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DATE: May 28, 2024

TO: Planning Commission

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SUBJECT: Recommendation to the City of Petaluma Planning Commission to Approve A Resolution Amending Section 3.303 of the Planning Commission Rules and Regulations to Allow Chair and Vice-Chair Officers of the Commission to Serve a Maximum of Two (2) Consecutive Officer Terms, Introduced for Consideration on April 9, 2024

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### **RECOMMENDATION**

It is recommended that the Planning Commission approve a resolution amending Section 3.303 of the Planning Commission Rules and Regulations to allow Chair and Vice-Chair officers of the Commission to serve a maximum of two (02) consecutive officer terms when a Citywide policy or legislative update, such as the General Plan and zoning ordinance amendment projects, is ongoing and would benefit from leadership continuity, provided that this rule amendment sunsets following completion of the Planning Commission's required reviews of the General Plan Update and subsequent amendment of the Implementing Zoning Ordinance (IZO) to codify the adopted General Plan.

### **BACKGROUND**

Petaluma Municipal Code Section 2.08.010 charges the Planning Commission with "the duty of studying the needs of the city with respect to and advising and recommending the council concerning the establishment, modification, and change of zones or districts and designation of the uses to which property contained therein may be prohibited, restricted or regulated." This duty is perhaps most profoundly exercised when the Commission reviews and recommends to the City Council concerning adopting a new General Plan or major update to the zoning ordinance. In its role as the City's land use authority, the Planning Commission is essential in advising and recommending to the Council regarding the development of the General Plan's comprehensive policy framework that will guide future development in the City of Petaluma. The City is updating its current General Plan, which was adopted in 2012 and has a planning horizon year of 2025. The General Plan 2040 update project was initiated in 2020 and has steadily progressed toward ultimate adoption.

To ensure the Commission's ability to perform optimally and support timely review of the General Plan Update and associated IZO amendment projects, a recommendation to introduce a resolution to modify current rules to allow elected or appointed chair and vice-chair officers to serve two (02) consecutive terms of office was agendaized as an Administrative Action for consideration at the April 9, 2024, regular meeting of the Planning Commission. Due to time constraints, this meeting item was continued to the next regular meeting. On April 23, 2024, the Planning Commission, by a vote of 6-1, acted on the agendaized Administrative Action, voting to introduce a resolution amending Section 3.303 of the Planning Commission Rules and Regulations to allow Chair and Vice-Chair officers of the Commission to serve a maximum of two (2) consecutive officer terms. The Commission requested that consideration of the resolution be agendaized for the May 28, 2024, regular meeting at which all Commissioners reported they would be in attendance.

### **Regulatory Context**

The Planning Commission's *Rules and Regulations for the Transaction of Business*, also known as the Commission Handbook, directs the organization and administration of the Commission and its actions. Relevant to this staff report and recommended action is Section 3. Officers, which regulates the appointment of officers and their terms of service, if any. This section stipulates that the following Commission officers shall be appointed: Chair, Vice-Chair, and Second Vice-Chair. In practice, these officers are elected by the Commission through a majority vote process, and then they assume their elected positions following their election(s) to office. Also pertinent to this rule change recommendation is Section 10.1001, which provides that amendments to the specific rules and regulations may occur at a regular or special Planning Commission meeting, provided that the amendment is proposed at a preceding meeting, all Commissioners were formally notified and provided that there is an affirmative vote by at least four members.

Section 3.303 of the Commission Handbook states, "The officers shall hold their respective offices until the next annual meeting after appointment and until their successors are appointed. The Chair shall not be appointed to a consecutive term." This rule clearly indicates that the Chair shall not receive consecutive term appointments, and the practice of the Commission has been to appoint other new officers (Vice-Chair and Second Vice-Chair) annually as well. As a result, the phrase "until their successors are appointed" has never been interpreted to establish precedence.

### **Proposed Action**

Because a General Plan envisions and plans for development over a 10- to 20-year planning horizon, many factors must be considered; therefore, developing and adopting a General Plan can take several years. The General Plan update project is completing its Policy Development phase, and draft policy frameworks have been distributed for public review, including reviews by the various Commissions, Committees, and Boards, the Planning Commission, City Council, and General Plan Advisory Committee (GPAC). Following the Policy Development phase, preferred Alternatives will be presented and analyzed, Plan Development will occur, and ultimately, an updated General Plan will be proposed for adoption by the City Council. Final adoption is anticipated by or before December 2025, after which the adopted General Plan will be codified as part of a major update to the Implementing Zoning Ordinance.

To minimize disruptions and delays that may naturally result from leadership transitions, the proposed action recommends amending Section 3.303 of the Commission Handbook to allow an elected or appointed Chair to serve a maximum of two (02) consecutive officer terms, and it clarifies that this rule change would also apply to an elected or appointed Vice-Chair. As proposed, this rule would be in effect only when the General Plan Update and subsequent amendment of the Implementing Zoning Ordinance (IZO) to codify the adopted General Plan are subject to Planning Commission review and recommendation to the City Council. However, the Commission could choose to eliminate this sunset provision by striking some or all of the following language:

“...when a Citywide policy or legislative update, such as the General Plan and zoning ordinance amendment projects, is ongoing and would benefit from leadership continuity, provided that this rule amendment sunsets following completion of the Planning Commission’s required reviews of the General Plan Update and subsequent amendment to the Implementing Zoning Ordinance (IZO) to codify the adopted General Plan.”

