

**From:** [Paul](#)  
**To:** [Public Comment](#)  
**Subject:** Planning Commission Bylaws  
**Date:** Thursday, March 18, 2021 1:45:56 PM

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SWC Planning Commission,

After a review of the proposed PC Bylaws in the packet for the 18Mar21 meeting, I noticed something that I believe should be changed.

I first noticed it while reading Packet Page 28 of 71 in Section II Meetings - Subsection C. - Subparagraph b) - "A spokesman for...." should not be gender-specific. I suggest that the word "spokesman" should be replaced by "spokesperson" and similar changes made throughout the document. Since the document is an embedded pdf, it was not searchable.

Thank you,

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**From:** [joel.dills@gmail.com](mailto:joel.dills@gmail.com)  
**To:** [Public Comment](#)  
**Subject:** Planning Commission Public Comment - March 18 2021  
**Date:** Thursday, March 18, 2021 4:54:49 PM  
**Attachments:** [Planning Commission Bylaw Changes.pdf](#)

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Joel Dills  
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Commissioners,

One of the items on the agenda for the upcoming Planning Commission is the consideration of a set of bylaws relating to the organization and procedures of the planning commission. The planning commission provides citizen review and recommendations on planning-related matters to the City Council. Staff has created a very thorough starting point for the discussion, but I thought it would be appropriate if I added some recommendations for our Planning Commission to consider adding.

I outlined in red what I thought unnecessarily complicated Conflicts of Interests by requiring a peer to publicly challenge the their fellow commissioner, instead of just making it an automatic step of a simple vote of the commission. I highlighted in yellow my additions and followed them with a brief explanation of the intent behind it.

Thank you for considering my additions.

Joel



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## Planning Commission Bylaws

### I. ORGANIZATION

#### A. Appointment of the Chair and Vice Chair

1. According to City Code section 10-3-4, during February of each year, the Commission shall appoint a Chair and Vice Chair for the next year. Appointees shall assume their duties upon selection.
2. Appointment of the Chair and Vice Chair shall be done separately through open nomination for appointment from any Commissioner. If only one Commissioner is nominated for appointment for either position, an approval vote of the Commission shall determine the appointment. If more than one Commissioner is nominated for either appointment, a simple majority of the Commissioners present during a silent vote shall determine the appointee.
3. The term of the Chair and Vice Chair is determined in City Code.

#### B. Duties of the Chair

1. Review and approve agendas prior to Commission meetings;
2. Call meetings of the Commission to order on the day and time scheduled and proceed with the order of business;
3. Receive and submit, in the proper manner, all motions, recommendations, and propositions presented by the Commissioners;
4. Put to vote all issues and items which are properly moved upon, or necessarily arise in the course of the proceedings and to announce the result of any such actions taken;
5. Inform the Commission, when necessary, on any point of order to practice. In the course of discharge of this duty, the Chair shall have the right to call upon legal counsel or staff for advice;
6. Authenticate by signature all of the acts, findings, orders, and proceedings of the Commission;
7. Maintain order at all meetings of the Commission including the maintenance of a respectful, orderly, appropriate, and professional atmosphere;
8. Recognize speakers and Commissioners prior to receiving comments and presentations; and
9. Ensure the legal due process to all items and people involved in each item of each meeting agenda.
10. The Chair shall appoint all committees and their respective chairs; Prior to making such appointments, the Chair shall solicit interest from Commissioners as to service.
12. The Chair may delegate duties to other Commissioners with the consent of the Planning Commission. *(These allow the Chair to set up formal committees to tackle specific tasks before the entire Commission is required to act. One such committee would be the General Plan Amendment Committee, which would be tasked with recommending amendments to the current General Plan. Another Committee could be tasked with Land Use and Zoning Policy*

*recommendations to the CC and City Code. We need one to help draft a noise ordinance, ADU guidelines, etc.)*

#### C. Duties of the Vice Chair

1. The Vice Chair shall have and perform all the duties and functions of the Chair in the absence of the Chair.

2. Provide regular, report to City Council on all acts, findings, orders, and proceedings of the Commission;

3. Provide report and Commission recommendation to City Council on City Code-related concerns identified by the Commission during project reviews;

4. Attend City Council Meetings, where an official decision of recommendation or recommendation with conditions of the Planning Commission is discussed. In this role, the Vice Chair, or a member delegated, may be available to answer specific questions from the City Council, concerning its decision. When the representing the Planning Commission, the Vice Chair must support and advocate the official position of the Planning Commission, not a personal viewpoint. *(During a recent City Council meeting where changes to the Planning Commission was discussed, the importance of having a member present the Commission's decision in an effort to improve communication between the two groups)*

#### D. Temporary Chair

1. In the event of the absence or disability of the Chair and Vice Chair, and with a proper quorum present, a temporary Chair shall be appointed to conduct business prior to any agenda item to serve as the temporary Chair until the return of the either the Chair or Vice Chair.

