

BROOKINGS COUNTY PLANNING COMMISSION BYLAWS

Meetings:

1. At the first regular meeting in January the Planning Commission shall elect a chairperson, a vice chairperson and a recording secretary who need not be a member of the Board. They can be a member of the planning staff, or an employee of the planning commission.
2. The number of meetings per month and a schedule of meeting dates shall to established and may be altered or changed at any regularly scheduled meeting. The commission must meet at least once a month unless there are no agenda items. One regular meeting date is established on the first Tuesday of the month at the Brookings County Resource Center. Meeting time will be 8:00 PM from April to October and 7:00 PM from November to March.
3. Special meetings can be held at any time and may be called by the chairperson, vice chairperson, a majority of the members of the planning commission. At least 24 hours notice should be given to each member of the commission.
or
3. In the event of a true emergency, the chairperson, with the assent of a majority of citizen planning members contacted by telephone, may call an emergency meeting without notice; such meeting is open to the public; publicly accessible minutes shall carry the specific justification for such meeting.
4. Any meeting of the commission may be continued or adjourned from day to day or for more than one day. An adjournment can only last until the next regularly scheduled meeting.
5. An executive meeting is a meeting closed to the public, whose topics of deliberation are truly confidential in nature; there shall be neither deliberation nor vote on agendized items before the commission.
6. A majority of the members of the commission entitled to vote shall constitute a quorum. A quorum must be in attendance before the commission can begin business or make recommendations. Special exceptions and variances require a two-thirds majority of the full board as required in SDCL 11-2-59.

Duties:

1. The duties and powers of the officers of the planning commission shall be as follows:
 - a. Chairperson

1. Preside at all meetings of the commission. The chairperson shall call the meeting to order at the chosen time and shall preserve the order of the meeting. If a person violates a rule of the commission the chairperson will call them to order.
 2. Call special meetings of the commission in accordance with the by-laws.
 3. Sign documents for the commission
 4. See that all actions of the commission are properly taken.
- b. Vice Chairperson
1. The vice chairperson shall perform the duties and have the responsibilities of the chairperson during the absence, disqualification or disability of the chairperson.
- c. Where both the chairperson and vice chairperson are absent from a hearing or meeting, the remainder of the citizen members of the planning commission shall elect a chairperson pro-temp from among their own number by majority vote.
- d. Recording Secretary
1. Keep the minutes of all meetings of the commission in an appropriate minute book.
 2. Give or serve all notices required by law or by the Brookings County Zoning Ordinance.
 3. Prepare the agenda for all meetings of the commission, and inform the members of the time of any special meetings.
 4. Keep commission records.
 5. Inform the commission of correspondence relating to business of the commission and attend to such correspondence.
 6. Handle funds allocated to the commission in accordance with its directives, the law and county regulations.
 7. Sign official documents for the commission.

Proceedings:

1. All maps, plats and other matters required by law are to be filed at the County Zoning Office.
2. Matters referred to the commission by the County Commission shall be placed on the agenda for consideration and action at the next commission meeting.
3. Reconsideration of any decision of the commission may take place when a commission member in the majority on a previously decided item wishes to have the commission reconsider its vote. The motion is appropriate only where: (1) crucial information, not available at the time of the initial vote is now available, or (2) there has been a substantial change of circumstances since the initial vote.
4. Roberts Rules of Order are adopted to govern the commission in all cases not otherwise provided for in these rules.
5. General Order of Business: Any regular meeting of the Planning Commission should follow this order of business.
(Agenda):
 - a. Roll call
 - b. Approval of minutes of the preceding meeting.
 - c. Addition of items to the agenda
 - d. Scheduled matters

Consent items. There are items that require little or no discussion by the planning commission, public or applicant. The planning commission will act on these items in one motion. If any concerns are expressed regarding one of these items, it will be considered by the planning commission in its regular position on the agenda.

Public hearings.

Appeals

- e. Personal appearances. Any citizen wishing to speak on a matter not scheduled on the agenda may do so during this time. The planning commission does not take immediate action on items presented under personal appearances.
- f. Communications
- g. Report of the chairperson or planning commission committees.

h. Adjournment

6. Order of Presentation:

Generally the following will be the order of presentation after introduction of any item by the chairperson. It may be rearranged by the chairperson if necessary.

