



# City of Saratoga Springs Planning Commission Bylaws & Rules of Procedures

Effective December 1, 2020

## A. ORGANIZATION

1. Appointment of Chair and Vice-Chair: The Planning Commission, at its first meeting in January of each odd year, shall elect from its members a Chair and Vice-Chair. The Chair and Vice-Chair shall serve for a term of two years and until a successor is chosen.
2. The Chair to Preside at the Commission Meeting: 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 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, including opening and closing public hearings.
  - 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 discharging 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.
4. Duties of the Vice-Chair: The Vice-Chair, during the absence of the Chair, shall perform all 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 Planning Commission members shall appoint another Planning Commission member to serve as Chair Pro Tem until the Chair or Vice-Chair returns. In such event, the Chair Pro Tem shall have all the powers and perform the functions and duties assigned to the Chair of the Commission.

## 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 extenuating circumstances. Any member desiring to be excused shall notify the Chair and/or Vice-Chair at least 24 hours in advance of the meeting. The Chair and/or Vice-Chair shall inform the Planning Commission members of the excused absences.
  - a. If any Commission member is absent from more than three meetings in any consecutive three-month period, the absence shall be reported to the Mayor, and the Mayor shall have the option of replacing said Commission member per Title 3 of the City Code.
2. **Electronic Participation:** Electronic meetings are authorized pursuant to the requirement outlined in Title 2 of the City code.
3. **Conflict of Interest:** A Planning Commission member may declare a conflict of interest from a specific agenda item. Members of the Planning Commission who may have an actual, apparent, or reasonably foreseeable conflict of interest on any matter on the Commission's agenda shall disclose and explain the apparent conflict to the Commission. After declaring a conflict of interest, a Planning Commission member shall leave the room, shall not participate in the discussion or vote on 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. The Planning Commission shall follow the standards of conduct for municipal officers and employees and disclose actual or potential conflicts of interest as provided for in the Municipal Officers' and Employees' Ethics Act.
4. **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.
5. **Not to Vote Unless Present:** No member of the Commission shall be permitted to vote on any question unless the member shall be present or participating electronically when the vote on any question is taken and when the result is announced. No member shall give his/her proxy to any other person.
6. **Meetings:**
  - a. **Definitions:**
    - i. "**Closed Meeting**" means a meeting that is properly closed in accordance with the Utah Open and Public Meetings Act that is part of a regular meeting, special meeting, or emergency meeting.
    - ii. "**Emergency Meeting**" means a meeting of an urgent or emergency nature that meets the requirements of the Utah Open and Public Meetings Act.

- iii. "**Regular Meeting**" means a meeting listed on the Planning Commission's annual meeting schedule that meets the requirements of the Utah Open and Public Meetings Act.
- iv. "**Special Meeting**" means a meeting to consider matters of a non-emergency or non-urgent nature that is not listed on the Planning Commission's annual meeting schedule and that meets the requirements of the Utah Open and Public Meetings Act.
- v. "**Quorum**" means four members of the Planning Commission.

b. Types of Meetings:

- i. **Regular Meetings.** The Commission shall hold regular meetings at least once each month. The Commission shall adopt a regular meeting schedule on an annual basis. Regular meetings may include work sessions and/or policy sessions.
- ii. **Special Meetings.** The Chair or three Commission members may order the convening of a special meeting of the Commission. The special meeting shall comply with the noticing requirements of the Utah Open and Public Meetings Act.
- iii. **Emergency Meetings.** An emergency meeting to consider matters of an emergency or urgent nature may be held if unforeseen circumstances make it necessary to do so. The emergency meeting must meet the requirements set forth in the Utah Open and Public Meetings Act, including making an attempt to notify all of the Planning Commission members and obtaining approval by a majority of the Planning Commission members of the meeting.
- iv. **Closed Meetings.** Closed meetings may be held for the purposes and by following the procedures listed in Utah Code § 52-4-101-305. In accordance with this section, the closed meeting may be held upon a vote by two-thirds of the Commission members present, so long as a quorum is present. After conclusion of the closed meeting, no vote is required to resume to a public (open) session. In such a case, the Chair or Chair Pro Tem shall announce the end of the closed meeting and the resumption of the public session.

7. Meetings, Matter Considered: Other Business items pertaining to the affairs of the City of Saratoga Springs 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.

8. Quorum: A minimum of four 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 a 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.

