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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 chairman and vice chairman 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 Assembly. The staff of the Borough 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 Planning Director, or his designee, shall be the secretary of the Commission. (Ord. 80-29, 1980)

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

The duties of the Chairman 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 journal or 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

MINUTES

RULE 3. The minutes shall be handled as 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. A majority of the appointed and confirmed members of the commission constitutes a quorum, except in no case may a quorum consist of fewer than five members. (Ord 58-2015, 12/10/2016; Ord. 79-6, 2/12/79) All Commission actions shall be by vote of a majority of the Commission's membership who are present and voting. (Ord 06-21, 3/23/06)

ORDER OF BUSINESS

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

- A. Roll Call
- B. Messages:
 1. Chairman's Comments
 2. Commissioner's Comments
 3. Communications to the Planning Commission
 4. Citizen's Comments – limited to three (3) minutes
 - a. Agenda items not scheduled for public hearing
 - b. Items other than those appearing on the agenda
 5. Disclosure & Statement of Conflict of Interest
- C. Approval of Agenda and Consent Agenda
- D. *Minutes
- E. Consent Agenda Items
- F. Quasi-Judicial Hearing
- G. Public Hearing
- H. Appeals
- I. Unfinished Business
- J. New Business
- K. Excuse Absent Members
- L. Commissioner's Comments
- M. Adjournment

RULE 6. The Chairman shall remove any item from the Consent Agenda for the purposes of debate or discussion at the request of any member of the Planning Commission.

Upon removal, the item will be open for discussion and debate as it appears on the agenda prior to the public hearing or placed under New Business at the discretion of the Chair.

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

CALENDAR

RULE 7. The Chairman 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 8. The Chairman, 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.

SPECIAL ORDERS

RULE 9. 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 arrived, the Chairman shall lay it before the Commission.

RULE 10. The Chairman shall not allow a Planning Commission meeting to proceed past 12 midnight.

ATTENDANCE

RULE 11. Attendance is important to the conduct of the Planning Commission. As such, members are urged to make every effort to attend all meetings. In the event of an absence, a member should notify the Chair or the Planning Commission secretary as much in advance of the meeting as possible of his or her inability to attend and, if the member wishes the absence to be excused, the reason for the absence.

RULE 12. The Planning Commission will determine a member's absence to be excused without a vote if one of the following reasons causes the member to be unable to attend the meeting:

1. The member is ill;
2. The member has a family emergency; or
3. The member has a work assignment that conflicts with the meeting date and time.

The following reasons may be the basis for an excused absence upon the majority of the Planning Commission members present and voting on the question deeming the circumstances of the absence to justify excusal:

4. The member is absent from the borough; or
5. Another reason similar to those stated in this Rule.

Any other absence will be determined to be unexcused without a vote of the Planning Commission.

- RULE 13. The Commission may request the Borough Assembly declare the office of a member vacant and the Borough Mayor to replace any member of the Commission whose unexcused absences exceed those allowed by FNSB code.
- RULE 14. All commission actions shall be by vote of a majority of the commission's membership who are present and voting.
- RULE 15. 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 16. No member shall be allowed to explain his vote to discuss the questions while the yeases and noes are being called, or change his vote after the result has been announced.

DECORUM IN DEBATE

- RULE 17. When any member is about to speak in debate, or deliver any matter to the Commission, he shall respectfully address himself to the Chairman 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 18. If any member transgresses the Rules of the Commission, the Chairman 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 Chair. If the decision be 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 19. When a member is speaking, the Commission shall be in order and no private conversations shall be carried on.
- RULE 20. The Chair will recognize members only except with the consent of the majority of the members present.

MOTIONS

- RULE 21. When a motion is made and seconded, it shall be stated by the Chairman or being in writing, it shall be presented to the Chair and read aloud before debate.
- RULE 22. Motions shall be reduced to writing.
- RULE 23. 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 24. 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 25. 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 clerk.

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 26. 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 than 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 Chairman at once, and without 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 27. 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 Chairman 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.

ROLL CALL PROCEDURE

RULE 28. The vote upon any questions shall be yeses and noes, and shall be recorded in the minutes of the Commission. The Chairman shall vote when the yeses and noes are called for; his name being called last.

AMENDMENT TO RULES

RULE 29. These rules may be amended by resolution, approved by the majority of the membership of the Commission.

SUSPENSION OF RULES

RULE 30. These rules, or the order of business, established by the Commission, may be suspended by the majority of the membership of the Commission.

