Communication to the Planning Commission

Community & Economic Development
Office of the Director

To: Planning Commission Members

From: Pat Comarell, Assistant Director PC

Date: June 10, 2009

CC: Wilf Sommerkorn
Frank Gray

Re: Amendments to the Planning Commission Policies & Procedures

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The Planning Commission has previously discussed changes they would like to see to your Policies and Procedures. Those changes appear in the attached draft. The additions are underlined.

A deletion on page 3 deals with the removal of a planning commission member. It is deleted as City ordinance indicate that only the Mayor may remove a member for cause. The paragraph above the deleted sentence does allow the Commission to make a recommendation to the Mayor as to whether a member should be removed from the Commission.

If you have any questions or concerns, please do not hesitate to email or call me (535-7660; pcomarell@slcgov.com).

SALT LAKE CITY PLANNING COMMISSION POLICIES AND PROCEDURES

A. Organization

1. **Election of Chair and Vice Chair.** The Planning Commission, at its first regular meeting in September of each year, shall elect a Chair and Vice Chair, who shall serve for a term of one year each. The chair or vice-chair may not be elected to serve consecutive terms in the same office.

2. A **special election** may be called by a majority vote of the Planning Commission in the event that the Chair or Vice Chair is unable to fulfill their elected term.

3. **The Chair is to Preside at Commission Meetings.** The Chair shall preside at all meetings of the Commission and shall provide general direction for the meetings.

4. **Orientation.** All new Planning Commissioners are required to have an orientation meeting with staff and attend one Planning Commission meeting for orientation purposes.

5. **Duties of the Chair.**

   a. To call the meeting 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 the motions.

   e. To inform the Commission on any point of order or practice, and 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, 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 and hold down redundancy by limiting the time allowed for comments if necessary, set guidelines for public input, and reference handouts and procedures during meetings.

i. To recognize speakers and Commissioners prior to receiving comments and presentation.

j. The Chair shall not vote unless the decision making members do not constitute a quorum or to break a tie vote.

6. **Duties of the Vice Chair.** During the absence of the Chair, the Vice Chair shall have and perform all of the duties and functions of the Chair.

7. **Temporary Chair.** In the event of the absence, or a conflict of interest, of both the Chair and the Vice Chair, the Chair or the Vice Chair shall appoint another Planning Commission member to serve as 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.

8. **Secretary**. A Planning Division secretary shall serve as secretary of the Planning Commission.

9. **Secretary's Duties.**

a. To post public notices of regular and special Planning Commission meetings, consisting of a quorum, fourteen (14) days prior to the meeting.

b. To attend every meeting of the Commission, to take and record the roll, to read any communications, resolutions, or other papers which may be ordered to be read by the Chair of the meeting, and to receive and bring to the attention of the Commission all messages and other communications from other sources.

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 Planning Commission meetings.

e. To ensure Commissioners receive materials pertinent to regularly scheduled Commission meetings five (5) days prior to Planning Commission meetings.

f. To prepare an annual report for the Mayor and City Council that summarizes Planning Commission accomplishments for each calendar year.

g. To perform such other duties as may be required.

B. Rights and Duties of Planning Commission Members

10. **Meeting Attendance.** Every member of the Commission shall attend each session of the Commission, unless unable to attend due to extenuating circumstances. Any member desiring to be excused shall notify the secretary. The secretary shall inform the Chair and the Planning Director, or the appointed designee of the absence.

    a. If a Commission member misses four consecutive meetings, or six meetings in a calendar year, the Chair shall confer with the~~ir~~ member regarding the ability, interest, and commitment of the member to continue membership on the Commission.

    b. If the Commission member continues to miss meetings, the Chair shall bring the matter to the full Commission**.** The Commission will decide upon an appropriate recommendation to the Mayor, as to whether the member shall be removed from the Commission.