In accordance with Commission Handbook Section 10.1001, amendments to rules and regulations may be made by the Commission at any regular or special meeting called for that purpose upon the affirmative vote of four (4) members, provided such amendment is proposed at a preceding meeting and that all members have been formally notified thereof.

1. The proposed rule amendment was agendaized for the April 9, 2024, regular meeting of the Planning Commission. Due to time constraints, this meeting item was continued to a date certain of April 23, 2024. The proposed rule amendment was introduced at the April 23, 2024, Planning Commission meeting, at which time the Commission voted by a vote of 6-1 to consider the item at a future meeting and requested that it be agendaized for the May 28, 2024, regular meeting of the Planning Commission.
2. On April 2 and April 15, 2024, Planning Commissioners were notified of the introduction of the proposed rule amendment. On May 21, 2024, Planning Commissioners were notified that the May 28, 2024, regular meeting agenda would include a recommendation to approve a resolution amending Section 3.303 of the Planning Commission Rules and Regulations to allow Chair and Vice-Chair officers of the Commission to serve a maximum of two (2) consecutive officer terms.

## **DISCUSSION**

Consistent, informed, and reflective review of draft documents throughout the multi-year lifecycles of policy and legislative development projects, such as the General Plan Update and associated zoning ordinance amendments, is paramount to the Planning Commission’s ability to confidently recommend to the City Council concerning adoption of the updated Plan and zoning ordinance. Two factors that may affect the Commission’s optimal performance are:

1. changes in scheduled and unanticipated turnover of Commission members and
2. changes in Commission leadership provided by its officers due to current rules.

Change is a disruptor for any group of persons acting collectively, and these two factors may result in disruptions that could delay the adoption of the General Plan and associated IZO amendments. Additionally, loss of institutional knowledge and continuity and decreased productivity as new officers learn to take on leadership roles and responsibilities would be anticipated. The Community

Development Director and Planning staff seek to limit disruption to the greatest extent possible so that Commissioners can focus on the work before them during this important review period.

Commissioners are appointed by the City Council for terms of up to four years (PMC §2.08.010). Because an individual's decision to serve on the Commission is highly personal and likely based on a multitude of factors, it's not advisable to modify a commissioner's tenure; however, potential disruption associated with changes to Commission leadership roles can be addressed through a change to rules governing Commission organization and administration. The proposed action would support the Planning Commission's ability to perform optimally by affirming consecutive, multi-year terms of service for its Chair and Vice-Chair officers.

Unlike the quasi-judicial decisions that Commissioners are typically asked to act on, there are no findings of fact to direct points of inquiry or weighing of options when deciding how to vote on this recommendation. Commissioners may wish to utilize rational, intuitive, cost-benefit, or even tactical decision-making approaches when considering this Administrative Action item. The final decision of the Commission would only affect the administration of the Commission as it carries out its assigned duties.

### **Public Comment**

Three public comments have been received since April 2, 2024, when this meeting item was first introduced via the published agenda. All commenters advise Commissioners to oppose the recommendation to approve the rule change for various reasons. If this was a recommendation to approve a discretionary entitlement for a land development project, staff would identify issues raised in public comments and provide evidence from the project record that decision-makers could apply in their decision-making process. Because this is a decision that the Commission makes about how best to organize and administer itself to fulfill its duties as prescribed by the City Council, the staff's response to these public comments is to reiterate that the purpose of the recommendation is to ensure the Commission's ability to perform optimally and support timely review of the General Plan Update and associated IZO amendment projects.

### **CASE STUDIES**

There are no case studies associated with this meeting item.

### **ENVIRONMENTAL REVIEW**

Amending the Rules and Regulations is not a "project" pursuant to the California Environmental Quality Act (CEQA) Section 15378, as the action is considered administrative.

### **CITYWIDE GOALS & PRIORITIES**

The proposed action would support the Planning Commission's ability to perform optimally by affirming consecutive, multi-year terms of service for its Chair and Vice-Chair officers, which enhances its abilities to "study the needs of the city with respect to and advising and recommending the council concerning the establishment, modification, and change of zones or

districts and designation of the uses to which property contained therein may be prohibited, restricted or regulated” and in doing so furthers Citywide goals and priorities.

### **FURTHER RECOMMENDATION**

There are no further recommendations beyond the action recommended above.

### **ATTACHMENTS**

**Attachment 1:** Draft Resolution amending Section 3.303 of the Planning Commission Rules and Regulations to allow Chair and Vice-Chair officers of the Commission to serve a maximum of two (02) consecutive officer terms

**Attachment 2:** Planning Commission Rules and Regulations for the Transaction of Business, revision May 23, 2023