

SOUTH SALT LAKE CITY PLANNING COMMISSION
BYLAWS & RULES OF PROCEDURE

I. INTRODUCTION.

These bylaws are designed and adopted to provide guidance and direction for the South Salt Lake Planning Commission (“Commission”) in the performance of their duties. The Planning Commission shall be governed by the provisions of all applicable State Statutes, City Ordinances, as well as these bylaws.

II. COMMISSION MEMBERSHIP.

- A. Members. The Commission is comprised of seven members (“member”) and two alternate members (“alternate”). All members and alternates shall be appointed by the Mayor, subject to the approval of the City Council. All members shall be addressed as “Commissioner”.
- B. Alternates. Alternates may act in the place of any absent member at any meeting of the Commission. Members are responsible for coordinating to have an alternate act in their place and shall notify the Community Development Department of the circumstance.
- C. Terms. Commission members are appointed for a period of four (4) years, with terms staggered to allow for continuity on the Commission.
- D. Resignation/Removal of Commissioners. All resignations must be in writing. Commissioners may be removed for cause.
- E. Quorum. Four (4) members shall constitute a Quorum to conduct business. All actions taken shall be by majority vote.
- F. Attendance. Attendance of members at regularly scheduled meetings may be enforced by the Chairperson of the Commission. Any member desiring to be excused shall notify Staff and coordinate to have an alternate act in their place.
- G. Clerk. The Community Development Department shall provide a person to act as Clerk of the Commission.
- H. Staff. The Community Development Department shall act as Staff for the Commission and shall provide staff reviews or reports, administer zoning ordinances, provide drafts of ordinances or master plans for consideration, coordinate and provide training for the Commission, and process all applications required by city ordinances.
- I. Member Responsibilities. Each member shall be responsible to:
 - 1. Read and study the agenda, staff reports, and all attached documents prepared by Staff so that they are fully informed about each application prior to the scheduled Commission meeting.
 - 2. Act in a courteous and respectful manner towards other members, Staff, applicants and the public during all meetings.
 - 3. Attend Commission meetings and arrive on time.
- J. Training. Commissioners shall obtain training as required by Utah Code. A newly appointed

member may not participate in a public meeting as an appointed member until the member completes the training as required by Utah Code. Failure to comply with the training requirements may result in removal from the Commission.

- K. Compensation. Members shall serve without pay, except for reasonable and legitimate expenses as approved by the City Council.

III. POWERS AND DUTIES OF COMMISSION.

- A. Commission Member's Duties. The Planning Commission shall:

1. Prepare and recommend a general plan and amendments to the general plan to the legislative body.
2. Recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the legislative body.
3. Administer provisions of the zoning and development ordinances, where specifically provided for in those ordinances.
4. Recommend subdivision and/or development regulations and amendments to those regulations to the legislative body.
5. Recommend action or take action on development applications.
6. Advise the legislative body on matters as the legislative body directs.
7. Hear or decide any matters that the legislative body designates, including the approval or denial of, conditional use permits.
8. Exercise any other powers that are necessary to enable it to perform its function, or are delegated to it by the legislative body.

- B. Chairperson. The members shall elect a Chairperson from its members at the first regularly scheduled meeting of the Commission each year. The Chairperson shall preside at all meetings of the Commission. The Chairperson shall vote but shall not make or second motions. The Chairperson shall maintain order at all meetings.

- D. Vice-Chairperson. The members shall elect a Vice-Chairperson from its members at the first regularly scheduled meeting of the Commission each year. In the temporary absence or disability of the Chairperson, the Vice-Chairperson shall preside at the meetings in the Chair's absence and perform the role and responsibilities of the Chair. In the event of the resignation or removal of the Chairperson, the Vice-Chairperson shall serve the remainder of the term as Chairperson and the Commission shall elect a new Vice-Chairperson to serve the remainder of the term.

- E. Election of Chairperson and Vice-Chairperson. At the first regularly scheduled meeting of the year or in the event of the resignation or removal of the Chairperson or Vice-Chairperson the next practicable meeting thereafter, a new Chairperson and Vice-Person shall be elected by receiving a nomination from a Commission member and by receiving the majority of the roll call vote of the Commission members.

- C. Chairperson and Vice-Person's Absence. During the temporary absence or disability of the Chairperson and Vice-Chairperson, the Commission member with the most seniority shall perform the role and responsibilities of the Chair.

- D. Conflict of Interest. Members of the Commission who feel they or any other member of the Commission 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. If there is a conflict of interest, as determined by the Commission, that person shall not participate in the discussion and voting of that matter, nor attempt to use his/her influence with other Commissioners. An alternate may sit in place of the member stepping down but the member may resume the seat for other items on the agenda.

- E. Use of Power. A Commissioner shall not use the power as Commissioner 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.

