

City of Francis Planning Commission

By Laws Rules and Procedures

A. Organization.

1. **Appointment of Chair and Vice Chair.** The Commission, at its first regular meeting in January of each year, shall elect 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 results 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 and 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.
- j. The Chair may vote on all issues before the Commission.

4. **Duties of the Vice Chair.** The Vice Chair, during the absence of the chair shall perform all of the duties and functions of the Chair.

5. **Temporary Chair.** In the event of the absence or the disability of both the Chair and Vice Chair, the Chair, the Vice Chair and/or the Planning Director shall appoint another Planning Commission member to serve a Chair until the Chair or Vice Chair returns. In such event, the temporary Chair shall have all the powers and perform the functions and duties assigned to the Chair of the Commission.

6. **Secretary.** A Francis City staff member shall serve as secretary of the Planning Commission.

Secretary duties:

- 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 and to take and record the roll.
- 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 five days prior to Planning Commission meetings.
- f. To perform such other duties as may be required. (Ord. 2017-04 § 1, 2017; Ord. 2015-02 § 1, 2015.)

B. Rights and duties of members.

- 1. Meeting Attendance. Every member of the Commission shall attend the sessions of the Commission unless duly excused or unless unable to attend because of extenuation circumstances. Any member desiring to be excused shall notify the secretary. The secretary shall inform the Chair of the excused absences.
- 2. Conflict of Interest. A Planning Commission member may declare a conflict of interest from specific agenda items. 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, a Planning Commission member shall not participate in the 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 the conduct:
 - a. There may be conflict of interest if there are personal, familial, or financial ties between a Planning Commission member and proponent/opponent of any item of business.

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

c. A Planning Commission member 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 Commission member 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 present when the vote is taken and when the result is announced. No member shall give his/her proxy to another person.

5. **Place.** All meetings of the Commission shall be held in the Council Chambers of the Francis City Building, 2319 S. Spring Hollow Rd., Francis City, 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 within Francis City for the sole purpose of investigating some particular matter 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 third Thursday of each month at the hour of 7:00 p.m., unless otherwise noticed. At the discretion of the Chair, field trips or work sessions may be scheduled on any day and time, provided adequate notice is given of the place and time of such meeting.

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/e-mail or text. Such notice may also be given by the United States Mail, directed to the member of the Commission so to be notified at the member's residence and 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.

8. **Meetings, Matters Considered.** Other business items pertaining to the affairs of the Francis City 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.

9. **Quorum.** Three members of the Commission shall constitute a quorum for the transaction of business. Any member disqualified because of a conflict of interest shall not be considered when determining whether a quorum is constituted. Members abstaining from vote, however, shall count toward consideration of a quorum. Except as otherwise specifically provided in these rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission. Planning Commissioners will serve a two-year term, this can be extended when asked to serve an additional term by the City Council.

10. **Ratification of Actions due to Lack of Quorum.** All actions taken in the absence of a quorum will require ratification of a quorum late in the meeting or at the next meeting attended by a quorum. (Ord. 2017-04 § 1, 2017; Ord. 2016-09 § 5, 2016; Ord. 2015-02 § 1, 2015.)

C. Procedure – Order of business.

1. **Order of Business.** The order of business shall be as follows:
 - a. Field trip (when needed).
 - b. Consideration of agenda items.
 - c. Approval of minutes.
 - d. 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's meetings, on a date and time determined by the Chair, or Secretary by direction of the Chair. The time and location of the field trip shall be posted by agenda. Only Planning Commission members and pertinent public shall be allowed at the sites of field trip, but the public will be encouraged to present their case 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 staff, with the assistance of the Chair and Secretary, 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 five days prior to each meeting.

4. **Agenda Deadline.** Requests for Planning Commission consideration must be properly presented (i.e., fees paid, completed applications and petitions filed) to the planning staff a minimum of 10 days prior to the date for Planning Commission consideration. Applications for subdivision review must be received 30 days prior to the date for Planning Commission consideration. All applications must be complete at the time of submission, or they will not be accepted by the planning staff and will not be placed on the agenda for consideration. The submission deadlines do not guarantee all requests will be scheduled with the Planning Commission within the 10 or 30 days, but requests may not be heard in less than the minimum allotment.

5. **Staff Report.** All major issues presented to the Planning Commission for their consideration shall be accompanied by 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 FCC Title [18](#) affected by petitioner's request and how it fits in within the guidelines of that title and the applicable general plan(s), as well as any pertinent state statutes. Staff reports shall be as concise as possible while allowing for adequate coverage of the subject matter and shall be made available to anyone requesting a copy of the staff report by way of a GRAMA request. Copies of staff reports, and other pertinent materials shall be made available to the Planning Commission members five days prior to regularly scheduled Planning Commission meetings.

