

**PAYSON CITY  
PLANNING COMMISSION BYLAWS**

**PURPOSE**

These bylaws, as amended, are designed and adopted for the purpose of providing guidance and direction to the members of the Payson City Planning Commission in the performance of their duties.

**ARTICLE I – GENERAL PROVISIONS**

The Payson City Planning Commission, hereinafter referred to as “the Commission”, shall be governed by the following statutes, ordinances, and rules.

1.1 Applicable State Statutes and Local Ordinances and Rules

To the extent that these bylaws remain in force and effect, as amended or added to, the Commission and its members shall be governed by state statutes and local ordinances and policies including the following:

- a. State statutes applying to public boards, members and officials,
- b. State statutes governing the activities of city planning commissions.
- c. The land use ordinances of Payson City as approved by the Payson City Council.
- d. The rules and policies of the Commission as set forth herein.

1.2 Requirements of Familiarity with State Statutes and Local Ordinances and Rules Affecting the Commission

Upon taking office, all members of the Commission shall become familiar with the foregoing 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.

1.3 Basic Principles

- a. Equality of Members. As the Commission conducts its affairs in accordance with these bylaws, each member has the same rights, privileges and duties as any other member.
- b. Freedom of Discussion. Members have the right to be heard and to hear what others have to say.
- c. One Main Motion. Only one main motion may be considered at any given time.
- d. Member Right to Know. Members have a right at all times to know the immediate pending motion, and have it restated prior to any vote.
- e. Meeting Properly Called. The Commission may take official action only in meetings properly noticed and with a quorum of members present.
- f. Actions Must Be Lawful. Actions taken by the Commission must be in accord with Payson City, state, and federal laws.

1.4 Bylaws of the Commission to be Available from Payson City

A current copy of the bylaws of the Commission shall be available as a public record in the Payson City office. A copy of the bylaws of the Commission shall be provided to new Commission members upon appointment.

1.5 Location of the Office of the Commission

The office of the Commission shall be located in the Payson City offices, 439 West Utah Avenue, Payson, Utah.

**ARTICLE II – MEMBERS**

2.1 Appointment

The membership and appointment of the Commission shall be governed by the provisions of Utah Code and applicable sections of the Payson City Municipal Code.

2.2 Number of Members, Appointment, Filling Vacancies

The membership and appointment of Commissioners shall be governed by the provisions outlined in Title 19, Zoning Ordinance of the Payson City Municipal Code.

2.3 Resignation

Members proposing to resign shall give reasonable notice of such intent to the Payson City mayor, city council, planning commission, and staff, and make the date of resignation effective in such a manner as to allow time for appointment of a replacement.

2.4 Causes for Removal from Commission

Causes for consideration of removal of members from the Commission by the mayor may include malfeasance, misfeasance, or nonfeasance generally, and in particular:

- a. Failure to maintain reasonable familiarity with state statutes and local ordinances and rules affecting the Commission, or failure to be governed thereby, as required by Section 1.2.
- b. Failure to disclose conflict of interest for purposes of disqualification when a member has a personal or monetary interest in the matter involved, or will be directly affected by a decision of the Commission, which the mayor deems to be in violation of the provisions of Utah Code.

**ARTICLE III – OFFICERS, STAFF, DUTIES**

3.1 Appointment of Chair and Vice Chair

The Commission shall select a chair and vice chair at its first regular meeting in April of each year, or soon thereafter.

3.2 Succession of Vice Chair to Office of Chair

If the chair becomes no longer a member of the Commission, the vice chair shall succeed to the office for the remainder of the term. If the vice chair becomes no longer a member of the Commission or succeeds to the office of chair, a special vote shall be held to fill the vacancy of the vice chair. Said vote shall occur at the next regularly scheduled meeting of the Commission at which a quorum is available.

### 3.3 Chair to Preside at Commission Meetings

If present and able, the chair shall preside at all meetings and hearings. If the chair is absent or unable to preside, the vice chair shall preside. If both are absent or unable to preside, the members present shall appoint a temporary chair to preside. The temporary chair shall abide by all rules and policies set forth herein.

