

~~Kearns Metro Township~~City of Kearns Planning Commission
RULES OF ORDER AND PROCEDURE
Adopted May 9, 2017 and Revised on February 24, 2020 and July 13, 2020

These Rules and Procedures (“Rules of Procedures”) shall govern the proceedings of the ~~Kearns Metro Township~~City of Kearns Planning Commission (herein referred to as “the Commission”) and shall be consistent with applicable provisions of the Utah Code and ~~Kearns Metro Township~~City of Kearns Code of Ordinances.

I. Authority and Duties

The ~~Kearns Metro Township~~City of Kearns Planning Commission shall act on all planning matters that arise within the ~~Township’s~~City’s jurisdiction as required or permitted by the ~~Kearns Metro Township~~City of Kearns Code of Ordinances.

II. Membership

Section 1. Appointment of Members—Any resident of the ~~Kearns Metro Township~~City of Kearns interested in the authority and duties of the ~~Kearns Metro Township~~City of Kearns Planning Commission may be appointed a member as outlined in ~~Kearns Metro Township~~City of Kearns Code of Ordinances ~~ordinance~~ and in line with the approved policies and procedures of the ~~Kearns Metro Township~~City of Kearns Council. All members including those seeking reappointment must follow the application and appointment policies set forth by the ~~Kearns Metro Township~~City of Kearns Council. Membership shall be available without regard to race, color, creed, sex, religion, age, disability, sexual orientation, marital status, or national origin.

Section 2. Membership – The Commission shall be composed of five Members appointed by the ~~Kearns Metro Township~~City of Kearns Council.

Section 3. Rights of Members—All Members, including the Chair, shall be entitled to one vote on all matters properly brought before the Commission for action. Proxy votes shall not be permitted and Members must be present to vote unless otherwise allowed by a duly adopted policy on electronic meetings.

Section 4. Supporting Agency—The Greater Salt Lake Municipal Service District or any applicable service provider shall be the supporting agency of the ~~Kearns Metro Township~~City of Kearns Planning Commission (“Supporting Agency”) and shall digitally record all meetings, make recordings available to the public within three (3) business days, take written minutes, and post all agendas and meeting activities to the Utah Public Notice website twenty-four (24) hours prior to each meeting.

- a. Creation of Agenda—The Supporting Agency staff, with consultation from the Chair, shall create the agenda for each regular meeting and shall send an agenda to the Commission. Additional items may be placed on the business meeting section of the agenda at the business meeting by the Commission or Supporting Agency staff.

b. Other County and State agencies are encouraged to attend meetings and build partnerships with the Commission. These agencies include but are not limited to:

- i. Kearns Community Council
- ii. UTA
- iii. SLCo Public Works Engineering
- iv. SLCo Parks and Recreation
- v. SLCo Public Works Operations
- vi. SLCo Transportation
- vii. SLCo District Attorney
- viii. Unified Police
- ix. Unified Fire
- x. Salt Lake County Health Department
- xi. All ~~Metro~~ City of Kearns ~~Township~~ Community Councils
- xii. SLC Public Utilities
- xiii. U.S. Forest Service
- xiv. U.S. Army Corp of Engineers
- xv. Utah State Department of Natural Resources Division of Water Rights
- xvi. ~~Metro~~ Township City of Kearns Council Members
- xvii. Other Staff Members
- xviii. Other ~~Metro~~ Township City of Kearns Planning Commission Members

Section 4. Commission Member Terms—Members shall be appointed for a term of three (3) consecutive years. All appointments shall be made with consideration for staggered terms.

Section 5. Training—As soon as possible after being appointed, all Members should meet with the Supporting Agency staff to review these Rules of Procedure, the General Plan, and all other applicable Kearns Ordinances and Policies. Refusal to comply with this provision may result in removal of the Member from the Commission. All Members will attend additional trainings scheduled from time to time by the Agency. Attendance at required meetings will be recorded.

Section 6. Attendance—Members shall regularly attend meetings. A Member may be removed from the Commission if he/she has three (3) unexcused absences from Commission meetings within a one-year period of time.

