



**CITY OF UNION CITY  
AGENDA FOR THE REGULAR PLANNING COMMISSION MEETING  
ON THURSDAY, AUGUST 7, 2025 7:00 PM**

**City Hall- Council Chamber  
34009 Alvarado-Niles Road  
Union City, CA 94587**

**1. CALL TO ORDER:**

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL:**

**Chairperson Seyi McIelland; Vice Chairperson Ignacio Romero**

**Commissioners: Jo Ann Lew, Lee Guio, Prairna Gupta Garg**

**Alternates: Francisco Elizondo**

**2. APPROVAL OF MINUTES:**

**A. Planning Commission minutes for Regular Meeting of June 5, 2025**

**B. The minutes from the June 23, 2025 special meeting will be in a following packet.**

**3. ORAL COMMUNICATIONS:**

*(This is an opportunity for persons to speak on items not listed on the agenda. According to the California Government code the commission is prohibited from taking any immediate action on an item which does not appear on the agenda.)*

**4. WRITTEN COMMUNICATIONS:**

**5. PUBLIC HEARINGS:**

**A. CONTINUED HEARINGS:**

**B. NEW HEARINGS:**

**6. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS:**

- 1. Continuation of the discussion regarding Recommendation of a Planning Commission Representative to the Climate Action Plan Task Force**

**B. NEW REPORTS:**

- 1. Review of the 2025 Commission Norms and Guidelines**
- 2. Review of Updated Planning Commission Bylaws.**

**7. ECONOMIC DEVELOPMENT REPORTS:**

**8. COMMISSION MATTERS:**

- A. Follow-up on Planning Commission referrals to the City Council.
- B. Upcoming applications for the Regular Planning Commission meeting on August 21, 2025.

**9. GOOD OF THE ORDER:**

**10. ADJOURNMENT:**

*A complete agenda packet is available for review at City Hall or on our website [www.unioncity.org](http://www.unioncity.org)*

*Any writings or documents provided to a majority of City Council or Planning Commission members regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter at City Hall, located at 34009 Alvarado-Niles Road, Union City, California, during normal business hours.*

*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested person must request the accommodation at least two working days in advance of the meeting by calling (510) 675-5319.*



# Agenda Item

**ATTACHMENTS:**

Description		Type
	PCMN-2025-0605	Attachment

**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
ON THURSDAY, JUNE 5, 2025 AT 7:14 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD  
UNION CITY, CA 94587**

**1. CALL TO ORDER**

**A. PLEDGE OF ALLEGIANCE**

**B. ROLL CALL**

**PRESENT:** Vice Chairperson Ignacio Romero, Commissioners Lee Guio, Jo Ann Lew, Praisna Gupta Garg and Alternate Francisco Elizondo

**ABSENT:** Chairperson Seyi McIlleland

**STAFF:** Carmela Campbell, Economic & Community Development Director; Natalie Dean, Associate Planner; Farooq Azim, City Engineer; Juliet Vaughn, Legal Counsel and Tracey Barragan, Administrative Assistant III

**2. APPROVAL OF MINUTES**

**A.** Planning Commission minutes for Regular Meeting of April 3, 2025

The regular Planning Commission minutes for April 3, 2025 were accepted as written.

**B.** The minutes from the April 17, 2025 regular meeting will be in a following packet.

**3. ORAL COMMUNICATIONS: None**

**4. WRITTEN COMMUNICATIONS: None**

**5. PUBLIC HEARINGS**

**A. CONTINUED HEARINGS: None**

**B. NEW HEARINGS:**

- 1.** Gurpreet S. Buttar; Use Permit (UP-23-004) and Administrative Site Development Review (ASD-23-010); Gurpreet S. Buttar is seeking Use Permit (UP-23-004) and Administrative Site Development Review (ASD-23-010) to construct an approximately 4,230 square-foot, two-story residence with an attached 1,039 square-foot garage on a 57,858 square-foot vacant lot located at 467 Riviera Drive (APN: 087-0096-017-00), within the RS 6000-H (Single-Family Residential, Minimum Lot Size 6,000 Square-Feet. Hillside Combining (-H) District). CEQA Determination: Staff is recommending this project be considered categorically exempt from the California Environmental Quality Act (CEQA) under Section 15303, New Construction or Conversion of Small Structures of the CEQA Guidelines.



Vice-Chairperson Romero announced the Planning Commission will take a recess at this time to review some of the Desk Items presented and will reconvene at 7:30 p.m.

The Planning Commission meeting reconvened at 7:30 p.m. with all Planning Commissioners present with the exception of Chairperson Mclelland, who is absent.

Natalie Dean, Associate Planner provided a PowerPoint presentation for the project. Staff received questions and comments from Commissioner Lew regarding the project and a Desk Item was prepared in response to clarify tree removal; a new fire hydrant to replace an existing fire hydrant; conditions related to trash and recycling enclosures on the site; and clarification whether a visual analysis was prepared. Ms. Dean clarified that since the area is located in an area considered existing development under the Hillside Area Plan, the project is not subject to the requirements for a visual analysis typically required for new hillside development. Ms. Dean added that Section 18.96.070 of the Union City Municipal Code (UCMC), states the Economic and Community Development Director may require a visual analysis be prepared but since this is an infill project located in a developed single-family neighborhood, the Economic and Community Development Director did not require a visual analysis. Ms. Dean added the project is exempt from the California Environmental Quality Act (CEQA), Section 15303, New Construction or Conversion of Small Structures and that staff recommends the Planning Commission adopt the updated resolution approving Use Permit (UP-23-004) and Administrative Site Development Review (ASD-23-010).

Commissioner Guio commented on the size of the structure as compared to the existing homes in the neighborhood and asked if there will be any issues since no neighbors responded to the City's notice of the project.

Ms. Dean stated the size of neighboring residences was reviewed by staff. She added half of the neighboring homes were almost the same size as the proposed structure while two to three are about 4,000 square feet in size and some are smaller.

Carmela Campbell, Director of Economic & Community Development, added the subject lot is larger than the surrounding lots, people are building larger homes than in the past, and this is the last home on the block. She added staff supported the design as proposed.

Commissioner Guio referenced the natural landscaping and given fire issues asked if there are any concerns with the landscaping.

Ms. Campbell stated the project and the home will be required to meet all current building code requirements related to fire prevention and design. She added the City has a Weed Abatement Ordinance whereby Fire Department staff will review any properties with overgrown weeds or natural vegetation and require property owners to cut it down.

Commissioner Guio understood a water tank is located at the top of the hill and asked about the high-pressure fire hydrant and whether a line already existed. He asked if the cost of the high-pressure line will be borne by the property owner.

Ms. Dean confirmed the cost of the high-pressure line will be borne by the developer and will come from the source of higher pressure that is located above and northeast of the site.

Ms. Campbell explained the reason for the existence of the high-pressure line is the location of the water tank at the end of Appian Way in relation to the homes. She added the sites, such as the proposed property and others proposed for development at the end of Appian Way, cannot get the needed water pressure since there is not enough distance or height between the tank and where the house is located. She stated she understood

the Alameda County Water District, or possibly as part of the subdivision that was built years ago, is aware of the issue and they installed the high-pressure line but did not connect it to the water tank, which is off of a different system located a little bit down the street and away from the site. She added the applicant will install a new hydrant to be served from an extension of the existing high-pressure water line located in the vicinity of the project site and the applicant would bear the cost. She further added the applicant may be able to provide additional information since they are working closely with the Alameda County Water District and Fire Protection engineer.

Ms. Dean clarified Appian Tank Pressure Zone 5AT will extend from the intersection of Monaco Avenue and Riviera Drive.

Commissioner Guio asked about the 145 cubic yards of soil to be removed and asked about the number of truck trips that will entail.

Farooq Azim, City Engineer, clarified that each hauling truck will take about 10 to 15 cubic yards equaling roughly ten trucks.

Commissioner Lew thanked staff for the Desk Item. She commented that the format for the staff report has changed with the conditions of approval included in the resolution and with the resolution provided as Attachment 1, rather than in the staff report. She asked why the format changed.

Ms. Campbell explained that during a prior meeting the Planning Manager had indicated to the Planning Commission they will be using this format, which has been done this way before. She then described the format that was used prior to the change. She added it was decided it would best to provide the resolution along with the staff report so the Planning Commission will have an idea what the final product will look like, given that it is the record placed in the archives and given to the applicant as documentation. She further added she was going to notify the Planning Commission of this change as part of the distribution of the agenda packet for the meeting but she was out sick and unable to include that information. Ms. Campbell asked if preferred by the Planning Commission, staff could go back to what was done in the past since there is nothing in state law dictating any particular format.

Commissioner Lew had no preference but she liked to see consistency and all of the corrections in the resolution before being sent out for signature.

Ms. Campbell recognized in this scenario and with the Desk Item that the Planning Commission is seeing the updated conditions in real time and the resolution will be what is put into the record.

Commissioner Lew understood that will be the case unless a Commissioner recommended changes. She also questioned the fact the resolution of approval contained the signature of the Chairperson; however, if the Chairperson did not attend the meeting, she asked staff to provide clarification.

Juliet Vaughn, Legal Counsel, explained the City's practice is if the Vice-Chairperson or another Commissioner is acting as Chair for the meeting, that person will sign the resolution Acting as the Chair.

Commissioner Lew understood in this case the signature line for the resolution will be changed to Acting Chair Romero.

Ms. Campbell advised she had spoken with the City Clerk about this issue and it was indicated that Vice-Chairperson Romero may sign as the Vice-Chair for Chairperson Mclelland, with the Vice-Chair's name not to be added to the resolution, which can be

confirmed with the City Attorney's Office. She clarified the Chairperson will not be asked to sign the resolution in this case given her absence from the meeting.

Commissioner Lew questioned why the Chair will be asked to sign the resolution when she is not present for the meeting.

Ms. Campbell reiterated that staff will defer to whomever is running the meeting.

Commissioner Gupta Garg referenced the easement fence at the rear of the property and asked if it is adequate to accommodate a fire truck due to the slope of the site. Speaking to the end of the cul-de-sac, she asked if the City will require future proof it can accommodate emergency truck access.

Ms. Campbell explained that for a single-family home, there is no requirement for an easement to the rear of the site to provide fire access to the hills. She commented there has not been a lot of analyses done by the Fire Department on access to the hills and added the Fire Department will most likely use some of the old fire roads and come up in a different way.

Commissioner Gupta Garg wanted the Fire Department to be mindful given the upper lot can be developed in the future and there can be an issue. She requested clarification whether there is open space between Appian Way and the site and asked if that is developable property.

Ms. Campbell clarified that area will remain open space. She added there is an application for development for the site at the end of Appian Way but she understood the area referenced will remain open space. She further added after new roadways are in and Appian Way extended, the Fire Department will most likely fight any fire in this area from above.

Commissioner Gupta Garg spoke to the building finishes and materials, particularly the charcoal trim being proposed, and indicated aside from the earthy color palette, which will be consistent with the neighborhood, anything else should not be approved.

Ms. Campbell advised that those types of considerations can be kept in mind. She added the project met the objective standards included in the UCMC but the Commission can provide feedback to the applicant on what they want to see and there can be a recommendation to focus on earth tones.

Ms. Dean advised the neighboring residences consisted of earth tones.

Commissioner Gupta Garg commented there were homes in her neighborhood with charcoal colors that are out of place and wanted to ensure consistency with the existing neighborhood.

Commissioner Elizondo referenced the high-pressure water line intended to replace the existing fire hydrant and requested clarification whether there was another fire hydrant located on Monaco Avenue and will it remain low efficient.

Ms. Campbell understood the fire hydrant on Monaco Avenue is a high-pressure fire hydrant but that can be confirmed.

Commissioner Elizondo asked staff to clarify that issue and suggested it is not a bad idea to have two high-pressure fire hydrants in the neighborhood.

Ms. Dean clarified there are two lines at the intersection pursuant to the diagram in the plans and the lower pressure line will be replaced with the higher-pressure line.

Ms. Campbell explained there is a nexus for this project to upgrade the fire hydrant closest to the residence.

Commissioner Elizondo asked about the type of material for the upper deck to be connected to the home.

Ms. Dean suggested the applicant provide clarification but she understood the deck will be constructed with non-combustible materials.

Commissioner Elizondo also asked if the drainage system will be up to date and if the area has a history of flooding or drainage issues.

M. Azim reported there has been no history of flooding but there were drainage issues after rain events. Mr. Azim added the applicant will be required to ensure the foundation system is able to carry the water away from the site without impacting the foundation system.

Vice-Chairperson Romero also commented on the fire protection issues and referenced Sheet A4, Site Plan. He asked if a requirement could be included that there be no obstruction of any type on the setback sides of the property to ensure fire access, if needed, particularly given the size of the building as opposed to those in the existing neighborhood.

Ms. Dean deferred to the applicant but confirmed that issue has been raised and there will be no obstructions within the setbacks. Sheet A4 did include information on how far each fire hose will reach.

#### PUBLIC HEARING OPENED

Gurpreet Buttar, the property owner, 467 Riveria Drive, Union City, reported he purchased the lot in 2021, planned to build his dream home and has been working on it since 2023 when he submitted plans to the City. He welcomed any questions from the Planning Commission.

Commissioner Guio asked about the high-pressure water line and if it is coming from below or above the property.

Mr. Buttar explained the Alameda County Water District imposed the requirement. He added the District checked the water pressure and a report was provided to the City. He further added the high-pressure line, when installed, will cover the entire neighborhood, almost double the lower pressure water hydrant and the fire hydrant closest to the home is the only fire hydrant being replaced. He also clarified that one truck will carry around 14 cubic yards of soil and there will be about ten to fifteen trucks removing mud from the site.

Commissioner Lew found the home will be beautiful with beautiful views of the open space. She hoped the property owner has the funding set aside to complete the project and understood he had excellent contractors to help. She added she expected the project will be completed in one to two years, wished the applicant well and good luck, and is pleased he is getting help from the City.

Commissioner Gupta Garg commented the Planning Commission cared about the safety of people, which is why there are concerns with fire and flood prevention.

Commissioner Elizondo asked again for clarification of the deck materials to be used.

Mr. Buttar stated the deck will be concrete. He also clarified after speaking with the Fire Department that the fire hose could reach up to 600 feet from the fire hydrant.