- a. The planning staff presents its report and makes recommendations
- b. The planning commission may ask the staff any questions regarding its report.
- c. Applicants (proponents of the item) make their presentation.
- d. Any opponents or interested citizens make presentations.
- e. The applicant can make comments on any points or answer arguments not previously covered.
- f. The planning staff makes additional comments as necessary.
- g. The planning commission asks any questions it may have of the applicant, the public or the staff then takes a vote.

7. Deadline for the agenda

Applications for certain actions that require public hearings (special exceptions and variances) need to be in the office of the zoning director by 5 PM on the 2nd Tuesday of any month in order to be placed on the next month's agenda for action. Included with the application must be any plans or maps needed for the public and the planning board members to study before the meeting. Publication in the appropriate newspaper of the legal notice shall be two weeks prior to the meeting when action is proposed to take place. Failure to comply with the deadline will mean automatic delay of one month before action will be taken.

8. No new agenda items shall be taken up after 11 p.m.
9. All members of the commission have one vote. Voting is by a verbal "yes" or "no" and shall be recorded in the minutes. The order of voting is to be rotated each month, with the chairperson voting last. No explanation of the vote is to be given at this time.
10. The chairperson has the same rights to propose motions and vote as any other member.

11. The vice-chairperson shall succeed the chairperson if the position is left before the term is completed. The vice-chairperson serves the remainder of the term and a new vice-chairperson shall be elected at the next regular meeting.
12. Any member of the planning commission who feels he/she has a conflict of interest on any matter on the planning commission agenda shall voluntarily excuse him/herself, vacate his seat, and refrain from discussion and voting on the item as a planning commissioner.
13. A member of the planning commission must notify the planning office by 5:00 p.m. the day of the meeting if he/she will not be able to attend the meeting.
14. Acceptance of gifts with a value over a certain price?
15. Because the following conditions impair the quality of decision-making and diminish the integrity of the planning commission a member of the commission may be removed for cause. To include continuing unpreparedness, continuing absence from meetings (three consecutive meetings or four regular meetings within a calendar year), biased participation, and conflicts of interest.
16. The deputy states attorney shall serve as legal counsel to the planning commission; prepares memoranda of law as requested by the planning commission, and reviews drafts of ordinances, resolutions, and by-laws and their amendment.
17. A working session is a noticed official hearing open to the public to discuss specific matters before the commission; the intent of the working session is informational; the planning commission may neither deliberate nor take a substantive vote during a working session.
18. The bylaws may be amended at any meeting of the planning commission provided that notice of said proposed amendment is given to each member in writing at least 2 weeks prior to the meeting.

Role of the Commission:

1. The planning commission represents the whole community. Its principle responsibility is neither to the developer nor to the applicant. Members must be objective and make decisions that further the best interests of the whole community.
2. Must have a belief that planning should be carried out and be committed to a plan.
3. Must have the ability to get to and grasp the essential facts and issues of a problem and not get waylaid by side issues. They must have the strength to

make decisions. The commission can pull together the different sides of an issue and try to reach an acceptable middle ground.

4. When a member stands to gain or lose money as a result of a planning commission, the member should stand down and not participate in the discussion or voting.
5. Members should not make any presentation before the commission on behalf of any request that they have a financial interest.

Outline for Motions:

The following outline modifies, withdraws and inserts motions into the order provided within Robert's Rules of Order (Revised 1971 and Newly Revised 1990). However, the motions are not presented in order of precedence, but in the order in which they are most likely to appear within the meeting of the planning commission. In this outline, a single public hearing is heard within a deliberative meeting.

Each motion is coded in four categories:

Requires Second	(S), or not (NS),
Is debatable	(D), or not (ND),
Is amendable	(A), or not (NA),
And requires vote	(V), or not (NV).

A simple majority is required, unless otherwise noted. Immediately below the motion and its codes is a brief explanation of the motion's use and relevance.

1. CALL TO ORDER

NS | ND | NA | NV

Action of the chairperson to bring the members, staff, and audience into order.

2. CALL FOR QUORUM

NS | ND | NA | NV

Action of the chairperson, with confirmation by the secretary, that the commission may conduct official business.

3. CALL TO FOLLOW THE AGENDA

NS | ND | NA | NV

Action of the chairperson to proceed with the agenda as published, so that persons attending and possibly wishing to testify may know the order of issues to be heard and decided.

