

# Draper City Planning Commission Bylaws and Rules of Procedure

## ARTICLE I. GENERAL PROVISIONS

1.1 Terms of Commonality. When used herein, the following terms shall be defined and used as stated:

- a. Bylaws. The Bylaws and Rules of Procedure for the Draper City Planning Commission commonly referred to herein as “the Bylaws.”
- b. City Council. The City Council of Draper City, including the Mayor, commonly referred to herein as “the Council.”
- c. Draper City Municipal Code. The entirety of the Draper City Municipal Code commonly referred to herein as “the Code.”
- d. Executive Director. The Executive Director to the Planning Commission, established to be the Community Development Director for Draper City, commonly referred to herein as “the Director.”
- e. Member, Alternate. A duly appointed alternate member of the Planning Commission serving a one-year renewable term and having the ability to sit and vote as a member of the Commission in the absence of a regular member, commonly referred to herein as “Alternate.”
- f. Member, Regular. A duly appointed member of the Planning Commission serving a four-year renewable term and having the ability to sit and vote as a member of the Commission whenever present, commonly referred to herein as “Member.”
- g. Member, Sitting. A duly appointed Member or Alternate of the Planning Commission who is counted in the establishment of a quorum and who actively participates and votes as a part of the Commission at any one meeting or on any one agenda item.
- h. Planning Commission. The Planning Commission of Draper City, including all regular and alternate members, commonly referred to herein as “the Commission” when referencing the entirety of the body or “Commissioner(s)” when referencing an individual.
- i. Subdivision Ordinance. The Subdivision Ordinance of Draper City established to be the entirety of Title 17 of the Draper City Municipal Code.
- j. Zoning Ordinance. The Zoning Ordinance of Draper City established to be the entirety of Title 9 of the Draper City Municipal Code.

1.2 Applicable State Statutes, Local Ordinances, and Rules. The Commission shall be governed by state statutes and local ordinances and policies including, but not limited to, the following:

- a. State statutes applying generally to public boards, members, and officials, including those dealing with conflicts of interest, disclosure requirements, and open and public meetings.

- b. State statutes governing the activities of Planning Commissions in relation to planning and zoning, including Title 10, Chapter 9a, the Municipal Land Use, Development, and Management Act.
  - c. The Zoning Ordinance of Draper City.
  - d. The Subdivision Ordinance of Draper City.
  - e. The Draper City General Plan and related overlay plans.
  - f. The Bylaws of the Draper City Planning Commission as set forth herein.
- 1.3 Affect of These Bylaws. These Bylaws are not adopted by Ordinance and do not have the force of law. They are advisory guidelines on procedure and conduct only. Consequently, should the Commission waive, suspend, or otherwise deviate from these bylaws during the course of a meeting, such deviations shall not be grounds for invalidating a hearing held during that meeting or any decisions made at that meeting.
- 1.4 Requirement of Familiarity with State Statutes, Local Ordinances, and Rules Affecting the Commission. Upon taking office, all members of the Commission shall familiarize themselves with the foregoing. While in office, members shall maintain such knowledge, including amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

ARTICLE II. MEMBERSHIP AND OFFICERS

- 2.1 Number of Members and Appointment. The membership and appointment of the Commission shall be as established in Section 3-1-280 of the Code with six Members, one of whom serves as a non-voting Chairperson, and Alternates in a number deemed appropriate by the Council.
- 2.2. Chairperson and Vice Chairperson.
- 2.2.1 Appointment.
- a. At the last regularly scheduled meeting in December of each year, the Commission shall have an agenda item as the appointment of Members to serve as Chairperson and Vice Chairperson for the following calendar year. The Chairperson and Vice Chairperson shall maintain their duties and responsibilities until the first meeting in January of the following year. Should the last regular meeting in December not be held, the Commission shall have the first item of business at the first January meeting as the appointment of a Chairperson and Vice Chairperson. In such an event, Members appointed to those positions shall assume their duties immediately following the election of the Chairperson and Vice Chairperson. Members may serve more than one term and in both appointed positions, not concurrently, if properly nominated and appointed.
  - b. Appointment of the Chairperson and Vice Chairperson shall be done separately, each according to the following procedure:
    - i. The Chairperson shall designate any Commissioner or a member of staff

to track the nomination and appointment processes.

