

THE BYLAWS OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA

1. MEETINGS

- a. The Planning Commission shall meet monthly on the second and fourth Monday at 5:30 p.m. at the City Council Chamber, 22 Civic Center Plaza, Santa Ana, California. In the event any regular meeting falls on a holiday, the regular meeting shall be held the next business day at the same hour prescribed hereinabove. A regular meeting may be adjourned to a time and place designated by the Chairperson.
- b. Matters requiring special study may be agendaized by city staff or continued to a Special Study Meeting upon a vote of the Commission.
- c. The Chairperson is empowered to re-organize the agenda order at his/her discretion.
- d. As to each matter before the Commission, the Chairperson shall state the matter before the Commission. Staff shall present the staff report and recommendation. The Planning Commission Secretary shall inform the Commission of any correspondence received related to the subject matter.
- e. Any decision or ruling of the Chairperson (including discretionary rulings) may be appealed by request of any member (at any time). The Chairperson shall ask for a roll call vote of the Commission to determine if the decision of the Chairperson shall be upheld. If the roll call vote loses, the Chairperson is reversed.

2. QUORUM

A majority of the Commission shall constitute a quorum for the action of business.

3. CONDUCT OF PUBLIC HEARINGS

- a. The Chairperson will open the public hearing, recognize all parties speaking in favor of, or opposed to, the matter, then recognize the applicant.

- b. No person, other than the applicant or the applicant's designee, addressing the Commission shall speak more than three minutes, unless so authorized by the Chairperson.
- c. Once recognized by the Chairperson, any Commissioner may speak and may be limited by the Chairperson until all other Commissioners have had an opportunity to speak.
- d. During the public hearing, any Commissioner may ask unlimited questions of the staff, the applicant or any member of the public who has spoken before the Commission after being recognized by the Chairperson.
- e. The Chairperson may, at his/her discretion, encourage the proponents and opponents of any matter to organize into spokesperson groups in the interest of expediency and to avoid repetition. However, no person desiring to speak shall be denied the right to do so.
- f. Closing the public hearing:
 - 1) After all speakers have been heard, the Chairperson shall declare the hearing closed.
 - 2) A closed hearing may be re-opened only on motion and vote as hereinafter provided.
- g. Commission Discussion:
 - 1) After close of the public hearing, members of the Commission may publicly discuss the matter before them and may ask questions, with the permission of the Chairperson, of persons who have spoken before the Commission. Speakers shall respond to questions posed and not introduce new testimony.
 - 2) Upon conclusion of the discussion, if any, the Chairperson shall ask for a motion declaring the decision of the Commission. The motion shall be made and seconded.
 - 3) Prior to a vote, the motion may be further discussed by members of the Commission.

4. WITHDRAWALS

- a. Any matter set for hearing by the Commission may be withdrawn from consideration at the oral or written request of the applicant or staff.

- b. Any matter set for hearing at which neither the applicant nor his/her representative is present may, upon vote of the commission, be denied without prejudice with forfeiture of all fees to defray the costs of preparing the hearing.

5. CONTINUANCES

- a. A continuance may be requested by staff, the applicant or a commissioner, either orally or in writing. At the discretion of the Chairperson, a discussion may be held on the requested continuance.
- b. At the close of the discussion, or if no discussion is held, the matter will, upon vote of the commission, be continued to a date certain.

6. PROCESSING OF MOTIONS

- a. A motion shall be made and seconded. (If any debate then follows and it is likely that there will be confusion as to the motion, the Chairperson or any interested party should ask the Planning Commission Secretary to read it from his/her notes). A motion may not be withdrawn or modified by the mover without the consent of the second.
- b. The Chairperson, and the Vice Chairperson in the absence of a Chairperson, has the right to make or second motions.

7. ACTION ON ITEMS

At any meeting where an action on an item is to be taken by the Commission, including an application for a variance, conditional use permit, minor exception, zone change or zoning amendment at a public hearing, the following rules shall apply:

- a. The Commission may continue the item to a date certain in accordance with Section 5 of these Bylaws.
- b. An item is approved if a motion to approve is carried by majority vote of the members voting. The failure to carry of a motion to approve does not constitute denial of the item.
- c. Any member may move to approve an item subject to different conditions proposed in previous motions not approved.