4. Motion to AMMEND THE ORDER OF THE AGENDA

S | D | A | V

For very specific reasons, other than those of inconvenience or unpreparedness, a commission member may move to alter the order but not the content of the agenda.

5. Motion to FIX THE TIME TO ADJOURN

S | ND | A | V

Once the order of the agenda has been decided, a planning commission is under an obligation to estimate how much of its work it can reasonably and responsibly conclude within a single meeting. Where a public hearing is required, the chairperson can impose reasonable but equitable time constraints upon public testimony.

6. Motion to APPROVE THE MINUTES

NS | ND | A | V

Action to approve the minutes of a previous meeting. The minutes are amendable to improve clarity, accuracy, and completeness, but not to re-open debate on a previously decided agenda item.

7. Motion to RECONSIDER

S | D | NA | V

A procedural motion, used where a commission member in the majority on a previously decided item wishes to have the commission reconsider its vote. The motion is appropriate only where: (1) crucial information, not available at the time of the initial vote, is now available, or (2) there has been a substantial change of circumstances since the initial vote. Great care should be taken with respect to this motion so as not to violate notice requirements or time limitations on action. If the motion for RECONSIDERATION is passed, the item is re-represented in total, after which a new substantive motion may be made.

8. Motion to RECESS INTO PUBLIC HEARING

S | ND | NA | V

To this point the commission is in regular deliberate meeting, it now may RECESS INTO PUBLIC HEARING in order to take public testimony on a specific agenda item. During a public hearing, a commission member may not make substantive motions.

9. Motion to ACCEPT FOR THE RECORD

S | ND | NA | V

A procedural motion to officially incorporate an application, agency report, consultant's report, letter, petition, or other written or visual materials into the public record.

10. Motion to CLOSE THE PUBLIC RECORD

S | ND | NA | V

If the planning commission wishes to proceed with debate on the item, it must close the public record. Both the record of written and visual materials and the oral testimony form the basis of consideration and decision. Where the commission is to deliberate the case at a future meeting, it may leave the public record open for a specific period of time, usually two business days, to receive any additional written materials.

11. Motion to CLOSE THE PUBLIC HEARING

S | ND | NA | V

A procedural motion made when all public testimony has concluded; the planning commission has now returned to deliberative meeting.

12. CALL TO ENTERTAIN A MOTION

NS | ND | NA | NV

After broad discussion and deliberation among the members of the planning commission, the chairperson may invite, but may not make a motion.

13. Motion to CLOSE DELIBERATION

S | ND | NA | V

A procedural motion to test whether the planning commission is ready to move from deliberation to decision. For smaller commissions, the CALL TO ENTERTAIN A MOTION (see #12) would be sufficient to move the commission toward substantive motion.

14. Motion to APPROVE, APPROVE WITH CONDITIONS, or converse motion to DISAPPROVE

S | D | A | V

A substantive motion (often called the MAIN motion); it may take one of two forms: (1) a definitive action, or (2) a recommendation. Requires recitation of reasons in support of the motion; both the Mover and Secunder must concur in the reasons and in the conditions, if such are attached. A tie vote constitutes defeat of the motion. When a motion to DISAPPROVE is defeated, a converse motion should be made to secure APPROVAL or APPROVAL WITH CONDITIONS.

15. Motion to AMEND the Previous Motion

S | D | A | V

Amending motions may be either procedural or substantive. When a motion has been moved and seconded and is within the period of debate, it is subject to substitution, alteration or perfection. When an amendment is seen as "friendly," that is, compatible with the previous motion by the initial mover and seconder, the amendment may be incorporated directly into the previous motion by verbal assent; where the amending motion is seen as "unfriendly" it must be debated and decided first. All motions to AMEND the previous motion must be decided prior to deliberation and vote on the MAIN motion (see #14).

16. Motion to RECESS

S | ND | A | V

A procedural motion to permit a very brief suspension of public hearing or deliberative meeting to facilitate commission operations or for the comfort of the public. Planning commission members should avoid contact with interested parties during recess.

17. Motion to DEFER TO SPECIFIC TIME

S | D | A | V

Where testimony on a public hearing or deliberation by the commission on an agenda item cannot be concluded within a single session, a motion to DEFER TO A SPECIFIC TIME, that is, the immediately next meeting, is appropriate. The deferred item becomes the first item in the succeeding agenda. Care must be taken to not violate notice or time limitation requirements (as with #7, Motion to RECONSIDER).

