

City of Dilworth Planning Commission By-Laws

SECTION 1. PURPOSE

The purpose of the Planning Commission by-laws is to provide a set of operating procedures for the Planning Commission, and to establish a code of ethics and conduct.

SECTION 2. ADOPTION OF PLAN OF WORK

Upon the appointment and organization of the Planning Commission, the Commission, subject to council approval, shall proceed with the preparation and adoption of a plan of work, outlining the activities proposed to be undertaken within the exercise of its powers and the performance of its duties. Subject to council approval, the plan may be revised from time to time.

SECTION 3. ANNUAL REVIEW

These by-laws shall be reviewed annually by the Planning Commission, and any changes or amendments agreed to by a majority vote of the Commission shall be recommended to the City Council for adoption. In addition, the City Council may review the by-laws and adopt amendments as needed.

SECTION 4. ANNUAL MEETINGS

The annual meeting of the Planning Commission shall be the first regular meeting in the month of January of each year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled by the Planning Commission.

SECTION 5. REGULAR MEETINGS

Regular meetings of the Planning Commission shall be held in the City Hall or other Officially Noticed location at 5:30 p.m. on the first Wednesday of each month. At such meetings, the Commission may consider all matters properly brought before the Commission. A regular meeting may be cancelled or rescheduled by the Commission at a prior meeting. Any regular meeting falling upon a holiday shall be held on the following business day at the same time and place.

SECTION 6. SPECIAL MEETINGS

Special meetings of the Planning Commission may be called by the Chairperson or Vice-Chairperson, City Council or City Administrator who shall designate the time, place and purpose of the meeting. Notice of special meetings must conform to the Minnesota Open Meeting Law. Written notice thereof shall be given to all members not less than 72 hours in advance of the special meeting except in the case of an emergency.

SECTION 7. QUORUM

In order for any meeting to be called to order, a quorum of members must be present. A quorum is a majority of the members. During the course of a meeting, at least a majority of the voting members must be present to take action on any matter before the Commission.

SECTION 8. MEETINGS AND THE OPEN MEETING LAW

In accordance with the Minnesota Open Meeting Law (Minnesota Statute Chapter 13D), all official meetings of the Planning Commission shall be open to the general public. An "official" Planning Commission meeting is any gathering, or simultaneous communication of a quorum of Commission members for the purpose of considering the public business of the Planning Commission. Informal gatherings and communications such as site visits and conference telephone calls, therefore, may constitute an official meeting. The Planning Commission may exclude the public from its meeting only in certain very limited cases identified in the Open Meeting Law.

SECTION 9. VOTING AND RECOMMENDATIONS

At all meetings of the Planning Commission, each member attending shall be entitled to cast one vote on matters before the Planning Commission. In the event that any member shall have a conflict of interest, as determined by the City Attorney, concerning a matter then before the Commission, he/she shall disclose his/her interest and be disqualified from voting upon the matter, and the secretary shall so record in the minutes that no vote was cast by such member. The affirmative vote of a majority of members in attendance shall be necessary for the adoption of any resolution or other voting matter. The results of any vote shall be recorded, listing those voting for and those voting against.

All recommendations shall be sent to the City Council by means of written minutes or report from the City Administrator, and shall include the record of the division of votes on each recommendation.

SECTION 10. REGULAR PROCEEDINGS

(A) At any regular meeting of the Planning Commission, the following shall be the regular order of business:

1. Call to Order
2. Approval of Agenda
3. Minutes of the Preceding Meeting(s)
4. Items to be heard - Public Hearings - New Applications
5. Public Hearings - Continued Hearings
6. Approval of Building Permits
7. Member's Concerns, Questions, and Updates
8. Adjournment

(B) The following procedures will normally be observed for matters before the Planning Commission, except for public hearings which follow the procedures detailed in Section 14; however, they may be rearranged by the Chairperson for individual items if necessary for the expeditious conduct of business:

1. Staff presents report and makes recommendation (if any).
2. The Planning Commission may ask questions regarding the staff presentation and report (if any).
3. Proponents of the agenda item make a presentation (if any).
4. Any opponents make presentations (if any).
5. Applicant makes rebuttal of any points not previously covered (if any).
6. Planning Commission asks any questions it may have of the proponents, opponents or staff (if any), and then takes a vote.

(C) Each formal action of the Planning Commission required by law, rules, regulations or by-laws shall be embodied in a formal vote duly entered in full upon the Minute Book after an affirmative vote as provided in Section 5 hereof and may be accompanied by written findings of fact.