- d. An item is denied if a motion to deny is carried by majority vote of the members voting. The failure to carry a motion to deny does not constitute approval of the item.
- e. In the event of an impasse, the Chairperson shall offer the proponent of the item the option of:
 - 1) Denial without prejudice of his/her item, in which case the proponent may appeal to the City Council, if permitted by the Santa Ana Municipal Code; or
 - 2) Continuing the item to a later date for further consideration by the Commission. (Items are deemed at an impasse at the discretion of the Chairperson.)

8. ABSTENTIONS AND CONFLICTS OF INTEREST

- a. No member of the Commission shall abstain from any vote without providing an explanation.
- b. When a member decides to abstain, he/she shall openly state the fact and nature of his/her abstention and then absent himself/herself from the room prior to debate and vote on the matter.
- c. A member is not required to abstain from voting because of absence from any part of the public hearing, provided such member has read the staff report and minutes pertaining to the hearing, any and all documentary evidence introduced in the hearing, and provided further that such member shall be given the opportunity to ask questions of any interested persons who are present and of the other members of the Commission concerning matters discussed at the hearing.
- d. Each Commissioner shall decide for himself/herself whether to disqualify himself/herself by reason of a financial, personal or perceived conflict of interest in accordance with state law. Each commissioner shall be entitled to consult with the Commission's legal counsel privately prior to making such a decision and should do so as early as possible after perceiving the possible conflict.
- e. Each Commissioner shall complete and submit to the Commission Secretary an ex parte disclosure form, as approved by the Executive Director of the Planning and Building Agency and the City Attorney, as applicable and necessary to document any and all ex parte communications with applicants or outside parties, prior to the commencement of any form of hearing before the Commission on the

subject matter. If any ex parte communications occur after the commencement of the matter but before the matter is closed, the Commissioner shall submit a supplemental ex parte disclosure form to the Commission Secretary.

9. VOTING

- a. The vote required to decide in the affirmative shall be the vote of more than one-half of the members present.
- b. Only a voice vote shall be taken unless a member of the Commission calls for a roll call vote.
- c. Any member who voted with the majority on any action may move for reconsideration of such action only at the same meeting. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous consent.

10. CONSENT ITEMS

All matters listed under consent items on the agenda are considered routine and will be acted upon by the Commission without discussion, unless any Commission member wishes to discuss the item. In that event, the Chairperson will remove that item from the consent calendar and place it on the agenda for separate consideration.

11. COMMISSION OFFICERS

- a. The Planning Commission shall have two elected offices: Chairperson and Vice Chairperson. The officers shall be elected during the month of July each year and shall take effect at the subsequent meeting.
- b. In the event of a vacancy in the office of the Chairperson or Vice Chairperson, the Planning Commission shall elect one of its members for the unexpired term at its next regular meeting following the occurrence of the vacancy.
- c. In the event that both the Chairperson and Vice Chairperson are absent from the same meeting of the Commission, the Commission shall, as the first order of business, nominate a member to serve as Chairperson pro tem for the meeting.

- d. The Planning Commission shall annually elect a commission member to serve as ex officio representative to the Historic Resources Commission, as stated in the City Charter (Section 2-371).

(Added by Planning Commission vote on February 8, 2016.)