Commissioner Elizondo also found the plans to be beautiful and he too expected it will take about one to two years to complete, and Mr. Buttar was hopeful that would be the case.

Vice-Chairperson Romero asked if the applicant will place anything between the setback and the fence. He wanted to see that area maintained with clear and clean spaces to ensure emergency personnel can reach the back of neighboring residences and the subject residence.

A response was provided by Mr. Buttar which is not captured on audio.

#### PUBLIC HEARING CLOSED

Commissioner Lew commented she had no additional questions and all of her questions had been answered and comments acknowledged. She added she had no objections to what she described as a wonderful and great infill project on a beautiful site.

Commissioner Guio moved that the Planning Commission adopt the updated resolution approving Use Permit (UP-23-004) and Administrative Site Development Review (ASD-23-010).

Commissioner Lew seconded. A Roll Call vote was taken.

The motion passed 5-0. UNANIMOUS.

**6. SUPPLEMENTAL REPORTS: None**

**A. CONTINUED REPORTS:** None

**B. NEW REPORTS:** None

**7. ECONOMIC DEVELOPMENT REPORTS: None**

**8. COMMISSION MATTERS**

**A.** Follow-Up on Planning Commission Referrals to the City Council

There is no report.

**B.** Upcoming Applications for the Regular Planning Commission Meeting on July 17, 2025

Ms. Campbell explained that the next regularly scheduled Planning Commission meeting will fall on Juneteenth and the meeting has been canceled. The Planning Commission also canceled the first meeting in the month of July since it is the same week as the Fourth of July holiday. She added at this time there are no items scheduled for the Planning Commission meeting of July 17, 2025.

**9. GOOD OF THE ORDER**

Commissioner Guio reported on upcoming events and congratulated all 2025 graduates.

Vice-Chairperson Romero thanked the team for their assistance as he Chaired the Planning Commission meeting. He wished everyone a belated Mother's Day,

congratulated all graduates and recognized upcoming events including Father's Day, Juneteenth and Fourth of July.

Ms. Campbell reported the City Council has been holding special study sessions on the budget during the months of May and June and stated the City Council will also consider the City's Capital Improvement Plan (CIP), which is a list of projects the City planned to build over the next five years. She added State law requires the Planning Commission to make a determination on General Plan conformity for the CIP, but with the next two meetings canceled and since the budget must be adopted by June 30, 2025, a Special Planning Commission meeting will need to be scheduled. She suggested possible meeting dates of June 13, 16, or 17 and added Commissioners will be asked their availability via email to narrow down a meeting date and ensure a quorum. She asked Commissioners to respond to the email by Monday, June 9, 2025. She added a Special Meeting can be held earlier than the 7:00 p.m. meeting time and can be scheduled on a non-meeting date.

Ms. Campbell added there may be the need for Commissioners to recuse themselves from considering the CIP. She explained how this was done at the City Council and added, if needed, recusal statements will be prepared with legal counsel.

Ms. Campbell further added another time sensitive item will be on the same Special Meeting agenda, which is a request to nominate a Planning Commissioner to serve on the Climate Action Plan (CAP) Task Force. She stated the City is updating its CAP with a community task force comprised of members from the City Council, City Commissions/Committees and the community at-large and the City Council would make the appointments to the task force.

Ms. Campbell also reported during the prior Planning Commission meeting the bylaws were discussed but could not be approved at the same meeting as they are introduced. She added the bylaws were going to be presented to the Planning Commission at this meeting but were delayed due to the City Council Legislative and Policy Subcommittee recommending some additional updates to the Planning Commission Norms and Guidelines and provisions in the UCMC related to Commissions, which are to be considered by the City Council in the next week. She added staff did not want to bring back a document that will have to be turned around and updated again and legal counsel is assisting in that and staff anticipates at the next Planning Commission meeting that information will be presented.

The Planning Commission discussed the time to meet for a Special Meeting Commissioner Guio preferred the meeting start around 5:00 p.m. and stated he is unavailable to meet the week of June 12, 2025; Commissioner Gupta Garg reported she will be out of town the week of June 16, 2025 but will want to see the CIP and have the ability to provide comments; and Commissioner Elizondo had no time preference but preferred meeting on a Wednesday in the next week.

Ms. Campbell advised she will confer with Chairperson Mclelland on the time and date for a Special Meeting. She added a link to the CIP can be provided to Planning Commissioners and a link will also be available on the upcoming City Council meeting agenda.

Commissioner Gupta Garg asked about the purpose of the appointment to the CAP Task Force.

Ms. Campbell stated a memorandum will be prepared explaining the purpose of the CAP Task Force, which will weigh in on the different milestones of the project. She added the Task Force will likely meet five to ten times during the project, which is probably one to two years, and meetings will occur at night during the week.

10. **ADJOURNMENT**: 8:35 P.M.



# Agenda Item

**ATTACHMENTS:**

Description		Type
	Staff Report	Staff Report
	Presentation	Attachment





## Agenda Item

**DATE:** 08/07/2025

**TO:** PLANNING COMMISSION

**FROM:** CARMELA CAMPBELL, ECONOMIC AND COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT:** CONTINUATION OF THE DISCUSSION REGARDING RECOMMENDATION OF A PLANNING COMMISSION REPRESENTATIVE TO THE CLIMATE ACTION PLAN TASK FORCE

### **EXECUTIVE SUMMARY**

Staff recommends that the Planning Commission continue its discussion regarding the nomination of a Planning Commission member to serve on the Climate Action Plan Task Force.

### **BACKGROUND**

The City is undertaking a comprehensive update to its Climate Action Plan, a strategic document aimed at reducing greenhouse gas emissions and enhancing community resilience to climate change. As part of this effort, the City Council has established a new Climate Action Plan (CAP) Task Force to ensure that the updated plan reflects community input and locally appropriate strategies.

For additional background and context, please refer to the [June 23, 2025, Planning Commission Staff Report](#).

### **DISCUSSION**

This item was initially presented at the June 23, 2025, Planning Commission meeting. However, due to the presence of only three Commissioners, the Commission voted to continue the item to a future meeting. In the interest of ensuring full and robust

participation in the nomination process, the Commission determined that deferring the discussion would allow all members the opportunity to engage in the selection of a representative. A full Commission would help facilitate a more comprehensive review of potential nominees and support a well-informed and representative decision.

### **NEXT STEPS**

Upon receiving the Commission's recommendation of a representative, Planning staff will transmit the nomination to the Mayor for consideration. The Mayor's appointment, along with other Task Force member selections, will be subject to City Council approval at a future public meeting.

### **RECOMMENDATION**

Staff recommends that the Planning Commission recommend one of its members to the Mayor for consideration to serve on the CAP Task Force.

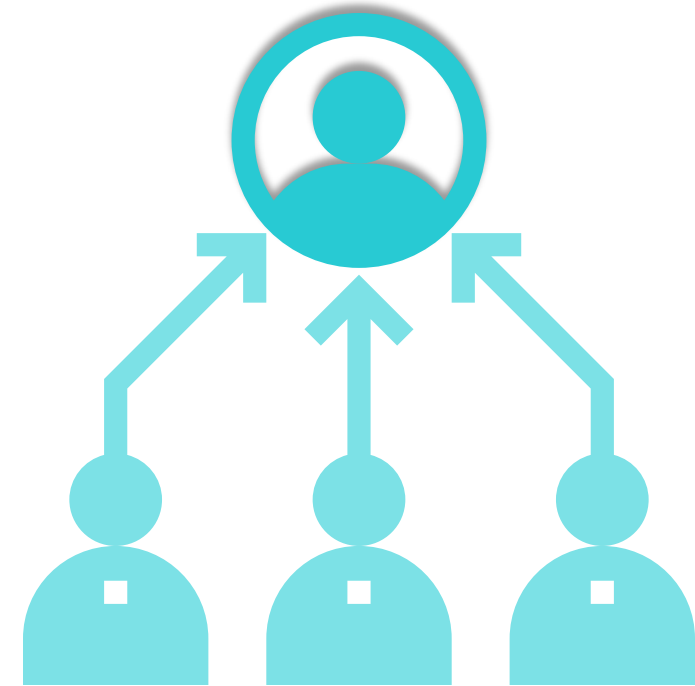
Prepared by:                      Mayank Patel, Senior Planner



CLIMATE ACTION PLAN UPDATE  
**Task Force**

# Request

Nominate one member to serve as the Commission's official representative on the Climate Action Plan (CAP) Task Force



# Background

- City is updating its CAP, which was informed by a Climate Protection Task Force
- City Council adopted a Resolution to form a new Task Force for the CAP Update



# Composition



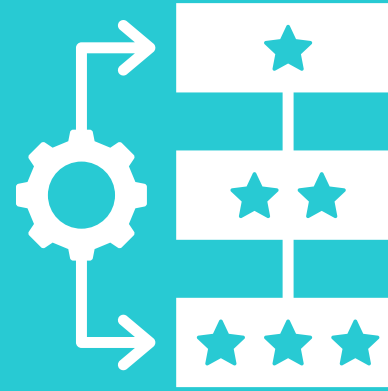
# Role & Responsibility



Review  
Deliverables



Provide  
Input



Prioritize  
Strategies



Support  
Engagement

# Commitment



**Timeline:** 2 Years / CAP Adoption

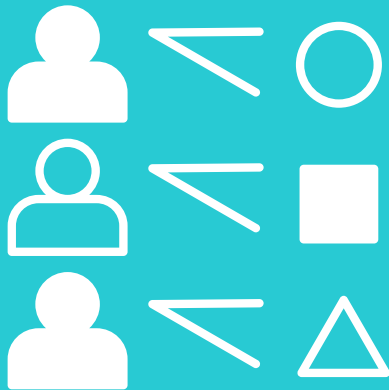


**Number of Meetings:** 5 – 10 (IN-PERSON)

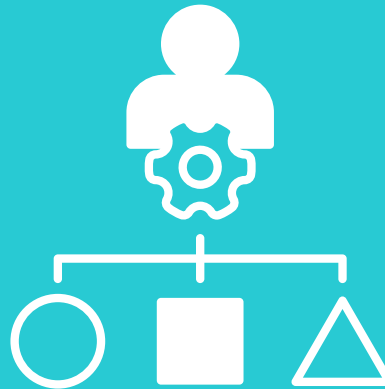


# Expectations

Respective diverse  
perspectives



Focus on balanced  
solutions



Represent  
community needs



# Qualifications



Familiarity with environmental principles



Passion for progress

# Recommendation





Staff recommends that the Commission recommend **one** of its members to the Mayor for consideration to serve on the Climate Action Plan Task Force





## Agenda Item

**ATTACHMENTS:**

Description		Type
	Memo to the Boards, Commissions, & Committees Members, Secretaries, and Staff Liaisons	Attachment
	Commission Norms & Guidelines	Attachment
	Commissioner Acknowledgement Form	Attachment
	Presentation	Attachment

# Memo

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DATE: Thursday, June 12, 2025

TO: Boards, Commissions, & Committees Members, Secretaries, and Staff Liaisons

FROM: THAI NAM PHAM, CITY CLERK

SUBJECT: Implementation of 2025 Commission Norms and Guidelines

On June 10, 2025, the Union City Council adopted Resolution No. 2025-081, formally approving the updated Norms and Guidelines for Boards, Commissions, and Committees. These revisions align local practices with legal requirements and modern expectations for commissioner conduct, participation, and training.

To ensure consistent implementation, staff will be adding “Review of the 2025 Commission Norms and Guidelines” to your next meeting agenda. I will attend to present the updates, answer questions, and distribute acknowledgment forms. All commissioners and alternates will be required to sign these forms confirming that they have read and agree to abide by the updated guidelines.

If you have any questions, feel free to reach me at [ThaiP@unioncity.org](mailto:ThaiP@unioncity.org) or (510) 675-5448.

Thank you,  
/s/Thai Nam N. Pham, MMC, CPMC  
City Clerk

## Summary of Key Changes in the 2025 Guidelines

### 1. Attendance Standards:

- Attendance is now tracked on a calendar year basis (Jan–Dec), replacing the rolling 12-month model.
- Commissioners must attend 75% of all scheduled meetings to remain eligible.
- New tardiness policy: Arriving more than 10 minutes late without notice results in an unexcused absence and no stipend.

### 2. Training Compliance:

- AB 1234 Ethics and AB 1661 Harassment Prevention trainings are now required for all commissioners and alternates.
- Commissioners must submit proof of completion to the City Clerk.
- Failure to complete or submit proof results in automatic vacancy and a 24-month ineligibility for any commission or board.

### 3. Alternate Commissioner Expectations:

- Alternates are encouraged (not required) to attend at least 30% of regular meetings to remain engaged.
- They may sit on the dais and participate in discussions when all regular members are present (non-voting).
- Alternates vote only when officially seated in place of an absent commissioner.

### 4. Acknowledgment Requirement:

- All commissioners and alternates are required to sign a form acknowledging receipt and agreement to follow the 2025 Guidelines.





# Norms and Guidelines for Boards, Commissions, & Committees

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# INTRODUCTION

Commission Guidelines serve as a guiding document for commissioners to carry out best practices in local governance, incorporating digital governance tools and transparency measures to enhance accessibility and efficiency. These guidelines ensure commissioners can effectively carry out their role in advising the City Council.

Commissioners are expected to uphold professional integrity, collaborate effectively, and maintain transparency in all commission activities. Commissioners should also adhere to digital communication best practices and ensure accessibility through virtual participation as appropriate. The City Council is tasked with adopting these norms and guidelines into City policy and also reviews and approves any updates or modifications. These Commission Guidelines apply to all City Commissions, Boards and Committees, as well as any other bodies specified by the City Council, except where otherwise noted.

## CHAPTER 1 - GROUP NORMS

Group Norms are an adopted set of behaviors and procedures that all commissioners are expected to demonstrate for the benefit of the organization and while serving in the role as Commissioner.

