

Rules and Bylaws of the Planning Commission City of La Crescent

November, 2016

I. AUTHORITY

The Planning Commission is established as a Standing Commission by the City Council.

The Bylaws of the City of La Crescent Planning Commission are established in accordance with City ordinances. The Bylaws and Rules are adopted by the Planning Commission to facilitate the performance of its duties and functions. Where there is a conflict between the provisions of the Bylaws and the City Ordinances, the provision of the City Ordinances will govern.

II. REPORTING TO COUNCIL

The Planning Commission shall report to the City Council routinely after each meeting. The Commission shall make written specific findings of fact together with its recommendations on any subject matter referred to it for study, consideration and recommendation, and shall transmit such written fact findings and recommendations to the City Administrator for consideration by the City Council at a subsequent meeting thereof.

III. PLANNING COMMISSION

A. Qualifications of members; terms of office; vote

1. The Planning Commission, hereinafter referred to as the "Commission", shall consist of seven (7) members appointed by the City Council from among the adult residents of the city. Members of the City desiring to serve on the Commission shall complete an application prior to November 30 of each year to be considered for appointment. Existing Commissioners whose terms are expiring shall also complete an application to indicate their desire to continue for another term. Appointments to the Commission shall be made during the annual meeting of the City Council for a three-year period. Terms shall be staggered such that, absent unanticipated resignations or removals, no more than 3 members come up for reappointment in any given calendar year.

2. In addition, one ex-officio member shall be appointed from the membership of the City Council. The Ex-officio member shall be appointed for an annual term. The Council ex-officio member is not entitled to vote on matters that come before the Commission.

3. The Building Official, City Attorney, Chief of Police and the City Administrator/Public Works Director are ex-officio members of all commissions, and the duration of their terms in such ex-officio capacities shall correspond with their respective tenures in their general capacities. Ex-officio members of the Commission are encouraged to provide input, ask questions and offer opinions, at their discretion, but are not entitled to vote on matters that appropriately come before the Commission. The Building Official shall staff the Commission and shall serve without a vote as its secretary.

4. Members, other than ex-officio, shall be appointed from among persons in a position to represent the best interest of the City, and no person shall be appointed with personal or financial interests likely to conflict with the City's best interest. If any person appointed shall find that his or her personal or financial interests are involved in any matter coming before the Commission, he or she shall disqualify himself or herself from taking part in action on the matter, or in cases where a personal or financial interest is involved he or she shall abstain.

B. Removal from office; vacancies.

1. Appointments to the Commission are subject to cancellation or revocation at any time, with or without cause in the sole discretion of the City Council. In the event of vacancies, appointments to fill any vacancy shall be by the City Council for the unexpired period of the vacant Commission position(s).

2. It shall be the duty of the chairperson of the Commission to notify the City Council promptly of any vacancies occurring in membership, and the City Council shall fill such vacancies within a reasonable amount of time.

C. Officers, rules, employees, salaries and expenses.

1. At its first meeting following the City Council's annual meeting, the Commission shall elect a chairperson and vice-chairperson from among those of its members who are not appointed ex-officio, and may create, with ratification of the City Council, such other offices as it may determine. The Chairperson shall preside over meetings and shall have the authority to add or cancel regular meetings and to call special meetings as provided in III.G.2. The Chairperson shall work with appropriate city staff in organizing agendas of all Commission meetings. The Chairperson is responsible for the orderly conduct of Commission meetings and hearings. The Chairperson may interpret and apply rules of procedure, decide whether motions are properly made, decide when to recognize speakers, call for motions or recommend motions and enforce speaking procedures. The Chairperson may invoke reasonable time limits on speakers, appoint spokespersons for a group with common interests, take action to maintain order, or close and schedule follow up hearings if a hearing cannot be concluded in a reasonable time. The Chairperson shall also sign documents of the Commission and see that all actions of the Commission are properly taken.