18. Motion to EXTEND THE TIME TO ADJOURN

S | ND | A | V

Having already fixed the time of adjournment (see #5, Motion to FIX TIME TO ADJOURN), the commission may nevertheless extend such time, but by a two-thirds vote.

19. Motion to ADJOURN

S | ND | NA | V

While a motion to ADJOURN is always appropriate, planning commissions are obligated to expedite items on the meeting agenda. A Motion to ADJOURN is only used when all agenda items have been decided or remaining items have been DEFERRED TO SPECIFIC TIME (see #17).

An additional number of motions are necessary to facilitate the internal operations of the commission or acknowledge right of its members. The following motions have no order of precedence.

20. Motion to ADOPT or the converse motion to REJECT

S | D | A | V

Action to incorporate, alter, or eliminate policies which guide the decision-making of the commission or board. Policy adoption requires only a voting majority; adoption of, or amendment to, by-laws requires a two-thirds vote. (For more on by-laws, see David Alor's "Keeping Things In Order: Planning Commission By-Laws, in PCJ #14).

21. Motion to REFER TO COMMITTEE

S | D | A | V

Some larger planning commissions have provision in their by-laws allowing referral of specific issues to smaller committees for deliberation and subsequent recommendation back to the full commission. This does not delegate power to the committee to decide the issue.

22. Motion to DIVIDE A MOTION

S | ND | A | V

Where a motion has been both moved and seconded and is under deliberation, but where that motion is considered as complex. Any member of the commission may seek to divide the motion, thereby permitting independent votes on specific issues. Care must be taken not to divide a motion in such a manner as to subsequently make contradictory decisions among the features of the divided motion.

23. Action to WITHDRAW A MOTION

NS | ND | NA | V

Where the Mover finds that an initial motion is flawed, inappropriate, or premature, the Mover may seek to withdraw the motion in whole. This action is not permissible if the original motion is either subject to an amending motion or has been amended.

24. Motion to SUSPEND THE RULES

S | D | A | V

Where, in extraordinary conditions, established rules would hinder rather than promote effective deliberation, specific rules may be suspended for specific time within a meeting --- the reasons for such suspension should be entered into the minutes of the meeting. Any suspension of rules requires a two-thirds vote. Great care must be taken under a suspension of rules to avoid the appearance (or the fact) of unfairness. No rule may be suspended which is otherwise required by law.

25. Action to RULE OUT OF ORDER

NS | ND | NA | NV

To assure the orderly progress of a meeting or hearing, the chairperson may rule individuals --- whether members of the commission, staff, or the public --- out of order where: (1) comments are irrelevant to the item under discussion, (2) comments have already been made, (3) the specified period of time in which to speak has expired, or (4) comments are disruptive to the order of the meeting.

26. Instruction to DISREGARD

NS | ND | NA | NV

To assure the objectivity of the hearings and meetings, the chairperson may instruct the members to DISREGARD comments and/or written or visual materials that are inflammatory or prejudicial. Such comments, however, are retained in any recordings or transcribed minutes of the meeting, and in the public record.

27. Motion to APPEAL THE RULING OF THE CHAIR

S | D | NA | V

A right of members of a commission to challenge the action of a chairperson, so as to ensure that proper procedures are followed, not to impede deliberation and decision.

28. A POINT OF ORDER

NS | ND | NA | NV

A right of members of a commission to request that the chairperson follow proper order. The intent is to assure proper progress of deliberation, not to contest action of the chairperson (as in #27 Motion to APPEAL THE RULING OF THE CHAIR). The point of order seeks to address an immediate concern, not debate larger procedural issues. Repeated use of A POINT OF ORDER to delay or frustrate decision is inappropriate and damages the continuity of deliberation.

29. A POINT OF INFORMATION

NS | ND | NA | NV

A right of members of a commission to request the specific inclusion or clarification of matters of fact from the chairperson.

30. A POINT OF PERSONAL PRIVILEGE

NS | ND | NA | NV

A right of any member of the commission to express matters of serious concern. For example, if a member of the commission is aware of a conflict of interest in a specific case, that member should at the time that the case is brought forward on the agenda, raise A POINT OF PERSONAL PRIVILEGE, declare that a conflict of interest exists, and withdraw from all further participation on that case. As a special note: I encourage that a member, having declared a conflict of interest, leave the chamber until that case has been decided.