



# Commission Agenda Report

Planning Commission  
Meeting  
03-21-22

**Item  
7.A.**

To: Chair Hill and Members of the Planning Commission

Prepared by: Rebecca Evans, Administrative Assistant

Approved by: Richard Mollica, Planning Director

Date prepared: March 10, 2022

Meeting date: March 21, 2022

Subject: Deadline for Submission of Materials

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**RECOMMENDED ACTION:** Consider whether to establish a deadline for submission of materials prior to the start of the Planning Commission meeting to allow Commissioners adequate time for thoughtful consideration.

**DISCUSSION:** At its September 20, 2021 Regular meeting, due to a voluminous amount of written materials submitted prior to a meeting, the Planning Commission requested staff bring back an item to discuss the submission of materials prior to the start of the meeting.

Historically, the Planning Commission has allowed submission of new materials until an agenda item has been called. When the City transitioned to virtual meetings in 2020, staff continued to process new correspondence related to agenda items until thirty minutes prior to the start of the meeting, or as practical. Audio or video materials were given a submission deadline of noon on the meeting day.

The Commission's procedures are governed by the Ralph M. Brown Act<sup>1</sup> and Malibu Municipal Code Section 2.36 (Planning Commission). In addition, the Commission's rules and decorum are contained in Resolution 12-59, which contains the following directive:

"Submission of Written Materials. Written materials regarding an item on the agenda should be submitted to the Recording Secretary prior to the scheduled meeting. The Recording Secretary shall stamp the written material with a date and time received and distribute to each Planning Commissioner, the Planning Director, project applicant and project planner."

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<sup>1</sup> Ralph M. Brown Act is contained in Government Code Section 54950, et seq

Thus, there is no existing formal deadline, only this requirement to stamp and distribute written materials. The current practice of the City Council is to accept correspondence related to agenda items until 30 minutes prior to the start of the meeting.

Correspondence received after that time or during the meeting is saved for the record the following day and distributed to the full Council. Government Code Section 54957.5 requires any correspondence distributed to a majority of the body be preserved as part of the public record of the meeting and made available to the public.

The Planning Commission should keep in mind the following in establishing a deadline for submission of materials:

- Differences in practice among the municipality's Brown Act bodies may lead to public confusion and inadvertently prevent full public comment on an item to be heard.
- Should the Commission wish to set an earlier deadline for correspondence, adopting a current submission deadline such as the deadline for submission of audio or video materials may reduce confusion.
- Those submitting lengthy documentation close to the start of a Commission meeting should have a reasonable expectation that Commissioner review will be limited and they may need to point out highlights of the document during the public comment portion of the hearing for the related item.
- Distinguishing documents based on length may lead to potential confusion and possible misguided attempts to keep a written document under the line of demarcation. It would further require staff to analyze each written correspondence and determine whether or not it satisfies a maximum length requirement.

Staff recommends the Planning Commission continue its current practice.

CONCLUSION: Ultimately, the Planning Commission must weigh the numerous interests related to the submission of written materials in contemplating a deadline for the submission of written materials. Allowing all Planning Commissioners, applicants, and members of public time to review and contemplate submitted materials, allowing for maximum public participation, and giving staff enough time to process should be considered. Should the Planning Commission desire to memorialize a formal deadline for the submission of written materials, staff will bring back a resolution modifying the Planning Commission's rules and decorum to that effect.

ATTACHMENT: Resolution No. 12-59

**CITY OF MALIBU PLANNING COMMISSION  
RESOLUTION NO. 12-59**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
MALIBU AMENDING THE PLANNING COMMISSION RULES OF  
PROCEDURE AND DECORUM AND RESCINDING PLANNING  
COMMISSION RESOLUTION NO. 11-15**

THE PLANNING COMMISSION OF THE CITY OF MALIBU DOES HEREBY FIND, ORDER  
AND RESOLVE AS FOLLOWS:

Section 1. Recitals.

A. On July 17, 1995, the Planning Commission adopted Resolution No. 95-001 establishing rules of procedure and decorum for the conduct of Planning Commission meetings.

B. On June 3, 1996, the Planning Commission adopted Resolution No. 96-023 amending the rules of procedure and decorum for the conduct of Planning Commission meetings.

C. On January 28, 2002, the Planning Commission amended the rules of procedure and decorum and rescinded the resolution adopted in 1995, instead of the more recent 1996 resolution.

D. On April 17, 2006, the Planning Commission adopted Resolution No. 06-21 updating the Planning Commission rules of procedure and decorum and rescinded Planning Commission Resolution Nos. 95-001, 96-023 and 02-014.

E. On August 7, 2006, the Planning Commission adopted Resolution No. 06-65 amending the Planning Commission rules of procedure and decorum and rescinded Planning Commission Resolution No. 06-21.

F. On March 1, 2011, the Planning Commission adopted Resolution No. 11-15 amending the Planning Commission rules of procedure and decorum and rescinded Planning Commission Resolution No. 06-65.

G. On June 19, 2012, the Planning Commission adopted Resolution No. 12-59 amending the Planning Commission rules of procedure and decorum and rescinded Planning Commission Resolution No. 11-15.

