

RULES AND PROCEDURES OF THE PLANNING COMMISSION

Internal rules governing the Planning Commission are set forth below. Any situation not covered in these rules shall be governed by the current edition of Robert's Rules of Order.

ORGANIZATION

RULE 1. The Commission shall annually elect from its membership a Chairperson and vice Chairperson and shall adopt rules for the conduct of its meetings. Robert's Rules of Order (newly revised) shall apply unless different rules are adopted by the Commission and approved by the Gautier City Council. The staff of the Economic Development and Planning Department shall act in an advisory and support capacity to the Planning Commission, and shall review or coordinate the review of all applications to it. The **Economic Development and Planning Director**, or his designee, shall be the secretary of the Commission. **Review City Clerk or designee to act as secretary**

RULE 2. The Chairperson shall preside at Commission meetings. If at any meeting the Chairperson is not present, or is unable to act, the Vice-Chairperson shall preside. If both the Chairperson and the Vice-Chairperson are not present or are unable to act, the members present shall select one from among them to preside as Acting Chairperson.

The duties of the Chairperson are:

1. To call the Commission to order at the time appointed for the meeting.
2. To ascertain the presence of a quorum.
3. To cause the minutes of the preceding meeting to be read and passed upon by the Commission.
4. To lay before the Commission its business in the order indicated by RULE 5.
5. To receive any propositions made by members and put them to the Commission.
6. To divide the Commission on questions submitted to him and announce the results.
7. To decide all questions or order subject to an appeal of the Commission.
8. To preserve order and decorum in debate and all other times.
9. To enforce such other rules of the Commission that are not placed in charge of another officer for which the enforcement is not reserved by the Commission.
10. To inform the body, when necessary, or when any question is raised, or any point of order or practice pertinent to the pending business.
11. To sign and authenticate all official documents of the Commission

Or as an option: RULE 2. The Chairperson shall preside over the meetings of the Planning Commission and will exercise all powers usually incident to the office. The Chairperson may create standing or temporary committees to examine, investigate and inquire into subjects of interest to the Planning Commission. No standing or temporary committee shall have the power to commit the Planning Commission to endorse any plan or program. No committee shall constitute a quorum of the Commission. If at any meeting the Chairperson is not present...

MINUTES

RULE 3. Written minutes of all public hearings shall be prepared for the review and approval of the Planning Commission at its next regularly scheduled meeting and shall include the follows:

First: The proceedings of the Commission as concisely as possible, care being taken to record a true and accurate account of all the proceedings.

Second: The vote of each motion.

QUORUM

RULE 4. Four (4) members of the Commission constitutes a quorum. (UDO 3.2.4) All Commission actions shall be by vote of a majority of the Commission's membership who are present and voting unless otherwise defined within these Rules.

ORDER OF BUSINESS

RULE 5. The business of the Commission shall be disposed of in the following order:

- A. Call to Order
- B. Pledge of Allegiance
- C. Approval of Minutes (Consider Chairperson's comments & Communication to Commission after C)
- D. Public (Citizen's) Comments
- E. Old (Unfinished) Business (Consider inserting Public Hearings between D & E)
- F. New Business
- G. General Discussion
 - a. Commissioner's Comments
 - b. Staff's Report
 - c. Communications to the Planning Commission
- H. Adjournment

CALENDAR

RULE 6. The Chairperson shall have charge of the calendar of the Commission, and shall direct the Clerk as to the order in which the business of the Commission shall be transacted, and as to when the calendar shall be closed.

RULE 7. The Chairperson, at each meeting, announce to the Commission the business in order, agreeable to the preceding rule, and no business shall be considered which is not on the calendar.

Rule 8. Written notice of all regular and special meetings or workshops shall be post-marked one week in advance of the meeting date. Describe public notice requirements???

RULE 9. If no matters over which the Planning Commission has jurisdiction are pending, a meeting may be cancelled at the discretion of the Chairperson. Confirm public notice requirements or UDO revisions

SPECIAL ORDERS

RULE 10. Any subject may, by majority vote of all the member of the Commission, be made a special order, and when the time for its consideration arrives, the Chairperson shall lay it before the Commission.