Section 7. Excused and Unexcused Absences—a Member unable to attend a meeting must contact the Supporting Agency at least twenty-four (24) hours prior to the scheduled meeting and indicate the reason for being absent. Members who give less than 24-hour notice shall be considered unexcused, except when the Chair has approved a valid reason. Any absences, excused or unexcused, shall be recorded in the meeting minutes.

Section 8. Member Responsibilities—As a Member of the Commission, each member shall be responsible for:

- a. Reading and studying the agenda, staff reports, and all attached documents prepared by Supporting Agency staff so that they are fully informed about each application prior to the scheduled public meeting.
- b. Acting in a courteous and respectful manner to their fellow Members, the Supporting Agency staff, and the public, during all meetings.
- c. Attending the meeting and arriving on time.

Section 9. Removal Proceedings—Removal from the Commission shall be in accordance with ~~the Kearns Metro Township~~City of Kearns Code of Ordinances. ~~Ordinance~~ by the ~~Kearns Metro Township~~City of Kearns Council. If the Commission determines, by a majority vote of all Members, that it is in the best interest of the Commission and the ~~Kearns Metro Township~~City of Kearns that a Member be removed, the Commission shall make a recommendation to the ~~Kearns Metro Township~~City of Kearns Council to initiate removal proceedings.

Section 10. Vacancies—A Member may resign at any time by giving written notice of such resignation to the Chair and Supporting Agency. Resignations shall be recorded in the meeting minutes. Any vacancy during a Member's term shall be filled in the same manner as a regular appointment and the person appointed shall serve the remainder of the unexpired term.

Section 11. Compensation and Reimbursement—Members shall receive ~~no~~ compensation of \$70 per attended meeting for their services. If authorized by the ~~Kearns Metro Town~~City of Kearns Council, Members may be reimbursed for any reasonable expense they may incur for activities conducted. All reimbursements shall be processed through the ~~Kearns Metro Town~~City of Kearns Council and must be in accordance with the Utah Code and ~~Kearns Metro Township~~City of Kearns Ordinances.

III. Officers

Section 1. Election of Officers—As the first order of business at the first regularly scheduled meeting of the year, the Commission shall hold elections for the positions of Chair and Vice Chair from among the Members by a majority vote of the present Members. All election practices shall comply with Robert's Rules of Order.

Section 2. Officer Terms—Officers shall serve a term of one (1) year and are allowed to serve up to two (2) consecutive terms. Members shall not serve in an office beyond their Commission appointment term.

Section 3. Officers Duties—

- a. The Chair Shall:
 - i. Serve as the Presiding Officer of the Commission;
 - ii. Implement the Rules of Procedure;

- iii. Coordinate with the Supporting Agency staff to provide an agenda for each public meeting, and timely reports and other relevant information to the Commission;
- iv. Direct Commission meetings by announcing the business before the commission in the order in which it is to be acted upon; advancing any agendas, receiving and submitting in the proper manner all motions or propositions presented by the Commission members, maintaining order and civility during the meetings, imposing time limits on comments, dismissing or redirecting any comments or speakers that are redundant, irrelevant, personal, or otherwise not pertinent, setting clear guidelines for public input; and any other acts which promote efficiency or order at Commission meetings;
- v. Execute all official documents and letters of the Commission; and
- vi. Identify and bring before the Commission such policy matters as are within the purview of the Commission.

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b. The Vice Chair Shall:

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- i. Assist the Chair in all necessary capacities;
- ii. Assume the duties and responsibilities for the Chair in all instances where the Chair is not available or unable to carry out the duties and responsibilities; and
- iii. Identify and bring before the Commission such policy matters as are within the purview of the Commission.

Section 4. *Chair pro tem*—In the absence or incapacity of both the Chair and the Vice Chair for a Commission meeting, the Members present at the meeting shall elect a Chair *pro tem* to serve as Presiding Officer only for that meeting.

