EXHIBIT A

PLANNING COMMISSION
RULES OF PROCEDURE / BY-LAWS

A. OFFICERS

A-1 CHAIR, VICE-CHAIR, AND SECRETARY

The Planning Commission shall, by majority vote, select a new Chair and Vice-Chair every year at its first meeting in July. The Secretary shall be the Community Development Director or designee, and shall not be a voting member of the Commission.

A-2 CHAIR TO PRESIDE

The Chair shall be the Presiding Officer at all meetings of the Planning Commission. In the absence of the Chair, the Vice-Chair shall preside. In the absence of both the Chair and Vice-Chair, the Secretary of the Planning Commission shall call the Commission to order, whereupon a temporary Presiding Officer shall be elected by the Commissioners present to serve until adjournment.

A-3 DURATION OF TERM

The term of the Chair and Vice-Chair shall be one (1) year. Two consecutive terms may be served at the pleasure of the Commission. However, every effort should be made to allow all Commissioners to serve their term as Officers, provided they so desire and have served on the Planning Commission at least one (1) year. The Commission may elect a member desirous of being an officer and not having at least one year experience on a 6/7 vote.

A-4 POWERS AND DUTIES OF PRESIDING OFFICER

1. Participation

The Presiding Officer may move, second, debate, and vote from the Chair. He/She shall not be deprived of any of the rights and privileges of a Commissioner by reason of his/her acting as Presiding Officer.

2. Questions to be Stated

The Presiding Officer, or such member of the City staff as he/she may designate, may verbally restate each question immediately prior to calling for the vote. Following the vote the Secretary to the Commission shall announced whether the question carried or was defeated. The Presiding Officer in his/her discretion may publicly explain the effect of a vote for the audience or he/she may direct the Secretary to do so before proceeding to the next item of business. He/She shall advise the applicant of the fifteen (15) day appeal period.

B. MEETINGS

B-1 REGULAR MEETINGS

The Planning Commission shall hold regular meetings on the second and fourth Wednesday of each month at the hour of 7:00 p.m. as a regular meeting in the City Council Chambers, 505 S. Garey Avenue, in the City of Pomona.

B-2 ADJOURNED MEETINGS

Any regular or adjourned meeting may be adjourned to a time, place, and date specified in the order of adjournment but not beyond the next regular meeting. If no time is stated in the order of adjournment, it shall be the same time as for regular meeting. Once adjourned, the meeting may not be reconvened. An adjourned regular meeting is a regular meeting for all purposes.

B-3 SPECIAL MEETINGS

Special meetings may be called at any time by the Chair or by four (4) members of the Planning Commission, by the Secretary delivering personally or by mail, written notice to each Commissioner and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings.

B-4 MEETINGS TO BE PUBLIC

All regular, adjourned, and special meetings of the Planning Commission shall be open to the public, except that the Planning Commission may hold closed sessions from which the public may be excluded for the consideration of matters permitted by the California Open Meetings Law (Brown Act).

Public participation at regular, adjourned and special meetings shall be limited to public hearings and the "Discussion" section of the agenda.

B-5 ATTENDANCE

Commissioners are expected to be diligently attend and participate in all meetings of the Commission. Requests for excused absences shall be received by the Secretary to the Commission. **Four (4) unexcused absences in one calendar year may be considered for grounds from removal of office by the City Council.**

B-6 QUORUM

The Planning Commission consists of seven (7) members - one of which is the chair. Four (4) members of the Commission shall constitute a quorum and shall be sufficient to transact regular business. If less than four (4) Commissioners appear at a regular meeting, or if all members are absent, the Secretary of the Planning Commission or his/her designee may adjourn the meeting to a stated day and hour. The Secretary shall cause a written notice of the adjournment to be delivered personally to each Commissioner at least twenty-four 24 hours before the adjourned meeting is to commence.

B-7 FORMATION OF COMMITTEES AND SUBCOMMITTEES

The Presiding Officer or any member of the Planning Commission may make a motion to create a committee or subcommittee comprised of three (3) or fewer Commission members to study a planning issue. Committees or subcommittees shall not have any decision-making authority, but shall report its findings to the main body of the Planning Commission for further discussion and disposition. A Chair may be elected by and from among the committee or subcommittee members. The Presiding Officer of the Planning Commission may serve on Planning Commission committees or subcommittees as would any other Commissioner.