1. We conduct ourselves in a professional manner, treat everyone with respect, and act with high integrity, always putting the interests of the City of Union City ahead of self-interests in accordance with the City's code of ethics.
2. As appointees of the City Council, we understand the importance of keeping the City Council informed about our work and endeavors as Commissioners/Committee members and that it is appropriate to take general direction from the City Council where appropriate.
3. We strive to avoid real or perceived conflicts of interest whenever possible and to disclose them to affected parties when they do exist.
4. We respect each other's opinions and ensure that all voices are heard. We do not criticize others for having a different point of view, and we agree to disagree respectfully.
5. We understand that we act as a body, all members are equal, and policy direction is only given by a majority vote of the Commission/Committee. Once a decision is made, all members must respect the Commission's/Committee's direction.
6. We are prepared for Commission/Committee meetings and ask our questions of staff in advance so we can avoid surprising staff at our meetings.
7. We attend on time, are focused and devote our undivided attention during Commission/Committee meetings in order to ensure that we can conduct business efficiently and effectively.
8. We do not criticize staff to them or others.

The City Council may terminate membership on a commission for failure to meet the expectations laid out in the above Group Norms.

# CITY OF UNION CITY GUIDELINES FOR COMMISSIONS / COMMITTEES

## CHAPTER 2 - SERVING ON A COMMISSION / COMMITTEE

### Section 1.Membership

#### A. Residency Requirements and Affidavit of Residency.

As required by **Union City Municipal Code (UCMC) Section 2.20.030**, commissioners, board members, or committee members ("commissioners") must be Union City residents with the exception of:

- **Arts & Culture Commission** (must either be a resident at large or an artist).
- **Economic Development Advisory Team (EDAT).**
- **Bicycle Pedestrian Advisory Committee (BPAC)** (The bicycle community representative may be either a resident or non-resident).

Proof of residency is required when requested.

Commissioners that are required to be residents must inform the City Clerk if they are no longer residing in the City of Union City. The term of the commissioner shall expire on the date that the commissioner ceased being a resident in Union City. Commissioners that temporarily leave Union City as a result of transitory circumstances, but with the full intent to reestablish residency in Union City within one month, shall still be considered a resident of Union City. If the commissioner has not reestablished residency, the commissioner shall notify the City Clerk and automatic termination of membership will occur upon receipt of notification by the City Clerk. Commissioners are required to notify the City Clerk and the secretary of the commission of any change to contact information.

#### B. Appointments.

Commissioners are appointed by the Mayor with City Council Approval under UCMC Section 2.20.030. The City Clerk will advise new commissioners on training and filing requirements.

Commission staff will ensure an orientation is completed to inform new commissioners of these guidelines.

#### C. Oath of Office.

Commissioners must take the **Oath of Office** before participating in meetings. The Oath of Office must be conducted by the City Clerk, an elected official, or staff who have been deputized to conduct the oath. Board secretaries have been deputized to administer the Oath of Office.

#### **D. Terms of Office.**

Commissioners and alternates can serve up to two (2) full consecutive terms under UCMC Section 2.20.050. Commissioners may be appointed to a partial term to complete a term of a vacancy and such partial terms shall not count as a full term. Commissioners or alternates that have served 2 full consecutive terms cannot be reappointed to their respective boards or commissions until a two-year break in service has occurred.

#### **E. Attendance Requirements (UCMC Section 2.20.040).**

Failure to comply with attendance rules and other requirements can result in automatic termination. It is important to note that all commissions, regardless of the frequency of meetings, are subject to these attendance regulations.

Commissioners must attend all meetings in order to avoid being marked absent. A commissioner is determined to be “absent” unless they have been granted an excused absence.

Commissioners should inform the secretary as far in advance as possible if they cannot attend a meeting. Secretaries should advise these commissioners to request an excused absence for the meeting.

**Excused Absences:** The following reasons shall be considered valid excuses for failing to attend a meeting.

1. Serious illness and/or injury of the Commissioner and/or their immediate family;
2. Death in the family;
3. Employment conditions requiring travel outside the Bay Area, evening meetings, etc.;
4. Lack of transportation to the meeting;
5. Previously scheduled vacation or travel.

#### **Notification Deadlines for Absences:**

- For serious illness, injury, or a death in the family (Subsections 1 and 2 above), commissioners and alternates must notify the Commission Secretary no later than 24 hours before the meeting.
- For employment conflicts, lack of transportation, or previously scheduled vacation or travel (Subsections 3, 4, and 5 above), commissioners and alternates must notify the Commission Secretary no later than 72 hours before the meeting.
- Failure to provide a timely notice will result in the absence being recorded as unexcused. The commission bylaws will be updated to reflect these attendance notification procedures in accordance with Ordinance No. 2025-001, which took effect on April 10, 2025.

(UCMC Section 2.20.040).

Absence from Three Consecutive Meetings. If a commissioner is absent from three consecutive meetings without a valid excuse, their appointment to the commission will be automatically terminated. (UCMC Section 2.20.040(B).)

Failure to Attend At Least 75% of All Scheduled Meetings of the calendar year (January 1 through December 31). If a commissioner fails to attend at least 75% all scheduled meetings during the calendar year without a valid excuse, their appointment to the commission will be terminated. (UCMC Section 2.20.040(B).)

Commissioners arriving more than ten minutes late to a meeting without providing advance notice to the Commission Secretary shall be marked as unexcused and will not receive a meeting stipend. Commissioners providing notice and arriving within ten minutes may be marked present, but must not disrupt proceedings once the meeting has commenced.

## **F. Tardiness Policy.**

Commissioners are expected to attend all meetings on time. A commissioner arriving more than ten (10) minutes after the official start of the meeting without providing advance notice to the Commission Secretary shall be marked as unexcused and will not receive a meeting stipend for that meeting.

If advance notice of tardiness is provided and the commissioner arrives within ten minutes of the meeting start time, the commissioner may be marked as present but must join the meeting in a manner that does not disrupt the proceedings.

When a commissioner is tardy and their absence affects quorum or voting, an alternate commissioner may be seated in accordance with established protocols.

Chronic tardiness may be considered in evaluating a commissioner's continued service and eligibility for reappointment.

## **G. Automatic Terminations.**

The importance of complying with the requirements of being a commissioner cannot be sufficiently emphasized. Failure to recognize these requirements will result in automatic termination. The following are reasons why commissioners are automatically terminated as well as the period of time for which a commissioner is ineligible for reappointment (if applicable).

- Unexcused absence from three consecutive meetings. (UCMC Section 2.20.040(B).) Ineligible for reappointment to that commission or board until two full terms from the date of the initial appointment under UCMC Section 2.20.050.
- Failure to attend at least 75% all scheduled meetings in any twelve consecutive month period without a valid excuse. (UCMC Section 2.20.040(B).) Ineligible for reappointment to that commission or board until two full terms from the date of the initial appointment under UCMC Section 2.20.050.

- Non-residency.
- Failure to meet any eligibility requirements of the ordinance, resolution, or other law establishing the commission or regulating its membership.
- Failure to complete AB1234 Ethics Training. (UCMC Section 2.20.100.) Ineligible for reappointment to that commission or board during the unexpired portion of the vacated term and for one full term under UCMC Section 2.20.100(D).)

## H. Resignation Procedure.

A commissioner wishing to resign shall submit a written resignation directly to the City Clerk and to the Mayor. Either an electronic or a hard copy resignation will be accepted.

Once submitted, a letter of resignation cannot be withdrawn. The effective date of the resignation is the date it is received by the City Clerk unless a future date is indicated.

## Section 2. Alternate Commissioners

Alternate commissioners attend the regular and special meetings of the commission in the absence of a regular member. The alternate shall review staff reports and documents and otherwise prepare for such meetings. If, as a result of an absence of a regular member at a regular or special meeting, the alternate shall move to the seat of a regular member, then the alternate shall participate as a regular member, and shall receive such compensation, where applicable. (UCMC 2.20.020.)

Alternate commissioners are subject to the qualifications, appointment, removal and other requirements applicable to the regular members. However, alternate commissioners will not be automatically appointed where there is a vacancy created for a regular commissioner position. The Mayor, with approval of the City Council, shall appoint commissioners to vacant position pursuant to UCMC Section 2.20.030. The Mayor may consider current alternate commissioners for appointment to a vacant regular commission position and may consult with the Councilmember liaison to the relevant commission when considering alternate commissioners.

Alternate commissioners are encouraged to attend at least 30% of regular meetings to stay informed and ready to serve when needed. Alternates may sit on the dais and participate in discussions even when regular members are present, if authorized by the Commission Chair. However, alternates may not vote unless officially seated to fill an absence. When called upon to serve but unable to attend, the absences of alternate commissioners will be considered excused or unexcused based on timely communication with the Commission Secretary.

In accordance with the City's Tardiness Policy, if a regular commissioner has not arrived within ten (10) minutes of the scheduled meeting start time and has not provided prior notice to the Commission Secretary, the alternate commissioner may be officially seated to fill the vacancy for that meeting. Once seated, the alternate shall have full voting rights for the duration of the meeting.

If the regular commissioner arrives after the alternate has been seated, the regular commissioner may participate as a member of the public but will not be permitted to participate as a voting member for that meeting.

### Section 3. Accommodations for Commissioners with Disabilities

Members of boards, commissions, and the public who have a disability have a right to reasonable accommodations necessary for them to participate in City meetings and programs. The Americans with Disabilities Act (ADA) and other laws mandate that the City provide programmatic access and effective communication in order for people with disabilities to be able to participate in the City's programs, services, and activities including public meetings.

Individuals with disabilities who need accommodations to participate at a City of Union City meeting should make their requests to the commission secretary.

### Section 4. Stipend Information

Pursuant to UCMC Section 2.20.080, commissioners may be entitled to payment in an amount specified by City Council Resolution.

## CHAPTER 3 - CONFLICT OF INTEREST PROHIBITED

### A. Influencing the Making of Contracts and Affecting Other Financial Interests.

The Political Reform Act and Government Code 1090 prohibit commissioners from participating in a matter in which the commissioner has an economic or contractual interest. This extends to any decisions or attempts to influence a decision involving the interest.

Under some instances, an exception to the rule may exist. Please contact the secretary of the commission should you believe you have a conflict of interest.

### B. Disclosure Statements Required (Form 700).

The Government Code of the State of California requires that designated commissioners file a Form 700 Statement of Economic Interests in which they disclose specified financial interests. The Union City Conflict of Interest Code specifies each commission that is subject to this requirement and the interests that must be disclosed.

**Failure to file any required Form 700 by the deadline (Assuming, Annual, Leaving) may result in the assessment of fines and/or referral to the FPPC for enforcement. Additionally, commissioners that have not timely filed a Form 700 are prohibited from attending commission meetings until the Form 700 has been filed and all outstanding fines have been paid.**

An Assuming Office Form 700 must be filed with the City Clerk Department within 30 days of appointment. Annual Form 700s must be filed by April 1 of each year.

Finally, a Leaving Office Form 700 is required within 30 days of leaving office.

Commissioners, Board and Committee members are required to file pursuant to the City's Conflict of Interest Code, which is updated every two years. The City Clerk will routinely advise all commissioners affected of these requirements and deadlines. Not all commissioners are required to report the same interests. The Conflict of Interest Code is designed to require only that degree of disclosure needed to protect the public interest while balancing that need with an individual's right to privacy.

### c. Incompatible Public Offices.

The common law doctrine of incompatible public offices prohibits a public official from occupying two public offices that are incompatible in terms of their duties and/or the likelihood of divided loyalties. However, in Union City, serving on two or more City boards or commissions, including quasi-judicial bodies, is permitted. A commissioner who already occupies an elected or appointed office other than a City board or commission and wants to apply for appointment to a City commission should seek the City Attorney's advice as to whether the two offices may be deemed incompatible.

### d. Elected Officials.

Should a commissioner be elected to one of the following positions, the commissioner shall resign from the commission position within 30 days of the election date:

Alameda County Water District Board of Directors, BART Board of Directors, Alameda County Board of Supervisors, Alameda County Board of Education, East Bay Regional Park District Board of Directors, New Haven Unified School District Board of Education, Chabot College Board of Trustees, Ohlone College Board of Trustees, AC Transit Board of Directors, Union Sanitary District Board of Directors.

Failure to resign within 30 days shall result in the commissioner's position being placed before the City Council for removal.

## CHAPTER 4 - COORDINATION WITH COUNCIL, STAFF, MEDIA AND COMMUNITY

### A. Coordination with City Council.

#### (1) Relationship to City Council.

The role of a commission is to advise the City Council. The exception is for quasi-judicial commissions that can act under their authorized ordinances or advise the City Council as appropriate. The City Council is responsible for accepting, rejecting, or modifying commission recommendations. The Council relies on the various commissions to increase the variety of viewpoints and talents brought to bear on City problems. By concentrating on specific areas, commissioners use their expertise and conduct detailed



analyses that the Council itself may not have the time to pursue. It is expected that commissions will adopt positions of advocacy within their specific purview. However, the City Council's role is to take into consideration the many varied and sometimes conflicting public needs and render its judgment of what will best serve the public good. The Council must weigh the effect of any given recommendation, not only on the particular area of interest but on all other City goals and programs.

Just as the commissions advise the City Council concerning policy but do not create policy, the commissions advise the City Council concerning various programs run by the City but do not themselves operate programs. It is the responsibility of the City Manager and the City staff to operate programs authorized by the City Council.

(2) Councilmember Liaison

In order to provide regular and consistent guidance to commissions, the City Council will designate one Councilmember to serve as a liaison to the Human Relations Commission, Senior Commission, Parks and Recreation Commission, Arts and Culture Commission and Youth Commission. Each commission is encouraged to keep the Councilmember liaison apprised of relevant developments and seek guidance from the Councilmember liaison. The Councilmember liaison will keep the City Council apprised as appropriate. The Councilmember Liaison may include the following activities:

- (a) Attend Commission meetings as needed to communicate and provide guidance to Commissioners.
- (b) Attend Commission retreats and planning meetings as needed to ensure guidance can be rendered to Commissioners as priorities are being shaped.
- (c) Work one on one with Commission Chairs and staff to determine approaches to Commission work as needed.
- (d) Keep the Mayor and City Council apprised as needed of Commission work at City Council meetings during the City Commission/Committee Reports section of the agenda.
- (e) Provide the Mayor feedback regarding the Commission as needed.
- (f) The Planning Commission will not have a Councilmember Liaison due to the State's legal requirement for the Planning Commissioners to act independently from the City Council on policy matters.

(3) Referrals from the City Council.

The Council may transmit referrals for information or action through formal action on an agenda item. These actions are recorded in the minutes of the Council meeting. The secretary notifies the commission of any such referrals from the Council. When appropriate, the Council may indicate a desired date for response and specify which commissions will be consulted.