IV. Meetings of Members

Section 1. Quorum—A Quorum shall consist of ~~three (3)~~ a majority of all Commission members or the minimum amount of members required by Utah Codes, whichever is greater. Attendance of a Quorum and shall be necessary to conduct any business of the Commission business. All Commission actions shall require the concurring vote of a majority of the members present unless specified elsewhere in City of Kearns Code of Ordinances or Utah Code.

Section 2. Adherence to County, State, Federal, and Local Laws, Regulations, and Ordinances—All meetings shall comply with all applicable County, State, Federal, and local laws, regulations, and ordinances, including but not limited to the Utah Open and Public Meetings Act, and the Government Records Access Management Act (GRAMA).

Section 3. Regular Meetings—Meeting locations shall be publicly noticed and held each month. Annual notice of meeting dates shall be published at the beginning of each calendar year. In addition, dates and times of the meeting shall be posted on the Utah Public Notice website a minimum of twenty-four (24) hours prior to each meeting in accordance with state law.

Section 4. Special Meetings—Special meetings may be called by the Chair or Supporting Agency staff, with the consent of the Chair, at any time, provided that a preferred seventy-two (72) hours' notice (minimum of twenty-four (24) hours' notice) is given to each Member before the meeting is held and a minimum of twenty-four (24) hours' notice is posted on the Utah Public Notice website. Such meetings may include fieldtrips. Additional noticing requirements will apply for public hearings pursuant to the Utah Open and Public Meetings Act and the Municipal Land Use Development Act.

Section 5. Meeting Cancellation—Notice of cancellation of a meeting shall be posted. If a meeting is rescheduled, the new meeting time, date, and location shall be posted on the Utah Public Notice website a minimum of twenty-four (24) hours prior to the rescheduled meeting in accordance with state law.

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V. Subcommittees

The Chair may create nine-month time-limited subcommittees as deemed necessary. Members of subcommittees shall be Commission Members.

VI. Procedures

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A. Business Meeting

Section 1. Requirement—The Commission shall conduct a business meeting as a component of each regularly scheduled meeting. The Supporting Agency staff, or the Commission, by a majority vote, may adjust the scheduled time as needed. Members of the public may attend such meetings but will not participate unless invited to do so by the Chair.

Section 2. Order—The first order of business shall be the review and acceptance of the agenda. The second order of business shall be the review, correction, and approval of the minutes from the previous meeting. Additional items may be added to the business meeting section of the agenda by the Supporting Agency staff or the Commission, by a majority vote. The Commission may also discuss and render decisions on noticed policy issues and administrative matters that do not require public input. Special presentations, reports, and updates from the Supporting Agency staff that do not require a decision may also be made. During a business meeting, there shall be no discussion of an application, request, or approval scheduled for the regular meeting.

B. Meeting Procedures

Section 1. Order—The order of business at the regular meeting shall follow the noticed agenda. The Chair, with the consent of the Commission, by a majority vote, or upon recommendation of the Supporting Agency staff may consider matters out of the agenda order.

Section 2. Decisions—A matter for decision will be placed before the Commission by motion made by any Member present at the meeting. The Chair shall not make motions before the Commission except in the absence of a response from other Members to an invitation by the Chair that a motion on a pending matter would be in order. Any Member may second a motion.

Section 3. Majority Vote—A majority vote by the present Members in favor of a motion shall carry the motion.

Section 4. Voting—Following a seconded motion, the Supporting Agency staff may ask each Member to verbally pronounce their name and vote and shall record each individual vote in the written minutes as an “aye” or “nay”.

Section 5. Robert’s Rule of Order—All meetings shall adhere to and comply with Robert’s Rules of Order.