12. ALL OTHER PLANNING COMMISSION POWERS AND DUTIES

- a. Attendance of Witnesses. The Planning Commission has the power to compel the attendance of witnesses, the power to issue subpoenas and the power to administer oaths in any proceeding or investigation pending before it. The City Attorney will be directed to issue said subpoenas upon the majority vote of the Commission (Charter Section 906 and 1100 of the Santa Ana Municipal Code).
- b. Matters before the Commission. Any three members may vote to take up any matter for preliminary review that is not otherwise before the Commission. In this event, the matter will be scheduled for review at the next regularly scheduled meeting. A majority vote will be required for the Commission to pursue the issue beyond a preliminary review.
- c. Temporary or Standing Committees.
- 1) The Chairperson shall appoint as needed such temporary or standing committees for the study, investigation, and report of particular matters as concern to the Commission.
 - 2) Standing committees may be appointed to advise on those Planning Commission responsibilities that are defined in the Charter:
 - a) General Plan and Zoning
 - b) Urban Design and Architectural Review

13. ENFORCEMENT

If any Planning Commissioner is found by a majority of the Planning Commission to be in violation of any section of these Bylaws of the Planning Commission or Code of Ethics and Conduct, the Planning Commission, upon majority vote of the Planning Commission, may take any or all of the following actions:

- a. Prepare a letter informing the City Council of a breach of the Bylaws and/or Code of Ethics and Conduct; and,

- b. Prepare a letter to the City Council requesting action be taken to address the situation.

14. THE CITY OF SANTA ANA CODE OF ETHICS AND CONDUCT (Attachment 1)

The Commission hereby adopts and incorporates by reference the Code of Ethics and Conduct, originally adopted by the City Council of the City of Santa Ana on June 2, 2008, and as may be amended by the City Council. All Commissioners shall be required to abide by the rules and regulations of said Code of Ethics and Conduct.



THE CITY OF SANTA ANA
CODE OF ETHICS AND CONDUCT

ADOPTED JUNE 2, 2008

The people of the City of Santa Ana, at an election held on February 5, 2008, approved an amendment to the City Charter of the City of Santa Ana which states: "The City of Santa Ana shall adopt a Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence in the integrity of local government elected and appointed officials." Consistent with the vote of the people, the following Code of Ethics and Conduct is hereby adopted by the City of Santa Ana to ensure effective and fair operation of the local government of the City of Santa Ana.

I. PREAMBLE

It is the intent of this code to achieve fair, ethical, and accountable local government for the City of Santa Ana. The people of Santa Ana expect public officials, both elected and appointed, to comply with both the letter and the spirit of the laws of the State of California, the United States of America, and the Charter, Municipal Code, and established policies of the City of Santa Ana affecting the operations of local government. In addition, public officials are expected to comply with the provisions of this Code of Ethics and Conduct established pursuant to the expressed will of the people. All persons covered by this code will aspire to meet the highest ethical standards in the conduct of their responsibility as an elected or appointed official of the City of Santa Ana.

This code addresses various aspects related to the governance of the City of Santa Ana and supplements, but does not supplant other laws and rules that prescribe the legal responsibilities of City officials. These include, but are not limited to, the Federal and State Constitutions, various provisions of the California Government Code (such as the Brown Act and the Political Reform Act), the Labor Code, laws prohibiting discrimination and harassment, and the City of Santa Ana Charter and Municipal Code. Elected and appointed officials are expected to be familiar with these laws to ensure that they exercise their public responsibilities in a proper fashion. This code is not designed to be used as a tool to remove appointed officials, as the City Council retains the right under the Charter and Municipal Code to remove appointed officials in accordance with those provisions.

While it is not possible to anticipate and provide a rule of conduct and ethics for all situations that public officials may face, this Code of Ethics and Conduct is designed to provide a framework to guide public officials in their daily duties.

II. SCOPE

The provisions of this Code of Ethics and Conduct shall apply to the Mayor and members of the City Council, and to all members of the boards, commissions, and committees appointed by the City Council or the Mayor or the Mayor and City Council, including any *ad hoc* committees. Further, the provisions of this Code of Ethics and Conduct shall only apply to these officials and members acting in their official capacities and in the discharge of their duties.

