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PASO ROBLES PLANNING COMMISSION

BYLAWS

ARTICLE 1 – THE COMMITTEE

Section 1: Name of Committee

The name of the Committee shall be the Paso Robles “Planning Commission” hereinafter referred to as the “Committee”.

Section 2: Purpose

The Committee shall serve at the pleasure of the City Council as a means to aid the City Council in gathering public input by providing a forum through which private citizens may advise the City Council of the City of Paso Robles (“Agency”) on matters relating to development in the City of Paso Robles. In order to accomplish that purpose, the Committee may consult with and advise the Agency on those matters which deal with:

- a. All duties, hearings, decisions and appeals specified and provided for in Paso Robles Municipal Code Section 2.20.070, Title 7 of the California Government Code (Planning and Zoning Law), the City’s General Plan, and as otherwise provided by local and State law; and
- b. To consider, formulate and propose recommendations to the Agency designed to provide for, regulate and consider future growth, development and beautification of the City in order to secure to the City and its inhabitants a comprehensive plan for the most economic, healthful and harmonious growth and development of the City; and
- c. Other duties and powers that may be assigned by the Agency; and
- d. To make, in its advisory capacity, any and all recommendations to the Agency relating to any of the above matters, including changes or amendments to any City-adopted policies and ordinances relating to planning and zoning. The Committee shall be and remain established following the adoption of these Bylaws unless otherwise abolished by an affirmative vote of the majority of the City Council.

Section 3: Membership

Committee members are appointed by and serve at the pleasure of the City Council.

- a. Total Membership - Total membership of the Committee shall be 7 members that meets any of the qualifications identified in paragraph (b) below.
- b. Membership Categories and Qualifications.

To be eligible for membership on the Committee, a person must be one of the following:

- (1) Resident: To qualify under this category, the person must either own or occupy a residential dwelling located within the City
- (2) Business Owner: To qualify under this category, the person or the legal entity that the person represents, must present satisfactory evidence of ownership and operation of a business within the City.

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- (3) Representative of Existing Community Organization: To qualify under this category, the person must be appointed to serve as a representative member by an existing nonprofit corporation or association of persons and/or entities which has its headquarters or a site office within the City or has a substantial number of constituents who are persons and/or entities who reside or conduct business in the City formed for the purpose of serving the community and generally recognized by persons within the City as a Paso Robles community organization.
 - (4) Other: Non-residents may be considered/appointed so long as a majority of the Advisory Body are residents as provided in Section 3.b.1-3 above.
- c. Open Membership. Criteria and selection for membership shall not discriminate based upon sex, race, religion, creed, color, age, national or ethnic origin, or any other classification protected by law or classification protected by any local codified or adopted policy.
- d. City. The Agency shall ensure, to the extent possible, that at least a majority of the Committee members are residents of the City.
- e. Term Of Appointment.
 - (1) A member's regular term of appointment shall be 3 years.
 - (2) No person shall be eligible for appointment for more than 3 consecutive 3-year terms, exclusive of prior appointment to fill an unexpired term of office.
 - (3) Persons who have served 3 full consecutive terms may be reappointed following a one-term absence.
- f. Membership on only One Committee. Appointees shall serve on only one City Council Advisory Body/Commission at any one time. This exception is limited to dual service on the Planning Commission and the Housing Constraints and Opportunities Committee (HCOC) only. Committee members acknowledge that serving on additional multiple Advisory Body Commissions may lead to forfeiture under the incompatibility of office doctrine.
- g. Member Code of Ethics. Committee members shall adhere to the City Council's Code of Ethics (Appendix A) and any binding authority that controls, including State law and Fair Political Practices Commission regulations. In addition, Committee members are to act for the long-term benefit of the community as a whole, not for personal benefit or the benefit of an organization or group they may belong to or that nominated them. In addition, Committee members will complete AB 1234 Ethics training within 3 months of appointment to the Committee.

Section 4: Conflict of Interest

Committee members shall refrain from using their position to unduly influence the deliberations or decisions of the City Council or other City commission, board, or committee and shall act in accordance with any binding authority that controls, including State law and Fair Political Practices Commission regulations. Committee members should reach out to the City Attorney's Office with questions regarding compliance with this section.

- a. No member shall participate in any decision which directly or indirectly affects his or her property or economic interests in a manner which is distinguishable from the effect on the City as a whole or his or her interests in common with others similarly situated.