## **C. PROCEDURE - ORDER OF BUSINESS**

1. Order of Business: The order of business shall generally be as follows:
  - a. Field trip
  - b. Roll call taken by Chair
  - c. Consideration of agenda items
  - d. Other business at the discretion of the Chair
  - e. Approval of minutes
  - f. Adjournment
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 trips shall be posted on the agenda. The public shall be allowed at the sites of the field trips but 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 City Recorder, with the assistance of the Chair, shall prepare a written agenda for the 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.
4. Agenda Deadline: Requests for Planning Commission consideration must be properly presented (i.e., fees paid, applications and petitions filed) and be in accordance with the policies and procedures set forth in the City's Land Development Code and in resolutions that establish such procedures.
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 proposed findings of fact and recommended conditions for approval. Staff reports shall address the portion of the Land Development Code guidelines affected by petitioner's request and how it fits within the guidelines of the ordinance and the applicable regulations. Staff reports shall be as concise as possible while allowing for adequate coverage of the subject matter (preferably one page including front and back sides of paper) and shall be made available to anyone requesting a copy of staff report. Copies of staff reports and other pertinent materials shall be made available to the applicant and the Planning Commission members three days prior to regularly scheduled Planning Commission meetings unless the applicant waives this requirement in writing.

## **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 introduction by Chair.
- b. Staff presentation and recommendation.
- c. Petitioner/ Developer presentation of proposal.
- d. Opening of public hearings.
- e. Public comments.
  - i. The Commission may choose to require persons wishing to make comments in public hearing to first fill out a Public Hearing Comment Card. Public Hearing Comment Cards shall be collected by a staff member and presented to the Chair at the commencement of each public hearing. At the discretion of the Chair, comments offered during the public hearing may be limited to those comments provided at the invitation of the Chair and shall be made at the designated podium.
  - ii. Comments shall be directed to the Planning Commission.
  - iii. The Chair may, at his or her discretion, limit participant's opportunity to comment to a specified period of time.
- f. Petitioner/Developer response to public comments.
- g. Materials submission. Materials submitted during a public hearing shall be delivered to the City Recorder or his/her designee. The City recorder shall then distribute the submitted materials under the direction of the Chair.
- h. Public hearing closed.
- i. Planning Commission discussion and vote. The Planning Commission may request additional information of the staff and petitioner. 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.

## **E. PROCEDURE – MOTIONS**

1. Making Motions: Any Planning Commissioner 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 motion 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 motions finds them 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 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.
- 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 at any time prior to the Chair putting the motion to a vote. The amendment must be accepted by the author and the member that seconded the motion in order to amend the stated motion.
- 6. Substitute Motion: A substitute motion, which shall replace the original motion, may be made prior to a vote on the original motion. The substitute motion must be accepted by the author and the member that seconded the motion in order to substitute the stated motion. If not accepted, the member making the substitute motion shall wait until after a vote on the original motion to make a new motion.
- 7. 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 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.
- 8. Opening and Closing Informal Hearings: No motion is necessary to open and close the public portion of each public hearing. The Chair or Chair Pro Tem shall announce the opening and closing of each public hearing prior to Planning Commission discussion and vote on the matter.
- 9. Recess: No motion is necessary to break for a short recess. The Chair or Chair Pro Tem shall announce that the Commission is taking a break and announce 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.
- 10. Adjourn: No motion is necessary to adjourn the meeting. In such a case, the Chair or Chair Pro Tem shall announce the adjournment at the end of each Planning Commission meeting.

## **F. PROCEDURES – DEBATE**

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

## **G. PROCEDURES – VOTING**

1. Changing a Vote: No member shall be permitted to change his/her vote after the Chair announces the decision.
2. Tie Votes: Votes that result in a tie shall be considered the end of the motion at issue and shall result in an action of denial. In cases where the Planning Commission is acting in an advisory role, a tie vote shall result in the item going to the City Council without a favorable recommendation from the Commission.
3. Conflict of Interest Disqualification: Any member declaring a conflict of interest shall be disqualified and shall leave the room and not participate in the discussion and vote pertaining to that particular matter.

## **H. PROCEDURES - SUSPENSION OF RULES**

1. Suspension or Alteration of Rules: No standing rules of the Commission shall be altered, amended, suspended or rescinded without the vote of a majority of all members of the Commission and approval by the City Council by ordinance.

## **I. AMENDMENT OF RULES OF PROCEDURE**

1. These rules of the procedure may be amended at any meeting of the Commission upon a majority vote of all of the members of the Planning Commission and approval by the City Council by ordinance.

## **J. RECORDING OF RULES**

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

(Ordinance 20-42 (12-1-20))