III. CORE VALUES

Attitudes, words, and actions should demonstrate, support, and reflect the following qualities and characteristics for the well being of our community. The five core values and expressions that reflect these core values are as follows:

INTEGRITY/ HONESTY

- I am honest with my fellow elected officials, the public and others.
- I do not promise what I believe to be unrealistic.
- I am prepared to make unpopular decisions when my sense of the public's best interests requires it.
- I credit others' contributions to moving our community's interests forward.
- I do not knowingly use false or inaccurate information to support my position or views.
- I safeguard the ability to make independent, objective, fair and impartial judgments by scrupulously avoiding financial and social relationships and transactions that may compromise, or give the appearance of compromising, objectivity, independence, and honesty.

RESPONSIBILITY/PROTECTING THE PUBLIC'S INTERESTS

- I do not accept gifts, services or other special considerations because of my public position.
- I excuse myself from participating in decisions when my or my immediate family's financial interests may be affected by my agency's actions.
- I do not give special treatment or consideration to any individual or group beyond that available to any other individual
- I refrain from disclosing confidential information concerning litigation, personnel, property, or other affairs of the City, without proper legal authority, nor use such information to advance my financial or other personal interests.

FAIRNESS/ACCOUNTABILITY

- I promote meaningful public involvement in the agency's decision-making processes.
- I treat all persons, claims and transactions in a fair and equitable manner; I make decisions based on the merits of the issue.
- If I receive substantive information that is relevant to a matter under consideration from sources outside the public decision-making process, I publicly share it with my fellow governing board members and staff.
- I work to contribute to a strong organization that exemplifies transparency and open communication.

RESPECT FOR FELLOW ELECTED OR APPOINTED OFFICIALS, STAFF, AND THE PUBLIC

- I treat my fellow officials, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
- I work towards consensus building and gain value from diverse opinions.
- I respect the distinction between the role of office holder and staff; I involve staff in meetings with individuals, those with business before the agency, officials from other agencies and legislators to ensure proper staff support and to keep staff informed
- I conduct myself in a courteous and respectful manner at all times during the performance of my official City duties.
- I encourage full participation of all persons and groups; I am aware and observe important celebrations and events which reflect the values of our diverse population.

PROPER AND EFFICIENT USE OF PUBLIC RESOURCES

- I do not use public resources, such as agency staff time, equipment, supplies or facilities, for private gain or personal purposes.

- I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the agency, especially its financial stability.
- I demonstrate concern for the proper use of agency assets (such as personnel, time, property, equipment, funds) and follow established procedures.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the City and its residents

IV. IMPLEMENTATION AND ENFORCEMENT

City of Santa Ana elected and appointed officials of the various boards, commissions and committees have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. This code of ethics will be most effective when the elected and appointed officials are thoroughly familiar with it and embrace its provisions.

Upon adoption of this code, all current elected or appointed officials shall be given a copy of the code and asked to affirm in writing that they have received the code, understand its provisions, and pledge to conduct themselves by the code. All new members of the City Council, upon election or reelection, and members of boards, commissions, and committees appointed by the City Council, upon appointment or reappointment, shall be given a copy of the code and are required to affirm in writing they have received the code and understand its provisions, and pledge to conduct themselves by the code. (See Attachment) Additionally, all members of the City Council, boards, commissions, and committees, as part of their AB1234 training, shall be provided additional training clarifying the provisions and application of this code. The City Attorney, or his/her designee, shall serve as a resource person to those persons covered by the code to assist them in determination of appropriate actions consistent with the code.

A periodic review of the code shall be conducted to ensure that the code is an effective and vital document.

This Code of Conduct is intended to be a reflection of the community's values as articulated by the Mayor and City Council as they represent the will of the people of the City of Santa Ana.

CITY OF SANTA ANA – CODE OF ETHICS AND CONDUCT CERTIFICATION

As an elected or appointed official of the City of Santa Ana, California, I herein certify that I have received a copy of the Code of Ethics and Conduct of the City of Santa Ana, have been offered training and assistance in understanding this code, and am aware of the provisions of the code and its application to my responsibilities. Consistent with the code, I pledge the following in the conduct of my duties:

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- I am honest with my fellow elected officials, the public and others.
- I do not promise what I believe to be unrealistic.
- I am prepared to make unpopular decisions when my sense of the public's best interests requires it.
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