

RULES OF PROCEDURE OGDEN CITY PLANNING COMMISSION

A. ORGANIZATION

1. Appointment of Chair and Vice-Chair

The Commission, at its first regular meeting in July of each year, shall select a Chair and Vice-Chair

2. Chair--Duties

a. The Chair shall preside at all meetings of the Commission providing general direction for the meetings, assuring proper order of the Commission and public in all proceedings. Such duties shall include:

- i. announcing the business before the Commission in the order in which it is to be acted upon;
- ii. receiving and submitting in the proper manner all motions and propositions presented by the members of the Commission;
- iii. putting to a vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce the result thereof;
- iv. informing the Commission, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon Legal Counsel for advice;
- v. maintaining order at the meetings of the Commission;
- vi. moving the agenda along, hold down redundancy, referencing handouts and procedures in a sensitive way during meetings;
- vii. recognizing speakers and Commissioners prior to receiving comments and presentations of physical evidence, i.e., plans and pictures; and
- viii. receiving documents or other physical evidence as part of the record.

b. It shall be the duty of the Chair to authenticate by signature when necessary, or when directed by the Commission, all of the acts, orders and proceedings of the Commission.

c. The Chair may rule out of order any testimony or comment which is irrelevant, personal, or not pertinent to the matter being heard.

3. Duties of the Vice-Chair

The Vice-Chair, during the absence of the Chair, shall have and perform all the duties and functions of the Chair.

4. Temporary Chair

In the event of the absence of, or disability of both the Chair and Vice-Chair, either the Chair or Vice-Chair shall appoint a temporary Chair to serve until the Chair or Vice-Chair so absent or disabled shall return, or the disability shall be removed, as the case may be. In such event, the temporary Chair shall have all the powers and perform the functions and duties herein assigned to the Chair of the Commission.

5. Secretary--Duties

A Planning Division secretary shall serve as secretary of the Commission. The secretary shall have the following duties:

- a. give notice of all Commission meetings as hereinafter provided;
- b. attend every meeting of the Commission, to record for the record all members in attendance, to read communications, resolutions and other papers which are ordered to be read by the Chair of the meeting, and to receive and bring to the attention of the Commission messages and other communications from other sources;
- c. keep the minutes of the proceedings of the Commission and to record the same;
- d. keep and maintain a permanent record file of all documents and papers pertaining to the work of the Commission; and
- e. perform such other duties as may be required by these rules.

B. CONDUCT OF MEMBERS OF THE COMMISSION

1. Addressing Members

Commission members shall be addressed as "Commissioner".

2. Preparation

Members of the Commission shall take such time as necessary to prepare themselves for hearings and meetings.

3. Members shall attend Meetings

Every member of the Commission shall attend the meetings of the Commission unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the secretary. The secretary shall call the same to the attention of the Chair. If a member of the Planning Commission is absent from three consecutive meetings or four meetings within a calendar year without being excused by the Chair, the Chair may recommend to the Mayor that the member be removed from the Commission for cause.

4. Conflict of Interest

- a. A Planning Commission member with a conflict of interest in a matter before the Commission shall state that such a conflict of interest exists and withdraw from participation in the public hearing, work session or regular meeting on such matter.
- b. A member of the Planning Commission who feels he/she, or any other member of the Commission, may have a conflict of interest on any matter that is on the Commission agenda shall explain the possible conflict to the Commission.
- c. The Commission may vote to decide whether an actual, apparent, or reasonably foreseeable conflict of interest does exist under subsection (g), and whether a Commissioner should withdraw from participation and voting.
- d. If an applicant feels there is a potential conflict of interest, the applicant may request a disclosure from affected Commissioner, and the Commission shall vote to determine whether such a conflict exists.
- e. If a Commissioner has a conflict of interest, that person shall not participate in the discussion and voting on that matter, nor attempt to use his/her influence