The Vice Chairperson shall assume the duties of the Chairperson in the absence of the Chairperson. In the event of the absence both the Chair and Vice-Chairperson, those members present shall elect a temporary chairperson to preside over the meeting.

2. The Commission shall adopt rules for its governance and for the transaction of its business.

3. Commission members are encouraged to participate in at least one educational offering each year in order to enhance their knowledge and expertise relative to City government, planning, zoning ordinances and other relevant state and local regulations. A first time member will be required to review existing relevant regulations, ordinances, laws, plans, etc. with the Chair or Vice Chair of the committee within the first three months of their appointment to the Commission. In addition, new members are encouraged to complete online instruction for new Plan Commission members offered by the League of Minnesota Cities.

4. Subject to prior approval of the City Council and within limits set by appropriations or other funds made available, the Commission may employ such staff, technicians and experts as may be deemed proper, and may incur such other expenses as may be necessary and proper for the conduct of its affairs.

5. Members of the Commission shall receive a stipend for each regular and special meeting of the Planning Commission where they were in attendance, at rates approved by the Council and provided for in the operating budget.

6. With prior approval of City Council, Commission members shall receive reimbursement for expenses incurred as a result of commission duties, including:

- (a) Fees incidental to attendance at out-of-town meetings and seminars
- (b) Ordinary and necessary expenses incurred while attending and in connection with out-of-town meetings and seminars
- (c) Necessary special equipment and supplies

D. Appropriations, fees, and other income. The City Council shall make available to the Commission such appropriations as it may see fit for fees and expenses necessary in the conduct of its work.

E. Functions, powers and duties.

1. The functions, powers and duties of the Commission shall generally be to act as fact finder concerning matters appropriately before it and in further regards thereto make recommendation to and advise the City Council concerning but not necessarily limited to:

(a) The gathering and maintenance in current form such basic information and background data as is necessary to an understanding of past trends, present conditions, and forces at work to cause changes in their conditions as relate to the comprehensive plan.

(b) To prepare and keep current for City Council approval, adoption and implementation a comprehensive plan for meeting present requirements and such future needs as may be foreseen; and to conduct public meetings required to amend the comprehensive plan.

(c) To review the Comprehensive Plan early in the City's budget cycle for the purpose of identifying items which require financial resources in the upcoming year, recommending to the City Administrator and Council the operating or capital budget allocations necessary to achieve goals and objectives of the Comprehensive Plan.

(d) Prepare and revise a plan of work for the Commission.

(e) To recommend to the City Council principles and policies for guiding action affecting development in the city and its environs.

(f) To recommend to the City Council ordinances, regulations and other proposals promoting orderly development along lines indicated as desirable by the comprehensive plan.

(g) To develop data for the City Council along with fact-findings and recommendation concerning proposed developments to facilitate conformance to the principles and requirements of the comprehensive plan and the ordinances.

(h) To keep the City Council and the general public informed and advised as to all planning and development matters.

(i) To conduct such public hearings as applicable law and ordinance (code) provisions require, to gather information enabling the City Council to knowledgeably draft, establish and maintain the comprehensive plan and ordinances and regulations related to it and to collect and compile information necessary for the plan, or for the purpose of promoting the accomplishment of the plan in whole or in part.

(j) To perform other duties which may be lawfully assigned to it, or which may have bearing on the preparation or accomplishment of the plan.

2. In connection with its duties, and within the limit of its funds and with the prior approval of the City Council, the Commission may make, cause to be made, or obtain maps, aerial photographs and surveys, and special studies on the location, condition and adequacy, including but not limited to: studies on housing; commercial and industrial facilities; economic development; parks; playgrounds and other recreational facilities; schools; public and private utilities; and traffic, transportation, and parking.

3. Consistent with organizational structure and specific duty assignments, all city employees shall, upon request and within a reasonable time, furnish to the Commission or its employees or agents such available records or information as are required in its work.