C. AGENDA

C-1 AGENDA, PREPARATION OF

An agenda shall be prepared for each regular meeting containing the specific items of business to be transacted and the order thereof. Items of business may be placed on the agenda by any Commissioner, the City Administrator or designee, Community Development Director or designee, or the City Attorney or designee. The Secretary shall prepare the agenda. Whenever feasible, each item on the agenda shall contain a staff report and recommendation and the specific action requested to be taken by the Commission. No matters other than those listed on the agenda shall be acted upon by the Commission.

C-2 ORDER AND CONDUCT OF BUSINESS

At the time set for each regular meeting, the Planning Commissioners, Community Development Director or his designee and department representatives who have been requested to be present shall take their regular places in the Council Chambers. The Chair shall call the meeting to order and the business of the Commission shall be taken up for consideration and disposition in the order set forth in Section C-4, except that with the consent of a majority of the Commissioners present, items may be taken out of order. "Robert's Rules of Order, Newly Revised", shall govern the conduct of the meetings.

C-3 AGENDA, POSTING OF

The agenda of the Planning Commission shall be posted at least five (5) days prior to the meeting in the following public places:

1. The bulletin board in the front of City Hall, Council Chambers, 505 South Garey Avenue
2. The City Library
3. City Hall Lobby
4. City Website

C-4 AGENDA, CONTENTS OF

The agenda shall contain the title headings and shall be conducted in the order and manner as set forth below:

CALL TO ORDER

FLAG SALUTE

ROLL CALL

The Secretary shall call the roll of the Commissioners, and the names of those present shall be entered in the minutes.

APPROVAL OF THE MINUTES

The Commission shall review and approve the minutes of the previous meeting. Any changes and amendments to the draft minutes may be made by a majority vote of the Commission.

CONSENT CALENDAR

All items listed under the Consent Calendar are considered to be routine and will be enacted by one motion unless separate discussion is requested by a member of the Commission.

PUBLIC HEARINGS

The Commission shall conduct all public hearings in accordance with the provisions of sections J-1 through J-5.

UNFINISHED BUSINESS

The Commission may continue discussion of any items carried over from previous meetings. These items include all matters properly brought before the Commission, which require a decision without the benefit of a public hearing. The Commission may recognize staff members or members of the audience for comment pertinent to the item.

NEW BUSINESS

New Business items include matters properly brought before the Commission, which require a decision without the benefit of a public hearing. The Commission may recognize staff members or members of the audience for comments pertinent to the item.

COMMISSION ITEMS

The Commission may discuss any such other matters as may be brought to it by a Commissioner, Community Development Director or designee, Deputy City Attorney, or other staff members. If action needs to be taken, the items must be properly scheduled on the agenda prior to such action.

STAFF ITEMS

The Commission shall consider all verbal or written communication from staff. If action needs to be taken, the items must be properly scheduled on the agenda. Results of the most recent City Council meeting pertinent to the Planning Commission may also be presented.

DISCUSSION

The Commission shall hear anyone in the audience desiring to address the Planning Commission on any matter within its purview. Anyone desiring to address the Commission is limited to five (5) minutes, unless extended by a majority vote of the Commission. The maximum total time to be devoted to this section of the agenda is thirty (30) minutes, unless extended by a majority vote of the Commission.

ADJOURNMENT

The meeting shall be adjourned to a time and date certain after a motion to adjourned has been made and carried.

D. ADDRESSING THE COMMISSION

D-1 WRITTEN CORRESPONDENCE

The City Administrator and Community Development Director or designee is authorized to receive and open all mail addressed to the Planning Commission, and he/she shall give it immediate attention. Any communication requiring Commission action shall be placed upon the agenda, together with a report and recommendation by the City staff. All correspondence requiring same shall be answered or acknowledged as soon as practical.

