

# **GRAND COUNTY PLANNING COMMISSION BYLAWS**

## **Grand County, Utah**

### **ARTICLE I**

#### **Authority**

The Grand County Planning Commission is authorized by the Utah Code Annotated 17-27a-301 and 17-27a-302 and by Grand County Ordinance 299 (1999), Section 8.1 of the Grand County Land Use Code. The Planning Commission exercises authority and assumes responsibilities delegated to it under these authorities.

### **ARTICLE II**

#### **General Provisions**

##### **II.1. Applicable State Statutes, County Ordinances, and Policies**

The Grand County Planning Commission, hereinafter referred to as “the Commission,” shall be governed by State statutes and County ordinances and policies including the following:

- a. State statutes applying generally to public boards, members, and officials
- b. State statutes governing the activities of County Planning Commissions
- c. Grand County Ordinances and Resolutions
- d. The Grand County Land Use Code
- e. The bylaws of the Grand County Planning Commission as set forth herein. These bylaws are not adopted by Ordinance and do not have the force of law. They are advisory guidelines only. Consequently, should the Commission waive, suspend, or otherwise deviate from these bylaws during the course of a meeting, such deviation shall not be grounds for invalidating a hearing held during such meeting or any decisions made at such meeting.

##### **II.2. Familiarity with State Statutes, County Ordinance and Resolutions, and Rules Affecting the Commission**

Upon taking office, all members of the Commission shall familiarize themselves with applicable statutes and rules, ordinances and resolutions, and while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

### **ARTICLE III**

#### **Officers and Election**

##### **III.1. Officers**

The Officers of the Commission shall be a Chairperson and Vice-chairperson.

##### **III.2. Election**

- a. The Chairperson and Vice-chairperson shall be elected as the last item of business at the first meeting of the year after the County Council appoints vacant seats. They shall serve for a term of one year or until their successors are elected. Their term shall start the meeting following the election.
- b. If the office of the Chairperson or Vice-Chairperson becomes vacant, the Commission shall elect a successor from its membership who shall serve the unexpired term of the predecessor.
- c. Nominations shall be by oral motion. At the close of nominations, the Commission shall vote by voice vote upon the names nominated for the office. If requested by the Chair, written ballots may be used for voting purposes.

### III.3. Chair

The Chairperson has the following duties:

- a. The Chairperson presides at all meetings of the Planning Commission maintaining order and decorum, and insures that the procedures prescribed in the Grand County Land Use Code, Utah state code, and policies stated herein are followed.
- b. The Chairperson sets the agenda.
- c. The Chairperson may call special meetings at any time and in accordance with applicable state and County codes.
- d. The Chairperson may appoint up to three Commission members to serve on a committee as needed.
- e. The Chairperson shall inquire regarding potential conflicts of interest and ex parte communication, regarding agenda items, at the beginning of a public meeting or hearing.

### III.4. Vice-chair

The Vice-chair performs the duties of the Chairperson in the absence of the Chairperson, or duties as delegated by the Chairperson. In the event of temporary absence of the Chairperson and Vice-chairperson, the remaining members present shall elect an acting Chairperson for that meeting.

## **ARTICLE IV Vacancies, Interviews, and Voting**

### IV.1. Vacancies

County staff shall notify the current Commission of those members whose terms will expire at the end of the calendar year. In cases where a vacancy is created during the middle of a board member's term (mid-term vacancy), County staff shall notify the Commission as soon as practically possible. County staff shall post a notice of Board vacancies, including

mid-term vacancies, in a local newspaper of record.

#### IV.2. Candidate Interviews

The Commission shall interview qualified candidates and provide a recommendation to the County Council. At the start of each interview, candidates will be given three minutes to briefly introduce themselves and to provide relevant information as to background and experience. During the interview process Commissioners are encourage to ask questions which verify a candidate's experience and eligibility of meeting requirements of service. Commissioners shall ask the same questions of each candidate. After responding to those questions, Commissioners may ask the applicant additional clarifying questions if necessary.

#### IV.3. Voting

The Commission shall vote upon the names of candidates in alphabetical order. Each Commissioner shall be entitled to one vote for each vacancy. Commissioners shall vote by voice or a raise of hands. If requested by the Chair, written ballots may be used for voting purposes.

