

**Article 1 - Objectives**

- 1-1.** This commission, established in conformance with the motion adopted by the Cache County Commission on the 20th day of December, 1950, has adopted the following Articles in order to facilitate its powers and duties in accordance with the provisions of State Code Ann. §17-27a Part 3.
- 1-2.** The official title of this Commission shall be the "Cache County Planning Commission".

**Article 2 - Members**

- 2-1.** The Cache County Planning Commission shall consist of (7) voting members. A member of the County Council shall be appointed as an ex-officio member of the Planning Commission and shall be a non-voting member. The Director of Development Services shall serve as an ex-officio member of the Planning Commission and shall be a non-voting member.
- 2-2.** The term of the member from the County Council shall be a one-year term or as otherwise designated. As the term of the members first appointed to this Commission, or their replacements, expire, their successors shall be appointed for terms of three (3) years or to fulfill the previously designated term. Each member shall be recommended by the County Executive and evaluated and confirmed by the County Council prior to their appointment or reappointment to the Planning Commission.
- 2-3.** The Council may provide for the payment of expenses and a reasonable compensation for members of the Commission who are not County employees.

**Article 3 - Officers and Their Selection**

- 3-1.** The officers of the Planning Commission shall consist of a Chair, a Vice-Chair, and a Secretary. If no Secretary is elected from among the serving Planning Commissioners, the Director of Development Services, or their designee, will serve as Secretary of the Commission.
- 3-2.** Nomination of officers shall be made by the general membership of the Planning Commission at the regularly scheduled December meeting of the Commission each year. The election of officers shall follow immediately.
- 3-3.** A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected. He/She shall take office January 1st, the following year and serve for one (1) year or until their successor shall take office.

**Article 4 - Duties of Officers**

- 4-1.** The Chair shall be an appointed member of the Commission and shall:
- 4-1-1.** Preside at all meetings.
  - 4-1-2.** Appoint committees, special and/or standing and liaisons.
  - 4-1-3.** Rule on all procedural questions (subject to a reversal by a majority vote of the members present).
  - 4-1-4.** Be informed immediately of any official communication and report same at the next regular meeting.

**4-1-5.** Represent the Commission before the County Council and other public bodies except when this responsibility has been delegated to an appropriate official or Commission member.

**4-1-6.** Carry out other duties as assigned by the Commission.

**4-1-7.** Fill any vacancies in the offices of Vice-Chair or Secretary by appointment lasting through January 1st of the following year.

**4-2.** The Vice-Chair shall be an appointed member of the Commission and shall:

**4-2-1.** Act in the absence or inability of the Chair to act.

**4-2-2.** Have the powers to function in the same capacity as the Chair in cases of the Chair's inability to act.

**4-2-3.** Fill immediately any vacancy in the office of Chair through January 1st of the following year.

**4-2-4.** Be responsible for the orientation of new members of the Commission.

**4-3.** The Secretary shall:

**4-3-1.** Keep a written record of all business transacted by the Commission.

**4-3-2.** Keep a file of all official records and reports of the Commission.

**4-3-3.** Certify all minutes of the Commission.

**4-3-4.** Give notice of all hearings and public meetings.

**4-3-5.** Attend to the correspondence of the Commission.

**4-3-6.** Keep a set of minutes.

**4-3-7.** Prepare and be responsible for the publishing of all advertisements relating to public hearings.

**4-3-8.** If the Secretary is an appointed member of the Commission, the Secretary may, with the consent of the Commission, delegate any of the above responsibilities of the Secretary to the Director of Development Services (or similar official), except that the certification of minutes of the Commission may not be delegated.

## **Article 5 - Standing and Special Committees**

**5-1.** Any standing committees may be appointed by the Chair.

**5-2.** Any special committees may be appointed by the Chair and shall function for a duration as set by the Chair. The duties and responsibilities of any special committee shall be clearly defined and outlined at a regularly scheduled Planning Commission meeting.

**5-3.** Each standing and special committee shall prepare a written report of meetings held to become a part of the permanent records of the Commission.

## **Article 6 - Meetings**

**6-1.** Regular meetings of the Commission shall be held on the first Thursday of each month, commencing at 5:30pm and ending at 8:00pm. Meetings may be extended beyond 8:00 p.m. With the approval of a majority of the members present. When a meeting date falls on a legal holiday, the meeting shall be held on the week following unless otherwise designated by the Commission.

**6-1-1.** Commission public hearings shall be held during the regular meeting on the first Thursday of each month.

**6-2.** Special meetings shall be called at the request of the Chair or at the request of any three members of the Commission. Written notice which states the time and purpose of the special meeting shall be given to each member at least five (5) days prior to such meetings. Noticing of special meetings shall be made in compliance with State Code Ann. §17-27a Part 2 and §17-53 Part 4.

**6-3.** A majority of the membership of the Commission shall constitute a quorum. When a quorum is present, a majority vote of the members present is sufficient for the adoption of any motion. Voting may be a roll call, in which case a record shall be kept as part of the minutes. Any member shall have the right to demand a roll call vote.

**6-4.** Meetings shall be open to the public except when deemed necessary, in which case the Commission may go into Executive (closed) Session, when the provisions of the Utah Open and Public Meetings Act, State Code Ann §17-53 Part 4, shall be in effect.

**6-5.** The rules contained in the current edition of Roberts Rules of Order Newly Revised shall govern the Planning Commission in all cases to which they are applicable and in which they are not inconsistent with the Bylaws, any special rules of order the Planning Commission may adopt, and County or State code that regulates the Planning Commission or its meetings.