- with other Commissioners either before, during or after the meeting.
- f. A Commissioner who has a conflict of interest shall leave the Council Chamber during the time in which the matter in question is being discussed and voted upon; except that if a member is an applicant or the representative of the applicant, the member need not leave the chamber and can fully participate as if he or she were not a commission member.
 - g. For purposes of applying this rule, conflict of interest means:
 - (i) A conflict of interest defined by Ogden Municipal Code Title 2, Chapter 7; or
 - (ii) For any other reason, the member has determined that participation in the decision cannot be made in an impartial manner.
5. Ex Parte Communication. An ex parte contact is any communication with an applicant, applicant's representative or member of the public interested in the outcome of a decision that occurs outside of a planning commission meeting regarding a matter that is on the agenda or anticipated to be placed on a future agenda. Commissioners should refrain from engaging in these communications. Anyone speaking to Commissioners on these matters should do so at a regular meeting so their comments, concerns, and evidence are on the public record. A Commissioner who has engaged in ex-parte communication should disclose the nature and extent of the communication prior to consideration of the matter and declare whether the member is capable of making a decision free from bias as a result of the communication.
6. Explaining Vote
After the vote is taken, any member of the Commission desiring to explain his/her vote shall be allowed an opportunity to do so.
7. Not to Vote unless Present
No member of the Commission shall vote on any question unless the member shall be present when the vote is taken and when the result is announced. No member shall give his/her proxy to any persons whomsoever.

C. MEETINGS

1. Place
Meetings of the Commission shall be held in the City Council Chambers on the third floor of the Ogden City Municipal Building, 2549 Washington Boulevard, Ogden, Utah, or at such other place in Ogden City as the Commission may designate. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place within Ogden City for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place.
2. Regular Meetings--Time for Notice
Regular meetings of the commission shall be held on the first Wednesday of each month at the hour of 5:00p.m. At the discretion of the Chair, field trips or work sessions may be held on the first Wednesdays of each month at the hour of 4:00 p.m. or at such other appropriate times.

3. Special Meetings--Call

A special meeting may be called at any time by the Chair or by a majority vote of the Commission at any regular meeting of the Commission. Notice shall be given to each Commission member of the time and purpose of every special meeting of the Commission at least one (1) day prior to such meeting. Such notice shall be delivered to each member of the Commission personally, or may be given by email or telephone to the member of the Commission. Such notice may also be given by United States Mail, directed to the member of the Commission so to be notified at the member's residence and mailed not less than three 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 time, place and purpose of such meeting; and such waiver, if made, shall be deemed a waiver of prior notice of the time and purpose thereof.

4. Meetings--Matters Considered

Any matter pertaining to the affairs of the Ogden 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 without prior notice thereof, unless other notice is required under statute, ordinance or other noticing policies of the Commission. At special meetings, a matter not included within the notice may not be considered or acted upon without the unanimous consent of all members of the Commission.

5. Quorum

Five members of the Commission shall constitute a quorum thereof for the transaction of all business except where unanimous consent of all members is required. Any member disqualified because of a conflict of interest shall not be considered when determining whether a quorum is constituted. Except as otherwise specifically provided in these Rules, 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.

6. Work Sessions

A regular long range planning work session of the Commission shall be held on the third Wednesday of each month at the hour of 5:30p.m. Work sessions may be held as part of a Commission meeting or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such work session, except to give directions to Staff regarding the presentation of options for future consideration.

7. Open Meetings Law

All meetings of the Planning Commission shall be noticed in conformance with the requirements of the Open and Public Meetings Law of the State of Utah.

8. Length of Meetings

At 10:00 p.m. the Planning Commission will finish the item presently being considered, and no additional items will be heard after that time unless a motion is made by a member of the Commission and approved by a majority of those present

requesting to continue the agenda. All items remaining to be heard will be forwarded to the next agenda for consideration.