Planning staff will tally the number of votes cast for each candidate and read this information back to the Commission. Planning Commission, by motion will forward this recommendation, including any findings, to the County Council for consideration.

#### IV.4. Recommendations to the County Council

The Chairperson, or Planning staff as directed by the Chairperson, shall present the Commission's recommendation, including any findings, to the County Council.

### **ARTICLE V Meetings and Organization**

#### V.1. Open Meetings

All regular meetings, special meetings, workshops, and field trips of the Commission are open to the public and will be noticed in accordance with the requirements of The Open and Public Meetings Act.

#### V.2. Regular Meetings

Regular Commission meetings shall be twice a month unless there are mitigating circumstances, such as a lack of a quorum, lack of items to be discussed, holidays or other circumstances.

#### V.3. Annual Training

Commission members are required to attend an annual Open Meetings Training, as provided by Grand County or an online equivalent training. Commissioners are encouraged

to attend the Citizen Planner Workshop, as conducted by the Utah League of Cities and Towns or other entity.

#### V.4. Special Meetings, Workshops, and Field Trips

Special meetings, workshops, and field trips for any purpose may be held at the call of the Chairperson or the Grand County Council.

#### V.5. Agendas

Agendas shall be set at the direction of the Chairperson. Agendas for regular meetings shall be provided by staff to all members at least three days prior to the meeting.

#### V.6. Meeting Materials

Planning Department staff shall provide meeting materials to Commission members by 5:00PM the Friday before the Planning Commission meeting date unless extenuating circumstances exist. Meeting materials will be available for review by the public in the Planning Department at 125 East Center Street, Moab, UT 84532 and at the Grand County Library.

#### V.7. Written Citizen Comment

Any citizen wanting to submit written information to the Planning Commission for inclusion in the Planning Commission meeting materials packet shall provide written comments to the Planning Department by 5:00 PM the Wednesday before the Planning Commission meeting date. All documents, including electronically transmitted material, should be submitted directly to the Planning Department. Materials sent to individual Commission members will not be considered.

#### V.8. Minutes

The recording of minutes of all Commission meetings shall be the responsibility of Planning Department staff. In the event staff is absent from any meeting, the Planning Department may send a designee.

#### V.9. Rules of Order

In the event a question over procedures arises, Robert's Rules of Order shall prevail.

#### V.10. Voting

Commission members shall make a good faith effort to become knowledgeable on matters before the Commission. A quorum of the Commission shall consist of four members and the affirmative vote of at least four members in attendance shall be necessary to pass any motion.

#### V.11. Motion

All decisions of the Commission shall be made in a public meeting by motion, made and seconded, and by voice vote. Any Commissioner may make or second a motion. If there is any ambiguity on any vote or if the nature of the application or petition warrants, the

Chairperson may conduct a roll call vote.

Motions should be supported by reason and include findings. The person making the motion is encouraged to state the reasons and finding(s) supporting the motion at the time the motion is made. Any conditions for approval must be stated in the motion. The motion may refer to the staff report for details of the conditions for approval if the person making the motion desires to do so.

#### V.12. Conduct During Public Meetings

During all meetings and hearings, persons providing testimony shall proceed without interruption except by members of the Commission at the discretion of the Chairperson. All comments, arguments, and pleadings shall be addressed to the Chairperson and there shall be no debate or argument between individuals in the audience. There shall be no debate or argument between individuals. The Chairperson shall maintain order and decorum, and, to that end may order removal of disorderly or disruptive persons.

Any member of the Commission, Counsel to the Commission, or the Commission staff, upon recognition by the Chairperson, may direct any questions to the applicant, witness, or any person speaking from the audience for the purpose of eliciting relevant facts. The Chairperson or Commission members may call for relevant facts from staff and make appropriate comments relevant to the matter.

#### V.13. Time Control

The Chairperson may control the time for debate on any issue. Care should be taken to insure fairness in the hearing process. Those speaking in support and opposed should have substantially equal time. The Chairperson may stop debate once he or she believes the issue has been adequately and fairly heard.

#### V.14. Citizen, Applicant, and Other Participation by Real-Time Telecommunication

Participation by Citizens, Applicants, and Others may be allowed by real-time telecommunication at the discretion of the Chairperson.