SECTION 11. AGENDA AND DEADLINE FOR AGENDA

(A) **Purpose.** The agenda of a Planning Commission meeting serves two important functions: it focuses Planning Commission deliberations by determining what matters will be considered at the meeting, when each matter will be considered, and the context in which each matter will be considered; and, it serves as the public's only guide to what will be considered at the meeting, how the matter be dealt with, who will participate in the discussion, and when public comment may be made. The agenda should be prepared so as to best achieve these functions.

(B) **Deadlines.** The agenda shall be prepared by City Staff and shall be closed at noon eight days prior to the meeting for preparation purposes.

(C) **Agenda Additions During Regular Meetings.** Additional items may be added to the agenda at a Planning Commission meeting subject to approval by a majority vote of the members present. The additional agenda items may be discussed, but no action may be taken if any member objects.

If a new item of business proposed to be added to the agenda requires staff review (such as re-zonings, ordinance amendments, preliminary subdivision plans, and subdivision review procedures and guidelines), involves quasi-judicial procedures (such as a request for a hardship variance from Subdivision or Zoning Ordinance standards), or involves substantive matters of potential public interest (such as the Comprehensive Plan, or other major policies), the Commission may add the item to the agenda only for purposes of referring it to the staff or a Commission committee, or scheduling it for consideration at a later meeting (as appropriate). The Commission may not discuss the substance of the

matter or take any final action on the item except at a meeting where the item is included on the distributed agenda.

(D) Delivery of Agenda to Members.

At least six days before the meeting, the City Staff shall provide each Commission member a meeting agenda and all materials related to items on the agenda.

(E) Order and Form of the Agenda.

The agenda organization shall generally conform to Section 10 above. In addition, the agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for effective public input and the timely and efficient performance of Planning Commission responsibilities. Items of business likely to attract the attendance of many interested persons (such as those involving notice to adjoining property owners and those involving other public notice) should generally be placed early on the agenda, thereby, minimizing the time citizens must wait for consideration of the item that brought them to the meeting. The agenda should identify (by name and/or role) the leading participants at each step of the Commission's review and indicate the step at which interested persons will have the opportunity to comment on the item.

SECTION 12. MINUTES

(A) Purpose. The minutes of the Planning Commission's meetings represent the official record of the Commission's deliberations and actions. As such, they record the Planning Commission's vote on actions and the reasons for the vote. The minutes also communicate background on the Planning Commission's recommendations to the City Council, provide perspective on issues, and provide a historical record of Commission proceedings. Furthermore, state law requires the Commission to keep full and accurate minutes of all official meetings, and requires that those minutes be retained and be available for public inspection by any person subject to the state public records law and the city records retention schedule.

(B) Duties of Staff Preparing Minutes. City Staff shall prepare minutes of all Planning Commission meetings. The minutes shall state:

1. Which members were present and absent, and whether absent members were excused or not excused.
2. A summary of staff and committee reports and recommendations, applicants' presentations, public comments, and the Planning Commission's discussion on each item.
3. The content of each principal motion before the Planning Commission, the identity of the person who made and seconded the motion, and the record of the vote on the motion (identifying the vote count and, unless the vote was unanimous, the names of those voting for or against the motion).

SECTION 13. RULES OF PROCEDURE FOR PLANNING COMMISSION MEETINGS

All meetings of the Planning Commission shall be conducted in accordance with the following Minnesota Mayors Association Rules of Order for City Councils.

SECTION 14. PUBLIC HEARINGS

- (A) A public hearing is a noticed, official hearing, the express and limited purpose of which is to provide an equitable opportunity for the public to speak on matters before the Planning Commission.
- (B) For certain matters considered by the Planning Commission, a requirement that the Planning Commission conduct a public hearing is prescribed by State Statute or City of Dilworth ordinances. The Planning Commission, however, may elect to conduct a public hearing, although not specifically required, if the Planning Commission determines that due to the unique nature of the matter, it is advisable.
- (C) The Planning Commission may neither deliberate nor take a substantive vote during a public hearing, but may ask questions for the sake of clarification of speakers.
- (D) The Planning Commission, upon resuming their regular meeting after the close of the public hearing, may take action upon the matter discussed at the public hearing.
- (E) Conduct of Persons Before the Planning Commission
 1. During all public hearings required by state law or ordinance, members of the public shall be given reasonable opportunity to speak. In order to promote meeting efficiency, the Chair may discourage duplicative testimony and may place reasonable time limits on the amount of time that individuals have to speak. Comments should be addressed to the item before the Planning Commission. Where a comment is irrelevant, inflammatory, disruptive or prejudicial, the Chair may instruct the Planning Commission to “disregard” the comment, which nevertheless remains in the public record.
 2. During all regular and special meetings of the Planning Commission, the public may be present but shall remain silent unless specifically invited by the Chair to provide comment.
 3. During all proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with reasonable rights of another to provide comment or which interferes with the proper execution of Commission affairs may be ruled by the Chair as “out-of-order” and the offending person directed to remain silent. Once, having been so directed, if a person persists in disruptive conduct, the Chair may order the person to leave the Planning Commission meeting or hearing. Where the person fails to comply with an order to leave, the Chair may then call upon civil authority to physically remove the individual from the chamber for the duration

of the hearing or deliberation on that item.