Each referral response presented to the City Council on the Council agenda, shall indicate to whom the item was referred, the date of referral, and any other responses. Each commission may elect to respond by means of a



separate report or communication.

## **B. Council Meeting Procedures and Commission Participation.**

Regular City Council meetings are generally held twice monthly on Tuesdays. The schedule is established annually, taking into consideration holidays and election dates.

The chair, or an authorized representative of the commission, has the right to address the City Council on relevant items within the jurisdiction of the commission. Commissioners not delegated to speak as the official representative may utilize the Public Comment period to present information to Councilmembers.

## **c. Coordination with Staff.**

The City Manager has a direct interest in the work of all commissions as they often advise the City Council on issues that will affect the use of staff time and City resources. Commission secretaries are responsible to the City Manager as well as the commission, and they keep the City Manager informed of significant issues that come before their commissions.

## **D. External Relationships.**

### **(1) Communication with the public, press and other media.**

There are instances where it is appropriate for commissioners to provide public statements about city events and policy matters to the public and the press in an official capacity; however, commissioners must coordinate with City staff and seek approval first from the Mayor and Councilmember liaison prior to giving such statements. Upon approval from the Mayor and Councilmember liaison, City staff will coordinate and organize public communication and inquiries from the media related to official statements to include the chair of the commission, or a representative designated by the commission, who may clarify actions taken by the commission, fairly and accurately recap commission conversations, or outline next steps. The Chair or designee must not editorialize, offer personal opinions, or speculate on future actions when speaking in an official capacity. A commissioner may recite commission positions, activities and actions taken and state factual accounts of those actions.

### **(2) Community relations and engagement/Social media.**

Commissioners may not, in an official capacity, represent their commission or the City to the general public without City Council approval. Commissioners may not use city logos, branding, name tag, business cards, or other collateral to represent their private, personal or political interests.

Any time that a commissioner uses their commission title, is wearing their commissioner name badge or references their membership on a city commission when speaking publicly or on social media, they must state that they are speaking in an individual capacity and not as a representative of the

City of Union City.

- (3) Election-related activity or personal activity.

Commissioners are prohibited from using their position as a commissioner for political or personal gain. For example, while potential ballot measures are under consideration or while candidate campaigns are being carried out, commissioners can elect to individually participate in campaign activity but cannot use City resources to support that activity. Thus, commissioners may engage in election-related activity as community members, and may use their commission title(s), current or former, for identification purposes, so long as they affirmatively declare that they do not represent the City or any legislative body of the City. As a point of reference, attached is a memorandum from the City Attorney related to campaign activities during the 2020 election.

## CHAPTER 5 - COMMISSIONER TRAINING

### A. Training Required by City.

- (1) Onboard training/orientation for new commissioners.

Certain commissions may have a training/orientation workshop conducted by the City Clerk's Office or the commission secretary. Commissioners will be contacted by the commission secretary of any necessary training/orientation.

### B. State-Mandated Training.

- (1) Commissioners are required to complete biennial ethics training under AB 1234 and harassment prevention training under AB 1661 in accordance with State law and UCMC Section 2.20.100. Newly appointed commissioners must complete both trainings within one year of their appointment and every two years thereafter.
- (2) In addition to completing the required trainings, commissioners must submit proof of completion to the City Clerk by the required deadline. Failure to complete the training or submit proof of completion within the specified timeframe will be treated as non-compliance and will result in automatic removal from the commission.
- (3) Commissioners who fail to comply with either of these requirements will be ineligible for reappointment to any board or commission for a period of 24 months from the date of removal.

## CHAPTER 6 - TELECONFERENCING AND REMOTE PARTICIPATION

Commissioners may participate in meetings via teleconferencing under two distinct legal frameworks: Government Code Section 54953 (Brown Act Teleconferencing Rules) and

AB 2449 (Temporary Teleconferencing Option). The conditions for each are outlined below:

**A. Teleconferencing Under Government Code Section 54953 (Standard Brown Act Requirements):**

- A quorum of the commission must be physically present at a publicly accessible location.
- All remote teleconference locations must be identified in the meeting agenda and made accessible to the public.
- Commissioners participating remotely under this rule must publicly disclose their teleconference location and allow members of the public to attend at that location.
- All votes must be taken by roll call.

**B. Teleconferencing Under AB 2449 (Temporary, More Flexible Remote Participation):**

- AB 2449 allows limited remote participation without requiring disclosure of the commissioner's remote location or public access to it.
- This option is available only when a commissioner has "just cause" or faces "emergency circumstances." The commissioner must notify the commission as soon as possible when invoking this provision.
- Remote participation under AB 2449 is limited to two meetings per calendar year, unless a declared state of emergency is in effect.
- Commissioners participating remotely under AB 2449 must have their video enabled throughout the meeting unless prevented by an emergency or an approved accommodation.

**Definitions Under AB 2449:**

"Just Cause" means any of the following circumstances requiring a commissioner's remote participation:

1. Childcare or caregiving responsibilities for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner.
2. A contagious illness that prevents attendance in person.
3. A need related to a physical or mental disability that is not otherwise accommodated.
4. Travel while on official City business or related to the performance of official duties.

"Emergency Circumstances" means a physical or family medical emergency that prevents the commissioner from attending the meeting in person.

Commissioners are responsible for understanding and complying with the requirements of each teleconferencing option. Staff will provide further guidance as needed to ensure compliance.

## MEMORANDUM

### Via Electronic Mail

**DATE:** August 12, 2020  
**TO:** All City Employees  
All Candidates  
All City Commissioners  
**FROM:** Kristopher J. Kokotaylo, City Attorney  
**COPY:** Honorable Mayor and City Council  
Joan Malloy, City Manager  
Anna Brown, City Clerk  
**RE:** **Campaign Activities During Elections**



As the November general election approaches, we provide this informational memorandum to remind you of State and local law restrictions on public employee and public official participation in political activities. This memorandum addresses only the broad outlines of a very complex area of the law and there are many gray areas where hard and fast rules are simply impossible to state. This memorandum is solely intended to provide current guidelines pertaining to political activities.

We recognize that city officials and employees are free to engage in political activities while off duty. But, as a general rule, we want you to keep in mind that the City of Union City, as an entity, cannot participate in political activities. Accordingly, as City officials and City employees, you must refrain from using your official capacity as representatives of the City to convey the impression that the City endorses a political campaign.

The City Mayoral seat, one City Council seat (District 1) and one local measure, Measure WW, and one regional measure, Measure W, are on the November 2020 ballot.

### **1. Providing Information vs. Campaigning with Regard to a City Ballot Measure or Candidates**

The City has one measure, Measure WW, on the ballot this November. Government Code Section 54964 prohibits any officer, employee or consultant of the City from expending or

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authorizing the expenditure of City funds “to support or oppose the approval or rejection of a ballot measure, or the election or defeat of a candidate by the voters.” The California Supreme Court held that in the absence of clear legislative authorization, “a public agency may not expend public funds to promote a partisan position in an election campaign.”<sup>1</sup>

However, expenditures for *informational* purposes, rather than promotional purposes, regarding a ballot measure are allowed.<sup>2</sup> Whether any particular communication is informational or promotional will depend on factors including the “style, tenor and timing” of the communication on a case by case basis. In general, the City can:

- Educate voters on the measures through facts, provided that the City does not “mount a campaign” to advocate for or against the measure;
- Explain the impacts on the City of passage or defeat of the measure;
- Post informational material on the City’s website;<sup>3</sup>
- Include the information in a separate document that is not campaign literature, and distribute the document for public information through, for example, the City Clerk’s office or at public libraries;
- Mail information as part of a regular newsletter that was not created specifically for the campaign.<sup>4</sup>

The City may be involved with a ballot measure in other ways:

- The City may hire a consultant to assist in the preparation of informational material. However, the City should make it explicit that the consultant is hired for his or her expertise in preparing fair and impartial informational material. The consultant should not be identified with any particular political interests. If the City Council is interested in disseminating information on a measure, it should plan for a coordinated program that could include the preparation and distribution of materials to voters, and holding public meetings at which informational presentations are made.

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<sup>1</sup> *Stanson v. Mott* (1976) 17 Cal.3d 206, 209-210.

<sup>2</sup> *See Id.* at 206.

<sup>3</sup> The City is not required to give ballot measure opponents access to post its own information on the City website, provided that the City website is not a public forum.

<sup>4</sup> *See Vargas v. City of Salinas* (2009) 46 Cal.4th 1.

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- City employees may make presentations on the ballot measure during City work time, so long as the presentation is a fair and impartial presentations of the facts.<sup>5</sup>

## **2. Government Code Sections 3201, *et seq.* and Government Code Section 8314**

California Government Code Sections 3201, *et seq.* and California Government Code Section 8314 apply to City officials and employees. Under State law, City officials and employees are prohibited from conducting political activities<sup>6</sup> in the following circumstances:

- Unlawful use of office, influence, or authority;
  - Neither City officials nor employees may directly or indirectly solicit campaign contributions from other City officials or employees.<sup>7</sup> Solicitation from other City officials or employees is only permitted if it is part of a general effort that incidentally includes City officials and employees.<sup>8</sup> For example, a City employee on personal time, participating in a general door-to-door solicitation effort organized by a committee can solicit a contribution from another City employee. This would be considered part of a general effort which incidentally includes the City employee. Similarly, if a City official sends a mailer paid for by a campaign committee to high propensity voters, and officers and employees of the City are intended recipients of that mailer, that would be acceptable.
  - Neither the City Council nor employees may use their office or the influence inherent to their office to help obtain, or obstruct someone from obtaining, a position, promotion or raise within the City upon the consideration or condition that the person helped, or obstructed, will vote a certain way, or will provide political influence for a candidate, officer or party.<sup>9</sup> Even the “urging or discouraging” of another’s action is prohibited under this statute.
  - Finally, a Councilmember or a candidate for City Council cannot offer or arrange an increase in compensation or salary in exchange for an employee’s

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<sup>5</sup> The drafting of, and use of talking points when making presentations and answering questions about a ballot measure and responding to questions on the ballot measure on City time are permitted.

<sup>6</sup> “Political activities” include, but are not limited to: advocacy for or against a candidate or ballot measure, solicitation of political funds or campaign contributions, signing petitions, endorsements or nomination papers.

<sup>7</sup> Gov. Code § 3205.

<sup>8</sup> Gov. Code § 3205(c).

<sup>9</sup> Gov. Code § 3204.

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contribution or promise to contribute to any committee directly or indirectly controlled by the Councilmember.<sup>10</sup>

- Use of City resources to support or oppose a candidate for any elective office;
- Use of City resources to support or oppose a recall effort against any elected official;
- Use of City resources to support or oppose any initiative, referendum or ballot measure;
- Participation in political activities during work hours on City premises, as governed by local rules and regulations; or
- Participation in political activities while in City uniform.<sup>11</sup> “City uniforms” include anything worn by an individual with a City logo, identifying patch, embroidered badge, or any other identifying clothing which is routinely worn at work and has been provided by the City.

“Use of City resources” includes, but is not limited to:

- Using a City-issued landline and/or cell phone to call voters and urge them to “vote yes” on a ballot measure, or for or against a candidate;
- Using a City-issued email address to send an email to voters urging a vote in favor of or against a ballot measure, or candidate;
- Using a City-owned and/or issued computer to prepare materials for or correspond with voters to support or defeat a ballot measure, or candidate;
- Using City-purchased paper, pens, or other office supplies to engage in efforts to support or oppose a ballot measure, or to support or oppose the election or defeat of a candidate;
- Using a City owned/issued printer and/or photocopier to print materials supporting or opposing a ballot measure, or candidate;
- Using “City time” during the workday to participate in campaign activities; and

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<sup>10</sup> Cal. Gov. Code § 3205.5. A violation is punishable by imprisonment and/or a fine of up to \$5,000.

<sup>11</sup> See Gov. Code §§ 3201-3209, 8314.

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- Using a City owned/issued car, bicycle, or other form of transportation to travel to an activity to support or oppose a ballot measure or candidate.<sup>12</sup>

### **3. Individual Participation in Campaigning**

The City Council and all City employees have a First Amendment right to express their opinion on City matters, including support of ballot measures or candidates. However, as noted above, public resources may not be used to effectuate or communicate their viewpoints. The City Council and City employees should be careful to separate their official City work from their political and campaign work. Below are examples of permissible activities:

- Less than a quorum of the City Council may participate in the formation and operation of a campaign committee to raise funds and actively participate in campaign activities related to a measure in which the City is precluded from participating.<sup>13</sup> Such a campaign could hire consultants to craft persuasive messages to the voters and take donations to fund the effort. Such a campaign committee must operate independently of the City.
- Members of the City Council may individually participate in campaign activities related to a measure. Such participation may include making appearances at events held by local organizations, writing editorials, working on fundraising efforts, and meeting with local “opinion-makers.” City Councilmembers may introduce or announce that they are a member of the City Council, and use their title, but must also make clear that they are speaking on behalf of themselves individually, unless the City Council has taken an official position -- then he or she may speak upon the City Council’s official position.
  - A public official should not attend a civic function (such as a meal) paid for or sponsored by the City and stand up and make a speech about why voters should support a ballot measure. However, if a City official is asked a question by an attendee on whether he or she, as an individual, will support the ballot measures, the official has a right to express his or her viewpoint.

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<sup>12</sup> See Gov. Code § 8314.

<sup>13</sup> Less than a quorum may participate in the formation and operation of a campaign committee as the participation of more than quorum would violate the Brown Act open meeting law.



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- Employees may also individually participate in campaign activities, including forming a campaign committee. Employees may not participate in such activities on City time and should not participate in campaign activities on City property. In addition, if employees attend any campaign activities, they should not wear a City-issued uniform, and should not travel to and from campaign activities or events in a City owned vehicle.

#### **4. Union City Municipal Code Chapter 1.08 Prohibits the Use of the City Seal or Logos, except for Official City Business**

Under the Union City Municipal Code, neither employees nor the general public can use the City name, seal, or logo, such as police department or public works logos, for any private purpose.<sup>14</sup>

“Private purpose” includes, the support or opposition to: any candidate for a public office, any ballot measure, initiative, referendum, or any other matter voted upon at an election.<sup>15</sup> For example, “private purpose” includes support or opposition for Measure WW, the proposed Union City utility users tax.