#### V.15. Quorum: Means the minimum number of persons required to act as a body.

A quorum requires 4 (four) Commission members whom must be present in person at the meeting. However absent Commissioners may participate fully by phone or other real time means and engage in debate, asking questions, making motions, voting on motions, and all other functions of the Commission.

#### V.16. Commissioner Participation by Real-Time Telecommunication

Commissioner participation by real time telecommunication shall be limited to discussion only. No Commission member shall vote on any matter unless such member is physically present at the meeting when a vote is taken.

#### V.17. Request to Withdraw or Amend Applications or Petitions

Upon request from the applicant, petitioner, or authorized agent, an application or petition may be withdrawn at any time before the Commission makes a decision on the same.

An applicant, petitioner or authorized agent may amend applications or petitions in any lawful manner on written request delivered to the Commission not less than 14 days prior to the scheduled public meeting. The purpose of this requirement is to assure that the amendment is properly evaluated and addressed in the staff report. In the event that an amendment to an application or petition is received less than 14 days before the public meeting addressing the same, the staff will orally report to the Commission at the public meeting the nature of the amendment. The Commission shall determine whether the nature of the amendment is such as to require reexamination by the County attorney or staff. If reexamination of the amendment is deemed necessary, the Commission may proceed with the hearing or may continue it to a future date until it has received sufficient information and analysis to make the appropriate findings and conclusions associated with the amended application or petition.

### **ARTICLE VI Ethical Considerations**

The following ethical principles shall guide the actions of the Commission and its members.

#### VI.1. Serve the Public Interest

The primary obligation of the Commission and each member is to serve the public interest.

#### VI.2. Support Citizen Participation in Planning

The Commission shall ensure a forum for meaningful citizen participation and expression in the planning process, and assist in the clarification of community goals, objectives and policies.

#### VI.3. Conflict of Interest

Planning Commission members shall adhere to Grand County policy as stated in Ordinance 462 regarding conflicts of interest. A member with a conflict of interest shall be required to disclose such conflict prior to consideration of the matter by the Planning Commission. A member with a conflict of interest may not attempt to influence other members or appointed staff outside the meeting. A member with a conflict of interest shall be required to recuse herself or himself from participating in, commenting on, or voting on the matter in which such conflict exists.

#### VI.4. Ex Parte Communication / Ensure Full Disclosure at Public Meetings

Each case shall be decided on the basis of the evidence placed in the record in a public

meeting. Ex parte information on any application received by a Commissioner, whether by mail, telephone, or other communication should be avoided. When such communication does occur it must be made part of the public record by the Commission member. The purpose of disclosing ex parte communication is to get all information on the record so it can then be addressed, confirmed or refuted, by evidence presented by the parties during a meeting.

#### VI.5. Maintain Public Impartiality

Commission members may seek information from other Commission members, the counsel to the Commission, staff serving the Commission, or the staff of other departments or agencies advising the Commission. Each member of the Commission has an ethical duty to avoid making public statements for or against the merits of any application before the Commission hearing is concluded and a decision or recommendation has been rendered.

#### VI.6. Faithful Attendance and Performance

Should circumstances arise where a Planning Commission member is unable to attend a scheduled meeting, the member shall be responsible for notifying the Chair or Planning Department staff as soon as possible. If circumstances prevent faithful attendance and performance of Planning Commission member duties, the member should resign from the Planning Commission.

### **ARTICLE VII Resignations and Removal of Membership**

#### VII.1. Resignations

Any member of the Commission must submit a signed letter of resignation specifying the effective date on which the member's service will cease. The letter of resignation shall be submitted to the County Council Office as per County Resolution \_\_\_\_ (2013).

#### VII.2. Acceptance of Resignation

The County Council shall accept resignation upon receipt thereof.

#### VII.3. Removal from Commission

Planning Commission may request the resignation of a member for reasons of attendance and/or ethical considerations. County Council may remove a Commission member for cause prior to the expiration of the appointed term.

### **ARTICLE VIII Adoption, Review, and Amendment of Bylaws**

#### VIII.1. Annual Review and Amendment

The bylaws will be reviewed by the Commission at the beginning of each calendar year. Amendments will be recommended to the County Council for approval as per County Ordinance 472 (2008).

VIII.2. Waiving or Suspending Rules

A rule of procedure may be suspended or waived at any meeting by unanimous vote of the Commission members present unless such rule is set by state law or County ordinance.