4. The Commission may establish such other ad hoc or subcommittees as may be necessary to accomplish its goals. The establishment of subcommittees are subject to the approval of the City Council. Any Ad Hoc or subcommittee will be advisory only and shall have no ability to bind either the Commission or City Council. Membership of any ad hoc or subcommittee shall consist of at least 2 Commission members and up to 5 members of the general public. Committees will meet as needed, with approval of City Council and the Commission shall be updated regularly on actions and/or recommendations of its committees.

F. Plat review by Commission. It shall be the responsibility of the Commission to pass upon all proposed new or amended plats coming directly or indirectly under the jurisdiction of the city. No new plat, and no amendment or vacation of an existing plat or portion thereof, shall thereafter be caused to be recorded by the city without the prior review of the Commission. Once reviewed by the Commission and subsequently approved by the City Council, to the extent required by law, the plat shall be deemed approved by the Planning Commission.

G. Meetings. Quorum. Attendance

1. In accordance with the Minnesota Open Meeting Law (Minnesota Statute Chapter 13D), all official meetings of the Planning Commission shall be open to the public.

2. The Commission shall hold regular meetings. Meetings will generally be held the First Tuesday of each month commencing at 5:30 PM.

3. Special Meetings may be called by the chairperson upon sufficient notice to all the Commission members. In no event shall notice be less than twenty-four (24) hours.

4. Robert's Rules of Order Newly Revised shall be the governing authority for meetings of the Commission.

5. The business transacted at all commission meetings shall follow a standard agenda form as prescribed by the City Council and available at the City Administrator's office. The agenda serves two important functions. It focuses Planning Commission deliberations by determining which matters will be considered at the meeting, when each matter will be considered and the context in which it will be considered. It also serves as the public's guide to what will be considered at the meeting, the matters will be dealt with, who will participate in the discussion, and when public comment may be made. The agenda should be prepared so as to best achieve these functions. The agenda should be prepared by City Staff and the Chairperson of the Plan Commission. Agenda items may be added during a Commission meeting subject to a majority vote of members present. Discussion of such additions may occur but no formal action may be taken at that meeting.

6. The Commission shall keep a record of attendance at its meetings and of resolutions, transactions, findings and determinations, showing the vote of each member on each question requiring a vote, or if absent or abstaining from voting, indicating such fact. The records of the Commission shall be a public record.

7. City Staff shall assure that minutes of all proceedings which are public information are posted on the City's website and available, in written form, at all reasonable times and frequencies as public information.

8. Regular or special meetings may be canceled by the chairperson in the event that there are no items of business requiring the attention of the Commission, or for lack of quorum, inclement weather or other good and sufficient reason.

9. A quorum shall consist of a majority of the non ex-officio members of the Commission.

10. Members are expected to make reasonable efforts to ensure regular attendance. Attendance records will be kept on a calendar year basis and reported to the Council in November of

each year. Commission members shall advise the Building Official of an anticipated absence from any scheduled Planning Commission meeting.

H. Public Hearings. The purpose of a hearing is to collect information and facts in order for the Commission to develop a planning recommendation for the City Council. At a public hearing the following procedure shall be followed for each case for which a public hearing is held.

1. Chair shall call the public hearing to order and state the case to be heard.
2. Chair shall call upon the Building Official or designee to provide a staff report.
3. Chair shall ask the applicant to present his/her case.
4. Members of the Planning Commission shall be allowed to question the applicant about their proposal.
5. Interested persons may address the Commission giving relevant information regarding the proposal before the commission with questions being directed through the chair. Reasonable rules limiting individual time to speak may be established to ensure that time is equitably available to all interested parties.
6. The hearing shall be closed by the Chair unless a majority of the Commission objects. Interested persons shall not be heard again except by agreement of the chair.
7. The Commission shall discuss and clarify the issue before it and take action.

I. These Bylaws and Rules shall be adopted or amended by an affirmative vote of two-thirds (2/3) of the Commission members present at a regular or special meeting, notwithstanding that no rule or amendment can be in conflict with City Ordinance(s). A copy of the Bylaws and Rules shall be forwarded to the City Council for its information.