2. The temporary Chair shall be nominated and appointed in the same manner as the regular nomination and appointment of the Chair.

#### E. Quorum

1. The number of Commissioners of necessary to constitute a quorum is three (3) or more. No action of the Commission shall be official or have any effect except when a quorum of the Commissioners is present.

2. Any Commissioner choosing to abstain from a vote on an agenda item shall be included when in consideration of a quorum. Any Commissioner disqualified under the terms of a conflict of interest shall not be included when considering the presence of a quorum.

3. When a conflict of interest results in a lack of Commissioners present to approve a motion, the issue, at the discretion of the Chair, may be heard by the Commission but may not have action taken upon it until an adequate amount of Commissioners can be present to properly vote on the issue.

4. No matters of business shall be heard, unless caused by a conflict of interest disqualification, unless a proper quorum is present. In the event a quorum is not present for a scheduled meeting of the Commission, the meeting shall be canceled, only after a reasonable allowance of

time for a quorum to arrive, through a motion for adjournment. No second shall be required for such motion. In such an event, a proper quorum shall ratify the motion to adjourn due to lack of quorum before any matters of business are heard at the next scheduled Commission meeting.

#### F. Placing Items on the Agenda

1. A request for an item to be on a Commission meeting agenda may be initiated by the Chair, three Commissioners, City staff with the support of the Chair, or an applicant that has submitted a complete application.

2. No subject matter shall be placed on the agenda for action at any given meeting which was not formally filed with the City Planning Coordinator or designee, as hereafter provided, or which was not initiated by motion of the Planning Commission.

3. City Staff or the Chair may, however, place housekeeping and non-action items on the agenda.

4. Any person desiring to appear before the Planning Commission shall complete an application and submit all required materials and fees to the Planning Department. An application that does not include all of the required signatures, materials, fees, or other necessary information shall be deemed incomplete and returned to the applicant. *(The intent here is to prevent projects and plans from being unofficially submitted. For example; Applicants wishing to make a zoning change would have to submit full plans with specific changes providing the Commission with enough information to make a recommendation – anything else is wasting the Commission’s time and resources. Fees are required as part of the process, to offset the cost of our city staff including the Planning Coordinator, the City Engineer, The City Planner and the City Attorney, all of which may be called upon to provide input.)*

## II. MEETINGS

### A. Meeting Schedule

1. At one of the last regularly scheduled meetings of each year, the Commission shall have an agenda item to determine the general meeting schedule for the following year. Except for those meetings rescheduled or cancelled, meetings of the Commission are typically held on the 2nd Thursday of each month, are to begin promptly at 6:00 p.m., and are to be held in the City Council Chambers of South Weber City Hall. Alteration to the time of day or place a meeting is to be held may be made through notice and advertisement of the meeting which states the specific alteration(s).

2. The determination of the general meeting schedule shall take into consideration the dates for which meetings will be scheduled and the possibility of special meetings or the cancellation of meetings to avoid conflicts.

3. Every meeting of the Commission is to be open to the public and conducted in accordance with the Utah State Open and Public Meetings Act (U.C.A. 52-4-1 et. Seq.).

4. Pending minutes, approved minutes, and a recording of a public meeting are public records under [Title 63G, Chapter 2, Government Records Access and Management Act](#).

5. As per State law, A public body that is not a state public body or a specified local public body shall:

(i) make pending minutes available to the public within a reasonable time after holding the open meeting that is the subject of the pending minutes;

(ii) within three business days after approving written minutes, make the approved minutes available to the public; and

(iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.

#### B. Procedure of Consideration of Agenda Items

The following procedure will normally be observed for all agenda items, however, it may be rearranged at the discretion of the Chair for an individual item, for the expeditious conduct of business:

1. Introduction of the item by the Chair;
2. Staff presentation and analysis;
3. Presentation of the proposal by the applicant;
4. Public Hearing (as applicable)
5. Commission discussion.

The discussion shall be confined to the Commission unless any Commissioner requests specific additional information from staff or the applicant(s); and

6. Motion and Vote.

The Chair may outline the possible actions of approval, approval with conditions, tabling, or denial prior to entertaining a motion. Voting shall be in accordance with section F below.