### 3.4 Duties of the Chair

- a. To interface with the mayor in the conduct and affairs of the Commission.
- b. To exercise management of the affairs of the Commission consistent with these bylaws, state law, and city ordinance.
- c. To conduct all meetings of the Commission by calling the Commission to order on the day and the hour scheduled and proceeding with the order of business.
- d. To announce the business before the Commission in the order in which it is to be acted upon.
- e. To receive and submit in the proper manner, all motions and propositions presented by the members of the Commission.
- f. To put to vote all questions which are properly moved, or arise in the course of proceedings and to announce the results of motions.
- g. To inform the Commission, when necessary, on any point of order or practice. In the course of discharge of the duty, the Chair shall have the right to call upon legal counsel for advice.
- h. To authenticate by signature, when necessary, or when directed by the Commission, all of the acts, findings, orders, and proceedings of the Commission.
- i. To maintain order at the meetings of the Commission.
- j. 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.
- k. Recognize speakers and Commissioners prior to receiving comments and presentations.
- l. To delegate duties generally to the Vice Chair or authorize the Vice Chair to perform specific duties during his/her absence or in the case of his/her disability to perform necessary Commission functions in a timely manner.
- m. To designate members of the Commission to make personal inspections when necessary for proper consideration of agenda items.

### 3.5 Duties of the Vice Chair

The Vice Chair, during the absence of the chair, shall have all the powers and perform all of the duties and functions of the chair.

### 3.6 Temporary Chair

In the event of the absence or the disability of both the chair and the vice chair, the Commission members present shall appoint a temporary chair to preside. In such event, the temporary chair shall have all the powers and perform the functions and duties of the chair.

### 3.7 Staff

All items presented to the Commission for their consideration shall be accompanied by a staff report detailing the background, analysis, which shall include conditions of approval, and staff recommendation(s). Staff reports should be sufficient in detail to assist the Commission in stating findings. Staff reports shall address the portion of the Payson City Development Code pertaining to the request, also how a request fits within the guidelines of the ordinance and any applicable master plan. Staff reports shall be as concise as possible while allowing for adequate coverage of the subject matter.

### 3.8 Secretary

A Development Services Department staff member shall serve as secretary of the Commission. The secretary shall attend to all correspondence, send out and cause to be published all notices required, attend all meetings, compile and maintain all required documentation, and generally perform all clerical work of the Commission.

## **ARTICLE IV – RIGHTS AND DUTIES OF MEMBERS**

### 4.1 Meeting Attendance

Every member of the Commission shall attend meetings of the Commission unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the secretary. The secretary shall inform the chair of the excused absences. Absences in excess of one half of the meetings in any six-month period will necessitate review of the member by the Commission.

### 4.2 Representation of Applicants and Petitioners

No member of the Commission shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.

### 4.3 Conflict of Interest

Commission members shall comply with Utah Code § 10-3-1301 et seq. Municipal Officers' and Employees' Ethics Act. A written disclosure statement must be filed with the city at the time of appointment to the Commission and/or when a conflict arises. If a conflict exists, public disclosure is required at the Commission meeting prior to discussion. A conflict includes:

- a. Where a member of the Commission receives or agrees to receive compensation for assisting any person or business entity in any transaction involving Payson City;
- b. Where a member of the Commission is an officer, director, agent, employee, or the owner of a substantial interest in any business entity that is subject to regulation by Payson City;
- c. Where a member of the Commission is an officer, director, agent, employee, or the owner of a substantial interest in any business entity that does or anticipates doing business with Payson City; and
- d. Where a member of the Commission has a personal interest or investment that creates a conflict between the member's personal interests and the member's public duties.