A copy of Union City Municipal Code Chapter 1.08 is available online at <http://qcode.us/codes/unioncity/>.

#### **5. Civil and Criminal Penalties for Using City Resources to Support or Oppose a Candidate or Ballot Measure**

State law prohibits using public funds, including public moneys, City facilities, staff, or any other City equipment to support or oppose a candidate or ballot measure.<sup>16</sup> City officials and employees may be civilly liable for unlawfully using public resources, and may be criminally liable for misappropriating public funds.<sup>17</sup>

These laws exist to protect employees and ensure that no job is dependent upon an employee’s political viewpoint or beliefs. These laws also help ensure that no political agenda becomes confused with the public policy of any City agency, and help ensure that public officials do not use their public positions for political gain.

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<sup>14</sup> Union City Municipal Code (“UCMC”) § 1.08.050; 1.08.060.

<sup>15</sup> UCMC § 1.08.040.

<sup>16</sup> Gov. Code § 8314; see *Stanson v. Mott* (1976) 17 Cal.3d 206; *League of Women Voters v. Countywide Crim. Justice Coordinating Com.* (1988) 203 Cal.App.3d 529.

<sup>17</sup> Gov. Code § 8314; Pen. Code § 424; see *People v. Groat* (1993) 19 Cal.App.4th 1228.

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However, all employees, as stated above, remain free to participate in political activities on their personal time with personal resources.

## **6. Local Measures on the November 2020 Ballot**

Among candidates for election and other measures, there is one regional measure and one local measure on the November 2020 ballot:

- a. Measure WW is a local measure that would establish a utility users tax in Union City. On August 6, 2020, the City Council adopted a resolution placing Measure WW on the November 2020 ballot for voter approval.
- b. Measure W is a countywide measure to establish an additional ½¢ transactions and use tax (sales tax) throughout Alameda County. The Alameda County Board of Supervisors placed Measure W on the November 2020 ballot.

While employees can utilize personal time and personal resources to support or oppose Measure WW and Measure W, it is unlawful to use City resources to support or oppose the measures.

If you have any questions, please do not hesitate to contact City Manager Joan Malloy or me at 510.808.2000 or [kkokotaylo@meyersnave.com](mailto:kkokotaylo@meyersnave.com).

KJK:

# Commissioner Acknowledgment Form

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I acknowledge that I have received, read, and understand the updated 2025 Commission Norms and Guidelines adopted by the Union City Council on June 10, 2025 (Resolution No. 2025-081).

I agree to adhere to the expectations outlined in the Guidelines, including but not limited to:

- Maintaining the attendance and punctuality requirements, including attending at least 75% of scheduled meetings annually and arriving on time.
- Completing required training in AB 1234 Ethics and AB 1661 Harassment Prevention and submitting proof of completion to the City Clerk.
- Understanding the expectations of alternate commissioners (if applicable), including engagement and participation protocols.
- Complying with group norms, the City's conflict of interest rules, and conduct policies, as outlined in the Guidelines.

By signing below, I affirm my commitment to upholding the responsibilities and standards expected of all Union City commissioners.

Commission/Committee: \_\_\_\_\_

Commissioner Name (Printed): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_





# Planning Commission Meeting

August 7, 2025





# **Review of the 2025 Commission Norms and Guidelines**

Thai Nam Pham, City Clerk  
Thursday, August 7, 2025



# | Why We're Here



To share recent City Council updates that apply to all Boards, Commissions, and Committees (BCCs)



To walk through the updated 2025 Commission Norms & Guidelines



To clarify your responsibilities as a commissioner under the new standards



To answer any questions you may have

## | Background – Council Direction on BCC Governance

### ✓ March 2025 – Ordinance No. 2025-001

Reduced membership of the Parks & Recreation and Senior Citizens Commissions (from 7 to 5).

Codified stricter **attendance notification rules** (24/72 hours)

### ✓ April 2025 – Resolution No. 2025-029

Standardized all new commissioner terms to **January 1 – December 31**

# | Background – Council Direction on BCC Governance

## ✓ May 2025 – Resolution No. 2025-068

Required all Commissions to **formally adopt an annual calendar**  
Clarified how “regular meetings” are defined for attendance tracking

## ✓ June 2025 – Ordinance No. 2025-005

Strengthened **training enforcement** for AB 1234 and AB 1661  
Automatic removal and 24-month reappointment bar for non-compliance






## ✓ June 2025 – Resolution No. 2025-081

- Adopted the new **2025 Commission Norms & Guidelines**
- Replaced 2021 version with clarified roles, expectations, and conduct standards



# | What's Changed? – A High-Level Overview

## Key Areas of Update:

-  **Attendance Standards** – Defined rules for absences, tardiness, and quorum
-  **Training Requirements** – Stricter enforcement of AB 1234 and AB 1661 compliance
-  **Alternate Commissioner Expectations** – Clearer guidance on participation and conduct
-  **Acknowledgment Requirement** – All members must confirm receipt and agreement to the 2025 Guidelines
-  **Calendar Adoption** – Each BCC must adopt an annual meeting calendar

**Goal: To promote consistency, accountability, and transparency across all commissions.**



# | Attendance Reporting Updates

## • 24 Hours Notice:

- Serious illness/injury (self or immediate family)
- Death in the family

## 72 Hours Notice:

- Work-related travel or late meetings
- Lack of transportation
- Pre-scheduled vacation/travel

All others are marked unexcused

# | Attendance Standards (UCMC §2.20.040)

## New Rules Effective Immediately:

 **Tracked by Calendar Year** – January 1 through December 31

 **Must attend at least 75%** of scheduled meetings per year

 **Three unexcused absences** = automatic termination

## **Tardy Policy:**

- Arriving **10+ minutes late without notice** = unexcused, no stipend
- Late arrivals with advance notice may still be marked present if quorum is not disrupted




**Why It Matters:** These changes ensure fairness, quorum integrity, and compliance with state and local laws.

# | Alternate Commissioners

Help maintain **quorum** and decision-making continuity

Provide backup when regular members are absent

## Your Role Includes:

-  **May be seated on the dais** alongside regular members
-  **May participate in discussions** even when not voting (if authorized by the Chair)
-  **Vote only when officially seated** due to an absence

# | Alternate Commissioners

## Expectations:




- Attend at least **30% of regular meetings** to stay informed
- Review agendas and prepare as if you may be seated
- **Follow 24/72-hour notice policy** for your own

## New Seating Protocol:



- If a regular member is **10+ minutes late without notice**, the alternate **may be seated to vote**
- If the regular member arrives later, they may participate as a member of the public — **not as a voting member**

# | Training Compliance (UCMC §2.20.100)

## State-Mandated Requirements for All Commissioners & Alternates:

-  **AB 1234 Ethics Training** – Required every 2 years
-  **AB 1661 Harassment Prevention Training** – Required every 2 years
-  Must **submit proof of completion** to the City Clerk

## Consequences for Non-Compliance:



-  **Automatic removal** from your commission
-  **24-month ineligibility** for reappointment on any commission

## Support Available:

- Email reminders sent ahead of deadlines
- Contact the City Clerk's Office for training links or assistance

# | Acknowledgment Form Requirement

## What You Need to Do:

-  Review the 2025 Norms and Guidelines
-  Submit the **Acknowledgment Form** confirming that you understand and agree to follow them

## Deadline:

- Submit **as soon as possible** — we're aiming for 100% completion within the next few weeks

### Submit Online:

 <https://fs27.formsite.com/unioncity/ettoxk3cvb/index>

## Why This Matters:

- Helps ensure consistency and shared understanding
- Required for continued service on any Board, Commission, or Committee



# | Key Changes – 2021 vs. 2025 Guidelines

Topic	2021 Guidelines	2025 Update
Attendance Tracking	Rolling 12-month basis	Tracked by <b>calendar year (Jan–Dec)</b>
Absences	3 unexcused absences = termination	Same rule, but now includes <b>late arrival after 10 min</b>
Tardiness	Not formally addressed	New policy: 10+ mins late without notice = <b>unexcused</b>
Training (AB 1234/1661)	Required; removal for noncompliance	<b>Automatic removal + 24-month reappointment bar</b>
Alternate Participation	Encouraged to stay engaged	Encouraged to attend <b>30%</b> of meetings; clearer role
Acknowledgment Form	Not required	<b>Mandatory</b> form confirming receipt & agreement
Teleconferencing (GC 54953 & AB 2449)	Not addressed	Now includes rules for remote attendance under state law



## | What's Next for You



Stay engaged and track your attendance



Complete your training and submit proof



Fill out and submit your acknowledgment form



Reach out to the City Clerk's Office with any questions

## Staff Recommendation

- Accept and file the staff report outlining the 2025 Commission Norms & Guidelines, as adopted by the City Council via Resolution No. 2025-081.



# Agenda Item

**ATTACHMENTS:**

Description		Type
<input type="checkbox"/>	Staff Report	Staff Report
<input type="checkbox"/>	Attachment 1: Draft Resolution	Attachment
<input type="checkbox"/>	Exhibit A: Amended Planning Commission Bylaws	Exhibit
<input type="checkbox"/>	Exhibit B: Matrix of Amendments to Bylaws and Redlined Copy of Bylaws	Exhibit
<input type="checkbox"/>	Presentation	Attachment



## Agenda Item

**DATE:** AUGUST 7, 2025

**TO:** PLANNING COMMISSION

**FROM:** CARMELA CAMPBELL, ECONOMIC AND  
COMMUNITY DEVELOPMENT DIRECTOR

**SUBJECT:** ADOPTION OF AMENDED PLANNING COMMISSION  
BYLAWS

Staff recommends that the Planning Commission adopt a resolution (Attachment 1) adopting the amended Planning Commission Bylaws (Exhibit A)

### **BACKGROUND**

The City Clerk has requested that all City commissions review their bylaws and make amendments to them to ensure consistency with current practices and coordination with the Municipal Code, Commission Norms and State law. The Planning Commission Bylaws were last updated in 2016.

On April 17, the Planning Commission met to consider the proposed amended bylaws pursuant to Planning Commission Bylaw Article XIII, which requires the Commission to meet and consider the Bylaws update at least once prior to adoption. Commissioners provided comments and feedback as to the amendments. Staff reviewed these comments, in addition to the recently adopted Norms and Guidelines for Commissions and Committees, and further revised the proposed draft.

### **DISCUSSION**

A clean version of the amended bylaws is attached as Exhibit A of the Resolution. A matrix of amendments and a redlined copy of the bylaws, made in response to the Commission's feedback from the April 17<sup>th</sup> meeting, is attached as Exhibit B.

A high-level summary of amendments is included below:

**Section 3.03 - Special Meetings**

The draft amendments simplify wording and remove outdated references.

**Section 4.01 – Elections**

The draft amendments reflect current practice and align with requirements in the Municipal Code regarding partial terms.

**Section 4.02 – Secretary**

The draft amendments clarify that the Economic and Community Development Director is the Secretary of the Planning Commission.

**Section 5.02 - Attendance Standards**

The draft amendments align this section with the requirements in the Municipal Code and recently adopted Norms and Guidelines for Commissions adopted by the City Council.

**Section 9.08 – Conflicts of Interest**

The draft amendments clarify and align the language with the Municipal Code and state law requirements.

**Section 10.02 – Manner of Addressing the Commission - Time Limit**

The draft amendments clarify the time limits for the public addressing the Commission.

**Article IX – Other governing documents**

The draft amendments add Article IX with Sections 14.00 – Commission Norms and Guidelines and 14.01 – Union City Municipal Code to clarify other documents that govern the Planning Commission and if conflicts between the documents occur which document would supersede.

**FISCAL IMPACT**

There is no fiscal impact associated with this item.

**RECOMMENDATION**

Staff recommends the Planning Commission adopt a resolution (Attachment 1) adopting the amended Bylaws (Exhibit A) of the Union City Planning Commission.

## **ATTACHMENTS**

Attachment 1: Resolution Adopting Amended Planning Commission Bylaws

Exhibit A: Amended Planning Commission Bylaws

Exhibit B: Matrix of Amendments to Bylaws and Redlined Copy of Bylaws

### **Prepared by**

Juliet E. Vaughn, Associate Attorney

### **Submitted by**

Carmela Campbell, Director of Economic and Community Development

**PLANNING COMMISSION RESOLUTION #\_\_\_\_**  
**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF UNION CITY**  
**ADOPTING AMENDED BYLAWS**

WHEREAS, the City of Union City Planning Commission is governed by Bylaws last adopted in 2016; and

WHEREAS, the City of Union City City Clerk has requested all City commissions review their bylaws and make amendments to ensure consistency with State law and Commission Norms; and

WHEREAS, Article XIII of the Planning Commission Bylaws provides proposed amendments, revisions, or repeal of the Bylaws must be submitted at a regular meeting of the Commission and may not then be voted upon until the next regular meeting; and

WHEREAS, the Planning Commission held a regular meeting on April 17, 2025 to consider proposed amendments of the Bylaws; and

WHEREAS, the Planning Commission now desires to adopt the amended Bylaws.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Union City hereby adopts the Bylaws attached as Exhibit A.

I HEREBY CERTIFY that the foregoing resolution was introduced and adopted at a regular meeting of the Planning Commission of the City of Union City held on August 7, 2025, by the following vote:

AYES:

NOTES:

ABSTAIN:

ABSENT:

APPROVED

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CARMELA CAMPBELL, SECRETARY

**CITY OF UNION CITY**  
**PLANNING COMMISSION BYLAWS**

**ARTICLE I**  
**NAME**

**SECTION 1.00 NAME**

The name of this Commission shall be the Planning Commission of the City of Union City, hereinafter referred to as “Commission”, as fixed by Ordinance No. 56-64 of the City of Union City, creating this Commission until changed by the City Council of the City of Union City, by Ordinance or Resolution.

**ARTICLE II**  
**DUTIES**

**SECTION 2.00 DUTIES**

This Commission shall perform any duties imposed upon it by Ordinance, Resolution, or special request of the City Council of the City of Union City in addition to all duties imposed by applicable state and federal law.

**ARTICLE III**  
**MEETINGS**

**SECTION 3.00 TIME**

The regular meetings of the Planning Commission shall be on the first and third Thursdays of each month. The time of said meetings shall be 7:00 p.m., except, however, that when the day fixed for any regular meeting of the Commission falls on a day designated by law as a legal or national holiday, or Christmas Eve or New Year’s Eve, such meeting shall be automatically adjourned to the next regular meeting which does not fall on a legal holiday.

