

RESOLUTION 17-P4  
A RESOLUTION BY THE NIBLEY CITY PLANNING COMMISSION ADOPTING THE  
RULES OF PROCEDURE AND ORDER

WHEREAS, Nibley City Code gives Nibley City Planning Commission the power to adopt their own rules and bylaws; and

WHEREAS, it is prudent for the Planning Commission to regularly review and adopt the rules of order and bylaws.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF NIBLEY, UTAH, THAT:

1. That the Nibley City Planning Commission adopts the attached Bylaws and Rules of Procedure and Order

PASSED BY THE NIBLEY CITY PLANNING COMMISSION THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Deputy Recorder

# **NIBLEY CITY PLANNING COMMISSION BYLAWS: RULES OF PROCEDURE AND ORDER**

## **Intent**

The intent of these bylaws is to supplement the Utah Code and the Nibley City Code regarding the affairs of the Nibley City Planning Commission. Conflicts between Utah Code, Nibley City Code, and these bylaws shall be resolved first by Utah Code, second by Nibley City Code, and last, by these bylaws. It is not necessary for the bylaws to be readopted each year, unless a majority of the Commission determines that a change to the bylaws is needed.

## **Chairperson and Vice-Chairperson**

The Planning Commission shall select a chairperson and vice-chairperson from its own members for a term of one (1) year. These selections shall take place at the first Planning Commission meeting of each calendar year. The chairperson shall preside at Planning Commission meetings, or in his/her absence, the vice-chairperson shall preside.

The presiding commissioner is encouraged to take part in discussion and vote on matters before the Planning Commission, while at the same time, maintain the opportunity for impartial discussion among commissioners.

## **Meetings**

The Planning Commission shall hold regular meetings at least once a month, and preferably twice a month. The Commission shall adopt its regular meeting schedule at its first meeting of each calendar year. The chairperson, or in his/her absence, the vice-chairperson, may call special meetings in addition to regular meetings.

## **Rules of Conduct**

Recognizing that the Planning Commission, as an appointed body, needs a systematic way of conducting its business, these rules of procedure are to provide for the orderly conduct of City business by the Planning Commission, with the objective of providing for full, open, and comprehensive debate of issues brought before the Planning Commission for action in a forum open to the public, and which encourages citizens' awareness of Planning Commission activities.

These procedures do not increase or diminish the existing powers or authority of the Planning Commission, as set forth in state law or local ordinance.

## **Planning Commission Meeting Agenda**

All meetings of the Planning Commission will have a notice and agenda that complies with the Utah Open Meetings Act.

An item may be placed on the agenda only by the Chair of the Planning Commission or by the City Planner, or at the request of a majority of Commission members. Agenda items must be submitted to the City Planner at least two (2) weeks in advance of the meeting, unless otherwise approved by the City Planner.

## **Role Of The Chair And Other Commission Members:**

- The Chair shall preside at meetings of the Planning Commission.

- The Chair may participate in discussion of and vote on all matters.
- In addition, the Chair, as the Chair, has the primary responsibility for ensuring that the Commission's rules of procedure are followed and:
  - For maintaining the dignity of Commission meetings.
  - Calls the meeting to order and confines the discussion to the agenda.
  - Recognizes Commission members for motions and statements and may allow audience and staff participation at appropriate times.
  - Requires knowledge of the City's adopted rules of parliamentary procedure and how to apply it.
  - Ensures that the Utah Open and Public Meetings Act is complied with.
  - Knows how to courteously discourage Commission members who talk too much or too often.
  - Knows how to courteously ensure those who have the floor are not interrupted and to rule out of order those not following meeting procedures.
  - Recognizes the Commission member offering the motion, restates the motion, presents it to the Commission for consideration, calls for the vote, announces the vote, and then announces the next order of business.

### **Code of Conduct**

Members of the Planning Commission, including the Chair shall:

- Ensure that remarks apply to the question under debate.
- Avoid references to personalities, and refrain from questioning motives of other members or staff personnel.
- Demonstrate courtesy and shall not disrupt proceedings.
- Understand and recognize the Chair is conducting the meeting and not attempt to take on that role.
- Not use their positions to secure privileges or personal gains and shall avoid situations which could cause anyone to believe that they may have brought bias or partiality to a question before the Planning Commission.
- Be dedicated to the principles of representative democracy by recognizing that the chief function of local government is to serve the best interests of the public at large while respecting individual rights.
- Be dedicated to the effective use of the City's available resources.
- Refrain from any activity that would hinder their ability to be objective and impartial.
- See that City business is discussed in open, well-publicized meetings.

### **Ethics**

The Chair and Commission members shall comply with the Utah Municipal Officers and Employees Ethics Act as found in Utah Code 10-3-1301 et seq.

### **Parliamentary Rules**

The following may be referred to as the City's Rules of Order and shall be the parliamentary rules for conducting the business of the City. Each rule is followed by a purpose and, in some cases, a procedure, to explain the rule and guide the Chair and Commission members in its intended application.

**Rule No. 1:** The meeting is governed by the agenda and the agenda constitutes the Planning Commission's agreed-upon roadmap for the meeting.

**Purpose Of The Rule:** All meetings must comply with the Utah Open and Public Meetings Act which requires that a notice and an agenda for a public meeting be prepared in advance

of the meeting and that no final action be taken on any item that is not on the agenda. In addition the Act requires that the minutes of the meeting contain certain minimum information including the name of any member of the Commission speaking on an issue, the substance of what the member says, an accurate description of any action taken by the Commission and the voting record of each individual member of the Commission.