C. Procedures for Public Hearings and Applications

As described more fully below in sections 1–5, the mandatory step-by-step process for each public hearing shall include the following steps in this order:

- a. Staff Report - Staff Report and summary of findings/recommendations by the Supporting Agency staff.
- b. Presentation - Presentation of the hearing item by the applicant/proponent.
- c. Commission Q&A - Question and Answer Period of the applicant by the Planning Commission.
- d. Motion to Open - Motion to Open Public Hearing.
- e. Public Comment - Public Comment Period (with clear guidelines on time limits and decorum, e.g., state name, be brief, do not repeat).
- f. Motion to Close - Motion to Close Public Hearing (stating that no further public comment is taken).
- g. Commission Decision - Planning Commission Deliberation and motion/action.

Section 1. Procedure for Public Comment—

- a. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission.
- b. Unless altered by the Chair, the order of the procedure on an application shall be:

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- i. The Supporting Agency staff will introduce the application, including staff's recommendations and a summary of pertinent written comments and reports concerning the application.
- ii. The applicant will be allowed up to 15 minutes to make their presentation.
- iii. The Community Council representative can present their comments as applicable.
- iv. Where applicable, persons in favor of, or not opposed to, the application will be invited to speak.
- v. Where applicable, persons opposing the application, in whole or in part will be invited to speak.
- vi. Where applicable, the applicant will be allowed 5 minutes to provide concluding statements.
- vii. ~~Surrebuttals~~Surrebuttals may be allowed at the discretion of the Chair.

Section 2. Conduct for Applicants and the Public—

- a. Speakers will be called to the podium by the Chairman.
- b. Each speaker, before talking, shall give his or her name and address.
- c. All comments should be directed to the Planning Commissioners, not to the Staff or to members of the audience.
- d. For items where there are several people wishing to speak, the Chair may impose a time limit, usually 3 minutes per person, or 5 minutes for a group spokesperson. If a time limit is imposed on any member or spokesperson of the public, then the same time limit is imposed on other members or spokespersons of the public, respectively.

Unless otherwise allowed by the Chair, no questions shall be asked by the speaker or Commission Members.

- e. Only one speaker is permitted before the Commission at a time.

The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application.

- f. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
f.
- g. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.
- h. No applause or public outbursts shall be permitted.

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- i. The Chair or Supporting Agency staff may request police support to remove offending individuals who refuse to abide by these rules.
- j. After the public comment portion of a meeting or hearing has concluded, the discussion will be limited to the Planning Commission and Staff.

Section 3. Discussion and Vote—After all presentations have been made, the Chair may request or entertain a motion to close the public hearing. Members may continue to discuss the application among themselves. Following this discussion on the application, a motion must be made and seconded, which may include: Approval, Approval with Conditions, Denial, a Recommendation to the ~~Kearns Metro Township~~[City of Kearns](#) Council (as appropriate), or Continuation of the item to a future meeting for decision. The Chair shall provide any member of the Commission who desires to explain the reasoning behind his/her vote an opportunity to do so after each Commission vote has been taken.

Section 4. Decisions—A decision of the Commission on an application shall be documented in writing by the Supporting Agency staff and shall include reasons for the decision. The written decision shall be posted.

Section 5. Rules to be Printed on Agenda—Subsections 1 and 2 of Subsection C shall be printed on the back of every meeting in which public comment is sought.

VII. Ethics and Conflicts of Interest

Section 1. Compliance—All Members shall abide by Utah Code and annually complete the necessary volunteer forms, documents, and training.

Section 2. Voting Recusal—See Section 2.07.040 (~~Kearns Metro Township~~[City of Kearns](#) Ethics Code, Conflict of Interest), and Chapter 2.70 of ~~Kearns Metro Township~~[City of Kearns](#) Ordinance (Quasi-Judicial Functions Standards of Conduct) for complete requirements. A member of the Commission who has a restricted conflict of interest as defined by ~~Kearns Metro Township~~[City of Kearns Code of Ordinances - Ordinance](#) shall declare the conflict of interest and recuse themselves from the meeting. Members, who have unrestricted conflicts of interest as defined in ~~the Kearns Metro Township~~[City of Kearns Code of Ordinances - Ordinance](#), shall declare the conflict of interest at the meeting, and may recuse themselves, but are not required to do so. If a member of the Commission declares that he or she has an unrestricted conflict of interest or if the Commission otherwise becomes aware that a members has a conflict of interest, the Commission may, by vote, declare that the conflict of interest is a restricted conflict of interest and thus require the declarant member to recuse themselves from the related matter.