It is the policy of the Planning Commission to conclude discussions at the hour of midnight. In order to facilitate this schedule, the Planning Commission shall not discuss any new agenda items, except oral communications, after the midnight hour. It may, however, conclude discussion beyond the hour of midnight on any item which was commenced before midnight. Any remaining business will be continued to the next regularly scheduled meeting of the Planning Commission or to an adjourned meeting if the agenda load warrants such an additional meeting.



### **SECTION 3.01 PLACE**

All regular meetings of the Commission shall be held in the Council Chambers of City Hall, 34009 Alvarado-Niles Road, Union City, California.

### **SECTION 3.02 ADJOURNED MEETINGS**

The Commission may adjourn any meeting, regardless of whether it is a regular or special meeting, to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, or in the absence of agenda items, the secretary may declare the meeting adjourned to a stated time and place and he/she shall cause a written notice of the adjournment to be given in the same manner as provided in Section 3.03 for special meetings, unless such notice is waived as provided for special meetings.

A copy of the order of notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by the bylaws or other rule.

### **SECTION 3.03 SPECIAL MEETINGS**

A special meeting may be called at any time by the Chairperson of the Commission or by a majority of the members of the Commission whenever the business of the Commission shall so require, by delivering personally or by mail a written notice to the Commission and any other noticing required by State law at least 24 hours in advance of such meeting. The call and notice shall specify the time and the place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Commission. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes has filed with the Secretary of the Commission a written waiver of notice. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

## **ARTICLE IV** **OFFICERS**

### **SECTION 4.00 OFFICERS**

The officers of the Commission shall consist of a Chairperson, a Vice-Chairperson, and a Secretary.

### **SECTION 4.01 ELECTION**

The offices of Chairperson and Vice Chairperson shall be elective and persons so elected shall serve for a term of one year or until their successor is elected. Elections shall be held at the first meeting in January of each year. No person shall hold the office of Chairperson for more than two consecutive years. In the event a person is appointed to a partial term to complete a term of a vacancy, such partial term shall not count as a full term. Commissioners that have served 2 full consecutive terms cannot be eligible for reelection until a two-year break in service has occurred.

### **SECTION 4.02 SECRETARY**

The Secretary shall be the Economic and Community Development Director of the City of Union City and shall not be a member of the Commission entitled to vote.

It shall be the duty of the Secretary to keep a record of all meetings of the Commission, to accept in the name of the Commission documents and correspondence addressed to it, and to present all such correspondence to the Commission.

### **SECTION 4.03 CHAIRPERSON**

It shall be the duty of the Chairperson to preside over all meetings of the Commission and he/she shall have the right to vote on all questions. He/she shall see that the laws of the City, pertaining to activities of the Commission and the rulings of the Commission are faithfully executed. He/she shall sign all documents on behalf of the Commission after the same have been approved by the Commission and shall perform such other duties as may be imposed upon him/her by the Commission.

### **SECTION 4.04 VICE CHAIRPERSON**

It shall be the duty of the Vice-Chairperson to perform all of the duties of the Chairperson, in the absence of the Chairperson, with the same force and effect as if performed by the Chairperson.

### **SECTION 4.05 CHAIRPERSON PRO TEM**

If both the Chairperson and the Vice-Chairperson are absent, the Commission shall select a Chairperson Pro Tem, who shall perform all the duties of the Chairperson.

### **SECTION 4.06 SECRETARY PRO TEM**

In the absence of the Secretary, the Chairperson may appoint a Secretary Pro Tem, other than a member of the Commission.

**ARTICLE V**  
**QUORUMS**

**SECTION 5.00 QUORUMS**

Three (3) members of the Commission shall constitute a quorum for the purpose of conducting business.

**SECTION 5.01 ABSENCE OF QUORUM**

In the absence of a quorum, the members present shall adjourn to an agreed upon time and place or adjourn to the next regular meeting.

**SECTION 5.02 ATTENDANCE STANDARDS**

A. Commissioners shall attend all regular and special meetings of the Commission as scheduled to avoid being marked absent. Alternates shall attend these meetings when notified.

B. Should any Commissioner fail to attend three (3) consecutive Commission meetings without a valid excuse, or fail to attend at least 75% of all scheduled Commission meetings of a calendar year, their seat shall be considered vacated and the Mayor shall appoint an Alternate to the vacated Commission seat consistent with the procedure described in the Union City Municipal Code.

C. Should any Alternate fail to respond to three (3) consecutive calls to attend a Commission meeting, their seat shall be considered vacated and the Mayor shall appoint an Alternate to the vacated Commission seat consistent with the procedure described in the Union City Municipal Code.

D. Should an Alternate not be available or willing to fill a vacancy on the Commission, the Mayor shall appoint a replacement Commissioner in accordance with Municipal Code Section 2.24.030.

E. A commissioner or alternate is determined to be “absent” unless they have been granted an excused absence.

F. The following reasons shall be considered valid excuses for failing to attend a Commission meeting:

1. Serious illness and/or injury of the Commissioner and/or their immediate family;
2. Death in the family
3. Employment conditions requiring travel outside the Bay Area, evening meetings, etc.;
4. Lack of transportation to the meeting;
5. Previously scheduled vacation or travel.

G. Commissioners and alternates who are unable to attend a meeting for one of the reasons listed in subsection F shall be required to notify the Planning Commission Recording Secretary no later than 24 hours of the meeting regarding their inability to attend for the reasons specified in subsections F.1 and F.2 above and no later than 72 hours of the meeting for the reasons specified in subsections F.3, F.4 and F.5.

H. Commissioners arriving more than ten minutes late to a meeting without providing advance notice to the Commission Secretary shall be marked unexcused and will not receive a meeting stipend. Commissioners providing notice and arriving within ten minutes of the scheduled meeting may be marked present but must not disrupt proceedings once the meeting has commenced. If a regular commissioner has not arrived within ten minutes of the scheduled meeting start time and has not provided prior notice to the Commission Secretary, an alternate commissioner may be officially seated to fill the vacancy for that meeting. If the regular commissioner arrived after the alternate commissioner has been seated, the regular commissioner may participate as a member of the public but will not be permitted to participate as a voting member for that meeting.

## **ARTICLE VI** **AGENDA**

### **SECTION 6.00 AGENDA**

All reports, communications, documents, or other matters to be submitted to the Commission shall be delivered to the Secretary as far in advance of each regular Commission meeting as time for preparation will permit. The Secretary shall arrange a list of the matters to be brought before the Commission according to the order of business and further provide each member of the Commission with a copy of the Agenda five (5) days in advance of the regular meeting. No matter may be considered by the Commission other than those matters on the Agenda, without the consent of a majority of the Commission present at the meeting and as authorized by law.

## **ARTICLE VII** **ORDER OF BUSINESS**

### **SECTION 7.00 ORDER OF BUSINESS**

All meetings of the Commission shall be open to the public and all persons shall be permitted to attend any meeting of the Commission. Promptly at the hour set by law on the day of each regular meeting, the members of the Commission, and the Secretary shall take their regular places in the Council Chambers and the business of the Commission shall be taken up for consideration and disposition in the following order:

- I. ROLL CALL:
- II. APPROVAL OF MINUTES:
- III. ORAL COMMUNICATIONS:
- IV. WRITTEN COMMUNICATIONS:
- V. PUBLIC HEARINGS:
- VI. SUPPLEMENTAL STAFF REPORTS:
- VII. ECONOMIC DEVELOPMENT REPORTS
- VIII. COMMISSION MATTERS

IX. GOOD OF THE ORDER:

X. ADJOURNMENT:

The regular order of business may be suspended by a majority of the members present.

**ARTICLE VIII**  
**PROCEDURAL RULES FOR THE CONDUCT OF PUBLIC HEARINGS**

**SECTION 8.00 APPEARANCES**

Any person who signs a petition or application, enters an appearance at a hearing, or transacts any business with the Commission by such act represents that he/she is authorized to do so and agrees to comply with the laws of the State; to maintain the respect due the Commission and its Staff; and never to mislead the Commission or its staff by any artifice or false statement of fact or law.

**SECTION 8.01 ATTORNEY VERIFICATION**

The attorney may sign and verify a petition, application, or other document when the real party in interest is for some reason unable to sign and verify. The reason for such action shall be set forth in an affidavit by such attorney. All other persons appearing on behalf of the owner or applicant shall present a power of attorney indicating his/her authority to act in behalf of owner or applicant.

**SECTION 8.02 EXHIBITS**

All exhibits filed in connection with any pending matter become the property of the Commission and may be disposed of as the Chairperson shall direct.

**SECTION 8.03 INTERVENTION**

It shall be the policy of the Commission to entertain formally the opinions of any person, firm, or corporation relative to any pending matter. Such parties may intervene in any proceedings in accordance with these rules.

**SECTION 8.04 ORDER OF PRESENTATION**

A. In all matters, it shall be the policy of the Commission that its consultant and/or Staff shall have the right to open and close. The applicant shall be next in order and shall present his/her evidence subject to examination by the commissioners, or by such other parties as the Chairperson shall direct. Intervening parties shall then present their evidence subject to examination as provided for herein.

B. Unless the Chairperson directs otherwise, the chronological order of testimony shall be as follows:

1. The Chairperson shall identify the matter and announce whether or not it is a public hearing.
2. The Chairperson shall invite the Staff to report.

3. The Staff shall give its report to the Commission, and entertain any clarifying questions on the staff presentation that the Commissioners may have.
4. If the item is a public hearing, the Chairperson shall open the public hearing at this time.
5. The Chairperson shall invite the applicant to speak.
6. If present, the applicant shall present his evidence, subject to examination by the Commissioners.
7. The Chairperson shall invite any witnesses who desires to speak on behalf of the applicant to do so, subject to examination by the Commissioners.
8. The Chairperson shall then invite any person desiring to present evidence in opposition to the applicant, subject to examination by the Commissioners.
9. The Chairperson shall invite the applicant to rebut any evidence presented to the Commission in opposition to the applicant.
10. The Chairperson shall invite further staff comments as hereinabove provided.
11. Subject to the provisions of the applicable ordinance, if the matter is a public hearing, the Commission may in its discretion, continue the matter for further hearing or action, close the hearing, or continue the matter for decision.
12. Discussion by the Commission.
13. Commission action.

#### **SECTION 8.05 NUMBER OF WITNESSES**

To avoid unnecessary cumulative evidence, the Chairperson may limit the number of witnesses or the time of testimony on any particular issue.

#### **SECTION 8.06 TIME LIMITS**

Unless further time is granted by a majority of the Commission present, on motion, any party except Staff, addressing the Commission shall limit his/her address to five (5) minutes. All remarks shall be addressed to the Commission as a body and not to any member thereof, nor to Staff.

#### **SECTION 8.07 RULES OF EVIDENCE OR PROCEDURE**

Formal rules of evidence or procedure which must be followed in court shall not be applied in hearings before the Commission. However, the substantial rights of the parties shall be preserved. No action, inaction or recommendation regarding any matter before the Commission shall be held void or invalid or be set aside by any Court on the ground of the improper omission or rejection of evidence, unless after an examination of the entire case, including the evidence, a court of competent jurisdiction shall be of the opinion that the error complained of was prejudicial

and that by reason of such error the party complaining or appealing sustained or suffered substantial injury and that a different result would have been probable if such error had not occurred or existed. There shall be no presumption that error is prejudicial or that injury was done if error is shown.

#### **SECTION 8.08 ADMISSIBILITY OF EVIDENCE**

The Chairperson shall rule on the admissibility of all evidence upon objection being made thereto. Such rulings may be referred to the Commission for review and final determination by majority vote.

#### **SECTION 8.09 OBJECTIONS TO ADMISSIBILITY**

When objections are made to the admission and exclusion of evidence, the ground relied upon shall be stated briefly.

#### **SECTION 8.10 PREPARED TESTIMONY**

A witness may read into the record prepared testimony on direct examination or the Chairperson may direct that such statement be incorporated into the record without reading where such action is indicated in the interests of time.

#### **SECTION 8.11 ORAL ARGUMENT**

Upon the Chairperson consenting, parties may offer oral argument as part of their testimony at the time indicated.

#### **SECTION 8.12 STAFF REPORTS**

Reports by Commission consultants or staff shall be considered a part of the official record of the proceedings to which they relate.



**ARTICLE IX**  
**RULES OF DEBATE**

**SECTION 9.00 PRESIDING OFFICER MAY DEBATE AND VOTE, ETC.**

The Chairperson may move, second, and debate from the Chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Commissioner by reason of his/her acting as the Presiding Officer.

**SECTION 9.01 GETTING THE FLOOR – IMPROPER REFERENCES TO BE AVOIDED**

Every member desiring to speak shall address the Chair, and upon recognition by the Presiding Officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.

**SECTION 9.02 INTERRUPTIONS**

A member, once recognized, shall not be interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a member, while speaking, is called to order he/she shall cease speaking until the question of order be determined by the Chairperson and, if in order, he/she shall be permitted to proceed.

**SECTION 9.03 PRIVILEGE OF CLOSING DEBATE**

The Commissioner moving the adoption of an action shall have the privilege of closing the debate.

**SECTION 9.04 MOTION TO RECONSIDER**

A motion to reconsider any action taken by the Commission may be made only at the meeting at which the original action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions, or while a member has the floor it shall be debatable. Nothing herein shall be construed to prevent any member of the Commission from making or remaking the same or any other motion at a subsequent meeting of the Commission.

**SECTION 9.05 REMARKS OF COMMISSIONERS WHEN ENTERED IN**

**MINUTES**

A member of the Commission may request, through the Presiding Officer, the privilege of having an abstract of his/her statement on any subject under consideration by the

Commission entered in the Minutes. If the Commission consents thereto, such statement shall be entered in the Minutes.

#### **SECTION 9.06 SYNOPSIS OF DEBATE WHEN ENTERED IN MINUTES**

The Secretary may be directed by the Presiding Officer, with consent of the Commission, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Commission.

#### **SECTION 9.07 HEARING EVIDENCE BEFORE VOTING**

No member of the Commission shall vote on any business item unless he/she shall have been present at the meeting during the entire time that evidence pertaining to such item was presented.

