

MOAB CITY PLANNING COMMISSION BYLAWS

6/87/28/2022

PURPOSE

These policies and procedures are designed and adopted for the purpose of providing guidance and direction to the members of the Moab City Planning Commission in the performance of their duties. The Planning Commission shall be governed by the provisions of all applicable State statutes, City ordinances, and these rules. Nothing in these rules shall be interpreted to provide an independent basis for invalidating or in any way altering a final decision of the Commission.

ARTICLE 1 – GENERAL PROVISIONS

The Moab City Planning Commission, hereinafter referred to as the “Commission,” shall be governed by the following statutes, ordinance, and rules:

- 1.1 Applicable State Statutes, Local Ordinances and Rules. To the extent that they remain in force and in effect and as they may be amended from time to time, the Commission and its members shall be governed by state statutes and local ordinances and policies including the following:
 - a. State statutes applying to public boards, members, and officials.
 - b. State statutes governing the activities of Municipal Planning Commissions.
 - c. The Moab City General Plan and Moab Municipal Code Book and other applicable ordinances and regulations approved by the Moab City Planning Commission or Moab City Council.
 - d. The adopted Rules of Procedure for Planning Commission Meetings. (Resolution #~~2018-0607-2022~~)
 - e. The rules and policies of the commission as set forth herein.
- 1.2 Familiarity with State Statutes, Local Ordinance, and Rules Affecting the Commission. Upon taking office, all members of the Commission shall familiarize themselves with the applicable statutes, ordinances and rules, and, while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.
- 1.3 Number of Commission Members and duration of term. The number of Planning Commission members shall be ~~seven-five~~ (57) and they shall serve for a term of three (3) years.

ARTICLE 2 – POWERS AND DUTIES

The Commission shall have the following powers and duties:

- a. To prepare or cause to be prepared a General Plan, or elements thereof, and to recommend the General Plan, or elements, to the Moab City Council;
- b. To prepare or cause to be prepared amendments to such plan and elements thereof and to recommend the amendments to the Moab City Council;

- c. To review and make recommendations to the Moab City Council with regard to amendments to the General Plan Land Use and Zoning Map;
- d. To initiate, review and make recommendations to the Moab City Council on applications for amendments to the zoning text of the Moab Municipal Code to promote health, safety and welfare;
- e. To hear, review and recommend approval or disapproval of applications where required by the Moab Municipal Code in accordance with the rules and regulations established by the Moab City Council, or to approve certain development applications when specifically authorized by the Moab City Council; and
- f. To adopt by-laws, policies, procedures and regulations for the conduct of its meetings, the consideration of application for development approval, and for any other purposes deemed necessary for the function of the Commission.

ARTICLE 3 – CONDUCT OF COMMISSION MEMBERS

- 3.1. Ethical Principles. The following ethical principles shall guide the actions of the Commission and its members in carrying out the powers and duties described above:
 - a. Serve the Public Interest. The primary obligation of the Commission and each member is to serve the public interest.
 - b. Support Citizen Participation in Planning. The Commission shall ensure a forum for meaningful citizen participation and expression in the planning process, and assist in the clarification of community goals, objectives and policies.
 - c. Avoid Conflicts of Interest. Commission members shall avoid conflicts of interest and even the appearance of impropriety. A commissioner with a potential conflict of interest shall make the interest public, abstain from voting on the matter, not participate in any deliberations on the matter, and leave any chamber in which such deliberations are to take place. The commissioners shall also not discuss the matter privately with any other official voting on the matter.
 - d. Render Thorough and Diligent Planning Service. If a commissioner has not sufficiently reviewed relevant facts and advice affecting a public planning decision, that commissioner should not participate in that discussion.
 - e. Not Disclose or Improperly Use Confidential Information for Financial Gain. A commissioner shall not disclose or improperly use confidential information for financial gain, and must not disclose to others confidential information acquired in the course of his/her duties, or use it to further a personal interest.
 - f. Ensure Full Disclosure at Public Meetings. The Commission shall ensure that the presentation of information on behalf of any party to a planning question occurs only at the scheduled public meeting on the question, not in private, unofficially, or with other

interested parties absent, and must make partisan information regarding the question received by mail, telephone, or any other communication, part of the public record.

g. Respect for and Courtesy to Other Commission Members, Public and Staff. Each commission member has the same rights and privileges as any other member. Any commissioner has the right to be heard and to hear what others have to say about items being considered by the Commission.

