission acknowledges the uniqueness of each individual and supports human dignity.



### Guidelines for Planning Commission Hearings

The Planning Commission is a five (5) member voluntary Commission appointed by the City Council. Planning Commission members do not represent specific geographic areas of the City or specific disciplines. However, the Commission usually includes members from various neighborhoods, with diverse backgrounds. While the Planning Commissioners bring a variety of experience to their roles, they all have a common interest in the public planning process and a love for our community.

### Planning Commission's Role:

For certain land use matters that relate to the City of South Lake Tahoe General Plan implementation and approval of certain land use projects, the Planning Commission is the final decision maker. When making a decision on a project the Planning Commission will rely on the regulatory standards, the professional opinion and recommendation of staff and public testimony. In all other matters, the Planning Commission serves as an advisory body that makes recommendations to the City Council. The City Council, at a subsequent public hearing will make a final (binding) determination.

### Development Services Staff's Role:

During a public hearing, the staff will present the proposed project and associated findings as to whether a proposal meets the requirements of all land use Codes and any other applicable regulations. In making this determination, all of the information submitted in the application is reviewed along with the appropriate level of environmental review. In completing this work, the staff is impartial and objective when analyzing the project against all legal requirements.

### Overview of the Public Hearing Process:

1. Project introduction by the Chair of the Planning Commission.
2. This is followed by Planning Commissioner(s) disclosing any contact and/or nature of conversation with the project proponent and/or member of the public related to the specifics of the project being heard by the Planning Commission.
3. Staff Presentation – Typically 10-15 minutes in length. The Planning Commission may grant additional time based upon the complexity of the project.
  - Followed by questions from Planning Commissioners.
4. Applicant – 5 minutes in length.
  - An applicant is not required to prepare and deliver a presentation.
  - The Planning Commission may grant additional time based upon the complexity of the project.
  - Followed by questions from Planning Commissioners.
5. Public Testimony – 3 minutes per speaker, unless otherwise noted.
6. Applicant's opportunity to respond to comments and questions.
7. Staff responds to statements, issues and/or questions raised by the applicant or public.
8. The Chairperson will close the public hearing.
9. Commissioners' will deliberate and render a decision to either approve or deny the project based upon regulatory Findings, or to continue the item to a future meeting.

### Applicant Presentations

An applicant may make a presentation before the Planning Commission, however is not required. An applicant presentations should be no longer than 5 minutes in length. The Secretary will notify the applicant of this time limitation while in front of the Planning Commission.

### Public Hearing

#### 1. *Addressing the Commission*

- Members of the public are welcome to address the Commission when the presiding officer asks for public testimony. In most hearings there is a sign-up sheet for the public prior to the start of the hearing. The Commission will hear from those on the sign-up sheet first and then from others who wish to speak.
- Comments are generally limited to three minutes.
- Speakers who represent a bona fide community organization and are speaking on behalf of the organization will be allowed up to 5 minutes.
- The presentations will be timed so that the speaker knows when time is running out.

#### 2. *Before the Hearing*

- If you have any question about any agenda item prior to the hearing, please feel free to contact the Development Services Department.
- Plan your presentation. If you have handouts or a long document, you can save time by making it available to the Development Services Department prior to the hearing (See Below).
- Determine if others will be addressing the same issue. If so, please try to coordinate your presentation before the hearing to avoid duplication.

#### 3. *At the Hearing*

- Whenever possible, sign the speaker sign-in sheet at the entrance to the Chambers.
- Be present at the start of the hearing. Presentations by staff may answer some of your questions.
- Everyone present usually will have an opportunity to speak, but sometimes, because of large turnouts, this is not possible. Of course, there is no requirement to speak. If you prefer, you may choose only to observe the process.
- When you are called to the podium, please give your name for the record. For example: "I'm John Doppler,..." If you are officially representing a group such as the Audubon Society, Chamber of Commerce, homeowner's association, or others, please state that for the record as well.
- For the sake of efficiency, you may want to make a statement such as "I agree with the previous speaker(s)" and then elaborate on any new or additional information you want to provide.
- Another time-saving measure is to mention that you represent others, and then ask everyone in your group to so indicate by raising their hand.
- Since the official record is the audio recording of the hearing, please ensure that you are adequately heard by adjusting the microphone to your height and speak directly into it.
- Speakers should refrain from reading long documents, which may be submitted in advance and made a part of the public record. Any documents provided during the hearing also become part of the public record.

4. *Decorum*

- The Planning Commission understands the sensitivity of hearing development projects that could impact the surrounding neighborhood, your property or way of life and the subject property. A public hearing is an official civil proceeding where there is an opportunity for all voices, points of view, opinions to be heard. To ensure these public conversations are valued it is inappropriate to cheer, boo, talk, applaud, or interrupt in any way.
- Members of the public are not expected to agree on all issues but must make an effort to respect the process so that all viewpoints are heard.
- All comments should be addressed to the Chair. Questioning and arguing between individuals in the audience is not only inappropriate but is not an effective way to make a case to support your views on an issue.

5. *Submitting Materials to the Planning Commission*

- Unless otherwise required by law, prior to a Planning Commission meeting or hearing, no document shall be accepted for Planning Commission review unless they are first submitted to the Planning Commission Clerk by the close of business two days prior to said Planning Commission Meeting. The Planning Commission may accept documents during the hearing, if there is consensus of the Planning Commission.
- Please remember that any reports, maps, photos, or other information you provide during the public hearing become part of the administrative record.
- We request that 8-1/2 x 11" copies of oversized materials be provided for filing and storage. Oversized materials that cannot be placed within the file may become damaged and are at risk of losing their association with the file.

