Elk Ridge Planning Commission
By-Laws and Rules of Procedure
Amended April 2016

PLANNING COMMISSION ORGANIZATION

1. Appointment of Chair and Vice Chair: The Commission, at its first regular meeting in February of each year, shall select a Chair and Vice Chair.

2. The Chair to preside at Commission Meetings: The Chair shall preside at all meetings of the Commission and shall provide general direction for the meetings.

3. Duties of the Chair:

    a. To call the Commission to order on the day and the hour scheduled and proceed with the order of business.

    b. To announce the business before the Commission in the order in which it is to be acted upon.

    c. To receive and submit in the proper manner, all motions and propositions presented by the members of the Commission.

    d. To put to vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce the result of motions.

    e. To inform the Commission, when necessary, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon legal counsel for advice.

    f. To authenticate by signature, when necessary, or when directed by the Commission, all of the acts, findings, orders, and proceedings of the Commission.

    g. To maintain order at the meetings of the Commission.

    h. To move the agenda along, hold down redundancy by limiting time allowed for comments if necessary, set guidelines for public input, and reference handouts and procedures during meetings.

    i. Recognize speakers and Commissioners prior to receiving comments and presentations.

4. Duties of the Vice Chair: The Vice Chair, during the absence of the Chair, shall have and perform all of the duties and functions of the Chair. Should the chair become present after the meeting has been

brought to order, the vice chair will continue the meeting until the meeting is adjourned. This is to avoid any disruption and to continue a smooth meeting flow.

5. Temporary Chair: In the event of the absence or the disability of both the Chair and the Vice Chair, a majority vote of the Commission at their regularly scheduled meeting shall determine which Planning Commission member shall serve as Temporary Chair. In such an event, the Temporary Chair shall have all the powers and perform the functions and duties assigned to the Chair of the Commission. Should the Chair or Vice Chair become present after the meeting has been brought to order, the Temporary Chair will continue the meeting until the meeting is adjourned. This is avoid to any disruption and to continue a smooth meeting flow.

6. Secretary: A City Secretary shall serve as secretary of the Planning Commission. The duties of the secretary shall be:

    a. To post public notices of regular and special Planning Commission meetings, consisting of a quorum, 24 hours prior to the meeting.

    b. To attend every session of the Commission, to take and record the roll, to read any communications, resolutions or other papers which may be ordered to be read by the Chair of the meeting, and to receive and bring to the attention of the Commission all messages and other communications from other sources.

    c. To keep the minutes of the proceedings of the Commission and to record them.

    d. To keep and maintain a permanent record file of all documents and papers pertaining to the work of the Commission.

    e. To ensure Commissioners receive materials pertinent to regularly scheduled Commission meetings by the Friday prior to Planning Commission meeting.

    f. To perform such other duties as may be required.

RIGHTS AND DUTIES OF MEMBERS

1. Meeting Attendance: Attendance of planning commission meetings is important so that the Commission can be equally educated on planning issues as well as gain a deeper understanding of General Plan and the administering of the development codes.

    a. To attain a well-educated commission, an individual commission member shall not miss more than three (3) meetings in a row nor more than eight (8) meetings in a one (1) year period as reported from the roll call.

    b. When a commissioner misses two (2) meetings in a row or seven (7) meetings in a one year period, the Secretary will notify the Planning Commission Chair of the commissioner's status. The Planning Commission Chair will notify the affected commissioner in writing

within 30 days that the commissioner is nearing the limit of the number of meetings that can be missed and remain on the Planning Commission.

c. Should the commissioner's attendance meet the three (3) or eight (8) meeting rule defined above, the Planning Commission Chair will notify that commissioner in writing immediately that excessive absenteeism has been recorded, and that the commissioner's status on the Planning Commission will be added to the next City Council agenda for review. The Mayor/City Council will make a decision on the commissioner's status:

1. To remain a member of the Planning Commission.

2. Be removed and another appointed.

2. Conflict of Interest: If a Planning Commission Member has a conflict of interest on any agenda item, he/she must declare a conflict of interest from the specific agenda item(s). Members of the Planning Commission who feel they or any other member of the Commission may have an actual, apparent, or reasonably foreseeable conflict of interest on any matter that is on the Commission agenda shall explain the apparent conflict to the Commission. The Commission may then vote to decide whether the requested disqualification is justified. After declaring a conflict of interest and a disqualification is justified, the Planning Commission member shall not participate in the Planning Commission's discussion and vote of that matter, nor attempt to use his/her influence with other Commissioners, either, before, during or after the meeting. Below are some guidelines for conduct:

a. There may be a conflict of interest if there are personal, familial, or financial ties between a Planning Commissioner and proponent/opponent of any item of business.

b. A Planning Commissioner may appear before the Commission through his/her employment as an advocate or agent for a proponent only after the Commissioner's disqualification on the subject matter.

c. A Planning Commissioner must not sell or offer to sell services or solicit prospective clients or employment by stating an ability to influence Planning Commission decisions.

d. A Planning Commissioner must not use the power of office to seek or obtain a special advantage that is not in the public interest nor any special advantage that is not a matter of public knowledge.

