



CITY OF CEDAR HILLS PLANNING COMMISSION
BY-LAWS FOR CONDUCTING THE BUSINESS OF THE PLANNING COMMISSION
ADOPTED BY THE CITY OF CEDAR HILLS PLANNING COMMISSION

PURPOSE

These policies and procedures, as amended, are designed and adopted for the purpose of providing guidance and direction to the members of the City of Cedar Hills Planning Commission in the performance of their duties.

ARTICLE 1 - GENERAL PROVISIONS

The City of Cedar Hills Planning Commission, hereinafter referred to as "the Commission", shall be governed by the following statutes, ordinances and rules:

1.1 Applicable State Statutes and Local Ordinances and Rules

To the extent that they remain in force and in effect, as they are amended, or as they are added to, the Commission and its members shall be governed by state statutes and local ordinances and policies including the following:

- a. State statutes applying to public boards, members and officials.
- b. State statutes governing the activities of City Planning Commissions.
- c. The Zoning Ordinance/Development Code of the City of Cedar Hills as approved by the City Council.
- d. The rules and policies of the Commission as set forth herein.

1.2 Requirements of Familiarity with State Statutes and Local Ordinances and Rules Affecting the Commission

Upon taking office, all members of the Commission shall familiarize themselves with the foregoing and, while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

1.3 Basic Principles

- a. Equality of Members. As the Commission conducts its affairs in accordance with these rules, each member has the same rights, privileges and duties as any other member.
- b. Freedom of Discussion. Members have the right to be heard and to hear what others have to say about a motion before voting.

- c. One Main Motion. Only one main motion may be considered at any given time.
- d. Member Right to Know. Members have a right at all times to know the immediate pending motion, and have it restated prior to any vote.
- e. Meeting Properly Called. The Commission may take official action only in meetings properly called and with a quorum of members present.
- f. Actions Must be Lawful. Actions taken by the Commission must be in accord with the City of Cedar Hills, State and Federal Law.

1.4 Rules of the Commission to be Available from the City of Cedar Hills

A current copy of the rules of the Commission shall be available as a public record in the City of Cedar Hills office. A copy of the rules of the Commission shall be provided to new Commission members upon appointment. Additional copies shall be provided to the Commission and made available to the public upon request.

1.5 Location of the Office of the Commission

The office of the Commission shall be located in the City of Cedar Hills office.

ARTICLE II - MEMBERS

2.1 Appointment and Resignations

The membership and appointment of the Commission shall be governed by the provisions of the Utah Code and applicable ordinances of the City of Cedar Hills.

Members proposing to resign shall give reasonable notice of such intent to the City Council, Planning Commission and the Mayor of the City of Cedar Hills, and make the date of resignation effective in such a manner as to allow time for appointment of replacements.

Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings, without the recorded consent of the Chair, shall be construed by the Chair as grounds for resignation from the Commission by absence. The Chair would then recommend removal of the Commissioner to the City Council.

2.2 Vacation of Office

At the expiration of terms of regular members of the Planning Commission, the City Council may choose to reappoint a member to another term. If the City Council chooses not to reappoint a regular member, the vacancy shall be filled by the first alternate member and a second vacancy shall be filled by the second alternate member. Vacancies occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term by the first alternate member. At the time the first alternate member fills a vacancy, the second alternate member shall become the first alternate member and the City Council shall appoint a new second alternate member.

ARTICLE III - OFFICERS, COMMITTEES, STAFF, DUTIES

3.1 Regular Election of Chair, Vice Chair

Annually, as the first item of business at the first regular meeting of the Commission in the month of January, the Commission shall elect a Chair and Vice Chair. If a quorum is lacking, the Commission will hold an election at the next regularly schedule meeting at which a quorum is available.

3.2 Succession of Vice Chair to Office of Chair

If the Chair becomes no longer a member of the Commission, the Vice Chair shall succeed to the office for the remainder of the term. If the Vice Chair becomes no longer a member of the Commission or succeeds to the office of Chair, a special vote shall be held to fill the vacancy of the Vice Chair. Said vote shall occur at the next regularly scheduled meeting of the Commission at which a quorum is available.

3.3 Duties of the Chair and Vice Chair; Appointment of Temporary Chair to Preside at Meetings

If present and able, the Chair shall preside at all meetings and hearings. If the Chair is absent or unable to preside, the Vice Chair shall preside. If both are absent or unable to preside, the members present shall appoint a Temporary Chair to preside. The Temporary Chair shall abide by all rules and policies set forth herein.