D-2 RIGHT TO ADDRESS PLANNING COMMISSION

Subject to the provisions of Section D-3, D-4, and E-8, interested persons shall have the absolute right to address the Commission during consideration of items under the following headings of business:

1. Public Hearings

Interested persons or their authorized representatives may address the Commission while a matter is open to the public, in regard to remarks or questions relevant to the matter under consideration.

2. Discussion

Interested persons or their authorized representatives may address the Commission by oral communication on any matter concerning municipal business over which the Commission has influence or control during the "Discussion" portion of the agenda.

D-3 MANNER OF ADDRESSING COMMISSION

Any person desiring to address the Commission shall stand and wait to be recognized by the Presiding Officer. After being recognized, he/she shall provide the Secretary with his/her name and address on forms provided. He/she shall then approach the podium, state his/her name and address for the record, and proceed to address the Commission. All remarks and questions shall be addressed to the Commission as a whole and not to any individual member or the City staff without first obtaining permission from the Presiding Officer.

D-4 TIME LIMITATION

Every person addressing the Commission shall limit his/her address to five (5) minutes or such reasonable time as is granted by the majority of the Commission. When any group of persons wishes to address the Commission on the same subject matter, it shall be proper for the Presiding Officer to request that a spokesperson be chosen to represent the group to avoid unnecessary repetition.

E. DEBATE AND DECORUM

E-1 GETTING THE FLOOR

Every Commissioner desiring to speak shall first address the Chair, gain recognition by the Presiding Officer, and shall confine himself/herself to the question under debate.

E-2 QUESTIONS TO STAFF

Every Commissioner desiring to question the City staff shall, after recognition by the Presiding Officer, address his/her questions to the Community Development Director or designee. In the case of the Community Director, he/she shall be entitled either to answer the inquiry himself/herself or to designate another member of the staff for that purpose.

E-3 INTERRUPTIONS

A Commissioner, once recognized, shall not be interrupted when speaking unless called to order by the Presiding Officer, unless a point of order or personal privilege is raised by another Commissioner, or unless the speaker chooses to yield to a question by another Commissioner. If a Commissioner is called to order while speaking, he /she shall cease speaking until the question or order is determined. If it is determined to be in order, he/she may proceed. After recognition by the Presiding Officer, members of the City staff shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

E-4 POINTS OF ORDER

The Presiding Officer shall determine all points of order subject to the right of any Commissioner to appeal to the Commission. He/she may request an opinion of the Deputy City Attorney or designee in making such determination. If an appeal is taken, the question shall be, "Shall the decision of the Presiding Officer be sustained?" Commission decision shall conclusively determine such question of order.

E-5 POINT OF PERSONAL PRIVILEGE

The right of a Commissioner to address the Commission on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questioned or in an instance in which the welfare of the Commission is concerned. A Commissioner raising a point of personal privilege may interrupt another Commissioner who has the floor subject only to the power of the Presiding Officer to call him/her out of order.

E-6 REMARKS OF COMMISSIONERS AND SYNOPSIS OF DEBATE

Any Commissioner shall have the right of having an abstract of his/her statement and/or a synopsis of the debate on any subject under consideration by the Commission entered in the minutes. This right shall be exercised by specific direction to the Secretary at the Commission meeting.

E-7 DECORUM AND ORDER, COMMISSION AND CITY STAFF

While the Commission is in session, the Commissioners and City staff shall preserve order and decorum. A member shall neither by conversation or other action delay or interrupt the proceedings or the peace of the Commission nor disturb any member while speaking or refuse to obey the directives of the Presiding Officer. While the Commission is in session, the Commissioners and City staff shall refrain from smoking.

E-8 DECORUM AND ORDER, AUDIENCE

Public members attending Commission meetings shall observe the same rules of order and decorum applicable to the Commission and staff. Any person making irrelevant, impertinent, or profane remarks or who becomes boisterous while addressing the Commission or while attending the Commission meeting shall be removed from the room if the City Staff is so directed by the Presiding Officer, and such person may be barred from further audience before the Commission at that meeting. Unauthorized remarks from the audience, stamping of feet, whistling, shouting and similar demonstrations shall not be permitted by the Presiding Officer, who shall direct the Staff to remove such offenders from the room. All public members attending Commission meetings shall refrain from smoking while the Commission is in session.