- ii. The Chairperson shall call for the nomination of Regular Members through verbal or written nomination, at the discretion of the Chairperson.
- iii. Once all nominations have been submitted and accepted by the Chairperson, the Chairperson, following an allowance of time for each nominated Member to make comment, shall call for a voice or silent ballot vote, at the discretion of the Chairperson, of the Regular Members present.
- iv. Following collection of the votes of all Regular Members present, including the Chairperson and all nominated Members, a count shall be taken of the votes and the results announced by the individual designated to track the nomination process. A simple majority vote shall determine the appointment.
- v. In the event of a tie vote, a second vote, by silent ballot vote only and including the Alternate Members present, shall be collected with a simple majority determining the appointment. Should the second vote result in a tie, the nominations and votes received shall be disregarded and the process started again as specified herein until a majority vote determines the appointment.

2.2.2 Duties of the Chairperson. If present and able, the Chairperson shall preside at all meetings and hearings. In accordance with these and other applicable rules, the Chairperson shall decide all points of procedure and order, unless otherwise directed by the sustaining vote of the Sitting Members. When necessary to deciding points of order, Roberts Rules of Order, newly revised, shall be used by the Chairperson as a reference. Furthermore, the Chairperson is to:

- a. Direct the official business of the Commission, interface with the Director in the conduct and affairs of the Commission, request needed staff assistance from the Director or the Council, and exercise general management direction of the affairs of the Commission;
- b. Call meetings of the Commission to order on the day and time scheduled and proceed with the order of business;
- c. Announce the business before the Commission in the order in which it is to be heard and/or acted upon;
- d. Receive and submit, in the proper manner, all motions, recommendations, and propositions presented by Commissioners;
- e. Put to vote all issues and items which are properly moved upon, or necessarily arise in the course of the proceedings and to announce the result of any such action taken;
- f. Direct the Commission, when necessary, on any point of order or practice. In the course of discharge of this duty, the Chairperson shall have the right to call upon

legal counsel or staff for advice;

- g. Authenticate by signature, as necessary, all decisions of the Commission;
- h. Maintain order at all meetings of the Commission including the maintenance of a respectful, orderly, appropriate, and professional atmosphere;
- i. Move the agenda along, reduce redundancy by reasonably limiting time allowed for comment, whenever possible, set guidelines for public input, and reference handouts and procedures during meetings;
- j. Recognize speakers and Commissioners prior to receiving comments and presentations;
- k. Act as a voting Member of the Commission when he or she is counted as a part of a quorum of three members only but shall relinquish the right to vote at the beginning of the next agenda item after the arrival of another Commissioner;
- l. Cast a tie-breaking vote for all seconded motions which result in a tie following the vote of all Sitting Members.
- m. Ensure the legal due process for all items and people involved in each item on each meeting agenda; and
- n. Facilitate the elimination of any and all public clamor during meetings.

2.2.3 Delegation to Vice Chairperson. The Chairperson may delegate duties generally to the Vice Chairperson, may authorize the Vice Chairperson to perform specific duties during his or her absence, or in case of his or her disability to perform necessary Commission functions in a timely manner. In case of absence or incapacity of the Chairperson outside of a Commission meeting, on approval by a majority of the Commission, the Vice Chairperson shall perform any or all duties of the Chairperson whether or not delegated.

2.2.4 Duties of the Vice Chairperson. The Vice Chairperson shall have and perform all of the duties and functions of the Chairperson as delegated. When acting in the capacity of the Chairperson, the Vice Chairperson shall become a non-voting member except as would be typical procedure for the Chairperson. During properly noticed Commission meetings, the Vice Chairperson shall assume the duties of an absent, disabled, or incapacitated Chairperson automatically without necessity of delegation.

2.2.5 Succession of Vice Chairperson to the Office of Chairperson and Special Elections. If the Chairperson resigns office or is no longer a member of the Commission, the Vice Chairperson shall automatically become the Chairperson for the remainder of the calendar year. If the Vice Chairperson resigns office, becomes no longer a member of the Commission, or succeeds to the Chairperson's office, a special election shall be held at the next regular meeting of the Commission to select a Vice Chairperson to complete the term. If a special election is to reasonably precede the yearly regular election, the Commission may permit the office of Vice Chairperson to remain vacant until it's filled in the regular election.

2.2.6 Temporary Chairperson.

- a. In the event of the absence or disability of the Chairperson and Vice Chairperson, and with a proper quorum present, a Temporary Chairperson shall be appointed to conduct business prior to any agenda item to serve as the Temporary Chairperson until the return of either the Chairperson or Vice Chairperson, whomever is first.
- b. The Temporary Chairperson shall be nominated and appointed in the same manner as the regular nomination and appointment of the Chairperson.