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- b. Committee members shall not engage in any *ex parte*¹ communication with any member of the City Council, commission, board or committee regarding any quasi-judicial² matter pending, or reasonably expected to come, before such a body.

Section 5: Termination of Membership.

Membership in the Committee shall terminate in accordance with Section 6 of this Article if:

- a. The member is not , or will no longer be, a member of that membership category from and for which he or she was elected or appointed; or
- b. The member has acted in violation of Section 9 of Article III of these Bylaws; or
- c. The member has served 3 consecutive full terms; or
- d. The member has acted in violation of the City Council's adopted Code of Ethics (Appendix A), any other applicable adopted City policy or State law, or for similar cause.

Section 6: Removal of Members.

A member may be removed by an affirmative vote of a majority of the City Council, if, after a hearing, it is found and determined that any one of the grounds for termination specified in Section 5 of Article I exists.

Section 7: Resignation

Any Committee member may resign at any time by giving written notice to the Chairperson of the Committee, who shall forward such notice to the remaining members of the Committee and the Agency. Any such resignation will take effect upon receipt or upon a date specified therein. The acceptance of such resignation shall not be necessary to make it effective.

Section 8: Filling of Vacancies

In the event of a vacancy on the Committee, the City Council shall select an individual to fill such vacancy as soon as reasonably practicable. New members shall meet the qualifications set forth in Section 3.b of Article I.

Section 9: Remuneration

Members of the Committee shall serve without pay except for reimbursement for travel expenses to meetings outside of the City, if any.

¹ *Ex parte communication* is any oral or written communication that is intended, or is reasonably calculated, to influence decisions.

² *Quasi-judicial matter* is the appeal of any employee discipline or grievance, or a proceeding to approve or revoke any license, permit or project..

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ARTICLE II - OFFICERS

Section 1: Officers

The officers of the Committee shall consist of a Chairperson and a Vice Chairperson, who shall be elected in the manner set forth in Section 6 of this Article II.

Section 2: Chairperson

The Chairperson shall preside at all meetings of the Committee, and may submit such agenda, recommendations, and information at such meetings as are reasonable and proper for the conduct of the business affairs and policies of the Committee. The Chairperson may sign documents necessary to carry out the business of the Committee.

Section 3: Vice-Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson. In the event of the death, resignation, or removal of the Chairperson, the Vice Chairperson shall assume the Chairperson's duties until such time as the Committee shall elect a new Chairperson.

Section 4: Secretary

The Zoning Administrator or designee shall be the Secretary of the Committee. The Secretary shall be responsible for noticing meetings, creating the agenda, and keeping the minutes and other official records.

Section 5: Additional Duties

The officers of the Committee shall perform such other duties and functions as may from time to time be required by the Committee, these Bylaws, or other rules and regulations, or which duties and functions are incidental to the office held by such officers.

Section 6: Election

The Chairperson and Vice Chairperson shall initially be elected from among the members of the Committee at the Committee's first regular meeting. Thereafter, the Chairperson and Vice Chairperson shall be elected annually from among the members of the Committee. Officers of the Committee shall hold office until their successors are elected and in office. An officer may be re-elected to the same position and serve consecutive terms, but no person may serve more than 3 consecutive terms in the same officer role.

Section 7: Removal of Officers

Upon an affirmative vote by a majority of the members of the Committee present at a regular or special meeting of the Committee at which a quorum is present, the Chairperson or Vice Chairperson may be removed from office, and a successor shall be elected pursuant to Section 8 of this Article II.

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Section 8: Vacancies

Should the offices of the Chairperson or Vice Chairperson become vacant, the Committee shall elect a successor from among the Committee members at the next regular or special meeting, and such office shall be held for the unexpired term of said office.

ARTICLE III - MEETINGS

Section 1: Regular Meetings

The Committee shall meet regularly on the 2nd and 4th Tuesday of each month, at the hour of 6:30 PM, at the Library Conference Center/Council Chamber located at 1000 Spring Street, Paso Robles, CA *(either in person or virtually, depending on any public health restrictions resulting from a pandemic or other event, consistent with State law)*. A notice, agenda, and other necessary documents shall be delivered to the members by email and with a link posted on the City's website at least 72 hours prior to any regular meeting.