F. MOTIONS

F-1 PRESENTATION OF MOTIONS

A motion is the formal statement of a proposal or question to the Commission for consideration and action. The presiding officer and each Commissioner has the right to present a motion.

F-2 SECOND REQUIRED

A motion by any Commissioner shall not be considered by the Commission and voted on unless it receives a second. Once the motion has been properly made and seconded, the presiding officer shall open the matter for debate offering the first opportunity to debate to the moving party and, thereafter, to any Planning Commission member properly recognized by the presiding officer. Once the motion has been fully debated and the presiding officer calls for a vote, no further debate will be allowed, Planning Commission members, however,may be allowed to explain their vote.

F-3 PROCEDURAL RULES OF ORDER
(Per Robert's Rules of Order, Newly Revised)

Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion, and if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the Presiding Officer or any Planning Commission member at any appropriate time during the discussion of the main motion. They are listed in order of precedence.

1. Subsidiary Motions

The first three subsidiary motions are nondebatable; the last four are debatable.

a. Lay on the Table

Any Planning Commission member may move to lay the matter under discussion on the table. This motion temporarily suspends any further discussion of the pending motion without setting a time certain to resume debate. In order to bring the matter back before the Planning Commission, a motion must be adopted that the matter be taken from the table. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the Planning Commission. Otherwise the motion that was tabled dies, although it can be raised later as a new motion.

b. Move Previous Question

Any Planning Commission member may move to immediately bring the question being debated by the Planning Commission to a vote, suspending any further debate. The motion must be made and seconded without interrupting one who already has the floor. A two-thirds (2/3) vote of the quorum present is required for passage.

c. Limit or Extend Limits of Debate

Any Planning Commission member may move to put limits on the length of the debate. The motion must be made and seconded and requires a two-thirds (2/3) vote of the quorum present to pass.

d. Postpone to a Time Certain

Any Planning Commission member may move to postpone debate and action on the motion to a date and time certain.

e. Commit or Refer

Any Planning Commission member may move that the matter being discussed should be referred to staff, a committee or a subcommittee for further study. The motion may contain directions for the staff, committee or subcommittee, as well as a date upon which the matter will be returned to the Planning Commission's agenda. If no date is set for returning the item to the Planning Commission agenda, any Planning Commission member may move, at any time, to require the item to be returned to the agenda.

f. Amend

Any Planning Commission member may amend the main motion or any amendment made to the main motion, after the main motion is seconded. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. An amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the Presiding Officer.

g. Postpone Indefinitely

Any Planning Commission member may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter.

2. Motions of Privilege, Order and Convenience

The following actions by the Planning Commission are to ensure orderly conduct of meetings and are for the convenience of the Presiding Officer and Planning Commission members. These motions take precedence over any pending main or subsidiary motion and may be debated except as noted.

a. Call for Orders of the Day

Any Planning Commission member may demand that the agenda be followed in the order stated herein. No second is required and the Presiding Officer must comply unless the Planning Commission sets aside the agenda order of the day. This motion is not debatable.

b. Question of Privilege

Any Planning Commission member, at any time during the meeting, may make a request of the Chair to accommodate the needs of the Planning Commission or his/her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. The validity of the question is ruled on by the Presiding Officer.

c. Recess

Any Planning Commission member may move for a recess.

d. Adjourn

Any Planning Commission member may move to adjourn at any time, even if there is business pending. The motion is not debatable.

e. Point of Order

Any Planning Commission member may require the Presiding Officer to enforce the rules of the Planning Commission by raising a point of order. The point of order shall be ruled upon by the Presiding Officer.

f. Appeal

Should any Planning Commission member be dissatisfied with a ruling from the Presiding Officer, he/she may move to appeal the ruling to the full Planning Commission.

g. Suspend the Rules

Any Planning Commission member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules.

h. Division of Question

Any Planning Commission member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. This motion may also be applied to complex ordinances or resolutions.

i. Reconsider

Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the Planning Commission may reconsider any vote taken at the same meeting, but no later than the same or next meeting, to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. The motion to reconsider must be made by a Planning Commission member who voted on the prevailing side, must be seconded and requires a majority vote of the quorum for passage, regardless of the vote reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special preference over other pending matters and any special voting requirements related thereto shall still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.