#### 7. Written Decision / Recommendation.

The City Council depends on the recommendations of the Planning Commission for its decision-making process. At the conclusion of a meeting or hearing where the Commission has voted upon a recommendation to the City Council, the Commission shall authorize the Chair to prepare and sign on the Commission's behalf a written decision that shall set forth the Commission's findings, conclusions and recommendations on the matter.

Any dissenting Commission member may prepare a dissenting decision individually or together with other dissenting Commission members.

A brief History of any and all previous interactions and decisions pertaining to decision or recommendation, shall accompany the written decision.

The City Planning Coordinator or designee shall distribute copies of the written decision together with any dissenting decisions to the City Council, Commission members, and interested parties. *(The intent here is to provide the City Council with not only the decision, but the*

*questions, comments and concerns brought up by the Commission in it's decision making process. This prevents duplication of work when it gets up to the City Council and provides a permanent record of the Commissions due diligence. in an easily to digest format)*

## C. Public Hearings

### 1. Procedure

a) Opening of the public hearing by the Chair;

#### b) Roll Call.

Commissioners are noted as Present, Absent - Excused, or Absent - Unexcused. If a Commissioner is late, they are changed to Present. To be classified as Absent - Excused, a Commissioner must notify either the Chair, Vice Chair or Planning Coordinator or designee, at least 1 hour prior to the start of the meeting. *(A formal record must be kept of the who is present, which give the Commission the authority of a quorum needed to conduct business. This also allows the Mayor, City Council and Commission members a way to track required attendance of meetings)*

c) Review and amend Agenda as needed.

d) Public declaration of Conflicts of Interests as defined below

e) Testimony by citizens present to discuss the item through comment or testimony of facts or arguments;

f) Rebuttal and concluding comments by the applicant, as the burden of proof rests with the applicant and is therefore given an opportunity to provide closing comments and testimony;

g) Closure of the public hearing by the Chair.

### 2. Comments During Public Hearings

a) Comments, testimony, and presentations from the public shall be respectful, pertinent, relevant, concise, and confined within a three minute timeframe. All public comment shall be directed toward the Commission.

b) A spokesman for a group of citizens wishing to make similar comments regarding the agenda item may be allowed a reasonable amount of additional time by the Chair.

c) Public comment submitted via email, is a valid form of communicating with the Planning Commission and shall be distributed to each member of the Planning Commission as it is received, up to 4 hours before the scheduled meeting time. It is the obligation of each Commissioner to respect and read these comments before the meeting is called to order. *(Public Comment is permitted through a city email address, and there needs to be a reasonable expectation that those comments will be heard before a decision is made)*

d) The Chair shall have the ability to discontinue the receipt of an individual commenting at his/her discretion if the commentary and testimony becomes, disrespectful, rude, or otherwise rowdy and if the person willfully disrupts the meeting to the extent that orderly conduct is

**seriously compromised.** *(This was changed from giving the power to close all public comment to just stopping the individual acting in a rowdy way. All public comment should not be shut down because of the actions of one individual. The Public has a legal right to comment. I also used the state's wording for "willfully disrupts" the meeting, making it intentional and "seriously compromised" making it more than simply the discretion of the chair.*

### 3. Commission Action.

No Commission action shall be taken in a formal public hearing. Comments from the public shall be received and weighted but **may** not be responded to by the Commission during the public hearing. **A commissioner may request further clarification of comments or ask for sources cited which would allow the commentor an additional 2 minutes to respond.** *(If a commissioner wishes to respond or follow up with questions, the commissioner should be allowed to do so)*

### D. Continuance of Agenda Items

Review of any agenda item being held or noticed to be held by the Commission at any meeting of the Commission may, by order or notice of continuance, be continued or re-continued to any subsequent meeting.

### E. Motions

#### 1. Making a Motion.

Any Commissioner, including the Chair, may make or second any motion.

#### 2. Findings.

Motions for approval, denial, or approval with conditions should state reasons, issues, and facts leading to the motion.

#### 3. Motions repeated.

Motions may be repeated for clarification, further understanding, or consideration at the request of any Commissioner, or by staff for the purpose of clarification for the official record.

#### 4. Legal Counsel.

Any Commissioner may request legal advice from the City legal counsel in the preparation, discussion, and/or deliberation of any motion.

#### 5. Second Required.

Each motion of the Commission must be seconded.

#### 6. Withdrawing a Motion.

After a motion has been stated, the motion resides in the possession of the Commission but may be withdrawn by the author of the motion at any time prior to the motion being put to vote. Withdrawal of a second shall become automatic with the withdrawal of the motion.