3.2 Representation of Applicants or Petitioners. No member of the Commission shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.

3.3 Ex-parte Communications. Pre-arranged private meetings between a commissioner and an individual(s) and their agents, or other interested parties with a matter pending before the Commission are prohibited. Partisan information on any application received by a Commissioner, whether by mail, telephone, or other communication should be avoided. When such communication does occur it must be made part of the public record by the commissioner.

3.4 Attendance. Each commissioner shall be responsible for attending at least seventy-five percent of the regularly scheduled meetings within the calendar year. Should circumstances arise where a Commissioner is unable to attend a schedule meeting, the commissioner shall be responsible for notifying the Planning Department as soon as possible. Commissioners who fail to attend seventy-five percent of the meetings shall be removed from the Commission.

ARTICLE 4 – MEETINGS AND ORGANIZATION

4.1 Regular Meetings. Regular meetings of the Commission shall be scheduled at least twice a month unless there are mitigating circumstances, such as lack of a quorum, lack of items to be discussed, holidays and other circumstances.

4.2 Citizen Planner Workshop. All Commissioners are required to attend a minimum of one (1) citizen planner workshop trainings conducted by the Utah League of Cities and Towns. All commissioners shall attend a second training offered by any of the following: Utah Chapter of the American Planning Association, the Utah Land Use Institute, or other acceptable urban planning or planning law conference.

4.3 Special Meetings, Work Sessions and Field Trips. Special meetings, work sessions and field trips for any purpose may be held at the call of the chair, the Moab City Council or the Planning Department. Work session and field trip meetings shall be for the discussion and informational purposes only; no action shall be taken on any item.

4.4 Open to the Public. All regular, special, work session and field trip meetings of the Commission are open to the public and will be noticed in accordance with the requirements of The Open and Public Meetings Act.

4.5 Membership. The Commission shall consist of ~~five~~^{seven} (57) members selected from the public at large and form a representative sample of the community. Members shall serve for terms not to exceed three (3) years in length.

- 4.6 Officers. At an annual meeting to be held at the first regular meeting at the commencement of each calendar year, the members of the Commission shall elect one (1) of its members as Chair and one (1) as Vice Chair. In the absence of the Chair, the Vice Chair shall act as Chair and shall have all powers of the Chair. If both the Chair and Vice Chair are absent or unable to preside over the meeting, the commission members present shall appoint an Acting Chair to preside. If the Chair leaves the Commission during an appointed term, the Vice Chair shall succeed to the office of Chair for the remainder of the term. If the Vice Chair leaves the Commission or succeeds to office of the Chair, the Commission, at its next regularly scheduled meeting, shall hold an election to fill the vacancy of the Vice Chair.
- 4.7 Role of the Chair. The Chair shall be in charge of all proceedings before the Commission, and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Commission. Whenever the Chair rules a motion out of order, the Chair shall explain why it is so, and advise the mover of corrections needed to make the motion in order.

ARTICLE 5 – PROCEDURES

5.1 Quorum and Necessary Vote. No regular or special meeting of the Commission at which action may be taken may be called to order, or items voted upon, by the Commission without a quorum consisting of at least ~~four~~ three (3) members of the Commission being present. ~~A majority of the Commission members then present and voting is required for final action. Unless otherwise provided by law, all matters brought for action before the Commission shall be deemed approved by an affirmative vote of the majority of the Commission body, including the Chairperson.~~ A quorum is not required to hold a work session or field trip, so long as notice is given in accordance with The Open and Public Meetings Act.

~~5.2 All meetings shall be conducted in accordance with the~~

~~5.3.2~~ Forms and Procedures of Decisions and Motions. Robert’s Rules of Order Newly Revised, may be used by the Chair as a general guide.

~~5.4.3~~ Motions. Any Commissioner, including the Chair, may make or second a motion.