3. Explaining the Vote: After the vote is taken, any member of the Commission desiring to explain his/her vote shall be allowed an opportunity to do so.

4. Not to Vote Unless Present: No member of the Commission shall be permitted to vote on any question unless the member shall be physically present when the vote is taken and when the result is announced. No member shall give his/her proxy to any other person.

5. Place: All meetings of the Commission shall be held in the Elk Ridge City Hall, 80 East Park Drive, Elk Ridge, Utah or at such other place as the Commission or Planning Staff may designate. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place, or may be adjourned to any other room more convenient for conducting the business of the Commission, so long as proper notice of meeting location is posted for the general public.

6. Regular Meetings - Time for Notice: Regular meetings of the Commission shall be held on the second and fourth Thursdays of each month at the hour of 7:00 p.m. At the discretion of the Chair, field trips or work sessions may be held on the second and fourth Thursdays of each month at such other appropriate time.

    a. Quorum: Four (4) members of the Commission shall constitute a quorum for the transaction of business. A majority vote of the quorum shall be required to transact any business before the Commission, except to cancel a meeting due to a lack of quorum.

    b. A member disqualified due to a conflict of interest on an item on the agenda shall not be considered part of the quorum when determining whether a quorum is constituted.

    c. A member abstaining from a vote shall count toward the minimum needed of four members to constitute a quorum.

    d. Matters Considered: Any business item pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular meeting of the Commission.

    e. If there is split vote by the Planning Commission on a matter of business that will also be considered by the City Council; the item will be forwarded to the City Council without delay for their consideration.

    f. Ratification of Actions due to Lack of Quorum: All actions taken in the absence of a quorum will require ratification of a quorum later in the meeting or at the next meeting attended by a quorum.

7. Special Meetings: The secretary shall give notice of the time and purpose of every special meeting of the Commission at least 24 hours prior to such meeting. Such notice shall be delivered to each member of the Commission personally, or by telephone. Such notice may also be given by the United States Mail and/or personal e-mail directed to the member of the Commission so to be notified at the member's residence and if a mailing, mailed no less than five days prior to the time fixed for such special meeting. It is specifically provided, however, that any member may, in writing, waive prior notice of the meeting.

PROCEDURE --- ORDER OF BUSINESS

1. Order of Business: The order of business shall be as follows:

    a. Field trip

    b. Roll taken

    c. Approval of minutes

    d. Consideration of agenda items

    e. Other business at the discretion of the Chair

2. Field Trips: On those occasions when site inspections are deemed advisable, field trips shall be held prior to the Planning Commission meetings, the time of the field trip to be posted on the agenda. The public shall be allowed at the sites of the field trip, but any arguments, pro or con, must be presented at the Planning Commission meeting, not during the field trip. Field trips shall be for the purpose of gathering information, not for discussing decisions.

3. Agenda for Meetings: The Planning Commission Chair, with the assistance of the City Planner and Administrative Assistant shall prepare a written agenda for each meeting as far in advance as possible and shall place such agenda in the hands of each member of the Commission prior to the commencement of the meeting. Such agenda shall be delivered to the members of the Commission at least by the Friday before each meeting.

4. Agenda Deadline: Requests for Planning Commission consideration must be properly presented (i.e., fees paid, applications and petitions filed) to the Planning Division. All items must follow the Elk Ridge Development process.

5. Staff Report: All major issues presented to the Planning Commission for their consideration shall be accompanied by a staff report detailing the overview, background, analysis and staff recommendation(s) which shall include findings of fact and conditions for approval. Staff reports shall address the portion of the Zoning Ordinance affected by the petitioner's request and how it fits within the guidelines of the ordinance and the applicable General Plan(s). Staff reports shall be as concise as possible while allowing for adequate coverage of the subject matter (preferably one page including front and backsides of the paper) and shall be made available to anyone requesting a copy of the staff report.

6. Copies of staff reports and other pertinent materials shall be made available to the Planning Commission members by the Friday prior to the regularly scheduled Planning Commission meetings.

7. Submission of Written Materials: Applicants or interested parties should submit written materials by Thursday at noon, one week prior to the next scheduled meeting, to allow the Planning Commission adequate time to review the materials. Written comments submitted at the time of the meeting should be limited to one typed page.

PROCEDURE --- ORDER AND DECORUM

1. Order of Consideration of Items: The following procedure will normally be observed, however, it may be rearranged by the Chair for individual items if necessary for the expeditious conduct of business:

    a. Item introduction by Chair.

    b. Staff presentation and recommendation.

    c. Petitioner/Developer presentation of proposal.

    d. Opening of the public portion of hearings.

    e. Opponents/Proponents comments.

    f. Public Hearing closed.

    g. Planning Commission discussion and vote. The discussion is closed to staff, the petitioner and public unless the Planning Commission requests additional information of the staff. Chair outlines possible actions: approval, denial, continuation or approval with conditions. If additional information is required, the public portion of the meeting may be reopened by a majority vote.