2.3 Members and Alternates Responsibilities. The following shall be the non-exclusive responsibilities of all Members and Alternates of the Commission, including the Chairperson.

2.3.1 Meeting Attendance. Every Commissioner shall attend each meeting of the Commission unless excused or unable to attend due to extenuating circumstances. Any member expecting to be absent from a Commission meeting shall notify the Director and/or the Chairperson.

2.3.2 Representation of Applicants or Petitioners. No Commissioner or its staff shall represent applicants or petitioners in matters on which the Commission is to make determinations or recommendations.

2.3.3 Conflict of Interest.

- a. No Commissioner shall participate in the review of or voting on any agenda item in which they have any financial, familial, or personal interest in the property, action, or applicant being heard by the Commission, or has or believes they have any other conflict of interest as defined or regulated under the provisions of Title 10, Chapter 3, Part 13 of the Utah State Code (U.C.A.), Municipal Officers' and Employees' Ethics Act. No member of the staff to the Commission or of any entity serving the Commission who has similar interests shall participate or act in violation of the above-referenced Utah State statutes.
- b. Commissioners shall not sell, offer to sell services, or solicit prospective clients or employment by stating an ability to influence Commission decisions or on the basis of being a Commissioner.
- c. Commissioners shall not use the power of his or her appointed office as a Commissioner to seek or obtain any special advantage.

2.3.4 Disqualification on the Grounds of Influence Other Than at a Public Meeting. Commissioners should avoid *ex-parte* contact with developers, applicants, and/or property owners regarding matters related to a pending application before the Commission. A Commissioner may be disqualified from voting whenever an applicant, or their agent, has sought to influence the vote of the Commissioner on their application or petition, other than in the public hearing, through an *ex-parte* contact.

2.3.5 Expression of Bias, Prejudice, or Individual Opinion Prior to Hearing and Determination. Commissioners may seek information from other Commissioners, the Director, counsel to the Commission, staff serving the Commission, or staff of other departments or agencies advising the Commission, but no member should discuss the case with any other parties thereto outside of a public meeting, or express any bias, prejudice, or individual opinion on proper judgment of the case prior to its hearing and determination.

- 2.3.6 Inquiry Regarding Conflicts of Interest, Ex-Parte Contacts, and Bias. It shall be the responsibility of the Chairperson, Vice Chairperson, or presiding officer to inquire regarding potential conflicts of interest, *ex-parte* contacts and issues of bias, regarding the pending agenda items, at the beginning of the review of that item. Commissioners shall be responsible for bringing forth information or disclosing personal conflicts of interest or potential conflicts of interest.
- 2.3.7 Causes for Removal. Causes for consideration of removal of Members or Alternates from the Commission by the Mayor with the advice and consent of the Council may include malfeasance, misfeasance, or nonfeasance generally, and in particular:
- a. Failure to maintain reasonable familiarity with the state statutes, local ordinances, and rules affecting the Commission.
  - b. Failure to disclose a conflict of interest for purposes of disqualification when a Commissioner has a personal or monetary interest, or will be directly affected by a decision of the Commission, which the City Council deems to be in violation of the provisions of Title 10, Chapter 3, Part 13 U.C.A.
  - c. Attendance at less than 75% of regularly scheduled and special Commission meetings in any one calendar year.
- 2.3.8 Resignations, Generally and by Absence. Commissioners proposing to resign, if reasonably feasible, shall give notice of their intent to the Director, Chairperson, and the Mayor and make the date of the resignation effective in such a manner as to allow time for appointment of placements.
- Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings, without prior notice to the Chairperson may be construed by the Chairperson as grounds for resignation by absence from the Commission. The Chairperson may then recommend removal of the Commissioner to the Mayor.
- 2.3.9 Vacation of Office. When a Commissioner dies or resigns, including resignation by absence, the Director shall promptly indicate to the Mayor and Council that a vacancy exists. When a Commissioner becomes incapacitated permanently or for what appears likely to be a prolonged period, moves from the jurisdiction, or becomes, for any other reason, no longer qualified for office and fails to resign, the Chairperson should cause any necessary investigation to be made and shall present the facts to the Director and the Mayor who may declare the office vacant and appoint a replacement to fill the unexpired term.
- 2.3.10 Alternate Members Not to Participate in Discussions Unless Sitting at the Meeting. Alternates shall not participate in discussions during the business meeting on any item in which he or she will not be a Sitting Member. The first Alternate to be called as a Sitting Member for a specific meeting shall be determined on a pre-set rotating basis. In the event the Alternate designated for a particular meeting is absent or unable to attend or participate, another Alternate shall be utilized.