#### 7. Motion to Table.

A motion to table an agenda item shall be accompanied by the reasoning and rationale for the tabling, such as further study or pending further information review, and whenever possible, a specific date for which the issue would be reheard.

#### 8. Amending Motions.

When a motion is pending before the Commission, any Commissioner may suggest a motion amendment to the author of the motion at any time prior to the motion being put to vote. The amendment must be accepted by the author of the motion and the author of the second to amend a motion. Amendments to an amended motion shall be handled in the same manner as the original motion (motion to amend/second/vote of Commission).

#### 9. Dead Motions.

In the event that a seconded motion does not carry due to the lack of an adequate sustain vote, the motion is determined to be dead.

#### 10. Motion to Adjourn.

A motion to adjourn shall be required to conclude every Planning Commission meeting, following the addressing of each item on the agenda for that specific meeting.

### F. Voting

#### 1. Changing a Vote.

No Commissioner shall be permitted to change his/her vote once the Chair has declared the result of the decision.

#### 2. Abstention.

Any commissioner may choose to abstain from voting on any agenda item if the Commissioner perceives a personal legal implication or other conflict. Commissioners wishing to abstain may remain at the Commission table but do not participate in the discussion. Reasoning for abstention is not required to be revealed prior to the vote being taken but must be disclosed as part of the Commissioner's declaration of abstention to ensure that no conflict of interest has occurred.

#### 3. Roll Call Vote.

A roll call vote shall be held to vote on motions made regarding:

- a) The approval of an agenda item where the commission is the designated approving body; or
- b) Recommendations to the City Council regarding ordinances, amendments to the City Code, or adoption or amendment of the General Plan.

### III. RIGHTS AND DUTIES OF THE COMMISSIONERS

### A. Meeting Attendance

Every Commissioner shall attend each meeting of the Commission unless excused or unable to attend due to extenuating circumstances. Any Commissioner expecting to be absent from a meeting of the Commission shall notify the Chair and the City development staff a minimum of 24-hours before the meeting, except in the case of an emergency.

### B. Not to Vote Unless Present

No Commissioner shall be permitted to vote on any question, matter or business, or agenda item unless the Commissioner is present at the meeting in which the vote is taken in person or electronically and the result is announced regarding the issue. No Commissioner shall give his/her proxy to any other person to vote on any issue.

### C. Conflict of Interest

Conflicts of interest are determined to be any personal, familial, or financial tie between the Commissioner and the applicant or the item of any manner of business. If any Commissioner has a conflict of interest with an item on an agenda, the Commissioner shall declare the conflict before any testimony for that item is heard.

1. The Commissioner may then choose to step down from the Commission table and withdraw from discussion and voting on the agenda item. Following action by the Commission on the agenda item, the Commissioner may return to the Commission table and resume his/her duties as a Commissioner.

2. In the event the Commissioner declines his/her option to step down after declaring a conflict of interest, the Chair shall ask **if any Commissioner wishes to** request a vote on the conflict.

**a) If no such request is made, the Commissioner declaring a conflict of interest may proceed under his/her own recognizance.**

**b) If a request is made, the Commissioner making the request shall detail his/her request including any request to have the commissioner step down and/or withdraw from discussion or voting.** The remaining Commissioners, other than the Commissioner declaring the conflict of interest, shall vote as to the request. A simple majority of the remaining Commissioners voting in favor of the request shall approve the request. The Commissioner declaring the conflict of interest shall then comply with the approved request. If an approval is not achieved, the Commissioner declaring a conflict of interest may proceed under his/her own recognizance. **The vote and justification for the decision shall be recorded in the meeting notes.** (The change here is remove the requirement for a member to ask for a vote. This should just be part of the process and not put the onus or pressure on a fellow commissioner to call for it.)

3. Any Commissioner who feels he/she, or another Commissioner, may have an actual, apparent, or reasonably foreseeable conflict of interest shall declare such feelings. Such declarations shall be determined and handled as in Section III. C herein.

4. No Commissioner with an actual, or possible, conflict of interest shall, at any time before, during, or after the meeting, attempt to use his/her influence with another Commissioner regarding the agenda item in question.

5. A Commissioner may appear before the Commission through his/her employment or as an advocate or agent, or as the applicant, only after declaring his/her conflict of interest and stepping down from the Commission table.

6. A Commissioner shall not sell or offer to sell services, or solicit prospective clients or employment, by stating an ability to influence Commission decision or based on being a Commissioner.