Whenever the Chair rules a motion out of order, the Chair shall explain why it is so and advise the mover of corrections needed to make the motion in order.

3.4 Other Responsibilities of Chair; Delegation to Vice Chair

The Chair may delegate duties generally to the Vice Chair, or may authorize the Vice Chair to perform specific duties during his absence or in the case of his disability to perform necessary Commission functions in a timely manner.

3.5 Managerial Responsibilities

The Chair shall conduct all meetings of the Commission, interface with Mayor in the conduct and affairs of the Commission, and exercise management of the affairs of the Commission consistent with these rules, the City of Cedar Hills and State Law.

3.6 Assignment of Commission Members to Inspection Duties: Appointment of Committees

The Chair may designate members of the Commission to make personal inspections when necessary for proper consideration of agenda items. The Chair may appoint standing or adhoc committees as may be found necessary to successfully and efficiently carry out the function of the Committee.

3.7 Appointment of Secretary: Duties

The secretary to the Commission shall be appointed by the Mayor of the City of Cedar Hills, The Secretary, who will be the City Recorder when practical, under the direction of the Chair shall attend to all correspondence of the Commission, send out and cause to be published all notices required, attend all meetings of the Commission and all public hearings (except when excused by the Chair with a temporary replacement arranged), compile and maintain all required records, schedules, minutes, files and indexes; and generally perform all clerical work of the Commission.

ARTICLE IV - REFERRAL OF FUNCTIONS

4.1 Referral by Resolution

The Commission may refer any of those functions authorized by the provisions herein to citizen committees. Said referral shall be made by resolution of the Commission, which may establish general guidelines for the conduct of said functions.

ARTICLE V - CONDUCT OF COMMISSION MEMBERS

5.1 Representation of Applicants and Petitioners

No member of the Commission shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.

5.2 Conflict of Interest

No member of the Commission shall participate in or discuss any case in which they have financial or personal interest in the property or action concerned, or will be directly affected by the decision of the Commission, or has or believes they have any other conflict of interest. A member who has a question as to whether a conflict of interest exists should raise the matter with the Commission members and the City Attorney in order that a determination may be made.

5.3 Expression of Bias, Prejudice or Individual Opinion Prior to Hearing and Determination

Commission members may seek information from other members, but no member shall discuss any case with any other parties thereto prior to the public hearing, or express any bias, prejudice or personal opinion on judgement of the case prior to its public hearing and determination.

5.4 Voting

No Commission member shall discuss or vote on any matter deciding an application or petition except after attending the public meeting(s) and/or hearing(s) on the matter and listening to or being informed of testimony presented. A member may qualify to participate in further discussion and vote on the matter by examining the evidence, or

being informed of the evidence or reviewing the record of the meeting(s) and/or hearing(s) or portion thereof at which the member was absent.

ARTICLE VI - APPLICATION REQUIRED

6.1 Complete Application Required

Where required by City Ordinance, an item may not be heard by the Commission unless a complete application is filed with the City. Determination of a complete application will be made by the Commission in conformance with the Zoning Ordinance/Development Code of the City of Cedar Hills.

ARTICLE VII - MEETINGS, HEARINGS

7.1 Regular Meetings

Regular meetings of the Commission will be held monthly with the date and time to be determined at the regular December meetings and notice made public.

7.2 Open to Public

All meetings of the Commission are open to the public.

7.3 Conduct During Hearings

During all meetings and hearings, persons providing testimony shall proceed without interruption except that from the Commission. All comments, arguments and pleading shall be addressed to the Chair. There shall not be debate or argument between individuals. The chair shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive persons. The Chair, after consultation with other members, may determine a time limit of speakers at the beginning of any public hearing.

7.4 Rules of Order

In accordance with these rules, the Chair shall decide all points of procedure and order, unless otherwise directed by a majority vote of the members in attendance. Where necessary in deciding points of order, the Chair may use as a reference the Robert's Rules of Order, newly revised.

7.5 Study Sessions

Study Sessions of the Commission shall be held if found necessary. Notice of the Study Session shall be in accordance with City and State law.

7.6 Special Meetings and Study Sessions

Special Meetings and Study Sessions, for any purpose, may be held at the call of the Chair. Notice of such meeting shall be in accordance with City and State law.

7.7 Field Trips

Field trips to view application sites shall be scheduled by the Chair during Regular meetings. Commission members shall establish an optimal time for site inspection through group consensus. Field trips shall be noticed in accordance with City and State law.