- 2.4 Communication With Staff. Commissioners shall have the individual ability to converse with staff prior to meetings of the Commission so as to gain greater understanding of the business before them. This clause shall in no way restrict a Commissioner's ability to have discussion with or ask questions of staff during meetings.

## ARTICLE III. MEETINGS

### 3.1 Meeting Schedule.

- a. At the first regularly scheduled meeting in December of each year, the Commission shall have an agenda item to determine the General Meeting Schedule for the following calendar year. Meetings of the Commission are typically held twice a month, with the exception of those meetings rescheduled or cancelled under the provisions of Article III, Section 3.12 herein, and are to begin promptly at 6:30 p.m., and are to be held in the City Council Chambers of Draper City Hall. Alteration to the time of day or place a meeting is to be held may be made through special notice and advertisement of the meeting which states the specific alteration(s).
- b. The determination of the General Meeting Schedule shall take into consideration the dates for which meetings will be scheduled, conflict with City-observed holidays and events, and the possibility of special meetings or the cancellation of meetings to avoid conflicts.
- c. Following the determination of a General Meeting Schedule, the Commission shall approve the schedule through the proper approval process, and the schedule shall be approved by resolution of the City Council. Following approval, the adopted meeting schedule shall be posted in the Community Development Department, distributed to each Commissioner and the Council.
- d. Open Meetings. Every meeting of the Planning Commission is to be open to the public and conducted in accordance to the Utah State Open and Public Meetings Act (U.C.A. 52-4-1 et. seq.).

3.2 Regular Meetings. Regular meetings of the Commission shall be held in the Draper City Council Chambers, Draper City Hall. Regular meetings may be preceded by a study session directed towards discussion of items on the business meeting's agenda. These study sessions shall not be considered a study meeting. Meetings may be held at any other convenient place if directed by the Chairperson, upon appropriate notice in advance of the meeting. (Res.18-27)

3.3 Study Meetings. Study meetings may be held as deemed appropriate by the Chairperson, provided public notice of the time and place of the meeting is provided as required by law. Said meeting shall be called and scheduled by the Chairperson at the greatest convenience of the Commission. The Chairperson's granting of a study meeting with a specified time and place during a regular meeting of the Commission shall be notice thereof to Commissioners in attendance and all other Commissioners shall receive notice of the study meeting by telephone or email. If not a part of a regular meeting, all Commissioners shall receive telephone or email notification of the meeting as soon as details of the meeting are known..

3.4 Special Meetings. Special business meetings of the Commission may be requested by any Commissioner, the Council, or the Director to hear matters of Commission business. It shall be at the discretion of the Chairperson to grant or deny such a request and schedule such a meeting. Notice for such meeting shall be as typical and required for regular meetings.

3.5 Quorum. A minimum of three Commissioners, including alternates, shall constitute a quorum for the transaction of business. The Chairperson shall be counted as a Commission member to

establish a quorum but shall have the ability vote only in those instances outlined in Article II, Section 2.2.2(k) herein. Any Sitting Member choosing to abstain from a vote on an agenda item shall be included in constitution of a quorum. Any Commissioner disqualified under the terms of a conflict of interest shall not be included when considering the presence of a quorum. When a conflict of interest results in a lack of Sitting Members present to approve a motion the issue, at the discretion of the Chairperson, may be heard by the Commission but shall not have action taken upon it until an adequate number of Sitting Members can be present to properly vote on the issue.

- 3.5.1 Lack of a Quorum. No matters of business shall be heard, unless caused by a conflict of interest disqualification, unless a proper quorum is present. In the event a quorum is not present for a scheduled meeting of the Commission, the meeting shall be canceled, only after a reasonable allowance of time for a quorum to arrive, through a motion for adjournment. No second shall be required for such a motion so long as the Chairperson recognizes the necessity of the motion because of a reasonable inability to gather a quorum. In such an event, a proper quorum shall ratify the motion to adjourn due to lack of a quorum before any matters of business are heard at the next scheduled Commission meeting.
  