#### **SECTION 9.08 CONFLICTS OF INTEREST**

The Government Code of the State of California requires that designated commissioners file a Form 700 Statement of Economic Interests in which they disclose specified financial interests. The Union City Conflict of Interest Code specifies each commission that is subject to this requirement and the interests that must be disclosed. If any member of the Commission believes that he/she must disqualify himself/herself from participation in the consideration of any item of business on the Commission Agenda due to a conflict of interest, he/she shall state prior to the consideration of such matter by the Commission that he/she is disqualifying himself/herself due to a conflict of interest and shall give the reasons therefor. Said statement of disqualification and said reasons therefor shall be entered into the record. In accordance with the Brown Act, the Commissioner shall leave the room.

### **ARTICLE X** **ADDRESSING THE COMMISSION**

#### **SECTION 10.00 PERMISSION OF COMMISSION**

Any person desiring to address the Commission may do so at the time designated on the Agenda as “Public Hearings”, pursuant to Article VIII hereof, and “Oral Communications”, after being first recognized by the Presiding Officer. Any person desiring to address the Commission at the time other than that designated as “Public Hearings” and “Oral Communications” may do so only after first securing permission from the Chairperson.

#### **SECTION 10.01 ADDRESSING THE COMMISSION AFTER MOTION**

##### **MADE**

After a motion is made by the Commission, no person shall address the Commission without first securing the permission of a majority of the Commission present to do so.

**SECTION 10.02 MANNER OF ADDRESSING COMMISSION – TIME**

**LIMIT**

Each person addressing the Commission shall stand, give his name and address in an audible tone of voice for the record, and unless further time is granted by a majority of the Commission present, shall limit his/her address to five (5) minutes unless less or more time is granted per Section 8.05 and 8.06. All remarks shall be addressed to the Commission as a body and not to any member thereof. No person, other than the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Presiding Officer. No question shall be asked to a Commissioner or Commission Staff, except through the Presiding Officer.

**ARTICLE XI**  
**VOTING**

**SECTION 11.00 SILENCE CONSTITUTES AFFIRMATIVE VOTE**

On a voice vote, unless a member of the Commission states that he/she is not voting, his/her silence shall be recorded as an affirmative vote. On a roll call vote, unless a member of the Commission states that he/she is not voting, he/she shall vote “aye” or “no”.

**ARTICLE XII**  
**DECORUM**

**SECTION 12.00 BY COMMISSION MEMBERS**

While the Commission is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay nor interrupt the proceedings or the peace of the Commission nor disturb any member while speaking or refuse to obey the orders of the Commission or its Presiding Officer, except as otherwise herein provided.

**SECTION 12.01 BY PERSONS**

Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Commission or otherwise, shall be forthwith, by the Presiding Officer, barred from further audience before the Commission unless permission to continue be granted by a majority vote of the Commission.

**ARTICLE XIII**  
**AMENDMENTS**

**SECTION 13.00 AMENDMENTS**

These Bylaws may be amended, revised, or repealed by the affirmative vote of three (3) members of the Commission. Proposed amendments, revisions, or repeal must be submitted at a regular meeting of the Commission and shall be voted upon at the next regular meeting.

**ARTICLE IX**  
**OTHER GOVERNING DOCUMENTS**

**SECTION 14.00 COMMISSION NORMS AND GUIDELINES**

Commissioners shall abide by the “City of Union City Commission Norms and Guidelines for Boards, Commissions, and Committees” (Commission Norms and Guidelines), as may be amended from time to time. In the event of a conflict between the Commission Norms and Guidelines and the Planning Commission bylaws, the Commission Norms and Guidelines shall prevail.

**SECTION 14.01 UNION CITY MUNICIPAL CODE**

Commissioners shall abide by the requirements of the Union City Municipal Code, as may be amended from time to time. In the event of a conflict between the Union City Municipal Code and the Planning Commission bylaws, the Union City Municipal Code shall prevail.

**PLANNING COMMISSION BYLAWS**  
**AMENDMENT MATRIX**

<b><u>Proposed Change/Comment</u></b>	<b><u>Edit Made/No Edit Made</u></b>	<b><u>Notes/Comments</u></b>
Provide language regarding “canceled” meetings vs adjourned meetings	No edit made.	Canceled meetings, and what is required in terms of notice, is governed by State law, so specific language is not needed.
Clarification of “adjourned meeting” vs “adjourned special meeting”	Edit made.	Added language to clarify that any meeting can be adjourned.
Section 5.02(C) Attendance Standards: Clarification needed for process to appoint/nominate an alternate into a vacant commission seat.	Small edit made.	<p>The Municipal Code Section 2.23.020 provides vacancies are filled by an appointment by the Mayor, with approval of City Council.</p> <p>The citation has been added as well as amending the word “nominate” to “appoint” and the Municipal Code has been referenced in order to reference the proper procedure.</p>
<b>Section 5.02(B)</b> was amended to clarify the attendance standard as adopted by the City Council in recent changes to Commission Norms and Guidelines	Amended “12-month period” to “calendar year”	Attendance is calculated on a calendar year (January 1-December 31) basis.
Section 5.02 reference to sections “below” should be “above”	Edit made.	“Below” changed to “above”, given the subsection F is above subsection G.
Section 5.02 regarding absence due to lack of transportation, suggestion to amend reference to 72 hour deadline to 24 hours	No edit made.	This requirement is from the Municipal Code, which supersedes the bylaws, but the recommendation has been noted for future Municipal Code updates.
Recommendation to eliminate subsection G of Section 5.02 and reference the Municipal Code instead.	No edit made.	As mentioned by Director Campbell at the meeting, new commissioners review the bylaws, and it is important to list these requirements and categories for their



		understanding.
Section 5.02(H) amendment to include tardiness standard adopted by City Council	Commissioners who arrive ten minutes after the scheduled start time of a meeting without prior notice to the Commission Secretary will be marked absent-unexcused.	Commissioners are encouraged to provide notice if they are running late.
Section 6 “Agenda” recommendation to add the word “provide” where missing.	Edit made.	None.
Section 9.01 “Interruptions” recommendation to amend “Commission” to “the Chairperson” or “Presiding Officer”	Edit made.	Chairperson is used to reference whoever from the Commission is acting as the Chair, which is the presiding officer. The Chair will dictate the meeting including interruptions.
Section 9.08 “Conflicts of Interest” recommendation to add language regarding commissioners having the option to be absent from meetings rather than leaving the room due to a conflict.	No edit made.	Edit rejected because the requested language may encourage absences from meetings. Conflicts of interest are evaluated on a case-by-case basis in collaboration with the City Attorney’s Office, which can advise on a recommended plan for each individual commissioner’s situation.
Section 13, “Amendment”, recommendation the last sentence be revised to read: “Proposed amendments, revisions, or repeal must be submitted at a regular meeting of the Commission and <u>shall be</u> then be voted upon until the next regular meeting.”	Small edit made.	None.
Recommendation to provide additional information regarding required trainings to commissioners	No edit made.	Required trainings shall be included in application and onboarding materials for new commissioners so the requirements are communicated upfront. The trainings will not be included in the bylaws because the required trainings can change in the future.
Comment regarding procedure for election of Chair/Vice Chair	No edit made.	None.

Comment regarding posting of desk item online or provided to commissioners earlier.	No edit made.	Staff will work to provide the desk item earlier.
Comment regarding the use of the term “witness” in Section 8.05.	No edit made.	Upon further review, “witness” refers to those accompanying an applicant for a public hearing, such as an architect or engineer. The language is consistent within the section.
Recommendation/comment regarding mentioning the Chair’s responsibility to sign documents in the bylaws.	No edit made.	None.
Recommendation/comment to provide more information in Section 4.01 “Election” regarding the procedure for electing a Chair and Vice Chair.	No edit made.	None.

**CITY OF UNION CITY**  
**PLANNING COMMISSION BYLAWS**

**ARTICLE I**  
**NAME**

**SECTION 1.00 NAME**

The name of this Commission shall be the Planning Commission of the City of Union City, hereinafter referred to as "Commission", as fixed by Ordinance No. 56-64 of the City of Union City, creating this Commission until changed by the City Council of the City of Union City, by Ordinance or Resolution.

**ARTICLE II**  
**DUTIES**

**SECTION 2.00 DUTIES**

This Commission shall perform any duties imposed upon it by Ordinance, Resolution, or special request of the City Council of the City of Union City in addition to all duties imposed by applicable state and federal law.

**ARTICLE III**  
**MEETINGS**

**SECTION 3.00 TIME**

The regular meetings of the Planning Commission shall be on the first and third Thursdays of each month. The time of said meetings shall be 7:00 p.m., except, however, that when the day fixed for any regular meeting of the Commission falls on a day designated by law as a legal or national holiday, or Christmas Eve or New Year's Eve, such meeting shall be automatically adjourned to the next regular meeting which does not fall on a legal holiday.

It is the policy of the Planning Commission to conclude discussions at the hour of midnight. In order to facilitate this schedule, the Planning Commission shall not discuss any new agenda items, except oral communications, after the midnight hour. It may, however, conclude discussion beyond the hour of midnight on any item which was commenced before midnight. Any remaining business will be continued to the next regularly scheduled meeting of the Planning Commission or to an adjourned meeting if the agenda load warrants such an additional meeting.



### **SECTION 3.01 PLACE**

All regular meetings of the Commission shall be held in the Council Chambers of City Hall, 34009 Alvarado-Niles Road, Union City, California.

### **SECTION 3.02 ADJOURNED MEETINGS**

The Commission may adjourn any ~~regular, adjourned regular, special or adjourned special~~ meeting, regardless of whether it is a regular or special meeting, to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, or in the absence of agenda items, the secretary may declare the meeting adjourned to a stated time and place and he/she shall cause a written notice of the adjournment to be given in the same manner as provided in Section 3.03 for special meetings, unless such notice is waived as provided for special meetings.

A copy of the order of notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by the bylaws or other rule.

### **SECTION 3.03 SPECIAL MEETINGS**

A special meeting may be called at any time by the Chairperson of the Commission or by a majority of the members of the Commission whenever the business of the Commission shall so require, by delivering personally or by mail a written notice to the Commission and any other noticing required by State law at least 24 hours in advance of such meeting. The call and notice shall specify the time and the place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Commission. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes has filed with the Secretary of the Commission a written waiver of notice. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

## **ARTICLE IV** **OFFICERS**

### **SECTION 4.00 OFFICERS**

The officers of the Commission shall consist of a Chairperson, a Vice-Chairperson, and a Secretary.

### **SECTION 4.01 ELECTION**

The offices of Chairperson and Vice Chairperson shall be elective and persons so elected shall serve for a term of one year or until their successor is elected. Elections shall be held at the first meeting in January of each year. No person shall hold the office of Chairperson for more than two consecutive years. In the event a person is appointed to a partial term to complete a term of a vacancy, such partial term shall not count as a full term. Commissioners that have served 2 full consecutive terms cannot be eligible for reelection until a two-year break in service has occurred.

### **SECTION 4.02 SECRETARY**

The Secretary shall be the Economic and Community Development Director of the City of Union City and shall not be a member of the Commission entitled to vote.

It shall be the duty of the Secretary to keep a record of all meetings of the Commission, to accept in the name of the Commission documents and correspondence addressed to it, and to present all such correspondence to the Commission.

### **SECTION 4.03 CHAIRPERSON**

It shall be the duty of the Chairperson to preside over all meetings of the Commission and he/she shall have the right to vote on all questions. He/she shall see that the laws of the City, pertaining to activities of the Commission and the rulings of the Commission are faithfully executed. He/she shall sign all documents on behalf of the Commission after the same have been approved by the Commission and shall perform such other duties as may be imposed upon him/her by the Commission.

### **SECTION 4.04 VICE CHAIRPERSON**

It shall be the duty of the Vice-Chairperson to perform all of the duties of the Chairperson, in the absence of the Chairperson, with the same force and effect as if performed by the Chairperson.

### **SECTION 4.05 CHAIRPERSON PRO TEM**

If both the Chairperson and the Vice-Chairperson are absent, the Commission shall select a Chairperson Pro Tem, who shall perform all the duties of the Chairperson.

### **SECTION 4.06 SECRETARY PRO TEM**

In the absence of the Secretary, the Chairperson may appoint a Secretary Pro Tem, other than a member of the Commission.

## **ARTICLE V** **QUORUMS**

### **SECTION 5.00 QUORUMS**

Three (3) members of the Commission shall constitute a quorum for the purpose of conducting business.

### **SECTION 5.01 ABSENCE OF QUORUM**

In the absence of a quorum, the members present shall adjourn to an agreed upon time and place or adjourn to the next regular meeting.

### **SECTION 5.02 ATTENDANCE STANDARDS**

A. Commissioners shall attend all regular and special meetings of the Commission as scheduled to avoid being marked absent. Alternates shall attend these meetings when notified.

B. Should any Commissioner fail to attend three (3) consecutive Commission meetings without a valid excuse, or fail to attend at least 75% of all scheduled Commission meetings ~~in any twelve (12) month period of a calendar year~~, their seat shall be considered vacated and the Mayor shall appoint an Alternate to the vacated Commission seat consistent with the procedure described in the Union City Municipal Code.

C. Should any Alternate fail to respond to three (3) consecutive calls to attend a Commission meeting, their seat shall be considered vacated and the Mayor shall ~~nominate~~ appoint an Alternate to the vacated Commission seat consistent with the procedure described in the Union City Municipal Code.

D. Should an Alternate not be available or willing to fill a vacancy on the Commission, the Mayor shall appoint a replacement Commissioner in accordance with Municipal Code Section 2.24.030.

E. A commissioner or alternate is determined to be "absent" unless they have been granted an excused absence.

F. The following reasons shall be considered valid excuses for failing to attend a Commission meeting:

1. Serious illness and/or injury of the Commissioner and/or their immediate family;
2. Death in the family
3. Employment conditions requiring travel outside the Bay Area, evening meetings, etc.;
4. Lack of transportation to the meeting;
5. Previously scheduled vacation or travel.



G. Commissioners and alternates who are unable to attend a meeting for one of the reasons listed in subsection F shall be required to notify the Planning Commission Recording Secretary no later than 24 hours of the meeting regarding their inability to attend for the reasons specified in subsections F.1 and F.2 ~~above~~below and no later than 72 hours of the meeting for the reasons specified in subsections F.3, F.4 and F.5.