- a. Motions should be supported by reasons. The person making the motion is encouraged to state the reasons and finding(s) supporting the motion at the time the motion is made. Any conditions for approval shall be stated. The motion may refer to the staff report for detail of the conditions for approval if the person making the motion desires to do so.
- b. Motions may be repeated for clarification following discussion and prior to the vote at the request of any Commissioner.
- c. Planning Commission may request legal advice from the City Attorney in the preparation, discussion and deliberation of motions and findings in support of any motion.

~~5.5.4~~ Voting. All Commission members, including the Chair, are entitled to vote. No Commission member shall discuss or vote on any matter deciding an application or petition except after attending the public meeting(s) and/or hearing(s) on the matter and listening to all testimony presented. A member may qualify to participate in further discussion and vote on the matter by examining the evidence and reviewing the record of the meeting(s) and/or hearing(s) at which the member was absent.

5-65.5 Rules of Order. In accordance with these rules, the Chair shall decide all points of procedure and order unless otherwise directed by a majority vote of the members in attendance.

5-75.6 Conduct During Public Hearings. During all meetings and hearings, persons providing testimony shall proceed without interruption except that of the Commission. All comments, arguments and pleadings shall be addressed to the Chair. There shall be no debate or argument between individuals. The Chair shall maintain order and decorum, and, to that end, may order removal of disorderly or disruptive persons.

ARTICLE 6 – AMENDING BY-LAWS

6.1 Amending By-Laws. These by-laws may be amended by a majority vote of the Commission, except where such amendments would be contrary to the requirements or limitations set forth by State Law or Moab Municipal Code. An amendment may be proposed at any regular meeting of the Commission. Member shall receive a copy of the proposed or amended by-laws not less than one week prior to the meeting at which said proposed changes shall be heard.

ARTICLE 7 – ELECTRONIC PARTICIPATION

7.1 Electronic Meetings Authorized. Moab City Planning Commissioners, and/or City staff may participate in an electronic meeting of the Planning Commission as provided in this section. All actions taken at an electronic meeting held in compliance with this section are valid and binding to the same extent as if all participants had been physically present at the anchor location.

7.2 Definitions. The definitions in the Utah Code Annotated 5-24-103, the Open and Public Meetings Act, shall apply to this section with the addition of the following definitions:

“Anchor location” means the Moab City Council Chambers, or any other physical location where a meeting is held and from which the electronic meeting originates.

“Elected officials” means the Moab City Councilmembers and Mayor.

“Remote location” means any place, other than the anchor location, where a Councilmember, the Mayor, or City staff may be located, and where meeting participants can establish real-time audio and/or video telecommunication access to the meeting.

7.3 Quorum for Electronic Meetings.

a. As otherwise defined in this chapter, a majority of the Planning Commission constitutes a quorum for the transaction of business. A quorum of the Planning Commission must be present to convene an electronic meeting but need not be present at the anchor location. Elected officials and/or City staff may participate in an electronic meeting from a remote location.

b. Planning Commission members participating in an electronic meeting from a remote location shall be considered present and are authorized to vote and otherwise participate in the meeting as if they were present at the anchor location.

- c. In the event of an equipment failure, or other similar event which causes an interruption of communication with a remote location, the Planning Commission has discretion to either: (a) act on the matters up for consideration on its agenda provided that a quorum is still present; or (b) continue the matter to a subsequent meeting.

7.4 Procedures for Electronic Meetings.

- a. Notice of any electronic meeting of the Planning Commission shall be given in the same manner as provided for all other Planning Commission meetings except that the notice shall indicate the meeting will be electronic and shall comply with Utah Code Annotated 52-4-207(3)(b) which requires: “notice of the electronic meeting to the members of the public body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and a description of how the members will be connected to the electronic meeting.”
- b. Meeting procedures for electronic meetings of the Planning Commission shall be the same for nonelectronic meetings, except as noted below.
- c. Planning Commissioners and City staff shall be connected in such a manner that comments made by them will be broadcasted to the public. The Recorder will take a verbal roll-call for members present. The presiding officer shall allow remote participants to participate in the discussion to the same extent as if they were present at the anchor location.
- d. Matters called to a vote in an electronic meeting shall be via roll-call vote, and Planning Commissioners participating from a remote location must state their name and their vote audibly when asked by the Recorder.