j. Rescind, Repeal or Annul

The Planning Commission may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

G. VOTING

G-1 VOTING PROCEDURE

All Planning Commission members present at a meeting when a motion question comes up for a vote shall vote for or against the motion or shall abstain. The Secretary shall declare the result and note for the record all "yes" votes and all "no" votes. The Planning Commission may also vote by roll call vote, ballot or voting machine. Regardless of the manner of voting, the results reflecting all "yes" and "no" votes must be clearly set forth for the record. In order to be adopted, a motion requires the "yes" vote of a majority of the quorum present, unless the vote of three (3) Commission members is required by statute, ordinance or resolution. An abstention shall not be counted as a "yes" or a "no" vote but the Planning Commission member abstaining shall be counted for the purpose of determining the quorum.

G-2 ORDER OF VOTING

The Secretary shall take roll call votes in the following order:

1. First, the Commissioner making the motion.
2. Second, the Commissioner seconding the motion.
3. Followed by the balance of the Commissioners in any order.

G-3 CHANGE OF VOTE

A member may change his/her vote only if he/she makes a timely request to do so immediately following the announcement of the vote by the Chair and prior to the time that the next item in the order of business is taken up.

G-4 FAILURE TO VOTE

Every member should vote unless disqualified for cause except by vote of the Commission or by opinion of the City Attorney or designee. Self-disqualification, without approval, which results in a tie vote shall be avoided, but no Commissioner shall be forced to vote. A Commissioner who abstains shall in effect consent that a majority of the quorum may act for him.

G-5 CONFLICT OF INTEREST

Commissions shall not vote if private or personal interests are likely to conflict with the general public interest. The State Fair Political Practices Act shall apply to every Commissioner.

G-6 LOST MOTIONS

A lost motion is one that fails to receive the necessary number of votes to carry. Tie votes result in a lost motion. Lost motions may be renewed at any subsequent Commission meeting. To revive a lost motion at the same meeting, the proper action is a motion to reconsider, as discussed above.

G-7 RECORDATION OF VOTES

Voting results of the Planning Commission shall be recorded in the minutes and shall include by commissioner's name, "aye" votes, "no" votes, abstentions, and absences.

H. MINUTES

H-1 PREPARATION OF MINUTES

The Secretary of the Planning Commission shall have exclusive responsibility for preparation of the minutes, and any directions for changes in the minutes shall be made only by action of the Commission.

H-2 MINUTES OF HEARINGS

Whenever the Commission acts in a quasi-judicial proceeding, such as hearings defined in Section J-1, the minutes shall contain a synopsis of evidence considered in the hearing, including statements of persons addressing the Commission.

I. RESOLUTIONS

I-1 PREPARATION OF RESOLUTIONS

It shall be considered best practice to have all resolutions approved by the **[Deputy]** City Attorney or designee; Resolutions, however, may be prepared for submission by staff. A resolution may be presented verbally in motion form with instructions for written preparation for later execution.

I-2 PRIOR APPROVAL BY ADMINISTRATIVE STAFF

Before presentation to the Commission, all resolutions shall have been reviewed as to form by the City Attorney or designee and shall have been examined and approved for content by the Community Development Director or designee.

I-3 ADOPTION OF RESOLUTIONS

Resolutions may be adopted by motion on the date they are first presented to the Commission. It is not required that resolutions be read, either in full or by title only. When it is impractical for a resolution to be adopted at the next subsequent meeting, the Commission, by majority vote or as required by law, may authorize the Chair to execute the resolution containing those items approved by the Commission at a scheduled meeting on behalf of the other Commissioners.

J. HEARINGS

J-1 APPLICATION AND DEFINITION

The following procedural rules shall apply to all hearings before the Planning Commission. As used herein, the term "hearing" shall include all public hearings required by State law or City ordinance and proceedings for the revocation, suspension, or reinstatement of permits or licenses under the jurisdiction of the Planning Commission.