IV. MEETINGS/AGENDA

- A. Schedule. At a regular meeting near the end of each year, the Commission shall determine the schedule of regular monthly meetings for the following year. The schedule of meetings shall be posted at City Hall and Commission members provided with a copy. The Commission may change this schedule provided that such change is posted and members provided with a copy, as required by Utah Code. The Commission is anticipated to meet twice monthly.
- B. Regular Meetings. Meeting locations shall be publicly noticed and held each month. Annual notice of meeting dates shall be noticed as required by Utah Code. In addition, dates and times of the meetings shall be posted as required by Utah Code.
- C. Field Trips. The Commission may, at their discretion, schedule field trips for the purpose of investigating certain matters. Field trips shall be for the purpose of gathering information, not discussing decisions.
- D. Special Meetings. Special meetings may be called by the Chairperson, Staff, or a majority of the Commission members at any time. Absent urgency, Commission members must be notified at least seventy-two (72) hours in advance by telephone or written notice before the meeting is held and public notice is given as required by Utah Code. If the meeting is of an urgent nature, Commission members must be notified at least twenty-four (24) hours in advance by telephone or written notice. Other special meetings, including work meetings, may be called by the Commission, the Chair, the Mayor, or Staff. The Commission must be given at least one week of advance notice of these meetings.
- E. Meeting Cancellation. Notice of the cancellation of a meeting shall be posted as required by Utah Code. If a meeting is rescheduled, the new meeting time, date and location shall be posted as required by Utah Code.
- F. Agenda. Except for special meetings and emergency meetings, the agenda for the Commission meetings will be completed by the Friday preceding the meeting. New requests for items on the agenda must be presented to Staff sufficiently in advance of the scheduled meeting for review and notification (as determined by staff). Any materials for the Planning Commission, pertaining to the agenda items, must be presented to the Commissioners no later than the Monday preceding the meeting, or for special or emergency meetings, as far in advance as practical. The agenda is to be set by Staff based on the items to be considered with the following as a general guide:
 - 1. Moment of reflection/Pledge of Allegiance
 - 2. Approve Agenda
 - 3. Discussion Calendar

4. New Business (or items being placed before the Commission for the first time)
5. Continuing Business (or items requiring follow-up and/or action by the Commission)
6. Commission Business
7. Items from Staff
8. Adjournment

IV. RULES OF ORDER AND PROCEDURE

- A. Rules of Order. Except as specified herein, the Commission shall follow the current edition of Robert's Rules of Order-Simplified in all meetings. All meetings shall adhere to the Utah Open Meetings Act, and the Government Records Access Management Act.
- B. Order of Business. The order of the business at the regular meetings shall follow the noticed agenda. The Chair, with the consent of the Commission, by majority vote, or upon consideration of Staff or the applicant(s), may consider matters out of the agenda order.
- C. Decision Items. All decision items on the agenda shall be approved, denied, or continued to the next regularly scheduled or otherwise specified meeting for action by the Commission. All decision items are subject to the following procedures:
 1. Motion. A matter for decision shall be placed before the Commission by motion made by any member present at the meeting. The Chair may not make motions before the Commission, except in the absence of a response from other members to an invitation by the Chair that a motion on a pending matter would be in order. Each motion must be seconded. Any member may second a motion. Alternates may not make any motions or second any motions, unless serving as an acting Member of the Commission at the meeting due to the absence of a regular member.
 2. Voting. Following a seconded motion, the Chair may call upon each member (or an alternate voting in place of a member abstaining from voting due to a conflict of interest) to verbally pronounce the member's vote as an "aye" or "yes" or "nay" or "no". Those Commission members that are present at the meeting may vote. A vote by roll call may be requested by a member or the Chairperson.
 3. Majority. A majority vote by the present members in favor of a motion shall carry the motion. No member shall be permitted to change his/her vote after the decision is announced by the Chairperson
 4. Findings. Actions taken by motion shall include findings and/or reasons for the proposed action.
 5. Non-unanimous Vote. Following a non-unanimous vote, the Chair may ask members who voted in opposition to the motion, to state the member's reasoning on the record.
 6. Consensus Only. Items requiring consensus only may be so specified by the Chair who shall state the action determined.
- D. Not to Vote Unless Present. No member of the Commission shall be permitted to vote on any question unless the member is present when the vote is taken and when the result is announced. A member who is not physically present may nevertheless participate in the meeting through

electronic means and be counted toward the quorum. All electronic meeting proceedings shall comply with state law. Any member participating via electronic means may make, second, and vote on all motions and participate in the discussion as though present. No member shall give his/her proxy to any persons whomsoever.