Section 2: Special Meetings

Special meetings may be held upon call of the Chairperson or Secretary, or an affirmative vote by a majority of the members of the Committee present at a regular or special meeting of the Committee at which a quorum is present, for the purpose of transacting any business designated in the call, after notification of all members by written notice personally delivered or by email at least 24 hours before the time specified in the notice for a special meeting. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Secretary a written waiver of notice or as to any member who is actually present at the meeting at the time it convenes. At such special meeting, no business other than that designated in the notice shall be considered.

Section 3: Adjourned Meetings

Any meeting of the Committee may be adjourned to another meeting date, time, and place without the need for notice requirements of a special meeting, provided the adjournment adheres to the Ralph M. Brown Act (Government Code Section 54950 et seq.), and indicates the date, time, and place of the adjourned meeting. Committee members absent from the meeting at which the adjournment decision is made shall be notified by staff of the adjourned meeting.

Section 4: All Meetings to be Open and Public

All meetings of the Committee shall be open to the public and conducted in accordance with the Ralph M. Brown Act, whether held in person at a location accessible to the public located in Paso Robles or through authorized teleconferencing methods as permitted by law. All persons shall be permitted to attend except as otherwise provided by law.

Section 5: Posting Agendas/Notices

The Secretary or designee shall post an agenda for each regular Committee meeting or a notice for each special Committee meeting containing the time and location of the meeting together with a brief description of each item of business to be transacted or discussed at the meeting consistent with State law. Agendas/notices shall be posted outdoors at the Paso Robles City Library at least 72 hours in advance

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of each regular meeting and at least 24 hours in advance of each special meeting. The Secretary or designee shall maintain a record of such posting.

Section 6: Right of Public to Appear and Speak

At every regular meeting, members of the public shall have an opportunity to address the Committee on any matter within the Committee's subject matter jurisdiction. Public input and comment on matters on the agenda, as well as public input and comment on matters not otherwise on the agenda, shall be made during the time set aside for public comment; provided, however, that the Chairperson may direct that public input and comment on matters on the agenda be heard when the matter regularly comes up on the agenda. The Chairperson, with the consent of the Committee, and consistent with any Committee policies or guidelines, may limit the total amount of time allocated for public discussion, applied uniformly to each individual speaker. At every special meeting, members of the public shall have an opportunity to address the Committee only on a matter agendaized for that special meeting.

Section 7: Non-Agenda Items

Matters brought before the Committee at a regular meeting that had not been placed on the agenda of the meeting shall not be acted upon by at that meeting unless action on such matters is permissible pursuant to the Ralph M. Brown Act (Government Code Section 54950 et seq.). Those non-agenda items brought before the Committee that the Committee determines will require consideration and action, and where action at that meeting is not so authorized, may be placed on the agenda for a future meeting at the discretion of the Committee, once a City staff report concerning the matter is prepared.

Section 8: Quorum

The powers of the Committee shall be vested in the members thereof. Four (4) members (a majority) then in office shall constitute a quorum for the purpose of conducting the Committee's business, exercising its powers, and for all other purposes, but less than that number may adjourn the meeting until a quorum is obtained. An affirmative vote by a majority of the members of the Committee present at a regular or special meeting of the Committee at which a quorum is present shall be required for approval of any questions brought before the Committee.

Section 9: Absences

Members shall notify the Secretary or Chairperson in advance of a meeting if they will not be able to attend. If a member shall be absent without the consent of the Committee from 3 meetings, whether regular or special, within 6 consecutive calendar months, such absence shall result in the termination of the membership of the absenting member. A member's absence shall be excused if, prior to the meeting from which said member will be absent, said member notifies the Chairperson of his or her intent to be absent and the reasons therefore; provided, however, that a member shall be entitled to only 2 excused absences within 12 consecutive calendar months. At each meeting, after the roll has been called, the Chairperson shall report to the Committee the name of any member who has so notified him or her of his or her intent to be absent.

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Section 10: Method and Order of Business

All business and matters before the Committee shall be transacted in conformance with the City Council's established practice.

Section 11: Action Minutes

Minutes of the Committee shall be prepared in writing by the Secretary and approved by the Committee at the next regular meeting. The approved minutes of the Committee documenting the Committee's actions shall be forwarded to the City Council following each meeting. The approved minutes of each meeting shall be made available on the City's website and shall be filed in the official book of minutes of the Committee.