PROCEDURE --- MOTIONS

1. Making Motions: Any Planning Commissioner, including the Chair may make or second a motion. Motions should state findings for approval or denial within the motion:

    a. Motions should state findings at the beginning of the motions followed by the recommendation to the appropriate body, if any, and should be concluded with the conditions of approval. The motion may refer to the staff report for the detail of the findings of fact and conditions for approval if the author of the motion finds them acceptable.

    b. The staff summary should be sufficient in detail to assist the Commission in stating finding.

    c. Motions may be repeated for clarification following discussion and prior to the vote at the request of any Commissioner.

    d. Planning Commissioners may request legal advice from the City Attorney in the preparation, discussion and deliberation of motions.

2. Second Required: Each motion of the Commission must be seconded with the exception of motions to amend a motion, amendment to a motion to be amended, withdraw a motion, and motions to adjourn the Planning Commission meeting.

3. Withdrawing a Motion: After a motion is stated, the motion shall be in the possession of the Commission but

may be withdrawn by the author of the motion prior to the vote. Withdrawal of a second is not necessary.

4. Motion to Table: A motion to table an agenda item for further study should be accompanied by specific reasons for continuing the matter and whenever possible, a specific date to rehear the matter should be scheduled.

5. Amending Motions: When a motion is pending before the Commission, any member may suggest an amendment without a second, at any time prior to the Chair putting the motion to vote. The amendment must be accepted by the author and the second of the motion in order for it to amend the stated motion. The author and the second may choose not to accept the amendment.

6. Amending Amendments to Motions: An amendment to a motion may be amended, no second required, at any time prior to the Chair putting the motion to a vote. The amendment to the amendment must be accepted by the author and the second of the motion in order for it to amend the stated motion. The author and the second may choose not to accept the additional amendment.

7. Substitution Motions: A substitute motion, which shall replace the original motion, may be made prior to a vote on the original motion.

8. To Rescind a Motion: A motion to rescind or make void the results of a prior motion may take place when the applicant and other persons directly affected by the motion have not materially changed their position in reliance on the Commission's action on the motion.

9. To Reconsider a Motion: To recall a previous motion for further evaluation and/or action, a motion for reconsideration may be made by a Commissioner who voted with the majority. The motion to reconsider must pass with a majority vote. If it is determined that the motion should stand as previously approved, no formal vote is necessary. If the former motion is to be amended or be made void, the motion shall be put to a formal vote of the Commission. Motions to reconsider a previous motion must take place during the same meeting the motion was made or when the minutes containing that particular item are approved.

10. Motion to Open or Close Public Hearings: A motion shall be made to open and close the public portion of each Public Hearing prior to the Planning Commission discussion and vote on the matter.

11. Motion to Recess: A motion shall be made to break for a specific purpose while also stipulating a specific time to reconvene the meeting. The time to reconvene must be during the same day as the meeting in which the motion to recess was made.

12. Motion to Adjourn: A motion to adjourn the meeting shall be made at the end of each Planning Commission meeting. No second is required to the motion to adjourn.

13. Denied Motion—New Motion: When a motion is denied due to a majority vote against that motion, a commissioner voting with the majority must make a new motion that restates the previous motion in such a manner that it will be passed. Should it fail, new motions by the same commissioner will continue to be brought forward until one is passed by the majority vote.

PROCEDURES --- DEBATE

1. Interruptions and Questions: No person shall interrupt or question another person in debate without obtaining the person's consent, and to obtain such consent, shall first address the Chair.

PROCEDURES --- VOTING

1. Changing a Vote: No member shall be permitted to change his/her vote after the decision is announced by the Chair.

2. Conflict of Interest/Disqualification: Any member declaring a conflict of interest shall be disqualified and not participate in the Planning Commission's discussion, nor vote pertaining to that particular matter.

3. Abstention: Any member abstaining from a vote may participate in the discussion. Reasons for abstention must be stated at the time of the abstention and such reasons shall not be considered a conflict of interest.

PROCEDURES --- SUSPENSION OF RULES

1. Suspension or Alteration of Rules: No standing rules of the Commission shall be altered, amended, suspended or rescinded without a majority vote of the Commission.

AMENDMENT OF RULES OF PROCEDURE

1. These rules of procedure may be amended at any meeting of the Commission held after not less than fourteen days published notice of the proposal to amend the rules, upon a majority vote of all of the members of the Planning Commission.

2. The public shall have the opportunity to review and respond to the Rules of Procedure prior to adoption by the Planning Commission.

RECORDING OF RULES

1. These rules and all subsequent amendments shall be recorded by the secretary in the Planning Commissioner's Handbook and copies shall be furnished to each member of the Commission.