- 3.6 General Order of Business. The business of the Commission at its meetings shall generally be conducted in accordance with the following order: 1) items continued from previous meetings; 2) public hearing items; 3) action items; and 4) City business. This order may be adjusted in whole or for any one item of business prior to publication of an agenda if it is believed that doing so is in the best interest of the general public anticipated to be present.
  - 3.6.1 Reordering of Agenda Items. Any Sitting Member may, prior to the initiation of review of any one agenda item, recommend the reordering of one or more agenda items to the Chairperson. Following a motion, second, and affirming vote of the Sitting Members to the same, the agenda items shall then be heard as reordered.
  
- 3.7 Not to Vote Unless Present. Except as permitted by electronic meeting no Commissioner shall vote on any matter unless present at the meeting when the vote is taken. Electronic voting shall be allowed per the provisions of State Law and City Ordinances regarding the conduct of electronic meetings. Commissioners participating electronically shall be counted as though present at the meeting. No Commissioner shall give his or her proxy to any other person to vote on any issue.
  
- 3.8 Agenda Items and Public Hearings. The following procedure shall be observed for all agenda items, but may be rearranged at the discretion of the Chairperson for an individual item for the benefit of the expeditious conduct of business:
  - a. Explanation of the procedures for submitting testimony for public hearings prior to the first hearing listed on the agenda.
  - b. Introduction of the agenda item by the Chairperson.
  - c. Presentation of facts and recommendations by staff.
  - d. Presentation of the proposal by the applicant(s) or their agent.
  - e. Opening of the public hearing by declaration of the Chairperson if the item is noticed as a public hearing.



- f. Testimony by citizens present to discuss the item through comment of facts or arguments if the item is a public hearing.
  - g. Closure of the public hearing by declaration of the Chairperson if the item is a public hearing.
  - h. Rebuttal and concluding comments by the applicant.
  - i. Commission discussion, questioning, and deliberation. The discussion shall be confined to the Commission unless any Commissioner requests specific additional information from staff, the applicant(s), or a member of the general public present who is or may be directly involved or impacted by the issue under consideration.
  - j. Vote of the Sitting Members in the form of approval, approval with conditions, continuation, or denial.
- 3.9 No Commission Action During Public Hearings. No Commission action shall be taken in a formal public hearing. Comments from the public shall be received and weighed but not responded to by Commissioners during the public hearing. Commissioners may ask questions of the general public providing testimony although questions should be limited to clarification of testimony offered.
- 3.10 Public Comment During Public Hearings. Comments, testimony, and presentations from the public shall be respectful, pertinent, relevant, concise, and confined within a three minute timeframe. A spokesperson for a group wishing to submit comments in behalf of that group shall be granted five minutes to speak upon demonstration of the group being represented. Public comments should be non-repetitious. The Chairperson shall have the ability to discontinue the receipt of public comment at his or her discretion if the commentary and testimony becomes repetitious, disrespectful, rude, or otherwise rowdy or inappropriate. All public comment shall be directed toward the Commission and may only be received in writing or from the speaker's podium, with recognized exceptions due to a disability of the speaker, within the location of the meeting. Public comment not originated from the podium shall not be accepted or considered by the Commission.
- 3.11 Recess. Any regular or special meeting may be recessed from time to time by sustaining vote of the Sitting Members. Recesses should be limited to not more than 15 minutes unless extenuating circumstances arise.
- 3.12 Cancellation. If no business is scheduled for a Commission meeting, or if it is apparent that a quorum of the Commission will not be available, any meeting may be canceled by the Chairperson by giving notice to all Commissioners.
- 3.13 Length of Meetings. All meetings of the Commission should conclude no later than 10:00 p.m. In the event a meeting goes beyond 10:00 p.m., and following the conclusion of the agenda item under consideration at 10:00 p.m., the Commission shall by motion, second, and sustaining vote:
- a. Conclude the meeting without hearing any further agenda item and continuing all remaining agenda items to the next regular meeting or a special meeting;
  - b. Continue the meeting to hear one or more remaining agenda items, but not the entire remaining agenda, while continuing all other items of business; or

- c. Continue the meeting to the conclusion of the agenda.

3.14 Time Control. The Chairperson may, at any time, institute measures to control the time for discussion on any issue. Care should be taken to insure fairness in the hearing process so that those speaking in support and opposed should have substantially equal time. The Chairperson may stop discussion once he or she believes the issue has been adequately and fairly heard.

