

MARIN COUNTY PLANNING COMMISSION BYLAWS

ARTICLE I: NAME

This organization shall be called the "Marin County Planning Commission" ("Commission"), existing by virtue of Title 20, Chapter 20.04 of the Marin County Code, as established by the Board of Supervisors of the County of Marin. (Ordinance 3508, 2008)

ARTICLE II: DUTIES AND AUTHORITY

The Commission shall perform the duties and functions prescribed by the State Planning law and the Marin County Code. The Commission's authority shall derive from the provisions of Title 22, Section 22.110.050.B of the Marin County Code, as established by the Board of Supervisors of the County of Marin. (Ordinance 3508, 2008)

ARTICLE III: MEMBERSHIP AND TERMS OF OFFICE

1. The members of the Commission shall be known as "Planning Commissioners" ("Commissioners"). The membership and terms of office for the Commissioners are determined by Title 22, Section 22.110.050.A of the Marin County Code, as established by the Board of Supervisors of the County of Marin. (Ordinance 3508, 2008) A resignation by a Commissioner shall be in writing and filed with the Clerk of the Board of Supervisors with a copy to the Director of the Community Development Agency.
2. The term of office for each Commissioner shall commence on February 1 and end on January 31 or when a successor is appointed, whichever occurs later. The terms for all incumbent Commissioners as of the date of adoption of these bylaws shall be shortened by five months such that those terms scheduled to expire on July 1, 2009 shall now expire on January 31, 2009 and those terms scheduled to expire on July 1, 2011 shall now expire on January 31, 2011.

ARTICLE IV: MEETINGS

1. General

All meetings of the Commission shall be open to the public and the public shall be notified as provided for by law. The meetings shall be conducted in accordance with the provisions of the Ralph M. Brown Act. Written minutes of each meeting shall be prepared, submitted to the Commission for acceptance and approval, and maintained by the Commission Secretary. The minutes shall include, as applicable: a) the type of meeting (regular or special); b) date and place of meeting; c) list of meeting attendees, including Commissioners, staff members, and members of the public who testify before the Commission and choose to identify themselves for the record; d) a record of acceptance and approval of minutes from previous meeting(s); e) a summary of each agenda item, including recommendations and merit comments, approved by the Commission; f) a record of all of the actions taken, both formal actions and straw votes, with a record of how the Commissioners voted; and g) the start and adjournment times of the meeting.

2. Meeting Frequency

Regular meetings shall be held on the second and fourth Monday of each month, unless otherwise determined by the Commission. The meeting time shall be as noticed on the Agenda. The Commission shall adopt annually its proposed meeting schedule.

3. Meeting Time and Place

Meetings shall be held in the Planning Commission chambers at the Marin County Civic Center, unless properly noticed for a different location.

4. Special Meetings

Special meetings of the Commission may be called in conformance with the Ralph M. Brown Act.

5. Site Visit Special Meetings

Meetings of the Commission conducted as site visits may be called and conducted as Regular or Special Meetings in accordance with the Commission's Site Visits Policy.

6. Attendance

In the event a Commissioner fails for any reason to attend three regular meetings of the Commission in succession, the Director of the Community Development Agency shall notify the Board of Supervisors of the Commissioner's absences.

7. Quorum

A majority of the full membership of the Commission (4 Commissioners) shall constitute a quorum for the transaction of business and the adoption of action items.

8. Conduct of Meetings

The Chair of the Commission shall conduct the meetings. Roberts Rules of Order are hereby adopted for the conduct of the Commission's meetings in all cases not otherwise governed by State or Federal law, County ordinance, or these bylaws; however, the final decision on matters not addressed in these bylaws shall be made by the Chair. In the Chair's absence, the Vice Chair shall assume the role of the Chair. In the absence of both the Chair and the Vice Chair, the Commissioner in attendance who most recently served as Chair shall assume the role of the Chair.

9. Voting

Four (4) affirmative votes from the Planning Commission membership must be cast for the following actions:

- a. Adoption of a recommendation to adopt or amend a general, community, or specific plan;
- b. Adoption of a recommendation on zoning text or zoning district amendment;
- c. Reversal or modification of a previous decision of the Director of the Community Development Agency or of a Hearing Officer in the case of a Development Code or Subdivision Code matter.