RULE 11. The Chairperson shall not allow a Planning Commission meeting to proceed past 12 midnight.

ATTENDANCE

RULE 12. Should a Planning Commission member have three (3) consecutive absences or five (5) nonconsecutive absences within a period of twelve (12) months, such member shall be replaced by the City Council.

PUBLIC TESTIMONY

RULE 13. The Chairperson shall open the public hearing on the subject case by identifying and briefly describing the proposal.

RULE 14. The Chairperson shall state that testimony and input will be taken in a prescribed fashion with presentation and speaking order as follows:

1. Staff Planner: Presentation of staff report and other materials and correspondence into the record.
2. Proponent: Presentation and statements by one repetitive of the proponent/applicant.
3. Members of the Public: Presentations and statements by the public who wish to speak for or against the applicant.

RULE 15. All persons speaking to the Planning Commissions shall be recognized by the Chairperson and shall stand, approach the microphone, if provided, and identify themselves by name, address and who they represent.

RULE 16. All comments shall be directed to the Chairperson.

RULE 17. Testimony shall be kept factual and on the subject. The Chairperson is charged with the responsibility of discouraging and stopping irrelevant, unnecessarily long, repetitive, or abusive testimony. At the onset of any item of business, the Chairperson may limit the length of testimony. Time permitted, additional opportunity will be provided for additional public comments after everyone who so desires has had an opportunity to speak.

RULE 18. The audience shall not interrupt testimony.

RULE 19. Speakers shall not question one another, instead a question shall be addressed to the Chairperson. Upon request of a consensus of the members, the Chairperson may allow direct questioning of an expert witness who has previously testified on behalf of an opponent or proponent, or other business before the Commission.

RULE 20. If written statements are made, a copy shall be presented to the Commission and the Secretary.

RULE 21. The public testimony portion of the public hearing is then closed. Planning Commissioners then deliberate on the application and the testimony received. Members may ask questions of both staff and any other speakers to clarify their understanding of relevant points or to gather additional

information; all questions shall be posed through the Chairperson who shall ask the appropriate party for answers.

DECORUM IN DEBATE

RULE 22. When any member is about to speak in debate, or deliver any matter to the Commission, he shall respectfully address himself to the Chairperson and being recognized, shall confine himself to the question under debate, avoid personalities, and no member shall impugn the motive of any member's vote or argument.

RULE 23. If any member transgresses the Rules of the Commission, the Chairperson shall call him to order, or any member shall arise to a point of order, in which case the transgressing member will immediately take his seat unless permitted to explain; and the Commission shall, upon appeal, decide the case without debate. If there is no appeal, then the body shall abide by the decision of the Chairperson. If the decision is in favor of the member called to order, he shall be at liberty to proceed. If otherwise, and the case shall require it, he shall be liable to the censure of the Commission.

RULE 24. When a member is speaking, the Commission shall be in order and no private conversations shall occur.

RULE 25. The Chairperson will recognize members only with the consent of the majority of the members present.

MOTIONS

RULE 26. When a motion is made and seconded, it shall be stated by the Chairperson or being in writing, it shall be presented to the Chairperson and read aloud before debate. This motion may be to continue the hearing to gather additional information, to recommend approval, approve with conditions, or denial of the proposal.

RULE 27. Motions shall be reduced to writing. ???

RULE 28. When a question is under debate, no motion shall be made except for the following privileged motions which shall have the following precedence:

1. To adjourn
2. For a call of the Commission
3. To recess
4. To lay on the table
5. For the previous question
6. To limit or extend the limits of debate
7. To postpone to a day certain
8. To amend
9. To postpone indefinitely

RULE 29. INDEFINITE POSTPONEMENT: A measure may be indefinitely postponed by a majority vote of all votes to which the Commission is entitled, and entered in the journal. No motion to postpone indefinitely having been decided in the negative shall again be allowed on the same day. When a question is postponed indefinitely the same shall not be acted upon again, except on motion of reconsideration.

RULE 30. RECONSIDERATION: Any decision may be reconsidered unless something impossible to reverse has resulted from the decision or unless reconsideration would be to the detriment of those who have reasonably relied on the decision. Any unexecuted action may be reconsidered. Only one motion to reconsider shall be entertained on any action even if the commission overturns the original

action. If a motion to reconsider a particular action fails, a second motion to reconsider the same action shall not be in order.