Section 3. Ex Parte Communications—No member of the Commission shall have any ex parte discussion regarding any administrative land use application before the Commission. Ex parte communication means any communication with interested parties of an administrative land use application coming before the Commission prior to the Commission reaching a final decision. An administrative land use application means any land use application whereby statute or ordinance the Commission is the final decision-maker. In the event that a member of the

Commission does participate in an ex parte communication, that member shall immediately disclose the communication, including the contents of what was communicated, with the other Commission members and shall submit a written report of the ex parte communication to the Commission.

VIII. Amendments and Adoption

The Commission may recommend approval and/or amendments of these Rules of Procedure to the ~~Kearns Metro Township~~City of Kearns Council. All amendments must be consistent with all other ~~Kearns Metro Township~~City of Kearns ordinances and policies. The Commission shall not recommend any amendments to or suspension of these Rules of Procedure unless voted upon and approved by a majority vote of all members of the Commission at any Commission meeting.

~~KEARNS METRO TOWNSHIP~~CITY OF KEARNS
COUNCIL

By: _____
_____ Kelly Bush, Mayor

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~~KEARNS METRO-TOWNSHIP~~ CITY OF KEARNS PLANNING COMMISSION CHAIR - OPENING
STATEMENT
Adopted February 24, 2020

To be read at the opening of the business item portion of the agenda

A copy of today's agenda and a sign-in sheet are located on a stand at the back of the room. Please note your participation in today's meeting by signing in.

The Planning Commission is a voluntary citizen board. The Commission's function is to hear and decide

applications for conditional uses; and to make recommendations to the ~~Metro Township~~[City of Kearns](#) Council for zoning changes, preliminary subdivision plats, or changes to ordinances or general plans.

The agenda is divided into two main categories: Business Items and Public Hearing Items. At this time, we will begin the Business items portion of the agenda. Members of the public may attend, but will not participate unless invited to do so by the Chair or supporting staff. During this time the Commission may discuss and render decisions on policy issues, administrative matters and other matters that do not require public input, such as conditional uses and subdivision approvals. Special presentations, reports, and updates from the supporting staff that do not require a decision at a Public Hearing may also be made. There will be no discussion of an application, request, or approval scheduled for the Public Hearing Item portion of the meeting.

Today's meeting is recorded, so please speak directly into the microphone, and state your name and address prior to making your comments. Please note that comments from the audience are only appropriate when presented at the podium.

The meeting will proceed as outlined in the Rules of Conduct printed on the back of the agenda.

To be read at the opening of the Public Hearing items portion of the agenda.

At this time, we will proceed with the Public Hearing portion of the Commission Agenda. As stated earlier today, the Planning Commission is a voluntary citizen board. The Commission's function is to hear and decide applications for conditional uses and preliminary subdivision plats; and to make recommendations to the ~~Metro Township~~[City of Kearns](#) Council for zoning changes or changes to ordinances or general plans.

This portion of today's meeting is dedicated to Public Hearing Items. These items are ones for which public comment is taken which may be mandated by law or taken at the discretion of the Commissions so that the Planning Commission can be made aware of all of the issues of concern with regards to a request. Decisions may be made on any item listed on the agenda. A decision, or recommendation, will be rendered by the Planning Commission for these items which may include Approval, Approval with Conditions, Denial, or Continuation of the item to a future meeting.

The Commissions decisions are based on: information from field observations; recommendations from Planning Staff and other agencies, regarding compliance with the general plan and relevant ordinances; the Community Council recommendation as a representation of community concerns; and information presented at the public meeting, including a presentation by the applicant and testimony from the public.

~~KEARNS METRO TOWNSHIP~~[CITY OF KEARNS](#) COUNCIL

By: _____
Kelly Bush, Mayor

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