Section 2. Adoption of Guidelines.

The Planning Commission hereby rescinds all prior rules of procedure and decorum and adopts rules and decorum effective June 19, 2012, to read as follows:

## **RULES OF PROCEDURE AND DECORUM FOR THE CONDUCT OF PLANNING COMMISSION MEETINGS**

### **I. Rules for Planning Commissioners.**

A. Decorum. Members of the Planning Commission shall conduct themselves in an orderly and business-like manner to ensure that the business of the Commission shall be attended to efficiently and thoroughly and to ensure that the integrity of the deliberative process of the Planning Commission is maintained at all times. Members of the Commission shall maintain a polite, respectful and courteous manner when addressing one another, City staff and members of the public during the meeting.

### **B. Role of the Chair.**

1. Every 9.5 months, the Commission shall elect one of its members to serve as Chair at the pleasure of the Planning Commission or until the next regularly scheduled Commission election. The Commission shall, at the same time, elect another of its members to serve as Vice Chair at the pleasure of the Commission or until the next regularly scheduled Commission election.
2. No Commissioner shall be elected as either Chair or Vice Chair if he or she served as Chair in the 9.5 months immediately preceding the election.
3. The Chair, or in his or her absence, the Vice Chair, or in their absence, any other member designated by the Commission, shall be responsible for maintaining the order and decorum of meetings.
4. It shall be the duty of the Chair to ensure that the rules of procedure and decorum contained herein are observed and enforced. The Chair shall maintain control of communication between Commissioners and between the Commission and the public.
5. The Chair shall not use these or any other rules to deny any Commissioner or member of the public the right to speak pursuant to these rules on a matter within the Commission's subject matter jurisdiction at a public meeting, unless that person's conduct is so disruptive that the meeting cannot otherwise proceed.
6. The Chair may move, second and debate from the Chair and shall not be deprived of any of the rights and privileges of a Commissioner.

### **C. Communication with Commissioners.**

1. Commissioners should request the floor from the Chair before speaking.
2. Commissioners shall avoid repetition and shall endeavor to limit their comments to the subject matter at issue. Commissioners shall limit their comments to matters within the subject matter jurisdiction of the Planning Commission. Commissioners

should endeavor to express their views without engaging in lengthy discourse or debate.

3. When one Commissioner is speaking, other Commissioners shall not interrupt or otherwise disturb the speaker.

D. Communication with Members of the Public Addressing the Commission.

1. Commissioners may question the person addressing the Commission at the conclusion of the person's comments or upon expiration of the person's time to speak. Such questions shall be directed to the person through the Chair.
2. Commissioners shall not engage the person addressing the Commission in a dialogue with the Planning Commission or City staff, but shall confine communication to a question and answer format conducted through the Chair.
3. If a member of the audience has addressed the Commission on matters which are not posted on the agenda for that meeting, Commissioners shall refrain from discussing such matters. If a Commissioner so wishes, the Commission may, during the Commissioner Comments portion of the meeting, request that City staff answer questions or provide a brief clarification of such matters. If the non-agenda matter raised by a member of the public concerns an issue that is within the subject matter jurisdiction of the Planning Commission, any Commissioner may, during the Commissioner Comments portion of the meeting, request that the Commission vote to direct City staff to place that matter on a future agenda.

II. Rules for City Staff.

- A. Decorum. City staff shall not engage in dialogue with members of the public during public meetings. When addressed by a member of the Commission, City staff shall respond in a polite and respectful manner. City staff shall not answer a question from or respond to a statement by any member of the public unless directed to do so by the Chair.
- B. Role of the Planning Director. The Planning Director's duties during Planning Commission meetings include keeping record of concerns raised by the Commission regarding City staff matters and direction for future City staff action. The Planning Director or his or her designee shall also note all questions asked by speakers and shall ensure that such questions are answered as directed at the conclusion of public testimony.

III. Rules for the Public.

- A. Members of the Audience. Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the Planning Commission meeting unfeasible. A member of the audience engaging in any such conduct shall, at the discretion of the Chair or a

majority of the Planning Commission, be subject to ejection from that meeting.