Section 12: Reports and Recommendations to City Council.

Reports or recommendations of the Committee to the City Council, to the extent contemplated by the Committee's purpose and responsibilities, shall be prepared in writing by Secretary following every regular meeting and presented to the City Council during a public meeting once the Secretary or designee has prepared a report identifying key facts, options, analysis of the options, fiscal impact, and recommendations, and the report has been reviewed by the City Manager. Reports may also be prepared following a special meeting, at the request of the Committee.

The Chairperson or designee, at the direction of a majority of the Committee present at a meeting at which a quorum is present, may also make verbal reports to the City Council on any issue within the Committee's purview. The verbal report may be agendaized as a presentation item by the Secretary, the Chairperson, or designee or may be a brief verbal report as part of the general public comment portion of the City Council meeting.

ARTICLE IV - REPRESENTATION BEFORE PUBLIC BODIES OTHER THAN THE CITY COUNCIL

The Chairperson or designee may make official representations on behalf of the Committee before public bodies other than the City Council at the direction of the Committee and with the affirmative vote of a majority of the City Council.

Nothing in this article shall limit the ability of members of the Committee to speak before the City Council or any other public body as an individual, provided the member states he or she is not representing or speaking on behalf of the Committee.

ARTICLE V – SUB-COMMITTEES

The Committee may establish any standing and/or special sub-committees consistent with State law it deems necessary consistent with, and to fulfill, its stated purpose as established in Section 2 of Article I of these Bylaws.

ARTICLE VI - AMENDMENTS

These Bylaws may be amended upon an affirmative vote by a majority of the City Council.

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APPENDIX A

CODE OF ETHICS

PREAMBLE

The residents and businesses of Paso Robles are entitled to have fair, ethical and accountable local government. Such a government requires that:

- ▶ Public officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- ▶ Public officials be independent, impartial and fair in their judgment and actions;
- ▶ Public office be used for the public good, not for personal gain; and
- ▶ Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Paso Robles City Council has adopted this Code of Ethics to encourage public confidence in the integrity of local government and its operation.

PUBLIC INTEREST

Advisory Body Members will work for the common good of the people of Paso Robles and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in a fair and equitable manner.

Advisory Body Members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties.

CONDUCT

Advisory Body Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of others.

Advisory Body Members shall perform their duties in accordance with the processes and rules of order established by the City Council.

Advisory Body Members shall inform themselves on public issues; listen attentively to public discussions before the body; and focus on the business at hand.

Advisory Body Members shall base their decisions on the merits and substance of the matter at hand.

Advisory Body Members shall publicly share substantive information that is relevant to a matter under consideration that they may have received from sources

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outside of the public decision-making process.

CONFLICT OF INTEREST³

Advisory Body Members shall not use their official positions to influence government decisions in which they have a financial interest, or where they have an organizational responsibility or personal relationship that would present a conflict of interest under applicable State law.

In accordance with the law, members shall file written disclosures of their economic interests and, if they have a conflict of interest regarding a particular decision, refrain from participating in that decision, unless otherwise permitted by law.

Advisory Body Members shall not take advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general. They shall refrain from accepting gifts, favors or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.

Advisory Body Members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

Advisory Body Members shall not use public resources not available to the public for private gain or personal purposes.

Advisory Body Members shall not appear on behalf of the private interests of third parties before the City Council or any board, commission, committee or proceeding of the City.

Advisory Body Members shall represent the official policies and positions of the City Council to the best of their ability. When presenting their personal opinions and positions, members shall explicitly state they do not represent the Council or the City.

³ State laws governing conflicts of interest are written to ensure that actions are taken in the public interest. These laws are very complex. Councilmembers should consult with the City Attorney or the Fair Political Practices Commission for guidance in advance.

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Advisory Body Members shall refrain from using their position to unduly influence the deliberations or decisions of City commissions, boards or committees.

POLICY ROLE

Advisory Body Members shall respect and adhere to the Council-Manager structure of Paso Robles City government as provided in State law and the Municipal Code.

Advisory Body Members shall support the maintenance of a positive and constructive environment for residents, businesses, and City employees.

COMPLIANCE & ENFORCEMENT

Advisory Body Members themselves are primarily responsible for assuring they understand and meet the ethical standards set forth herein.

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