

WELCOME TO THE MARINA PLANNING COMMISSION! PART IV

- Public Participation in Land Use Planning
(Source: Chapter 3- League of Cities Planning Commissioner's Handbook)
- Tips for New Commissioners
(Source: Welcome to the Commission! A Guide for New Members, 2nd edition, edited by Wayne M Senville)

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THE IMPORTANCE OF PUBLIC PARTICIPATION

- As a resident of Marina, wouldn't you like to know what is being built in your community?
- Wouldn't you want to give input for or against a project before it is built?
- Wouldn't you like to know your voice counts and the decisions haven't already been made "behind closed doors"?
- Of course! And this is why we have the Brown Act - CA's open meeting law

OPEN MEETING REQUIREMENTS

- **All City business must be conducted in an OPEN and PUBLIC meeting**
- “Meeting” is defined as any situation involving a majority of Planning Commissioners in which business is discussed or done.
 - This is a high bar set intentionally so that even small groups cannot meet “privately” to evade the public eye
- Exceptions: Educational workshop, social or ceremonial event.
- Brown Act applies to Commissioner behavior and is not meant to restrict the public access to public officials.
 - Any member of the public is free to speak to any and all public officials
 - However, in quasi-judicial matters (application of laws), caution by officials should be exercised
 - Do not state to any member of the public, how you will vote on a project (incl. in social media, emails, etc.)
 - Always be open to all information in discussions
 - Be impartial and objective

THE PUBLIC'S RIGHT AND EXPECTATION TO UNBIASED AND FAIR HEARINGS

- Restrict your communications on an agenda item to only two other member of the Planning Commission (does not require disclosure)
 - ensures that a majority of members have not agreed to a pre-determined vote ahead of the meeting
 - Avoids perception of decisions as “unfair” or “rigged”
- If another member calls you and you have already spoken to 2 other commissioner about the agenda item, simply let the fellow commissioner know that you cannot speak with them on this topic

APPLICANTS AS MEMBERS OF THE PUBLIC

- Discussions with applicants before the hearing is not prohibited, BUT poses some important cautions
- Considered “Ex parte” communication or literally translated “one sided”
- Other commissioners would not be privy to the same information in making a decision, without full disclosure of these ex parte communications
- Must disclose this ex parte communication before the agenda topic begins.
 - “I spoke to XYZ on this date, from this time to this time, and we discussed ____”.
- Issues of FAIRNESS, IMPARTIALITY AND TRANSPARENCY could be compromised

COMMISSIONERS AS MEMBERS OF THE PUBLIC

- Being a Commissioner does not deprive you of the ability to speak as a member of the public
- •Can “step down” from the dais, and speak
 - Be sure to say your views are your own as a member of the public and NOT representing the views of the Planning Commission
- •Eg. Conflict of interest recusal

POSTING AND FOLLOWING THE AGENDA

- The Public has the right to know and participate!
 - Postings of the agenda at least 72 hours before
 - Some exceptions
 - Every planning commission meeting must include time for public comments
 - Before the motion/vote
 - The Public has the right to access written documents or recordings after the meetings
- * All information made available to the Commissioners must be available to the public
 - * Special notices to residents in vicinity of proposed projects
 - * No surprise agenda items or untimely postings that would leave the public “in the dark”

HOW TO ENCOURAGE PUBLIC PARTICIPATION

- Reasonable Time Limits
- No restrictions on who, what, how the public may speak (except meeting disruption)
- Be welcoming of public input
 - Our treatment of the public: acknowledgment of fears of public speaking
 - Personalized approaches; responsiveness to questions in layperson's terms
 - Thanking for their comments

HOW TO ENCOURAGE PUBLIC PARTICIPATION

- Outreach
 - How do we get information out to public? Is it sufficient? Are agendas understandable? In appropriate languages? At 8th grade reading level? Can we speak before groups? Should we do a survey? Have we communicated the big picture for understanding by the public? Is there a Town Hall forum? Etc.

HOW SHOULD WE EVALUATE PUBLIC COMMENTS: TOO MUCH OF A GOOD THING?

- Sometimes very large numbers of people speak
- Note: It is less common for people who support a project to show up in large numbers
- Do these speakers represent the voice of a larger community?
- Who benefits most from this project?
- Our goal is to promote participation & serve our community
 - Reality: Cannot please all of the people, all of the time
 - Hear both sides; carefully consider the issues; explain to the public your decision making process

NEW COMMISSIONER TIP #1: EDUCATE YOURSELF AND DO YOUR HOMEWORK

- Read the agenda packet carefully and jot down your questions.
- Read the Planning Commission Manual for answers to some of your questions
- Ask other commissioners or councilmembers to explain some of the planning regulations or the history of vision/proposal
- Go visit the project site (see the building siting, the neighborhood, what is project replacing, etc.)
- Ask the Planning Commission staff before the meeting! They are your best resource!
 - Try not to ask questions that you could have found on your own (use their time wisely!)
 - Set up appointment or call or email your questions
 - Emails go to the Senior Planning but cc the Director
- Education also occurs in the meeting itself!
 - Can ask staff and developer/applicant at designated times in the meeting

NEW COMMISSIONER TIP #2: ASK QUESTIONS

- “The only dumb question, is _____.”
- For yourself
- For the public
- Must follow legal requirements and evaluate evidence of compliance BUT few codes are entirely quantitative in nature
 - By asking questions, Commissioners and Applicants can engage in a process of voluntary, discretionary improvements to the project
 - If you don't ask, the City may never get an important improvement!

NEW COMMISSIONER TIP #3: KEEP YOUR PATIENCE AND YOUR CIVILITY!

Be ever attentive and respectful to the public and to the presenters, including the applicant!

You may feel irritated, distrustful, tired, angry at insincerity, strong accusations, impoliteness, hostility coming your way.

- Don't show your emotions by non-verbal or verbal disgust or even elated agreement (must show impartiality and fairness throughout)
- Don't get embroiled in any altercations with the public or fellow commissioners or distracted by political antagonisms; simply thank commenters for their input and assure them that his/her comments will be given serious consideration.
- Your job is to hear testimony and make a specific decision
 - You are the judge and jury
 - Independent, objective voice relating to long-term development in Marina
 - Must sometimes make unpopular decisions

NEW COMMISSIONER TIP #4: CONTRIBUTE AND MAKE A DIFFERENCE FOR MARINA!

- Use your critical thinking skills, apply serious inquiry to render a final informed decision, based on an honest, unbiased decision-making process.
- As a Planning Commissioner, this is all that Marina expects of you.
 - Most new commissioners have not had planning experience/background
 - They come with intelligence and a passion for improving the community in which they live!
- Don't be afraid to comment on issues you may feel strongly about e.g. community values or long term visions for Marina. These issues become part of your reasons to make certain judgments on behalf of the City.
- Your public service is much appreciated! Every new development will have your imprint on it that likely will last 50 plus years!

END OF PRESENTATION

THANK YOU FOR YOUR SERVICE!
(I ENJOYED BEING ON THIS COMMISSION AND
I KNOW YOU WILL, TOO!)

Time for Q & A