B. Persons Addressing the Planning Commission.

1. The purpose of addressing the Planning Commission is to formally communicate to the Commission on matters within the subject matter jurisdiction of the Planning Commission. The Chair shall vigorously enforce this rule by ensuring that all persons addressing the Commission confine their remarks to the particular matter before the Commission.
2. Any person wishing to speak during the Public Comments portion of the meeting or on an agenda item shall first complete a speaker slip and submit the slip to the Recording Secretary prior to the time the particular agenda matter is announced by the Chair.
3. No person shall address the Planning Commission without first being recognized by the Chair.
4. Each person addressing the Commission shall do so from the public podium, shall first give his or her name for the record and shall return to his or her seat at the conclusion of his or her remarks unless questions are presented by the Commissioners.
5. The applicant and/or his or her representative(s) shall speak first during any public hearing and shall generally be allowed fifteen (15) minutes, any portion of which can be used for rebuttal.
6. Each person other than the applicant who addresses the Planning Commission shall have three (3) minutes to speak on any individual agenda item. Any person who is speaking on behalf of, and presenting the adopted position of an actual organization, shall have five (5) minutes to speak on any particular matter. The Chair shall increase up to ten (10) minutes the time allotted to this person provided that all of the members of that organization in attendance at the meeting agree to refrain from speaking on the issue at hand and instead demonstrate their position through a show of hands.
7. Each person addressing the Commission shall do so in an orderly manner and shall not make repetitious, slanderous or irrelevant remarks or engage in any other disorderly conduct, which disrupts, disturbs or otherwise impedes the orderly conduct of the meeting. Any person who so disrupts the meeting may, at the discretion of the Chair or a majority of the Commission be subject to ejection from that meeting.
8. Persons addressing the Planning Commission shall address the Commission as a whole and shall not direct comments to individual Commissioners, City staff or members of the audience.

#### IV. Enforcement.

- A. Upon a violation of the rules of procedure and decorum, established in Section III of this resolution, the procedure to enforce the rules is as follows:
1. Warning. The Chair shall warn a person who is violating the rules of decorum to cease such conduct. If, after receiving a warning from the Chair, the person persists in disturbing the meeting, the Chair shall order the person to leave the Planning Commission meeting.
  2. Removal. Any law enforcement officer who is serving as sergeant-at-arms at the meeting shall carry out the orders and instructions given by the Chair for the purpose of maintaining order and decorum. Upon instruction of the Chair, it shall be the duty of the sergeant-at-arms to remove from the meeting any person who is disturbing the proceedings of the Planning Commission
  3. Resisting Removal. Any person who resists removal by the sergeant-at-arms may be charged with a violation of the rules of order and decorum as well as any other applicable ordinance or law.
  4. Motion to Enforce. If the Chair fails to enforce the rules of order and decorum set in this resolution, any member of the Commission may move to require the Chair to do so and an affirmative vote of a majority of those members of the Planning Commission present and voting shall require the Chair to do so. If the Chair fails to carry out the will of the majority of the Planning Commission, the majority may designate another member of the Planning Commission to act as Chair for the limited purpose of enforcing the rules of order and decorum.
  5. Clearing the Room. If a meeting of the Planning Commission is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the Chair or a majority of the Planning Commission may exercise the authority granted by California Government Code Section 54957.9 ordering the meeting room cleared and continuing in session in the manner authorized in that code.

#### V. General Rules.

- A. Regular Meetings. The Planning Commission shall hold regular meetings on the first and third Mondays of each month at 6:30 p.m. in the City Hall Council Chambers, starting on September 17, 2012, and the meetings shall be open to the public. Regular meetings may be adjourned and re-adjourned to a date and hour certain which shall be specified in the order of adjournment. When so adjourned, such adjourned meetings shall be a regular meeting for all purposes. If at any time a regular meeting falls on a City holiday, such regular meeting shall be held on the next business day.
- B. Duration of Meetings. The Planning Commission shall not consider any new agenda item after 11:00 p.m. at any meeting. Not later than 10:45 p.m. at each meeting, the

Commission shall determine the disposition of its remaining agenda items. If the Commission determines that remaining agenda items must be continued to a subsequent regular meeting, the Commission shall immediately take action to schedule such meeting. Each meeting of the Planning Commission shall adjourn or be continued to a time and date certain, not later than midnight of the night that meeting began.

- C. Robert's Rules of Order. In all matters and things not otherwise provided for herein, the proceedings of the Planning Commission shall be governed by "Robert's Rules of Order". However, no action of the Planning Commission shall be invalidated or the legality thereof affected by the failure or omission to observe or follow those rules.
- D. Suspension of the Rules. Any provisions of these rules not already governed by the Malibu Municipal Code or the Government Code may be temporarily suspended by a majority vote of the Commissioners present.
- E. Amendment of the Rules. These rules may be amended by additions or deletions or new rules adopted by a majority vote of the Commission.
- F. Submission of Written Materials. Written materials regarding an item on the agenda should be submitted to the Recording Secretary prior to the scheduled meeting. The Recording Secretary shall stamp the written material with a date and time received and distribute to each Planning Commissioner, the Planning Director, project applicant and project planner.
- G. Appeal of Planning Director's Decision. The Planning Commission will not consider plan revisions of the Planning Director's decision to deny a project, unless the Commission directs the appellant to revise the plan. Plan revisions shall be reviewed by the Planning Division as a new project.

Section 3. Certification.

The Planning Commission shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of June, 2012.

  
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JOHN MAZZA, Planning Commission Chair

ATTEST:

  
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JESSICA BLAIR, Recording Secretary

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 12-59 was passed and adopted by the Planning Commission of the City of Malibu at the regular meeting thereof held on the 19<sup>th</sup> day of June 2012, by the following vote:

AYES: COMMISSIONERS: BROTMAN, PIERSON AND MAZZA

NOES:

ABSTAIN:

ABSENT: COMMISSIONERS: STACK AND JENNINGS



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JESSICA BLAIR, Recording Secretary