D. PROCEDURE - ORDER OF BUSINESS

1. Pledge of Allegiance
2. Attendance
The Chair shall identify those excused and the names of those present and those absent or excused shall be entered on the record.
3. Order of Business
The order of business in the Commission shall be as follows:
 - a. Approval of minutes of prior meeting(s)
 - b. Common consent (if applicable)
 - c. Petitions/applications continued or tabled from prior meetings
 - d. Items for consideration
 - e. New business
 - f. Review of Meeting
3. Agenda for Meetings
The secretary, with the approval of the Chair, shall prepare a written agenda for each meeting as far in advance thereof as possible. The secretary shall make every effort to deliver the agenda, along with Staff Reports and related documents, to the members of the Commission the Friday prior to a regular meeting.
4. Deadline for Agenda
Requests to be on a Planning Commission agenda shall be filed by 5:00 p.m. thirteen (13) working days prior to consideration by the Planning Commission. The Planning Manager shall certify completeness of requests. Certified requests which have been filed in a timely manner shall be placed on the agenda. The deadline may be waived by the Chair if he/she determines that good cause exists for waiving the deadline, and the Planning Manager has certified the completeness of the request and determined that Staff has sufficient time to analyze the request and adequately prepare a Staff Report and that required notification can occur.
5. Special Order of Business
The Commission may at any time, on motion supported by a majority vote of the members of the Commission present, proceed out of order to any order of business, or return to an order already passed. When the Commission shall have reached any particular order of business, any item thereunder may be taken up for consideration out of its regular order upon motion supported by a majority of the members present.
6. Times listed on agenda are subject to change

E. ORDER AND DECORUM

1. Order of Consideration of Items
The following procedure will normally be observed in a public hearing or other matter before the Commission; however, it may be rearranged by the Chair for individual items, if necessary, for the expeditious conduct of business:
 - a. Chair introduces item;

- b. Petitioner/developer makes a presentation of proposal/Answers questions of Commissioners;
 - c. Staff makes presentations and recommendations/Answers questions of Commissioners;
 - d. Any opponents and/or proponents may comment;
 - e. Petitioner/developer gives clarification, rebuttal or further explanation of project;
 - f. Concluding comments of Staff;
 - g. Closing of the public hearing, if applicable;
 - h. Planning Commission discusses the item and votes. This discussion is closed to Staff, Petitioner and public unless the Planning Commission requests additional information, clarification or explanation. Chair outlines possible actions: approval, disapproval, continue, approval with conditions.
2. Time Limits
The Chair may impose equitable time limits, if deemed necessary for the expeditious conduct of the public hearing.
3. Conduct of Persons before the Commission
Persons making presentations or providing comments to the Planning commission shall address the Commission from the podium or microphone and not from the audience; shall provide their name and address for the record, shall address all comments to the Planning Commission; and may not directly question or interrogate other persons in the audience. No demonstrations, clapping, or "booing" of speakers shall be permitted.

F. PROCEDURE - MOTIONS

1. Making of Motions
Upon review of the full public record on a request and due deliberation among the members of the Planning Commission, any Planning Commissioner, but the Chair, may make or second a motion. The motion shall include not only the direction of the motion, but shall also include the recitation of specific findings of fact supporting such motion. A second shall be required for each motion. Other members of the Commission may support the motion adding additional findings or comments. A motion shall die in the absence of a second.
2. Withdrawing a Motion
After a motion is stated by the Chair or read by the secretary, it shall be deemed in the possession of the Commission, but may be withdrawn at any time before division or amendment by the unanimous consent of the Commission.
3. Motions in Order During Debate
When a question is under debate, no motion shall be received except:
- a. to fix the time to adjourn;
 - b. to adjourn;
 - c. to continue or table;
 - d. to amend;
 - e. to substitute.

4. Motion must be Germane
No motion or proposition on a subject different from that under consideration is in order and no such motion or proposition shall be admitted under color of amendment.
5. Motions to Deny
Where a motion to deny a request shall have been defeated, a member of the Commission shall make another motion to dispose of the issue.