6. **Submission of Written Materials.** Applications or interested parties should submit written materials on the Thursday by 12:00 p.m. prior to the agenda 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; anything more than that will be at the discretion of the Chairman of the Planning Commission.

7. **Notification of Public Hearings.** Notices of all items scheduled for the Planning Commission hearings shall be mailed to the appropriate parties no later than 10 days before the Planning Commission meeting. All notifications shall be consistent with the requirements of the Utah Open and Public Meetings Act, the Utah Land Use Development and Management Act and other provisions of Utah Code. (Ord. 2017-04 § 1, 2017; Ord. 2016-09 § 5, 2016; Ord. 2015-02 § 1, 2015.)

D. 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 introduced by Chair.
- b. Staff presentation and recommendation.
- c. Petitioner/developer presentation of proposal.
- d. Opening of public portion of hearings.
- e. City Council presentation/response.
- f. Opponents/proponents comments.
- g. Public portion closed.
- h. 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. (Ord. 2017-04 § 1, 2017; Ord. 2015-02 § 1, 2015.)

E. Procedure – Motions.

1. **Making Motions.** Any Planning Commission member may make or second a motion. Motions should state the findings for approval or denial within the motion:

- a. Motions should state 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 it acceptable.
- b. The staff summary should be sufficient in detail to assist the Commission in stating findings.
- c. Motions may be repeated for clarification following discussion and prior to the vote at the request of the Commissioner.

2. **Second Required.** Each motion of the Commission must be seconded with the exception of motions to amend 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 a 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 amendments 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. **Substitute 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 the 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 Commission member 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 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 the particular item are approved.

10. **Motion to Recess.** A motion shall be made to break for a specific purpose while also stipulate 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.

11. **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 motion and adjourn. (Ord. 2017-04 § 1, 2017; Ord. 2015-02 § 1, 2015.)

F. Procedures – Debate.

1. **Interruptions and Questions.** No member of the Commission shall interrupt or question another member on debate without obtaining the member's consent, and to obtain such consent, shall first address the Chair. (Ord. 2017-04 § 1, 2017; Ord. 2015-02 § 1, 2015.)

G. 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 discussion and vote pertaining to the particular matter.

3. **Abstention.** Any member abstaining from a vote may remain seated at the table and participate in the discussion, Reasons for abstention must be stated at the time of the abstention and such reason shall not be considered a conflict of interest. (Ord. 2017-04 § 1, 2017; Ord. 2015-02 § 1, 2015.)

H. Procedures – Suspension of rules.

1. Suspension or Alternation of Rules. No standing rules of the Commission shall be altered, amended, suspended or rescinded without the vote of a majority of all the members of the Commission. (Ord. 2017-04 § 1, 2017; Ord. 2015-02 § 1, 2015.)

I. Amendments of rules of procedure.

1. These rules of procedure may be amended at any meeting of the Commission held after not less than a 10-day written notice of the proposal to amend the rules that have been posted in two public places and on the city website, 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. (Ord. 2017-04 § 1, 2017; Ord. 2015-02 § 1, 2015.)

J. Recording of the rules.

1. These rules and all subsequent amendments shall be recorded by the secretary in the Planning Commission member's handbook and copies shall be furnished to each member of the Commission. (Ord. 2017-04 § 1, 2017; Ord. 2015-02 § 1, 2015.)

K. Ethical requirements.

1. No Planning Commission member shall use his or her position to further substantially his or her own personal economic interest or to secure special privileges or exemptions for others.

2. No Planning Commission member shall use or disclose private, controlled or protected information obtained in the course of his or her official duties to further substantially his or her own personal economic interest or to secure special privileges or exemptions for others.

3. If a Planning Commission member is an officer, director, agent, employee or owner of an entity, or a portion of an entity, which transacts business, or may transact business, with the City, the Planning Commission member shall orally disclose that fact immediately prior to any discussion of such business transaction in a Planning Commission meeting. This disclosure shall be reflected in the minutes of the meeting.

4. All Planning Commission members shall complete, and update as necessary, a written conflict-of-interest statement listing any personal, corporate or business interests that are subject to regulation by the City or that may pose a conflict between the Planning Commission member's private interests and official duties. Such written statements shall be available to the public.

5. Nothing contained herein shall alter a Planning Commission member's obligation to comply with all provisions of the Utah Municipal Officers' and Employees' Ethics Act. (Ord. 2016-09 § 4, 2016.)

Signature of Chair

Date

Francis City Planning Commission