J-2 CONDUCT OF PUBLIC HEARINGS

In conducting public hearings, the Presiding Officer shall utilize the following procedure:

1. Request item title & staff report.
2. Ask Commissioners if they have any questions for Staff.
3. Declare the public hearing open.
4. Invite statement of applicant.
5. Ask for statements in favor of the application.
6. Ask for statements against application.
7. Allow rebuttal by applicant only.
8. Close public hearing.
9. Ask additional comments of Staff.
10. Turn the item over to the Planning Commission for discussion.
11. After a motion and second are made, restate the motion.
12. Call for the vote.
13. The Secretary shall announce to the audience the action taken and whether the action is final or whether it is a recommendation to City Council. **In addition,** the appeal period shall **also** be announced.

A public hearing may be reopened and continued to the next meeting if there are changes that must be made that develop after closing the public hearing, but prior to any voting on the matter.

J-3 PRESENTATION OF EVIDENCE

1. Oral Evidence

All oral statements which are relevant to the subject matter of the hearing may be considered by the Commission. Oral evidence may be taken at the request of any interested party or his/her authorized representatives.

2. Exhibits and Documents

Exhibits and documents used by the City staff and any persons participating in the hearing shall be considered as evidence and shall be retained by the Secretary as a part of the official record of the proceedings.

3. Communications and Petitions

All communications and petitions concerning the subject matter of the hearing shall be read aloud either in full or by synopsis thereof, provided that a reading in full shall be had at the request of any Commissioner. All such communications and petitions may be considered as evidence by the Commission and retained as part of permanent record by the Secretary.

4. Maps, Plans, Models and Displays

Maps, Plans, Models and displays presented for use at the hearings shall, whenever practical, be displayed in full view of the participants and the audience. Said maps or displays or authentic reductions thereof may be considered as evidence. All maps & plans, models or displays presented as evidence shall become property of the City and shall be retained as evidence by the Secretary.

5. Admissible Evidence

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper admission of such evidence. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a decision unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statutes to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

J-5 EVIDENCE OUTSIDE THE HEARING

Any evidence taken outside the Council Chambers such as field trips, views of the premises, and discussions with individuals, shall not be considered by the Commission in reaching its decision except:

1. When during a hearing or work session the meeting is adjourned to a date, place and time certain for the specific purpose of taking visual or demonstrative evidence; or

2. If each Commissioner shall orally report his/her observance of such outside evidence taken, and he/she shall be subject to examination thereon by any interested person or his/her authorized representative.

J-6 CONTINUANCES

Any hearing being held or noticed or ordered to be held by the Commission may, by minute action, be continued to any subsequent regular or adjourned meeting of the Commission, provided that if the hearing is continued to a time less than twenty-four (24) hours after the time specified in the order on notice of hearing, a copy of the order of continuance shall be posted outside the Council Chambers following the meeting at which the order of continuance was made.

J-7 DECISION

The Commission shall consider all evidence properly presented in accordance with the rules stated herein, and unless otherwise provided by law shall render a decision or determination of the matter at the close of the hearing or as required by law. Said decision or determination shall be by motion made and action taken thereon at regular or adjourned meetings of the Commission. Any Commissioner who was not present during the entire hearing shall disqualify himself/herself from discussion or voting on said matter unless he/she has reviewed the evidence presented and declares so on the record.

J-8 RECORD OF HEARING

A verbatim mechanical recording shall be made of the oral evidence presented at the hearing. Said recording together with all documents, maps, exhibits and displays admitted into evidence, shall be retained by the Secretary for a period of five (5) years from the date of the close of the hearing. In lieu of retaining said recording, the Secretary of the Planning Division may prepare a typewritten transcript thereof which shall be certified by the Commission and shall be retained for the same period of time. Said recording or transcript and evidentiary documents shall be made available for public inspection and use with a reasonable time and under such reasonable conditions as may be prescribed by the City Council or the City Administrator.

K. AMENDMENTS

These By-Lays may be amended by a two-thirds (2/3) majority vote of the Planning Commission, provided the proposed amendment has been presented at one prior regular meeting before the action is taken. Failure of the Commission to follow the By-Laws established herein shall not invalidate or otherwise affect on any action of the Commission.