#### ARTICLE IV. ORDER AND DECORUM

4.1 General Decorum. The atmosphere of Commission meetings shall be conducted with the utmost respect for and by all parties. All those in attendance shall conduct themselves in a courteous, mindful, professional, sincere, and appropriate manner for the nature of the proceedings. Actions such as booing, hissing, cheering, clapping, throwing objects, obscene gestures, harassing comments, or other similar or obnoxious behavior shall not be tolerated.

4.2 Commissioner Decorum.

- a. Commissioners in attendance at each meeting shall portray an appropriate appearance as a representative of Draper City to conduct the meeting in a serious, respectful, and sincere manner.
- b. Commissioners shall avoid leaving their seats except during approved recesses of a meeting or removing themselves for a conflict of interest.
- c. Members shall avoid conversation that is not plainly audible to all present at the meeting.

4.3 Public Clamor. Information submitted by way of public clamor occurring during the course of a meeting shall not be considered by the Commission when rendering decisions.

4.4 Due Process. The Chairperson shall conduct each meeting in such a manner as to afford due process throughout the proceedings.

4.5 Conduct During Meetings. During any and all agenda items, any individual submitting testimony shall be allowed to proceed without interruption. All testimony, statements, and comments shall be addressed to the Chairperson. The Chairperson shall not permit questioning or arguing between individuals in the audience. Any Sitting Member, Counsel to the Commission, or staff, upon recognition and permission by the Chairperson, may direct any questions to the applicant, witnesses, or any person speaking from the audience to bring out clarifying or pertinent facts. No Commissioner or staff shall debate or argue with persons in the audience.

4.6 Cause for Removal. It shall be the authority and discretion of the Chairperson to order the removal of any individual member or groups of the general public present at a Commission meeting by an officer of the Draper City Police Department. Removal may be for the duration of the discussion and consideration regarding any single agenda item or for the remainder of the meeting, if said person or groups become rude, disrespectful, disorderly, or otherwise disruptive towards the Commission, a Commissioner, staff, the applicant, or other members of the general public.

4.7 Chairperson's Adjournment. In the event of refusal to leave the meeting by anyone present under the authority granted under Article IV, Section 4.6 herein, it shall be the authority and discretion

of the Chairperson to promptly adjourn any Commission meeting when said meeting becomes out of hand, unruly, overly disruptive, or otherwise inhibitive to the conduct of the City's business until such time as business can be conducted in an appropriate manner.

## ARTICLE V. MOTIONS, VOTING, FINDINGS, AND DECISIONS

- 5.1 Making a Motion. Any Sitting Member may make or second any motion.
- 5.2 Findings. Motions for approval, denial, or approval with conditions should state within the motion the reasons, issues, and facts leading to the motion.
- 5.3 Motions Repeated. Motions may be repeated for clarification, further understanding, or consideration at the request of the Chairperson or any Sitting Member, or by staff for the purpose of clarification for the official record.
- 5.4 Legal Counsel. Any Sitting Member may request legal advice from the City legal counsel in the preparation, discussion, and/or deliberation of any motions.
- 5.5 Second Required. Each motion of the Commission must be seconded with the exception of a motion to adjourn a meeting.
- 5.6 Withdrawing a Motion. After a motion has been stated, the motion resides in the possession of the Commission but may be withdrawn by the author of the motion at any time prior to the motion being put to a vote. Withdrawal of a second shall become automatic with the withdrawal of the motion. The author of a second may also withdraw the second at any time prior to the motion being put to a vote. The withdrawal of a second does not constitute withdrawal of the motion.
- 5.7 Motion to Continue. A motion to continue an agenda item shall be accompanied by the reasoning and rationale for the continuance, and whenever possible, a specific date when the issue would be heard again.
- 5.8 Amending Motions. Following the second to any motion and prior to the motion being put to a vote, any Sitting Member may offer a motion to add to and/or amend the initial motion in any manner that does not change the decision stated in the motion. Amending motions shall be dealt with in the same manner as an initial motion and voted upon prior to further consideration of the initial motion.
- 5.9 Reconsideration of Motions. Any Commissioner who voted in favor of any sustained motion may offer a motion to reconsider the action taken at any time during the meeting in which the vote took place. A motion to reconsider must be sustained itself in order to reconsider the action taken. If reconsideration finds that the previously approved motion should stand, no formal vote shall be necessary. If the former motion is to be amended or made void, the reconsideration motion shall be put to a formal vote of the Sitting Member.
- 5.10 Motion That Carry. Any seconded motion receiving three or more affirming votes shall carry forward as the decision of the Commission. In no case, regardless of the size of the quorum present, shall a motion be considered approved and constitute the official action of the Commission with less than three affirming voted. In the instance where a motion is voted upon receiving affirmation from a majority of the quorum but less than three votes, it shall be considered a dead motion.
- 5.11 Motion to Recess. Any Commissioner may offer a motion for recess, and have said motion

considered and voted upon, at any point during a Commission meeting. Any such motion shall contain a specific time to reconvene the meeting.