### 4.4 Expression of Bias, Prejudice or Individual Opinion Prior to Meeting and Determination

Members of the Commission may seek information from other Commission members and staff. No member of the Commission shall discuss any item with any other parties thereto prior to the public meeting, or express any bias, prejudice or individual opinion on proper judgment of the item prior to the public meeting and determination. Violation of this rule shall be deemed to constitute malfeasance and be grounds for dismissal from the Commission.

#### 4.5 Voting

- a. Each member of the Commission shall have one vote on any matter. A vote shall be taken and recorded by a yes, no, or abstain.
- b. After the vote is taken, any member of the Commission desiring to explain their vote shall be allowed an opportunity to do so.
- c. If a motion before the Commission receives an equal number of votes, and a subsequent motion on the matter is either not made or cannot achieve a majority vote, the matter before the Commission shall be deemed denied.
- d. Except as otherwise specifically provided in these bylaws, no member of the Commission shall be permitted to vote on any issue unless the member is present when the vote is taken and when the result is announced. No member shall give his or her proxy to any other person. This section does not preclude a member of the Commission to participate in the meeting and vote by electronic means.

#### 4.6 Required Training

Each member of the Commission shall, annually, complete four (4) hours of land use training as follows:

- a. One hour of annual training on general powers and duties;
- b. Three (3) hours of annual training on land use, which may include:
  - a. appeals and variances;
  - b. conditional use permits;
  - c. exactions;
  - d. impact fees;
  - e. vested rights;
  - f. subdivision regulations and improvement guarantees;
  - g. land use referenda;
  - h. property rights;
  - i. real estate procedures and financing;
  - j. zoning, including use-based and form-based; and
  - k. drafting ordinances and code that complies with statute.

New members of the Commission must attend at least one (1) hour of training on general powers and duties, prior to attending a public meeting as an appointed member.

A planning commission member may qualify for one of the three hours of training required in section 4.6.b, if the member attends, as an appointed member, 12 public meetings of the planning commission within a calendar year.

Qualifying trainings can be provided by:

- a. municipal staff;
- b. the Utah League of Cities and Towns
- c. a list of training courses selected by the Utah League of Cities and Towns

- d. a list of training courses selected by the Division of Real Estate.

Staff shall, for each planning commission member monitor compliance with the training requirements and maintain a record of training completion at the end of each calendar year

## **ARTICLE V – MEETINGS, HEARINGS**

### **5.1 Meeting Place**

A meeting having been convened at the place designated may be adjourned by the Commission to any other place within Payson 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.

### **5.2 Quorum**

A quorum of the Commission shall consist of four (4) members. An affirmative vote of a majority of the Commission shall be required for any matter to pass.

### **5.3 Agenda for Meetings**

Planning staff, with the assistance of the Commission chair shall prepare a written agenda for each meeting and provide the information to each member of the Commission. Notice of the meeting shall be in accordance with state law and city ordinance.

### **5.4 Regular Meetings**

The Commission, at its regular meeting in December of each year, shall establish a regular meeting schedule for the upcoming year. Field trips, work sessions, and special meetings may be held by approval of the Commission chair.

### **5.5 Special Meetings and Work Sessions**

Special meetings and work sessions, for any purpose, may be held at the call of the chair. Notice of such meeting shall be in accordance with state law and City ordinance.

### **5.6 Electronic Meetings**

The Commission is authorized to meet by electronic communication as adopted by Resolution. As a general rule, at least three (3) members of the Commission shall be present at the anchor location and the Chair shall require a roll call vote so the non-present members' votes may be counted.

### **5.7 Public Hearings**

- a. Public hearings should be scheduled to provide sufficient time for public comment. The chair may limit the amount of time for each presenter and/or participant to ensure that everyone has an opportunity to speak and to advance the business items on the agenda. If

comments become repetitive, the Chair may ask that additional comments be limited to new information.

- b. Persons providing testimony shall proceed without interruption except that from the Commission. All comments, arguments and pleading shall be addressed to the Commission. There shall not be debate or argument. The chair shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive persons.

