

Planning Commission Agenda Packet - September 16, 2026

Town Council & Planning Commission | Conflict of Interest Process for Recusal

Disclosure of a conflict of interest by a member of a voting body should be submitted in writing to the Mayor/Planning Commission Chair *and* the Recorder, by email, text message, or letter.

Disclosures should be made as far in advance of a vote as possible. The voting member should refrain from requesting the prioritization of a vote related to a conflict of interest or participating in the scheduling, agenda, format, or timeliness of the meeting in which a vote is held.

Below are instructions for the recusal of regular voting members, the Mayor, the Planning Commission Chair, and the seating of Voting Alternates for Planning Commission Meetings.

Recusal of Regular Voting Member

When a regular voting member discloses a conflict of interest in *advance* of a vote, the Recorder will confirm the disclosure, notify the appropriate voting alternate(s) (if applicable), and confirm their participation before a vote takes place.

During the meeting in which a vote takes place, the Mayor/Commission Chair will introduce the agenda item (including the purpose of the public hearing, if applicable); they will then ask if there are *any conflicts under Utah Code 10-3-13*.

The regular voting member will state their conflict disclosure for the record, and verbally recuse themselves from deliberation and voting on the agenda item at issue. They must:

- 1) Vacate their voting seat and sit with the public during the public hearing (if applicable);
 - a) Should the recused member choose to participate in any applicable public hearing, they may answer questions or present their position only as the *applicant or petitioner* (as appropriate), and only after they are invited to do so during the course of the public hearing; and
- 2) Physically leave the room during any staff report, deliberation, and recorded vote or motion to recommend; they may not return to their official role or their seat until the next unrelated item.

The **Mayor/Commission Chair** will continue the proceedings as outlined on the agenda for that item.

If either voting body cannot form a quorum of three (3) or more eligible voting members (due to absence or recusal), the vote must be tabled until a quorum is reached.

After the vote concludes, the voting member(s) will be invited back to their seat, and the **Mayor/Commission Chair** will conduct the remainder of the meeting.

Recusal of Mayor or Planning Commission Chair

When the Mayor or Planning Commission Chair discloses a conflict of interest in *advance* of a vote, the Recorder will confirm the disclosure, notify the Mayor Pro Tem or Commission Vice Chair that they will preside over the agenda item that presents a conflict of interest, and confirm their participation before a vote takes place.

During the meeting in which a vote takes place, the Mayor/Commission Chair will introduce the agenda item (including the purpose of the public hearing, if applicable); they will then ask if there are *any conflicts under Utah Code 10-3-13*.

The Mayor/Commission Chair will state their conflict disclosure for the record, and verbally recuse themselves from deliberation and voting on the agenda item at issue. They must:

- 1) Vacate their voting seat and sit with the public during the public hearing (if applicable);
 - a) Should the recused member choose to participate in any applicable public hearing, they may answer questions or present their position only as the *applicant or petitioner* (as appropriate), and only after they are invited to do so during the course of the public hearing; and
- 2) Physically leave the room during any staff report, deliberation, and recorded vote or motion to recommend; they may not return to their official role or their seat until the next unrelated item.

The Mayor/Commission Chair will then announce that the **Mayor Pro Tem** or **Vice Chair** will preside over the agenda item that presents a conflict of interest *in their place*, in its entirety. This includes:

- 1) Any public hearing portion of the meeting on the item;
- 2) Deliberation of the issue among the voting body;
- 3) Any recorded vote(s) or motions made on the agenda item; and
- 4) The submission of any formal recommendation to the head of the appropriate body.

The **Mayor Pro Tem/Vice Chair** will continue the proceedings as outlined on the agenda for that item.

If either voting body cannot form a quorum of three (3) or more eligible voting members (due to absence or recusal), the vote must be tabled until a quorum is reached.

After the vote concludes, the voting member(s) will be invited back to their seat, and the **Mayor/Commission Chair** will conduct the remainder of the meeting.

During a Planning Commission Meeting

*After all conflict disclosures have been made, the **Commission Chair/Vice Chair** will identify Voting Alternate 1 and invite them to be “seated” in a voting capacity for the duration of the agenda item. Should Voting Alternate 1 be unavailable or disclose a conflict of interest on the issue, Voting Alternate 2 will be identified and seated in a voting capacity for the duration of the agenda item.*

If more than one voting member of the Commission discloses a conflict of interest on the issue, *both* Voting Alternates will be identified and invited to be seated in a voting capacity for the duration of the agenda item.

If the voting body cannot form a quorum of three (3) or more eligible voting members (due to absence or refusal), the vote must be tabled until a quorum is reached.

After Voting Alternates are seated, the **Commission Chair/Vice Chair** will continue the proceedings as outlined on the agenda for that item.

After the vote concludes, any Voting Alternate(s) will be released from their voting capacity, the voting member(s) will be invited back to their seat, and the **Commission Chair** will conduct the remainder of the meeting.

****Meeting Minutes** will indicate that the voting member verbally recused themselves, physically left their voting position to sit with the public during the public hearing (if applicable), and vacated the room during the deliberation and vote; the voting member did not participate in the deliberation, vote, or potential recommendation on the issue. Minutes will also name the alternate who voted in place of a regular voting member, and their recorded vote.*

When a conflict of interest arises *during* a public hearing, deliberation, or vote that is undisclosed in advance of a vote by a member of the voting body, the voting member should identify themselves immediately (*under Utah Code 10-3-13*) and follow the above-outlined conflict disclosure procedures.

If the recused member is the Mayor/Commission Chair, the above-outlined process for Mayor Pro Tem/Vice Chair should be followed as closely as possible once disclosure has been made.

If the recused member is on the Planning Commission, the above-outlined process for Voting Alternates should be followed as closely as possible once disclosure has been made.