**6-6. Electronic Meetings**

**6-6-1.** A Commission meeting may be convened and conducted by means of telephonic, telecommunications, or computer conference by satisfying the requirements of Utah Code Ann. § 52-4-207.

**6-6-2.** The primary purpose for holding electronic meetings is to enable members of the Commission to participate in the meeting electronically. Provision may be made for a member of the public to monitor an open meeting of the Commission through electronic means, provided that the County will not be required to acquire any equipment, facilities or expertise which the County does not already possess in order to accommodate the request. Notwithstanding anything to the contrary in this Policy, with the exception of a public hearing, the general public and other interested persons need not be provided an opportunity to participate in, as opposed to attend and monitor, an electronic meeting.

**6-6-3.** Not less than 24 hour advance public notice, including the agenda, date, time, location, and a description of how the Commission Members will be connected to the electronic meeting, will be given for each electronic meeting of the Commission by posting a written notice at the principal office of the County, or at the building where the meeting is to be held, and providing written or electronic notice to at least one newspaper of general circulation in the County, and by posting the notice on the Utah Public Notice Website created under Utah Code Ann. § 63F-1-701. In addition, the notice must be provided to all Commission Members at least 24 hours before the meeting. These notice requirements are minimum requirements and are not to be construed as precluding such additional postings and notifications as may be directed by the Commission.

**6-6-4.** The Chair, or the Vice-Chair in the Chair's absence, may determine, based upon budget or logistical considerations, that it is not in the best interest of the County to hold an electronic meeting, in which event the meeting will not be held as an electronic meeting. The Chair, or the Vice-Chair in the Chair's absence, may also restrict the number of separate electronic connections that are allowed for an electronic meeting based on available equipment capacity. The request from a member of the public to participate in a meeting electronically may be denied by the Chair, or Vice-Chair in the Chair's absence, based on budget, public policy, or logistical considerations deemed sufficient by the Chair or Vice-Chair.

**6-6-5.** No action may be taken and no business may be conducted at a meeting of the Commission unless a quorum, consisting of a simple majority of the members of the Commission, is present. A Commission Member who is not physically present may nevertheless participate in the meeting through electronic means and be counted toward

the required quorum in accordance with Utah Code Ann. § 52-4-207. Any Commission Member participating via electronic means may make, second, and vote on all motions and participate in the discussion as though present.

## **Article 7 - Order of Business**

**7-1.** The order of business for a Regular Meeting shall be:

**7-1-1.** Call to Order by the Chair

**7-1-2.** Roll call by the Secretary

**7-1-2-1.** Determination of a quorum

**7-1-3.** Approval of agenda

**7-1-4.** Approval of minutes

**7-1-5.** Report of the Secretary

**7-1-6.** Consent Agenda

**7-1-9.** Agenda Items

**7-1-9-1.** Public Comment

**7-1-9-2.** Public Hearings

**7-1-10.** Report of Special Committees

**7-1-11.** Liaison Reports

**7-1-12.** Zoning Administrator's Report

**7-1-13.** Adjournment

**7-2.** The Zoning Administrator is authorized to prepare for each meeting a consent agenda for consideration by the Commission. The consent agenda may include any item believed by the Zoning Administrator to meet all required ordinances, be routine, and not controversial in nature.

**7-2-1.** A single motion and vote in favor thereof shall approve all items on the consent agenda.

**7-2-2.** Any member of the Commission may request to have any item removed from the consent agenda. Such request need not be seconded. Such item shall then be taken up for discussion by the Commission as a regular agenda item.

**7-3.** Public Comment portion of the meeting will be limited to 30 minutes for each agenda item unless otherwise specified by the Chair.

**7-3-1.** The agent for the agenda item will be limited to a 5-minute period of open discussion, with additional time allowed to respond to questions of the Planning Commission.

**7-3-2.** Individual speakers from the public will be limited to 3 minutes each unless prior approval is obtained from the Chair.

## **Article 8 – Communication and Correspondence**

**8-1.** To ensure that the decision-making process is fair and impartial, the Planning Commission is to abide by certain standards regarding "ex parte" communication on cases under review.

**8-1-1.** Ex parte communication is defined as "oral or written, off-the record communication made to or by commissioners or commission decision-making personnel, without notice to parties, that is directed to the merits or outcome of an on-the-record proceeding."

**8-1-2.** If prohibited ex parte communication is attempted, the Commissioner involved should first attempt to stop the party from engaging in prohibited behavior, then document the attempt and notify the Secretary. The Secretary will then enter a statement into the public file and make copies of the statement available to other parties in the case.

**8-2.** If the Planning Commission and/or a Commissioner determines that there is a conflict of interest on an agenda item, that Planning Commissioner shall not participate in the discussion or action on that agenda item. In such event, the Planning Commissioner shall seat themselves in the audience or leave the room. For purposes of determining the existence of a quorum, that Commissioner shall not be counted.

**8-3.** It shall be the duty of the Secretary to communicate by telephone or other means when necessary to make communications that cannot be carried out as rapidly as required through direct correspondence.

**8-4.** All official papers and plans involving the authority of the Commission shall bear the signature of the Chair or Vice-Chair.

#### **Article 9 - Amendments**

**9-1.** These by-laws may be changed by a recorded two-thirds (2/3) vote of the entire Planning Commission and approval by the County Council.