#### 5.8 Field Trips

On those occasions when site inspections are deemed advisable, field trips shall be held prior to the Commission meetings. Only members of the Commission and pertinent City staff shall be allowed to attend the field trip in City-owned vehicles. The public shall be allowed at the sites of the field trip but encouraged to present their case at the Commission meeting, not during the field trip. Field trips shall be for the purpose of gathering information, not for discussing decisions.

#### 5.9 Matters Considered

Other business items pertaining to the affairs of the Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular meeting or special meeting of the Commission.

#### 5.10 Serving on additional Committees

As appointed by the Mayor, or designee, a member of the Commission may be asked to serve as a member of additional committees for the benefit of Payson City. This member of the Commission shall provide an update of their appointed committee to the Commission on a regular basis.

#### 5.11 Length of Meetings

All Commission meetings shall be scheduled to end no later than 10:00 p.m. unless a motion to continue is made and approved in order to complete the agenda items of that specific meeting.

#### 5.12 Time Control

The chair may, at any time, institute measures to 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 chair may stop debate once he or she believes the issue has been adequately and fairly heard.

### **ARTICLE VI – ORDER OF BUSINESS**

#### 6.1 Meeting Order of Business

- a. Field Trip or Work Session, as needed
- b. Call to Order
- c. Roll Call
- d. Invocation/Inspirational Thought

- e. Consent Agenda (Approval of Minutes)
- f. Public Forum
- g. Review Items
- h. Commission and Staff Reports
- i. Adjournment

6.2 Agenda Item Order of Business

- a. Item introduction by chair
- b. Staff presentation and recommendation
- c. Applicant/Petitioner presentation of proposal
- d. Opening of the public hearings
- e. Public comments
- f. Public hearing closed
- g. Planning Commission discussion and vote. The discussion is closed to staff, the applicant/petitioner, and public unless the Commission requests additional information.

**ARTICLE VII – PROCEDURE, MOTIONS**

7.1 Making Motions

Any member of the Commission, including the chair and vice chair, may make or second a motion. After a motion is stated and seconded, the motion shall be in the possession of the Commission. Motions should state the recommendation or approval along with any findings, if any. The motion may refer to the staff report for the conditions of approval if the author of the motion finds them acceptable. Motions may be repeated for clarification following discussion and prior to the vote at the request of any Commissioner.

7.2 Advice

The members of the Commission may request legal advice from the city attorney in the preparation, discussion, and deliberation of motions.

7.3 Second Required

Each motion must be seconded.

7.4 Withdrawing a Motion

A motion may be withdrawn by the author prior to receiving a second.

7.5 Motion to Table

A motion to table an agenda item for further review should be accompanied by specific reasons and whenever possible, a specific date to rehear the matter should be scheduled.

7.6 Amending a Motion

When a motion is pending before the Commission, any member may suggest an amendment at any time prior to the chair putting the motion to a vote. The amendment must be accepted by the author and the second of the motion in order to amend the stated motion. The author and the second may choose not to accept the amendment.



7.7 To Reconsider a Motion

To recall a previous motion for further evaluation and/or action, a member of the Commission who voted with the majority may make a motion for reconsideration. 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 made void, a motion shall be made to a formal vote of the Commission. Motions to reconsider must take place during the same meeting of the original.

7.8 Motion to Recess

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

7.9 Motion to Adjourn

A motion to adjourn the meeting shall be made including a second and vote in favor by members of the Commission.

**ARTICLE VIII – AMENDING OR SUSPENDING BYLAWS**

8.1 Amendment

These bylaws may be amended by a majority vote of a quorum of the Commission except where such amendment would be contrary to the requirements or limitations set forth by state law or city ordinance. An amendment may be proposed at any meeting of the Commission.

8.2 Suspension or Alternation of Rules

No standing rules of the Commission shall be altered, amended, suspended or rescinded without the majority vote of a quorum of the Commission.

PASSED and ADOPTED this 14th day of April, 2021.

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Kirk Beecher,  
Planning Commission Chair

ATTEST:

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Kim E. Holindrake,  
Payson City Recorder