5.12 Dead Motions and New Motions. In the event that a motion does not carry due to the lack of an adequate sustaining vote, or doesn't receive a second, the motion is determined to be dead and the discussion and consideration of the agenda item shall continue until another motion is offered and sustained.

5.13 Motions to Adjourn. A motion to adjourn shall be required to conclude every Commission meeting, following the addressing of each item on the agenda for that meeting. No second shall be required for a motion to adjourn so long as the Chairperson accepts the motion as appropriate in timing and declares the meeting closed.

5.14 Decisions.

5.14.1 Timing of Decisions. After conclusion of the public hearing, when necessary, for any application or petition, the Commission shall examine the evidence before it in relation to findings required, and make a decision. With due consideration to the length of the agenda, the nature of the case, the complexity of the evidence, and the findings required, the Commission may elect, by a sustaining vote, one of the following alternatives:

- a. To proceed immediately to determination and decision of approval, approval with amendments or conditions, or denial;
- b. To defer determination and decision until later in the same meeting; or
- c. To continue the case for determination and decision, with or without further public comment, at a specified later special or regular meeting.

5.14.2 Findings. If a sustaining vote of the Sitting Members concurs that the evidence supports favorable findings upon an application or petition before it, or that such findings could be made if conditions and safeguards are established, the decision shall be favorable to the applicant, provided that such conditions and safeguards as may be required for a favorable finding are specified in the decision. Such safeguards and requirements shall be binding upon the applicant or petitioner and his successor and interests.

5.14.3 Form and Procedure of Decisions. Unless otherwise provided, all decisions of the Commission shall be made at a public meeting by motion sustaining vote. Motions shall be in the form of findings of fact, shall state the reason(s) for the findings by the Commission, and a statement of any conditions or safeguards to be attached to the action.

5.14.4 Notification. A sustaining vote of the Commission shall cause notice to be given to the applicant of the decision made. Notice shall be issued as soon as reasonably possible after the decision is reached. Such notice shall include a copy of the complete conditions of approval attached to the decision. Such notification shall not be necessary if the decision reached by the Commission is in the form of a recommendation to the Council.

5.15 Voting.

5.15.1 Changing a Vote. No member shall be permitted to change his or her vote once the Chairperson has declared the result of the decision except under the terms of reconsideration outlined in Article V, Section 5.9, herein.

- 5.15.2 Abstention. Any Sitting Member may choose to abstain from voting on any agenda item. Commissioners wishing to abstain may remain at the Commission table and participate in the discussion. Reasoning for abstention is not required to be revealed prior to the vote being taken, but must be disclosed as a part of the Commissioner’s vote for abstention in order to ensure that no conflict of interest has occurred. In the event of an abstention, the vote to abstain shall count as a vote and shall not be replaced by the affirming or negative vote of another Commissioner.
- 5.15.3 General Voting. Any agenda item requiring a vote of the Commission, except items requiring a roll call vote, shall be conducted, following the Chairperson’s recognition of a motion, a second, and discussion on the motion, by: 1) the Chairperson’s request for votes in favor of the motion and an audible response from Sitting Member in favor; 2) the Chairperson’s request for votes opposed to the motion and an audible response from Sitting Member opposed; 3) the Chairperson’s identification of any abstentions; and 4) the Chairperson’s declaration of the voting results. At any time during the voting procedure that a unanimous vote occurs or all Sitting Member declare their vote prior to the completion of the process in its entirety, the Chairperson may immediately supersede the procedure, declare the result of the vote, and proceed with the remainder of the agenda.
- 5.15.4 Roll Call Vote. A roll call vote shall be held to vote on seconded motions made regarding:
- a. The approval of an agenda item where the Commission is the designated approving body;
  - b. Recommendations to the Council; or
  - c. The adoption of any Commission resolution.
- 5.15.5 Conducting a Roll Call Vote. When a roll call vote is necessary, the Chairperson shall, following a motion, second, and discussion on the motion, request a vote individually from each Sitting Member. Each Sitting Member shall, when called upon, declare their vote orally by stating “Aye” or “Yes” if voting in favor of the motion, “Nay” or “No” if voting in opposition of the motion, or “I abstain” if choosing not to vote. When a roll call vote is necessary, each Sitting Member’s vote shall be recorded in the official minutes of the meeting.
- 5.15.6 Voting On Continued Items. In the event an agenda item is heard and continued, the Sitting Members at the meeting in which the item was first heard shall constitute the Sitting Members, for that agenda item only, at the continuance to the greatest degree possible. If the initial Sitting Members are not present at the continuance in their entirety, remaining seats shall be filled according to standard Sitting Member selection procedure.
- 5.15.7 Sitting Members Only to Vote and Late Arrivals. Sitting Members, as constituted at the Chairperson’s introduction of an agenda item, shall be the only Commissioners permitted to vote on the item. Sitting Members shall not be replaced by any other Member or Alternate when disqualified from participation for conflict of interest or any other reason. If a Member arrives at the meeting after the introduction of any agenda item, the Member shall wait until the next agenda item to replace an Alternate as a Sitting Member and may