RULE 31. Special meetings may be held on the call of the chairman, or of one-fourth (1/4) or more members and whenever practicable, upon no less than twenty-four (24) hours 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

RULE 32. INTERESTED PERSONS DETERMINATION. A person who did not receive a "Dear Property Owner" notice letter but who wishes to participate in a quasi-judicial matter may apply to the Planning Commission for a determination that the person is an "interested person" as defined in FNSBC 18.06.010. A person may seek an interested person determination at the hearing for the quasi-judicial matter or a person may apply for a determination in advance of the hearing. A pre-hearing application for interested person determination shall be on a form prescribed by the Planning Commission and received by the Department of Community Planning no later than 5 p.m. on the Monday one week before the scheduled quasi-judicial hearing at which the person wishes to testify and shall include:

1. An affidavit or other adequate proof that the applicant resides within the hearing notification area; or
2. A completed pre-hearing determination form demonstrating that the applicant
 - a. Possesses a specific property interest;

- b. Which may be significantly affected by the proposed action; and
- c. Which may be affected in a way different than that of the general public.

The Chair of the Planning Commission or the Chair's designee shall make the interested person determination with reasonable promptness and the Planning Commission Clerk shall notify the person of the decision with reasonable promptness.

RULE 33. TELEPHONIC TESTIMONY. A party or witness wishing to testify telephonically at a quasi-judicial matter may apply for telephonic testimony on a form prescribed by the Planning Commission and by demonstrating good cause for the request. The request must be received by the Department of Community Planning no later than 5 p.m. on the Monday one week before the scheduled quasi-judicial hearing at which the person wishes to testify. Upon receipt of an application for telephonic testimony, the Planning Commission Clerk shall promptly notify the parties (to include only the Applicant, Staff, and any interested person who has received a determination granting that interested person the level of standing equivalent to the Applicant and Staff), who may assert that the request for telephonic participation will result in substantial prejudice by submitting the assertion as well as the basis for the assertion to the Planning Commission Clerk no later than 5 p.m. on the business day following notification of the application. The Chair or the Chair's designee may deny the request for telephonic testimony if good cause is not shown or if substantial prejudice to another party will result from the telephonic participation. The Chair or the Chair's designee shall make the telephonic testimony determination with reasonable promptness and the Planning Commission Clerk shall notify the person requesting telephonic testimony of the decision with reasonable promptness. If the telephonic testimony is allowed, the person applying for telephonic testimony is responsible for making proper arrangements to accomplish the telephonic testimony. Telephonic testimony shall be offered from a landline telephone. If telephonic connection cannot be made, is lost, or is unintelligible, the meeting will continue as scheduled without the telephonic testimony.

RULE 34. TESTIMONY BY AFFIDAVIT. A party or witness wishing to testify by affidavit at a quasi-judicial matter may apply for testimony by affidavit on a form prescribed by the Planning Commission. The person must submit the affidavit containing the proposed testimony with the application to testify by affidavit no later than 5 p.m. on the Monday one week before the scheduled quasi-judicial matter at which the person wishes to testify. Upon receipt of the request:

1. The Planning Commission Clerk shall promptly distribute the affidavit to the parties (to include only the Applicant, Staff, and any interested person who has received a determination granting that interested person the level of standing equivalent to the Applicant and Staff);
2. The parties shall submit any relevant cross-examination questions to the Department of Community Planning no later than noon on the Friday prior to the quasi-judicial matter at which the affiant wishes to testify;
3. The Chair or the Chair's designee shall with reasonable promptness make a determination whether the submitted questions are reasonably necessary to explore any matters tending to contradict, modify, or explain the testimony;

- a. If the questions are reasonably necessary, the affidavit may be excluded in whole or in part and the affiant may be required to testify in person or by telephone. Alternatively, those questions that are deemed reasonably necessary may be submitted to the affiant, who shall answer the questions in a second affidavit, which shall be submitted to the Department of Community Planning no later than the Monday prior to the quasi-judicial matter at which the affiant wishes to testify. If the affiant fails to answer the questions in a second affidavit, the original affidavit may be excluded in whole or in part;
 - b. If the questions are not reasonably necessary, the affidavit shall be accepted for Planning Commission consideration;
4. The Planning Commission Clerk shall promptly notify the parties of all determinations relating to reasonable necessity and rejection or acceptance of all or portions of an affidavit.

RULE 35. CONCURRENT APPLICATIONS. A party or witness wishing to testify either telephonically or by affidavit may submit concurrent applications complying with the respective requirements and procedures. If the party or witness has a preference to testify telephonically or by affidavit, that preference must be indicated on the application. The Chair or the Chair's designee will review the preferred application first and only if that application is denied will the Chair or the Chair's designee review the second application. If no preference is indicated, the Chair or the Chair's designee will review the application to testify telephonically first.

RULE 36. HOLIDAYS. With respect to rules 32 through 34, any deadline that falls on a Borough-observed holiday will be extended until the following business day. If a deadline falls on a holiday and the foregoing rule is not practicable under the particular circumstances, the Chair or the Chair's designee may modify the deadline in writing issued reasonably in advance of the deadline.

PARLIAMENTARY PRACTICE

The Rules of Parliamentary Practice contained in Robert's Rules of Order shall be considered as implementing and governing these rules of organization and procedure of the Commission in all cases not inconsistent with these rules. (Res. 79-2, 1/23/79)