G.H. Commissioners arriving more than ten minutes late to a meeting without providing advance notice to the Commission Secretary shall be marked unexcused and will not receive a meeting stipend. Commissioners providing notice and arriving within ten minutes of the scheduled meeting may be marked present but must not disrupt proceedings once the meeting has commenced. If a regular commissioner has not arrived within ten minutes of the scheduled meeting start time and has not provided prior notice to the Commission Secretary, an alternate commissioner may be officially seated to fill the vacancy for that meeting. If the regular commissioner arrived after the alternate commissioner has been seated, the regular commissioner may participate as a member of the public but will not be permitted to participate as a voting member for that meeting.

## **ARTICLE VI** **AGENDA**

### **SECTION 6.00 AGENDA**

All reports, communications, documents, or other matters to be submitted to the Commission shall be delivered to the Secretary as far in advance of each regular Commission meeting as time for preparation will permit. The Secretary shall arrange a list of the matters to be brought before the Commission according to the order of business and further provide each member of the Commission with a copy of the Agenda five (5) days in advance of the regular meeting. No matter may be considered by the Commission other than those matters on the Agenda, without the consent of a majority of the Commission present at the meeting and as authorized by law.

## **ARTICLE VII** **ORDER OF BUSINESS**

### **SECTION 7.00 ORDER OF BUSINESS**

All meetings of the Commission shall be open to the public and all persons shall be permitted to attend any meeting of the Commission. Promptly at the hour set by law on the day of each regular meeting, the members of the Commission, and the Secretary shall take their regular places in the Council Chambers and the business of the Commission shall be taken up for consideration and disposition in the following order:

- I. ROLL CALL:
- II. APPROVAL OF MINUTES:
- III. ORAL COMMUNICATIONS:
- IV. WRITTEN COMMUNICATIONS:
- V. PUBLIC HEARINGS:
- VI. SUPPLEMENTAL STAFF REPORTS:
- VII. ECONOMIC DEVELOPMENT REPORTS
- VIII. COMMISSION MATTERS

IX. GOOD OF THE ORDER:

X. ADJOURNMENT:

The regular order of business may be suspended by a majority of the members present.

**ARTICLE VIII**  
**PROCEDURAL RULES FOR THE CONDUCT OF PUBLIC HEARINGS**

**SECTION 8.00 APPEARANCES**

Any person who signs a petition or application, enters an appearance at a hearing, or transacts any business with the Commission by such act represents that he/she is authorized to do so and agrees to comply with the laws of the State; to maintain the respect due the Commission and its Staff; and never to mislead the Commission or its staff by any artifice or false statement of fact or law.

**SECTION 8.01 ATTORNEY VERIFICATION**

The attorney may sign and verify a petition, application, or other document when the real party in interest is for some reason unable to sign and verify. The reason for such action shall be set forth in an affidavit by such attorney. All other persons appearing on behalf of the owner or applicant shall present a power of attorney indicating his/her authority to act in behalf of owner or applicant.

**SECTION 8.02 EXHIBITS**

All exhibits filed in connection with any pending matter become the property of the Commission and may be disposed of as the Chairperson shall direct.

**SECTION 8.03 INTERVENTION**

It shall be the policy of the Commission to entertain formally the opinions of any person, firm, or corporation relative to any pending matter. Such parties may intervene in any proceedings in accordance with these rules.

**SECTION 8.04 ORDER OF PRESENTATION**

A. In all matters, it shall be the policy of the Commission that its consultant and/or Staff shall have the right to open and close. The applicant shall be next in order and shall present his/her evidence subject to examination by the commissioners, or by such other parties as the Chairperson shall direct. Intervening parties shall then present their evidence subject to examination as provided for herein.

B. Unless the Chairperson directs otherwise, the chronological order of testimony shall be as follows:

1. The Chairperson shall identify the matter and announce whether or not it is a public hearing.
2. The Chairperson shall invite the Staff to report.

3. The Staff shall give its report to the Commission, and entertain any clarifying questions on the staff presentation that the Commissioners may have.
4. If the item is a public hearing, the Chairperson shall open the public hearing at this time.
5. The Chairperson shall invite the applicant to speak.
6. If present, the applicant shall present his evidence, subject to examination by the Commissioners.
7. The Chairperson shall invite any witnesses who desires to speak on behalf of the applicant to do so, subject to examination by the Commissioners.
8. The Chairperson shall then invite any person desiring to present evidence in opposition to the applicant, subject to examination by the Commissioners.
9. The Chairperson shall invite the applicant to rebut any evidence presented to the Commission in opposition to the applicant.
10. The Chairperson shall invite further staff comments as hereinabove provided.
11. Subject to the provisions of the applicable ordinance, if the matter is a public hearing, the Commission may in its discretion, continue the matter for further hearing or action, close the hearing, or continue the matter for decision.
12. Discussion by the Commission.
13. Commission action.

#### **SECTION 8.05 NUMBER OF WITNESSES**

To avoid unnecessary cumulative evidence, the Chairperson may limit the number of witnesses or the time of testimony on any particular issue.

#### **SECTION 8.06 TIME LIMITS**

Unless further time is granted by a majority of the Commission present, on motion, any party except Staff, addressing the Commission shall limit his/her address to five (5) minutes. All remarks shall be addressed to the Commission as a body and not to any member thereof, nor to Staff.

#### **SECTION 8.07 RULES OF EVIDENCE OR PROCEDURE**

Formal rules of evidence or procedure which must be followed in court shall not be applied in hearings before the Commission. However, the substantial rights of the parties shall be preserved. No action, inaction or recommendation regarding any matter before the Commission shall be held void or invalid or be set aside by any Court on the ground of the improper omission or rejection of evidence, unless after an examination of the entire case, including the evidence, a court of competent jurisdiction shall be of the opinion that the error complained of was prejudicial



and that by reason of such error the party complaining or appealing sustained or suffered substantial injury and that a different result would have been probable if such error had not occurred or existed. There shall be no presumption that error is prejudicial or that injury was done if error is shown.

#### **SECTION 8.08 ADMISSIBILITY OF EVIDENCE**

The Chairperson shall rule on the admissibility of all evidence upon objection being made thereto. Such rulings may be referred to the Commission for review and final determination by majority vote.

#### **SECTION 8.09 OBJECTIONS TO ADMISSIBILITY**

When objections are made to the admission and exclusion of evidence, the ground relied upon shall be stated briefly.

#### **SECTION 8.10 PREPARED TESTIMONY**

A witness may read into the record prepared testimony on direct examination or the Chairperson may direct that such statement be incorporated into the record without reading where such action is indicated in the interests of time.

#### **SECTION 8.11 ORAL ARGUMENT**

Upon the Chairperson consenting, parties may offer oral argument as part of their testimony at the time indicated.

#### **SECTION 8.12 STAFF REPORTS**

Reports by Commission consultants or staff shall be considered a part of the official record of the proceedings to which they relate.

### **ARTICLE IX** **RULES OF DEBATE**

#### **SECTION 9.00 PRESIDING OFFICER MAY DEBATE AND VOTE, ETC.**

The Chairperson may move, second, and debate from the Chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Commissioner by reason of his/her acting as the Presiding Officer.

#### **SECTION 9.01 GETTING THE FLOOR – IMPROPER REFERENCES TO BE AVOIDED**

Every member desiring to speak shall address the Chair, and upon recognition by the Presiding Officer, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language.

#### **SECTION 9.02 INTERRUPTIONS**

A member, once recognized, shall not be interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a member, while speaking, is called to order he/she shall cease speaking until the question of order be determined by the

Chairperson~~Commission~~ and, if in order, he/she shall be permitted to proceed.

### **SECTION 9.03 PRIVILEGE OF CLOSING DEBATE**

The Commissioner moving the adoption of an action shall have the privilege of closing the debate.

### **SECTION 9.04 MOTION TO RECONSIDER**

A motion to reconsider any action taken by the Commission may be made only at the meeting at which the original action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions, or while a member has the floor it shall be debatable. Nothing herein shall be construed to prevent any member of the Commission from making or remaking the same or any other motion at a subsequent meeting of the Commission.

### **SECTION 9.05 REMARKS OF COMMISSIONERS WHEN ENTERED IN**

#### **MINUTES**

A member of the Commission may request, through the Presiding Officer, the privilege of having an abstract of his/her statement on any subject under consideration by the Commission entered in the Minutes. If the Commission consents thereto, such statement shall be entered in the Minutes.

### **SECTION 9.06 SYNOPSIS OF DEBATE WHEN ENTERED IN MINUTES**

The Secretary may be directed by the Presiding Officer, with consent of the Commission, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Commission.

### **SECTION 9.07 HEARING EVIDENCE BEFORE VOTING**

No member of the Commission shall vote on any business item unless he/she shall have been present at the meeting during the entire time that evidence pertaining to such item was presented.

### **SECTION 9.08 CONFLICTS OF INTEREST**

The Government Code of the State of California requires that designated commissioners file a Form 700 Statement of Economic Interests in which they disclose specified financial interests. The Union City Conflict of Interest Code specifies each commission that is subject to this requirement and the interests that must be disclosed. If any member of the Commission believes that he/she must disqualify himself/herself from participation in the consideration of any item of business on the Commission Agenda due to a conflict of interest, he/she shall state prior to the consideration of such matter by the Commission that he/she is disqualifying himself/herself due to a conflict of interest and shall give the reasons therefor. Said statement of disqualification and said reasons therefor shall be entered into the record. In accordance with the Brown Act, the Commissioner shall leave the room.

## **ARTICLE X** **ADDRESSING THE COMMISSION**



**SECTION 10.00 PERMISSION OF COMMISSION**

Any person desiring to address the Commission may do so at the time designated on the Agenda as "Public Hearings", pursuant to Article VIII hereof, and "Oral Communications", after being first recognized by the Presiding Officer. Any person desiring to address the Commission at the time other than that designated as "Public Hearings" and "Oral Communications" may do so only after first securing permission from the Chairperson.

**SECTION 10.01 ADDRESSING THE COMMISSION AFTER MOTION****MADE**

After a motion is made by the Commission, no person shall address the Commission without first securing the permission of a majority of the Commission present to do so.

**SECTION 10.02 MANNER OF ADDRESSING COMMISSION TIME LIMIT**

Each person addressing the Commission shall stand, give his name and address in

an audible tone of voice for the record, and unless further time is granted by a majority of the Commission present, shall limit his/her address to five (5) minutes unless less or more time is granted per Section 8.05 and 8.06. All remarks shall be addressed to the Commission as a body and not to any member thereof. No person, other than the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Presiding Officer. No question shall be asked to a Commissioner or Commission Staff, except through the Presiding Officer.

## **ARTICLE XI** **VOTING**

### **SECTION 11.00 SILENCE CONSTITUTES AFFIRMATIVE VOTE**

On a voice vote, unless a member of the Commission states that he/she is not voting, his/her silence shall be recorded as an affirmative vote. On a roll call vote, unless a member of the Commission states that he/she is not voting, he/she shall vote “aye” or “no”.

## **ARTICLE XII** **DECORUM**

### **SECTION 12.00 BY COMMISSION MEMBERS**

While the Commission is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay nor interrupt the proceedings or the peace of the Commission nor disturb any member while speaking or refuse to obey the orders of the Commission or its Presiding Officer, except as otherwise herein provided.

### **SECTION 12.01 BY PERSONS**

Any person making personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Commission or otherwise, shall be forthwith, by the Presiding Officer, barred from further audience before the Commission unless permission to continue be granted by a majority vote of the Commission.

## **ARTICLE XIII** **AMENDMENTS**

### **SECTION 13.00 AMENDMENTS**

These Bylaws may be amended, revised, or repealed by the affirmative vote of three (3) members of the Commission. Proposed amendments, revisions, or repeal must be submitted at a regular meeting of the Commission and ~~may not then~~shall be voted upon ~~at until~~ the next regular meeting.

## **ARTICLE IX** **OTHER GOVERNING DOCUMENTS**

### **SECTION 14.00 COMMISSION NORMS AND GUIDELINES**

Commissioners shall abide by the “City of Union City Commission Norms and Guidelines for Boards, Commissions, and Committees” (Commission Norms and Guidelines), as may be amended from time to time. In the event of a conflict between the Commission Norms and Guidelines and the Planning Commission bylaws, the Commission Norms and Guidelines shall

prevail.

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Commissioners shall abide by the requirements of the Union City Municipal Code, as may be amended from time to time. In the event of a conflict between the Union City Municipal Code and the Planning Commission bylaws, the Union City Municipal Code shall prevail.





# Planning Commission Meeting

August 7, 2025





**Item 6.B.2**

**Adoption of Amended Planning  
Commission Bylaws**

**Planning Commission Regular Meeting  
August 7, 2025**



# | Bylaws Amendment Process Overview

- The City Clerk has requested all City commissions to review their bylaws and make amendments to ensure consistency with the Municipal Code, State law, and the recently adopted Norms and Guidelines.
- Planning Commission Bylaw Article XIII requires the Commission to meet and consider the Bylaws update at least once prior to adoption.

# | Bylaws Amendment Process Overview

- The Planning Commission met on April 17, 2025 to consider the proposed amendments and update to the Bylaws. Staff presented the proposed amendments and answered questions/received feedback from the Commission.
- Following the April 17 meeting, staff reviewed the Commission's feedback, as well as the Norms and Guidelines for adopted by the City Council and made further revisions to the proposed updated bylaws.



# | Summary of Key Amendments

- Section 4.01, Elections: Updates language to align with current practices and the requirements of partial terms under the Municipal Code
- Section 4.02, Secretary: Clarifies the Economic and Community Development Directory is the Secretary of the Planning Commission
- Section 5.02, Attendance Standards: Amends language for consistency with the Municipal Code and Norm and Guidelines
  - Attendance is judged on a calendar year basis, rather than a 12-month period
  - Provides for a 10-minute tardiness rule, and procedure for alternates to fill the absent seat for the meeting after the 10 minutes has elapsed.
- Sections 14.00 and 14.01, Other Governing Documents: Provides citation to the Union City Municipal Code and Commission Norms and Guidelines and provides clarity as to which document prevails in an instance where two governing documents conflict.



# | Staff Recommendation

Adopt a Resolution of the Planning Commission of the City of Union City Adopting Amended Bylaws





# Planning Commission Meeting

August 7, 2025