For any other action, a majority of the Commissioners voting (for a minimum of three (3) affirmative votes) is required. Failure to obtain a majority vote to approve an action shall be deemed a denial of the action; however, failure to reach a majority vote to deny any matter shall not constitute approval.

10. Reconsideration

A decision of the Commission may be reconsidered at a subsequent, publicly-noticed meeting only if a motion to reconsider is made by a Commissioner who voted in the majority on the original decision and is approved by a majority vote of those Commissioners present at: (1) the same meeting at which the matter was decided; or (2) the subsequent meeting at the time the minutes and resolution reflecting the action taken at the original meeting are considered for

ratification. If a majority of the Commission decides to reconsider an action, a new public notice shall be distributed. Nothing in this section shall be construed as to waive the requirements of the Permit Streamlining Act.

ARTICLE V: OFFICERS

1. Officers

The officers shall be a Chair and a Vice-Chair. The Director of the Community Development Agency, or a person designated by the Director, shall serve as the Commission's Secretary.

2. Election and Term of Office

The Chair and Vice-Chair shall serve for one year or at the pleasure of the Commission. The Commission shall select officers at the first meeting after February 1 of each year and the officers shall serve until new officers are selected.

ARTICLE VI: ADOPTION AND AMENDMENT OF BYLAWS

1. Adoption

These bylaws shall be adopted by a majority vote of the full membership of the Commission.

2. Amendment

These bylaws may be amended by a majority vote of the full membership of the Commission.

3. Notice

Written notice of proposed adoption of these bylaws or of any proposed amendment to these bylaws shall be provided to all Commissioners at least ten (10) calendar days prior to the meeting at which such action is proposed to be taken and shall be notified and agendized as provided for in law.

4. Effective Date of Adoption or Amendment

These bylaws and any amendment to these bylaws shall take effect and become binding upon review by County Counsel and immediately upon subsequent ratification by the Board of Supervisors.

ADOPTED BY COMMISSION: October 27, 2008

RATIFIED BY BOARD OF SUPERVISORS: December 9, 2008

Extracts from Marin County Code:

20.04.010 Planning commission established.

There is established a planning commission for the county of Marin. (Ord. 2731 § 1 (part), 1982: Ord. 2163 § 1 (part), 1975)

20.04.020 Membership and terms.

The planning commission shall consist of seven members, appointed by the board of supervisors. Five members of the commission shall be representative of the five supervisorial districts. Each supervisor may nominate one member for appointment by the board of supervisors. The remaining two members shall be appointed and serve at large. All vacancies shall be filled for the unexpired term in the same manner. The terms of district members shall be four years and of at large members shall be for two years; however, members may be removed at any time during their term by a majority vote of the board of supervisors. (Ord. 2731 § 1 (part), 1982: Ord. 2163 § 1 (part), 1975)

20.04.030 Powers and duties.

The planning commission shall have the powers and duties prescribed and also those powers and duties enumerated in this title. (Ord. 2731 § 1 (part), 1982: Ord. 2163 § 1 (part), 1975)

22.110.050 Planning Commission.

A. Appointment. The Commission shall consist of seven members appointed by the Board. Five commissioners shall be representative of the five supervisorial districts. Each Board member may nominate one commissioner for appointment by the Board. The remaining two commissioners shall be appointed and serve at-large.

The terms of the five district commissioners shall be four years and the two at large commissioners shall be two years. Commissioners may be removed at any time during their term by a majority vote of the Board. All vacancies shall be filled for the unexpired term in the same manner as the original appointment.

B. Duties and authority. The Commission shall perform the duties and functions prescribed in this Development Code, and recommend to the Board for final determinations on Master Plan applications, Development Code Amendments, Zoning Map Amendments, Countywide Plan Amendments, environmental documents, and other applicable policy or ordinance matters related to the County's planning process.

C. Meeting Rules. The Commission shall conduct and operate its meetings in accord with adopted procedures.

(Ord. 3380 Exh. B (part), 2003)