7. A Commissioner must not use his/her appointed office as a Commissioner to seek or obtain any special advantage.

8. Members who fail to disclose a conflict of interest may be asked to resign immediately by the Mayor or majority vote of the City Council. *(This should go without saying, but the those who hold the public's trust must be held to a high standard)*

9. Members should avoid any contact with individuals or organization who have submitted agenda items for decisioning. *(City Staff works with the applicant during the initial phases of seeking Council approval. There should be no reason for the applicant to meet with Commissioners before their application formally comes before the Commission. In a small town such as ours, this may not always be possible, but in such cases the Commissioner should discourage talking about the application. This will also provide protection to the reputation of our Commissioners, who are already under public scrutiny and may prevent the appearance of undue influences)*

10. No member may, directly or indirectly, give or receive any compensation, gift, gratuity, or reward from any source, except the municipality, for a matter connected with or related to business of the Planning Commission. This includes meals, drinks, tickets to events, travel or leisure activities and discounts on products or services.

9. Each member shall have attended at least four hours per year of training in planning and zoning during the member's current term of office. *(This was also discussed in the City Council meeting and should be included in the bylaws)*

#### **IV. ORDER AND DECORUM**

##### **A. General Decorum**

The atmosphere of a Commission meeting shall be conducted with the utmost respect for and by all parties. All those in attendance shall conduct themselves in a courteous, mindful, professional, sincere, and appropriate manner for the nature of the proceedings.

##### **B. Commissioner Decorum**

At no time shall any Commissioner make any comments, gestures, or other similar actions which is or can be portrayed to be demeaning, insulting, or disrespectful of the other Commissioners, staff, applicant(s), or any member of the general public.

#### C. Public Clamor

Public Clamor shall not be allowed in any meeting of the Planning Commission, or during any portion of any meeting. Things and actions such as booing, hissing, cheering, clapping, throwing objects, obscene gestures, harassing comments, or other similar or obnoxious behavior shall not be tolerated and persons conducting this behavior shall be subject to removal from the hearing;

#### D. Due Process

The Chair shall conduct each meeting in such a manner so as to afford due process throughout the proceedings.

#### E. Chair's Authority

It shall be the authority and discretion of the Chair to order the removal of any individual member of the general public present at a Commission meeting, groups of the general public, or the removal of the general public present in its entirety, for the duration of the discussion and consideration regarding any single agenda item, or for the remainder of the meeting, if said person or groups of people become rude, disrespectful, disruptive, or otherwise rowdy towards the Commission, any single Commissioner, staff, the applicant, or other members of the general public.

#### F. Chair's Adjournment

In the event of refusal to leave the meeting by any member of the general public under the authority granted under Section IV.E here in, it shall be the authority and discretion of the Chair to promptly adjourn any meeting of the Commission when said meeting becomes out of hand, unruly, overly disruptive, or otherwise inhibitive to the conduct of the City's business until such time as business can be conducted in an appropriate manner.

### **V. Application to the Planning Commission**

#### A. Submission of Applications

All site plans, revisions to site plans, surveys, plots, documents, reports, supporting statements, or other material to be presented in support of an application shall be submitted to the Secretary not later than 10 calendar days prior to the meeting of the Planning and Zoning Commission at which the application is to be presented or heard. This requirement may be waived by the Chairman only upon a showing of good cause therefor by the applicant.

#### B. Failure to Appear

If an applicant, his agent or attorney shall fail to appear for the meeting which the application is scheduled for public hearing, the application shall be denied or recommended for denial for failure by the applicant to present a record in support of the application. Any reconsideration of

an application denied under these circumstances shall be scheduled as though it is a newly filed matter; no scheduling preference shall be given unless permitted by the Commission.

## **V. SUSPENSION OF RULES**

### **A. Non-Exclusive Rules**

The rules set forth are not exclusive and do not limit the inherent power or general legal authority of the Commission, or its Chairperson, to govern the conduct of Commission meetings as may be considered appropriate from time to time or circumstances for the purposes of orderly and effective conduct of the affairs of the City.

### **B. Amendment and Adoption of Commission Bylaws**

Amendments and adoption of Commission bylaws to supersede those contained herein shall follow the same procedure as the adoption of these bylaws. A motion may be made by any Commissioner to review the bylaws for amendment at any time following their inception. A sustaining vote shall be required to open the review of the bylaws for amendment.

## **VI. RECORDING OF BYLAWS**

A. These bylaws, and all subsequent amendments, shall be recorded by the City Recorder and copies of which shall be distributed to each Commissioner and the City development staff.