4. The Chairperson of the Planning Commission may impose additional limits or rules upon members of the public as permitted by Section 16.

(F) Additional Rules of Procedure for Public Hearings

1. Public Hearing Format. Public hearings shall be conducted in the following manner:
 - (a) The presiding officer calls the public hearing to order and declares the time of opening.
 - (b) The presiding officer may delay the start of a hearing until the business at hand is acted upon, in any manner, by the Planning Commission. However, a hearing may not be opened prior to the predetermined and published time.
 - (c) Staff presentation.
 - (d) The applicant (if any) may make a presentation or report on the subject matter for the hearing.
 - (e) The presiding officer asks Planning Commission members if they have questions of the staff, if any.
 - (f) The presiding officer announces that input will be received from the citizens, requesting that each speaker provide a name and address, noting any applicable time limits for comment from individual members of the public, any other applicable rules and explaining the procedure for enforcement of such rules.
 - (g) Close the public hearing. After members of the public have spoken, the presiding officer requests a motion to
 - i. Continue a public hearing. If the Planning Commission votes to continue the hearing, the presiding officer shall, in consultation with City Staff, select and announce a time and date certain for the continued public hearing. No additional publication or notice requirements are needed if a hearing is continued to a later date.
 - (h) The Planning Commission addresses the subject matter through deliberation, questions to citizens and staff, and reactions and statement of position on the subject.
 - (i) If the public hearing is closed, the Planning Commission may take action on the application before them. The Commission may formulate a recommendation which outlines the parameters under which an approval would be granted. The reasons and conditions shall be stated in the motion or resolution for approval or denial. Continuation of an action may occur in the event insufficient information

is present to make a decision. The Planning Commission shall delineate the missing information before continuing the item.

SECTION 15. OFFICERS

The officers of the Planning Commission shall consist of a Chairperson, a Vice-Chairperson, and Secretary elected by the Planning Commission at the annual meeting for a term of one year. In the absence of the Chair and Vice-Chair, the remaining members shall elect a Temporary Chair for that respective meeting.

SECTION 16. DUTIES OF OFFICERS

The Chair is a voting member of the Planning Commission and may make motions. In addition, the duties and powers of the officers of the Planning Commission shall be as follows:

(A) Chairperson

1. To preside at all meetings of the Commission.
2. To sign documents of the Commission.
3. To see that all actions of the Commission are properly taken.
4. To cancel or postpone any regularly scheduled meetings.
5. To invoke a reasonable time limit for speakers during any public hearing in the interest of maintaining focus and the effective use of time.
6. To order an end to disorderly conduct.
7. To schedule a second official public hearing meeting or other continued meeting in the event that a meeting or public hearing cannot be concluded by a reasonable hour in the judgment of the Chairperson.
8. The presiding officer has the responsibility to facilitate discussion by the Planning Commission. This may occur in a variety of ways, including:
 - Interpret and apply rules of procedure.
 - Decide whether motions are properly made.
 - Decide whether motions are in order.
 - Decide whether questions of special privilege ought to be granted.
 - Decide when to recognize speakers.
 - Call for motions or recommend motions.
 - Expel disorderly persons from the meeting.
 - Enforce speaking procedures.

(B) Vice-Chairperson

During the absence, disability or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.

(C) Secretary

1. To sign official documents of the Commission and other duties as required.

SECTION 17. COUNCIL LIAISON

The City Council will appoint a liaison and alternate to the Planning Commission at their first meeting in January. The liaison is a voting member of the Planning Commission and is responsible for any reports to the Council, originating from the Planning Commission.

SECTION 18. VACANCY

If a vacancy occurs among the members of this Planning Commission by reason of death, resignation, disability or otherwise, City staff shall then see that a new appointment is made by the City Council. Resignations should be made in writing to the City Administrator.

SECTION 19. AMENDMENTS

These by-laws on rules of procedure may be amended at any meeting of the Planning Commission. All amendments are subject to City Council review and approval before they take effect.