7.8 Recess or Adjournment

Any Regular or Special Meeting may be recessed or adjourned from day to day, or to the time of any previously announced Regular or Special Meeting, and such recess or adjournment to a certain time and place does not require additional public notice.

7.9 Cancellation

If no business is scheduled before the Commission, or if it is apparent that a quorum of the Commission will not be available, any meeting may be canceled by the Chair by giving notice to all members.

7.10 Quorum

A quorum of the Commission shall consist of three (3) members. An affirmative vote of at least three (3) members and no less than a majority of the Commission shall be required for any matter to pass.

7.11 Tie Votes

If a motion before the Commission receives an equal number of votes, and a subsequent motion on the matter is either not made or cannot achieve a majority vote, the matter before the Commission shall be deemed denied.

7.12 Agenda, Order of Business

The Secretary under the direction of the Chair, shall prepare an agenda for each Commission meeting for approval by the Commission at the beginning of each meeting. Order of business shall be as specified by the Commission.

ARTICLE VIII - HEARING PROCEDURES

8.1 Representation of Hearing

At the hearing, any person may appear or be represented by authorized agents. Such agents shall present documented evidence of their authorization.

8.2 Hearing Procedure

- a. The Commission Chair shall introduce the item.
- b. The applicant or petitioner outlines the nature of the request and presents supporting evidence.
- c. The Commission Chair, or acting Commission Chair shall open the public hearing. The Commission Chair without objection by members of the Commission, may impose time limits for comment to facilitate the business of the Commission.
- d. The Commission Chair, or acting Commission Chair shall close the public hearing.
- e. The Commission Chair, or acting Commission Chair may allow the applicant or petitioner to address issues raised by the public comment.
- f. The Commission chair, or acting Commission Chair shall allow members of the Commission to discuss the matter and ask questions of the applicant or petitioner.
- g. The Commission Chair may call for a motion and vote by the Commission on the application or petition. If a substantial amount of public comment was received, the Chair may table the motion to allow Commissioners to review the public comment.

ARTICLE IX - FINDINGS AND DECISIONS

9.1 Timing of Decisions

With due consideration to the length of the Agenda, the nature of the case, the complexity of the evidence, and the findings required, the Chair may elect, subject to approval by the Commission, one of the following alternatives:

- a. To proceed immediately to determination and decision upon conclusion of the hearing of the case; or
- b. To defer determination and decision until a Regular or Special Meeting of the Commission as specified by the Chair.

9.2 Form and Procedure of Decisions

All such decisions shall be made at a public meeting by motion, made and seconded, and a voice vote.

Decisions of the Commission shall be final when the minutes of the meeting at which the decision was made are approved.

9.3 Notification

Notice of action taken by the Commission shall be given by the Commission to the applicant, petitioner or any party making a written request for such within ten days following approval or the decision.

ARTICLE X - REQUEST TO WITHDRAW, CONTINUE OR RE-HEAR APPLICATIONS

10.1 Withdrawal

Upon written request from the applicant or authorized agent, an application or petition may be withdrawn at any time before the Commission makes a decision in the case.

10.2 Continuance

The Commission may defer the hearing of cases or provide for later continuance of cases on which hearings have begun. Continuances will show cause for such stated in the motion, and, unless time and place is stated in said motion, will require public re-notice.

10.3 Re-Hearing

The Commission may re-hear an application within three months upon written request by the applicant and a showing in the application that there is substantial new evidence that was unavailable at the time of the original hearing. The Commission shall, by vote, make a determination of whether or not to re-hear the matter. In the event a re-hearing is approved, the matter is only to be re-heard after proper notice has been given. The applicant shall pay all costs incurred in re-advertising.

ARTICLE XI - AMENDING OR WAVING BY-LAWS

11.1 Amending By-Laws

These by-laws may be amended by a majority vote of the Commission except where such amendment would be contrary to the requirements or limitations set forth by State Law or City Ordinance. An amendment may be proposed at any meeting of the Commission. Members shall receive a copy of the proposed or amended by-laws not less than two days prior to the meeting at which said proposed changes shall be heard.

11.2 Waiving or Suspending Rules

A rule of procedure may be suspended or waived at any meeting by a majority vote of Commission members present, unless such rule is set by State Law or City Ordinance.

11.3 Temporary Rule

A temporary rule of procedure, in conformity with State Law and City Ordinance, may be adopted by the Commission for a meeting or agenda item following a unanimous vote of the Commission members present.