    ~~**c. A Planning Commissioner may be removed for cause by a majority vote of the Planning Commission.**~~

11. **Conflict of Interest.** A Planning Commission member may declare a conflict of interest regarding 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, or be present at the public hearing, the discussion, and the vote of that matter, nor attempt to use influence with other Commissioners before, during, or after the meeting. The following are additional 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. A Planning Commissioner may appear before the Commission through their employment as an advocate or agent for a proponent only after the Commissioner's disqualification on the subject matter.

    c. A Planning Commissioner must not sell or offer to sell services or solicit prospective clients or employment by stating an ability to influence the Planning Commission's decisions.

    d. A Planning Commissioner 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.

e. A Planning Commissioner shall not have any ex parte discussions regarding any business before the Commission. For the purpose of this Planning Commission policy, ex parte discussions include any communication with either side of any issue coming before the Planning Commission, prior to the Commission's final decision.

f. An applicant or a member of the public may raise a question of conflict of interest, after first obtaining the Chair permission to speak.

12. **Explaining the Vote.** Before or ~~A~~after the vote is taken, any member of the Commission, desiring to explain their vote, shall be allowed an opportunity to do so.

13. **Not to Vote Unless Present.** No member of the Commission shall be permitted to vote on any motion unless the member shall be present when the vote is taken, and when the result is announced. No member shall give their proxy to any other person.

14. **Place.** All meetings of the Commission shall be held in a room as determined appropriate in the City and County Building, located at 451 South State Street, Salt Lake 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 Salt Lake City for the sole purpose of investigating some particular matter of business, which may be more conveniently investigated at such other place, or may be adjourned to any other room more convenient for conducting the business of the Commission, so long as proper notice of the meeting location is posted for the general public.

15. **Meetings.** The Planning Commission shall be held on the second and fourth Wednesdays of each month, or such other appropriate day as determined by the Planning Commission. The public meeting shall not begin until after 5:00 p.m. At the discretion of the Chair, field trips or work sessions may be held on another day as determined by the Planning Commission, at 4:00 p.m. or at another appropriate time. The Planning Commission shall meet at least once each month.

16. **Special Meetings.** The secretary shall give notice of the time and purpose of every special meeting of the Commission at least twenty-four (24) hours prior to such meeting. Such notice shall be delivered to each member of the Commission personally, or by telephone, fax, or email. Such notice may also be given through 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 (5) 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.

17. **Other Matters Considered.** Other business items pertaining to the affairs of the Salt Lake 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.

18. **Quorum.** Six (6) 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. However, members abstaining from a vote shall count toward consideration of a quorum. 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.

19. **No business shall be conducted at a meeting of the Planning Commission without a quorum present.**

C. Procedure: Order of Business

20. **Order of Business.** The order of business shall be as follows:

    a. Field Trip

    b. Roll Taken by Planning Commission Secretary

    c. Approval of minutes from the previous meeting

    d. Consideration of agenda items

    e. Other business at the discretion of the Chair

21. **Field Trips.** On those occasions when site inspections are deemed advisable, field trips shall be held prior to the Planning Commission meetings, and the time of the field trip is to be posted on the agenda. Only Planning Commission members and pertinent Planning Staff shall be allowed to attend the field trip in the city-owned van. The public shall be allowed at the sites of the field trip, 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 the discussion of decisions.

22. **Agenda for Meetings.** The Chair, with the assistance of the Planning Director, 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 (5) days prior to each meeting.

23. **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 findings of fact and conditions for approval. Staff reports shall address the portion of the Salt Lake City Zoning Ordinance affected by the petitioner's request, and how the request fits within the guidelines of the ordinance and the applicable master plan(s). 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.

24. **Submission of Written Materials.** Any written materials submitted for the Planning Commission's review should be submitted to the office of the Planning Division by the Thursday prior to the next Planning Commission meeting, allowing time for incorporation into the Planning Commission packet. Materials submitted after Thursday will be emailed to the Planning Commission, or handed to them at the scheduled meeting. However, there is no guarantee that Planning Commissioners will have an opportunity to review written material that is not delivered with the packet.