V. PROCEDURES FOR PUBLIC MEETINGS AND HEARINGS

A. Public Meetings. The public is invited to all Planning Commission Meetings, including emergency, special and work meetings. Public Meetings **do not** contain a public comment portion. The public must act in an orderly and appropriate manner. Except for the Commissioners and Staff, all persons in attendance shall give their names on the roles provided. The Chair may have any individual removed from the meeting for inappropriate conduct.

1. Procedure at a Public Meeting. Unless altered by the Chair, the order of the procedure at a public meeting on an application or decision item shall be:

- a. Presentation of the application by Staff. Staff will introduce and present the application to the Commission, including its recommendations, and a summary of the pertinent written comments and reports concerning the application.
- b. Applicant Presentation. The applicant will be given an opportunity to address the Commission and explain/present additional information to the Commission or answer any questions the Commission may have. The applicant's presentation shall not exceed fifteen (15) minutes, subject to the discretion of the Chair.
- c. Discussion and Vote. After Staff and applicant presentations have been made, the members may discuss the application or decision item among the Commission. Following the discussion, a motion must be made and seconded, which may include, Approval, Approval with Conditions, Denial, a recommendation to the City Council (as appropriate), or a continuation of the item to a date specific.
- d. Decisions. A decision of the Commission shall be documented on the record, including the reasons for such decision.

B. Public Hearings. The public is invited to all Planning Commission Public Hearings. The public must act in an orderly and appropriate manner. Public Hearings **do** contain a public comment portion. Except for the Commissioners and Staff, all persons in attendance shall give their names on the roles provided. The Chair may have any individual removed from the meeting for inappropriate conduct.

1. Procedure at a Public Hearing. Unless altered by the Chair, the order of the procedure at a public hearing on an application or decision item shall be:

- a. Opening the Public Hearing. The Chair shall declare the public hearing open and invite Staff to present the decision item.
- b. Presentation of the Application by Staff. Staff will introduce and present the application to the Commission, including its recommendations, and a summary of the pertinent written comments and reports concerning the application.

- c. Applicant Presentation. The applicant will be given an opportunity to address the Commission and explain/present additional information to the Commission or answer any questions the Commission may have. The applicant's presentation shall not exceed fifteen (15) minutes, subject to the discretion of the Chair.
 - d. Members of the Public. Persons, other than the applicant, whether in favor or in opposition to the application, will be given the opportunity to address the Commission to provide comment on the item currently before the Commission for decision. Comments shall not exceed three (3) minutes per person.
 - e. Rebuttal by the Applicant. The applicant may be given, as necessary, the opportunity to respond to new issues or questions raised by other parties. Rebuttal shall not exceed five (5) minutes.
 - f. Surrebuttal. At the discretion of the Chair, surrebuttal may be allowed.
 - g. Closing the Public Hearing. After all presentations have been made, the Chair shall move to close the public hearing.
 - h. Discussion and Vote. Members may continue to discuss the application or decision item among the Commission. Following the discussion, a motion must be made and seconded, which may include, Approval, Approval with Conditions, Denial, a recommendation to the City Council (as appropriate), or a continuation of the item to a date specific.
 - i. Decisions. A decision of the Commission shall be documented on the record, including the reasons for such decision.
2. Rules for Persons Addressing the Commission.
- a. Each speaker, before addressing the Commission, shall give their name and address.
 - b. Only one speaker is permitted before the Commission at a time.
 - c. The discussion must be confined to the application or decision item currently before the Commission.
 - d. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.

VI. ETHICS AND CONFLICTS OF INTEREST.

A. Compliance. Members shall abide by Utah Code and City ordinances and annually complete any necessary forms, documents and training.

B. Recusal and Abstention. Any member declaring or having been found to have a conflict of interest shall step down and not participate in the discussion and vote pertaining to that particular matter. Reasons for abstention must be stated at the time of the abstention and such reason shall not be considered conflict of interest.

VII. MINUTES/RECORDS.

A. Written Minutes. Written minutes shall be kept of all Planning Commission meetings. The approved minutes are public record and shall be available within a reasonable amount of time after approval. A draft of the minutes shall be presented to the commissioners with materials for the meeting at which approval is to be considered. Unless the meeting schedule prohibits, all draft minutes shall be presented to the Commissioners within 30 days of the meeting they represent. Such minutes shall include at least the following:

1. The date, time, and place of the meeting;
2. The names of the members present and absent;
3. The names of visitors and staff present; and
4. The substance of all matters proposed, discussed, or decided, and a record of the votes taken.

B. Recordings. A recording of all or any part of a Planning Commission meeting may be made by any person in attendance; providing the recording does not interfere with the conduct of the meeting.

VIII. AMENDMENTS.

These bylaws may be amended at any regular Planning Commission meeting providing any proposed amendments have been properly placed on the agenda and all Commission members provided with a copy of the proposed amendments in advance of the meeting at which such amendments will be considered. The bylaws will be amended upon majority vote.

Effective Date: January 20, 2022.