G. PROCEDURE - RECONSIDERATION

1. Who may move to Reconsider
If a proposition shall fail to pass on account of not having received a majority vote, any member of the Commission having voted in the negative, shall have the right to move for a reconsideration of such proposition. If a proposition shall pass by majority vote, any member having voted in the affirmative, shall have the right to move for a reconsideration of such proposition.
2. Vote required for Reconsideration
Upon a motion to reconsider the vote on any matter, a majority of all the members of the Commission shall be required to reconsider the same.
3. Time for Motion to Reconsider
When a question has been decided by the Commission, any member voting with the prevailing side may move a reconsideration thereof, or give notice that he/she will make such motion within the time prescribed by these Rules. In the event notice of intention to move for reconsideration is given, no further proceedings shall be had on the proposition in question until the motion for reconsideration is made and determined, or until the time for making such motion has lapsed. No motion for reconsideration shall be in order unless made before the adjournment of the next regular meeting of the Commission after the meeting at which the original motion was taken. Such motion shall take precedence over all other motions and questions, except a motion to adjourn.

H. PROCEDURE - DEBATE

1. Interruptions and Questions
No member of the Commission shall interrupt or question another in debate without obtaining the Commissioner's consent, and to obtain such consent, shall first address the Chair.

I. PROCEDURE - SUBSTITUTE MOTIONS, AMENDMENTS

1. Substitute Motions
Substitute motions shall supersede the main motion upon receiving the approval of a majority vote.
2. Amendments Must be Germane
All amendments must relate to the same subject as the original motion, resolution, proposition or ordinance.
3. Tabling Amendment - Not to Prejudice Motion
An amendment may be tabled without prejudice to the main motion or question.

When an amendment proposed to any pending measure shall be laid on the table, such action shall not carry with it or prejudice such measure.

4. Order of Action

If any amendment be offered, the question shall be first upon the amendment.

J. PROCEDURE - VOTING

1. Roll Call on Final Passage

The vote upon the final passage of all business shall be by yeases and nos given by members of the Commission individually on roll call, except motion to adjourn, table, continue or receive for study. The names of the members on such roll call shall be called alphabetically, in rotation, except that the Chair shall be called last. In recording votes on roll call, the secretary shall record and report those absent or not voting. The Chair shall announce the result.

2. Voting or Changing Vote after Decision Announced

When a vote is taken on roll call on any question, no member shall be permitted to vote or to change his/her vote after the decision is announced by the Chair.

3. Changing Vote before Decision Announced

On any such vote any member may change his/her vote before the decision of the question has been announced by the Chair.

4. Commission Members Required to Vote - Late Voting

No member may abstain from voting unless there is a conflict of interest. A member entering the Chamber after the question is put and before it is decided, may have the question stated, record his/her vote and be counted. A member who has not been present during the discussion of any matter and feels he/she has insufficient information on which to act may abstain.

5. Tie Votes

If a motion for approval of any matter before the Commission receives an equal number of votes in the affirmative and in the negative, 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 to be denied. Every effort will be made by the Commission to resolve tie votes. The option of continuing an item with the possibility that an odd number of Commissioners would be at a subsequent meeting may be considered.

K. DOCUMENTS OF THE COMMISSION

1. Any and all materials submitted to the Planning Commission regarding a request shall be entered into the public record by the Chair by indicating that the material is "accepted for the record;" provided, however, that the Staff Report submitted to the Planning Commission as part of the agenda shall automatically become part of the public record.

2. All notices, agendas, requests, agency or consultant letters or reports, Staff Reports, minutes of meetings, and resolutions of record shall constitute the documents of the Planning Commission and shall be indexed as public record.

L. PROCEDURE - SUSPENSION OF RULES

No standing Rules of the Commission shall be altered, amended, suspended or rescinded without the vote of a majority of all the members of the Commission.

M. AMENDMENT

These Rules of Procedure may be amended at any meeting of the Commission held after not less than fourteen days written notice of the proposal to amend the Rules, upon a majority vote of all the members of the Commission.

N. RECORDING OF RULES -- COPIES TO BE FURNISHED

These Rules, and all subsequent amendments thereto, shall be recorded by the secretary in the book kept for the recording of such business and shall be furnished to each member of the Commission a copy thereof in form convenient for reference.

Effective Date: January 1984

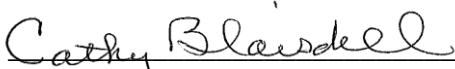
Revised: September 1988

May 4, 1994

April 3, 1996

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Feb 6, 2013


Cathy Blaisdell, Chair
Ogden City Planning Commission