**Rule No 2:** Any matter that requires a Planning Commission decision shall be brought before the Commission by motion.

**Purpose Of The Rule.** The purpose of this rule is to limit items under discussion to those and only those that the Commission members want to discuss; give clarity as to what is being decided; and to make sure everyone, including the person taking the minutes actually knows and can remember what the ultimate outcome of any discussion and debate is.

**Rule No 3:** One question at a time and one speaker at a time.

**Purpose Of The Rule.** The purpose is to focus on only one question and to allow Commission members the ability to express their points of consideration without losing their train of thought and to completely finish without fear of interruption.

**Rule No 4:** The Chair may use General Consent (also known as Unanimous Consent) with all motions except those motions where the votes are used for purposes of the meeting minutes and require a roll call of the Commission.

**Purpose Of The Rule.** General consent is helpful in expediting general routine business or when the Chair senses the Commission is in agreement. General consent allows flexibility of the rules while protecting the right of the majority to decide and the minority to be heard.

**Rule No 5:** There are only three basic forms of motions allowed: Initial Motions, Motions to Amend, and Substitute Motions.

**Procedure:** The initial motion. The initial motion is the one that puts forward an item for the Planning Commission's consideration. An initial motion might be: "I move that we adopt ordinance number 10-1 as presented."

The motion to amend. If a member wants to change the initial motion that is before the Planning Commission, they would move to amend it. A motion to amend takes the initial motion which is before the Planning Commission and seeks to change it in some way. The motion to amend must be germane to the initial motion. The motion to amend must not be the same as a negative vote on the initial motion.

The substitute motion. If a member wants to completely do away with the initial motion that is before the Planning Commission, and put a new motion before the Planning Commission, they would move a substitute motion.

**Purpose Of The Rule.** "Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the

basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the Chair. So that if a member makes what that member calls a "motion to amend", but the Chair determines that it is really a "substitute motion", then the Chair's designation governs.

**Rule No 6.** There can be up to three motions on the floor at the same time and no more than three. The Chair can reject a fourth motion until the Chair has dealt with the three that are on the floor and has resolved them.

**Purpose Of The Rule:** Too many motions on the same subject can cause confusion as to what the end result is and in the official record. Limiting the number of motions to no more than three at a time, allows for enough debate and parliamentary maneuvering to satisfy those who want to be clever while allowing the slow to still keep up.

**Rule No 7:** The debate can continue as long as members of the Planning Commission wish to discuss an item, subject to the Chair determining it is time to move on and take action by using General Consent to limit debate or by a proper motion by a Commission member to limit the debate. The following motions are not debatable—a motion to adjourn; a motion to recess; a motion to fix a time to adjourn; a motion to table; and a motion to limit debate.

**Purpose Of The Rule.** Debate and discussion are important until they are not. When a matter is chewed on enough it should be swallowed. This rule allows the Chair by General Consent or the majority of the Commission to end the debate, after a reasonable time. It also keeps those in a minority position on an issue from filibustering until they get their way.

**Rule No 8:** Three yes votes are required to pass any item before the Commission.

**Purpose Of The Rule.** Utah statutes set out both the number of the quorum and the minimum vote required on any issue. This rule is meant to clarify that when the entire Commission is present and voting then it is not a tie when one member abstains. If however the member is absent from the meeting for any reason and the vote is 2-2 then it would be a tie and the motion would fail, lacking the three yes votes required to pass items before the Commission.

**Rule No 9:** A motion to reconsider any item requires a majority vote to pass, but there are special rules that apply only to the motion to reconsider. First, is timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the Planning Commission if the item is properly on the agenda. In addition, a motion to reconsider cannot be made at a special meeting of the Commission unless the number of members of the Commission present at the special meeting equals or exceeds the number present at the meeting when the action was approved. Second, a motion to reconsider can only be made by a member who voted in the majority on the original motion.

**Purpose Of The Rule.** The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the Planning Commission again and again. That would defeat the purpose of finality. If the motion to reconsider passes, then the original matter is back before the Planning Commission, and a new initial motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time.

**Rule No 10:** The Chair and Commission members shall adhere to the code of conduct.

**Purpose Of The Rule.** Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers, including members of the Planning Commission. A Commission member may continue speaking on a majority vote of the Commission. The rules of order are meant to create an atmosphere where the members of the Planning Commission and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Chair and the members of the Planning Commission to maintain common courtesy and decorum. Only one person at a time will have the floor and every speaker must be recognized by the Chair before proceeding to speak.

**Residents' Right To Be Heard:**

Residents may from time to time believe it is necessary to speak to Planning Commission on matters of concern. Accordingly, the Planning Commission expects any person presenting to the Planning Commission to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- No member of the public shall be heard until recognized by the Chair.
- Public comments will only be heard during the appropriate portion of the meeting unless the issue is a Public Hearing or a member of the public is asked to speak on a matter by the Chair.
- Speakers must state their name and address for the record.
- Any resident requesting to speak shall limit their comments to matters of fact regarding the issue of concern.
- Comments should be limited to two (2) minutes unless prior approval by the Chair.
- If a representative is elected to speak for a group, the Chair may approve an increased time allotment.
- Personal attacks made publicly toward any person or city employee are not allowed.
- Any member of the public interrupting Planning Commission proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing Planning Commission, shall be deemed to have disrupted a public meeting and, at the direction of the Chair, shall be removed from the meeting by law enforcement personnel or other agent designated by the Planning Commission.