25. **Notification of Public Hearings.** Notices of all items scheduled for the Planning Commission public hearings shall be provided to the appropriate parties within fourteen (14) days of the Planning Commission meeting, consistent with Chapter 21A.10, *General Application and Public Hearing Procedures*. Anyone wishing to receive notice of Planning Commission meeting agendas, copies of minutes and/or staff reports may be placed on the regular mailing list by contacting the Planning Commission Secretary.

D. Procedure: Order of Consideration of Items

26. **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 the proposal. There shall be a ten (10) minute maximum petitioner presentation, unless the Chair authorizes additional time.

    d. Opening of the public portion of hearings

        1. Community Council presentation/response. There shall be a five (5) minute maximum Community Council presentation, unless the Chair authorizes additional time.

2. Opponents/Proponents comments. There shall be a ~~three (3)~~ two (2) minute maximum opponent/proponent presentation unless the Chair authorizes additional time.

e. Public Hearing closed

f. Planning Commission discussion and vote. The discussion is closed to staff, the petitioner, and public unless the Planning Commission requests additional information. Commission Chair outlines possible actions – approval, denial, continuation, or approval with conditions. If additional information is required, the public hearing portion of the meeting may be reopened by a majority vote.

g. A five (5) minute recess will be taken every ninety (90) minutes of public hearings.

h. During the course of conducting Planning Commission business other than public hearings, the Chair, after consulting with the Commission, may elect to receive comment or take testimony from the audience. However, the Planning Commission is not obligated to take any comment from the audience and any comment is at the will of the Chair.

E. Procedure: Motions

27. **Making Motions.** Any Planning Commissioner, but the Chair, 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 motion 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.

28. **Second is 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.

29. **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, in this case withdrawal of a second is not necessary.

30. **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.

31. **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 to amend the stated motion. The author and the second may choose not to accept the amendment.

32. **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 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 additional amendment.

33. **Substitute Motions**. A substitute motion, which shall replace the original motion, may be made prior to a vote on the original motion.

34. **To Rescind a Motion**. A motion to rescind, or make void, the results of a prior motion may take place when the applicant and other persons directly affected by the motion have not materially changed their position in reliance on the Commission's action on the motion.

35. **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 then 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.

36. **Motion to Open and Close Public Hearings**. The Chair shall open and close the public portion of each informal hearing prior to Planning Commission's discussion and vote on the matter.

37. **Motion to Recess**. The Chair shall call for a break for a specific purpose while also stipulating 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.

38. **Motion to Adjourn**. The Chair shall adjourn the meeting at the end of each Planning Commission meeting.

F. Procedure: Debate

39. ~~**Interruptions and**~~ **Questions.**
    a. 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.
    b. No member of the Commission shall ask a question of the public without first obtaining permission of the Chair.

G. Procedure: Voting

40. **Changing a Vote**. No member shall be permitted to change their vote after the decision is announced by the Chair.

41. **Tie Votes**. Tie votes, which include the Chair vote, shall result in no Planning Commission action.

42. **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.

43. **Abstention**. Any member abstaining from a vote may remain seated at the table and participate in the discussion. Reasons for abstention must be stated for the record, at the time of the abstention and such reason shall not be considered a conflict of interest.

H. Procedures: Voting

44. **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 a quorum of the Commission.

I. Approval and Amendment of Rules of Procedure

45. These rules of procedure may be amended at any meeting of the Planning Commission held; however, not less than fourteen (14) days written notice of the proposal to amend the rules is required, upon a vote of a majority of a quorum of the members of the Planning Commission.

J. Recording of Rules

These rules and all subsequent amendments shall be recorded by the Planning Commission Secretary in the Planning Commissioner's Handbook, and copies shall be furnished to each member of the Commission (Adopted January 12, 2005).