A notice of reconsideration may be made only by a member who voted on the prevailing side. If the action which is the subject of a motion to reconsider was not adopted on initial consideration because it did not receive the required number of yes votes, then those members voting no shall constitute the prevailing side, regardless of the relative number of yes and no votes cast on the question. A member who changes his vote before the result is announced shall be a member of the side on which his vote is finally recorded by the Secretary.

Unless reconsideration is to take place before adjournment, notice must be given in writing by the close of business on the following workday. A decision to reconsider at the same meeting may not be made after any interested party has left the meeting if the action to be reconsidered is a conditional use permit, variance, or platting board appeal. Prior to reconsideration of an item, a vote must be taken on the motion to reconsider. If the motion passes, the item is then brought to the floor. ????

PREVIOUS QUESTION

RULE 31. The previous question may be ordered by two-thirds (2/3rds) of the members present upon all recognized motions which are debatable, and shall have the effect to cut off all debate and bring the Commission to a direct vote upon the motion or amendment then pending upon which it has been ordered.

The question shall be put in this form: "The previous question is demanded, all in favor of calling the previous question say 'yes'; all opposed say 'no'".

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if it is decided in the affirmative, the Chairperson at once, and debate, proceeds to put the amendment or motion as ordered. If an adjournment is had after the previous question is ordered, the subject comes up in its regular order on the next day and the previous question still operates.

DIVISION OF QUESTION

RULE 32. The division of a question cannot be demanded as a right by any member. It must be made pursuant to a motion stating precisely the division asked for, which motion can be amended. The Chairperson can decide, subject to an appeal of the Commission, that the division proposed cannot be made, otherwise, it is submitted to the Commission and decided by it.

VOTING

RULE 33. Following debate, an item must be voted on or another motion may be made such as a postponement to public hearing.

RULE 34. All Commission members present, including the presiding officer, shall vote when any action is taken.

RULE 35. A majority vote of the commission's membership who are present and voting shall decide questions, provided that any recommendation to the City Council for revisions or amendments to the

Comprehensive Plan shall be by the affirmative of not less than a majority of the total members of the Commission.

RULE 36. Every member who shall be on the Commission when the question was put, will give his vote unless the Commission, with special reasons, shall excuse him. All motions to excuse a member shall be made before the Commission decides; before the call of yeases and noes is commenced, and any member requesting to be excused from voting may make a brief verbal statement as to the reasons for making such a request and the questions shall be taken without further debate.

RULE 37. Any member of the Planning Commission who in his or her opinion has a personal interest in any matters before the Planning Commission that would tend to prejudice his or her actions shall indicate such interest. In the event of a conflict, he or she shall remove him or herself from the proceedings and retire to another room until a vote is taken on the item. Likewise, should there be the appearance that any member of the Commission could not make a fair and impartial decision because of a real or perceived interest in a matter before the Commission, the member shall state the real or perceived interest, or have the interest described by other members of the Commission or the audience and remove him or herself from the proceedings.

RULE 38. No member shall be allowed to explain his vote or discuss the question while the yeases and noes are being called, or change his vote after the result has been announced.

RECOMMENDATION TO CITY COUNCIL

RULE 39. The Planning Commission shall present its actions in unison to the City Council. Planning Commission actions shall be transmitted to the City Council in writing and shall include the recommendations, the tally of the vote, findings of fact if different from the planning staff report, the planning staff report, other correspondence, if any, and a summary of testimony presented to the Planning Commission.

AMENDMENT TO RULES

RULE 40. These rules may be amended by resolution, approved by the majority of the membership of the Commission.

SUSPENSION OF RULES

RULE 41. These rules, or the order of business, established by the Commission, may be suspended by the majority of the membership of the Commission.

RULE 42. Special meetings may be held on the call of the Chairperson, or of one-fourth (1/4) or more members and whenever practicable, upon no less than **one week** public notice and effective notice to each member.

The notice shall indicate the purpose of the special meeting.

The calendar for a special meeting shall be as follows:

1. Roll Call
2. Consideration of matters calling for special meeting
3. Adjournment