defer the remainder of the meeting to the Alternate.

#### ARTICLE VI. NON-EXCLUSIVE AND SUSPENSION OF RULES

- 6.1 Non-Exclusive Rules. The rules set forth are non-exclusive and do not limit the inherent power or general legal authority of the Commission, or its Chairperson, to govern the conduct of Commission meetings as may be considered appropriate from time to time or in particular circumstances for the purposes of orderly and effective conduct of the affairs of the City.
- 6.2 Waiving or Suspending Rules. A rule of procedure may be suspended or waived at any meeting by unanimous vote of Commission members present unless such rule is set by state law or by the Zoning Ordinance.

#### ARTICLE VII. REFERRED FUNCTIONS

- 7.1 Referred to Staff. The following functions have been referred to staff, staff committees, or citizen committees for recommendations as specified. Such referral of function does not in any way relinquish final power and authority over these functions as specified by state law and the Zoning Ordinance. The individuals or agencies to whom referral has been made will act in the name of the Commission in conformance with the provisions of Section 9-4-060 of the Zoning Ordinance. Applicants or petitioners may choose, in any event, to have said application or petition reviewed by the Commission. Upon waiving, in writing, the right to a review by the Commission, the recommendation by the person or committee to whom the function has been referred shall be considered to be an action by the Commission. Staff shall regularly submit to the Commission a summary of all site plan and site plan amendment requests that have been approved at the staff level.
- a. Commercial Site Plan Approval for commercial, institutional, and multi-family projects where delegated by the Commission pursuant to section 9-4-060 of the Code, and according to the criteria and limitations set forth therein.
  - b. Commercial Site Plan Amendment Approval for commercial, institutional, and multi-family projects that meet all findings contained in Section 9-5-090(h)(1) of the Code.

#### ARTICLE VIII. ADOPTION, AMENDMENT, AND MAINTENANCE OF BYLAWS

- 8.1 Adoption of Bylaws. Adoption of these Bylaws is to supersede and replace all those adopted previously. The adoption of the Bylaws shall be done by roll call vote of the Planning Commission, without need of a public hearing, as a recommendation to the City Council who shall authority to approve, approve with amendments, or deny.
- 8.2 Amendment of Bylaws. Amendments to the Bylaws shall follow the same procedure as the adoption of the Bylaws. A recommendation may be made by any Commissioner to review the bylaws for amendment at any time following their inception. A concurring opinion of the majority of the Commission shall be required to open the review of the Bylaws for amendment. No amendment to these Bylaws shall become effective until incorporated in the official copy.
- 8.3 Recording. These Bylaws, and all subsequent amendments, shall be recorded by the City Recorder and copies of which shall be distributed to each Commissioner and the Community Development Department.

8.4 Bylaws of the Commission to be Available in City Recorder's Office. An official copy of the Bylaws, in its most current form, shall be maintained and available in the City Recorder's office as a public record with that copy to govern.

Adopted		05.05.2009	per. R-09-16
Sec. 2.2.1	amended	01.19.2010	per. R-10-05
Sec. 3.1	amended	12.17.2013	per. R-13-61
Sec. 3.2	amended	03.27.2018	per. R-18-27