

PLANNING COMMISSION RULES OF PROCEDURE

ADOPTED BY THE RICHMOND PLANNING COMMISSION
ON JULY 17, 2013

INTRODUCTION

The Rules of Procedure or "Rules" for the Town of Richmond Planning Commission are procedural rules related to the conduct of official meetings of this local government body. They can be modified from time to time by formal action of the Richmond Planning Commission or "Commission". A violation of these rules will not in and of itself invalidate an action of the Planning Commission.

The Planning Commission shall follow these rules and make them public upon request.

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RULE 1. COMMISSION MEETING - LOCATION

All meetings of the Planning Commission shall be held at the Richmond Town Center unless the Commission requires a different location (e.g., for purposes of reviewing particular areas of the Town). In those cases, meeting places may not be designed to exclude members of the public. The time and place of a special meeting must be designated.

The Planning Commission hereby adopts the Town Code of Ethics Policy (as amended from time to time by the Selectboard) as part of the Planning Commission Rules of Procedure. The Town of Richmond will comply with the Americans with Disabilities Act and make every reasonable effort to accommodate all individuals interested in participating in municipal activities.

RULE 2. COMMISSION MEETING - TIME

The regular meetings of the Planning Commission shall be held on the first and third Wednesdays of the month at a time agreed upon by the Commission at their annual organizational meeting. Special meetings may be held as specified in Rule 8.

RULE 3. COMMISSION MEETINGS - OPEN TO THE PUBLIC

All meetings of the Planning Commission and of committees thereof shall be open to the public, except as provided for in State law for closed executive sessions. Meeting agendas shall be posted in 3 locations at least 24 hours prior to the meeting.

All persons must be allowed to attend unless "unruly", or otherwise excluded by law, such as executive sessions. A meeting is generally defined as any gathering of a majority of Commissioners where Planning Commission business is discussed. Social gatherings become meetings if Planning Commission business is discussed by a majority of the Planning Commission members.

Access to Public Records. Public records include any communication, regardless of form, relating to the conduct of agency business (1 V.S.A. 316). Records shall be made available for public inspection and copying during normal office hours.

Persons other than Commissioners and staff shall be permitted to address the Commission during public meetings upon recognition by the Presiding Officer. During Study Sessions (see Rule 10), public comment will be allowed only at the discretion of the Presiding Officer.

RULE 4. ELECTION OF OFFICERS

Procedures for electing officers are as follows:

- (a) Annually, the members shall elect a Chairperson from among their number who shall have the title of Chair. In addition to the powers conferred upon him/her as Chair, he/she shall continue to have all the rights, privileges and immunities of a member of the Commission. If a vacancy occurs in the Office of Chair, the members of the Commission at their next regular meeting shall select a Chair from among their number for the unexpired term.
- (b) A Vice Chair shall also be elected in a like manner.

RULE 5. PRESIDING OFFICER

The Chair shall preside at all meetings of the Commission. The Chair has no regular administrative or executive duties. In case of the Chair's absence or temporary disability, the Vice Chair shall act as Chair during the absence.

In case of the absence or temporary disability of the Chair and the Vice Chair, a Temporary Vice Chair selected by members of the Board shall act as Chair during the absences or disabilities. The Chair or Vice Chair is referred to as "Presiding Officer" from time to time in these Rules of Procedure.

RULE 6. NUMBER OF MEMBERS/QUORUM

The Selectboard shall set the number of members on the Commission. At all meetings of the Commission, a simple majority of the authorized seats shall constitute a quorum for the transaction of business. A fewer number

may adjourn the meeting, which can be resumed at special notice or at the next regularly scheduled meeting. Proper notice of the adjournment and resumption date shall be posted at the Town Offices.

RULE 7. ATTENDANCE AND ABSENCES

The Chair or Vice Chair may ask a Commissioner if he/she wishes to resign his/her office after failing to attend three consecutive regular meetings of the Commission. Members shall contact the Presiding Officer or the Town Planner when they are unable to attend a meeting of the Commission.

RULE 8. SPECIAL COMMISSION MEETINGS

Procedures for setting a special meeting are as follows:

- (a) A special meeting may be called by the Presiding Officer or any three members of the Commission.
- (b) Notice of the special meeting shall be prepared in writing by the Town Planner's Office. The notice shall indicate the time and place of the meeting and the business to be transacted.
- (c) The notice shall be delivered by mail, email or personally to the residence or business of each Commissioner. The Town Planner and the Chair shall direct the staff to provide such additional notification as is reasonable to notify all Commissioners.

RULE 9. COMMISSION MEETING AGENDA

The Town Planner, under the direction of the Commission Chair, shall arrange a list of such matters according to the order of business and prepare an agenda for the Commission. A copy of the agenda shall be prepared for Commissioners and be posted in three public locations, one of which may be the Town Website, at least 24 hours before a regular Commission meeting. The Commission shall have the option of deleting any item from the agenda or deferring an item on the agenda to a subsequent Commission meeting. Any Commissioner, or the Town Planner, may introduce a new item to the agenda.

RULE 10. MEETINGS AND STUDY SESSIONS

Planning Commission actions must be carried out in regularly scheduled or warned, open meetings. Public comment must be allowed prior to the Commission taking action. A study session is a meeting of the Commission or a committee of the Commission designed to gather data or prepare a report on a particular subject. The Commission must warn study sessions and allow public attendance. The Commission or committee need not take public comment during a study session, but must provide an opportunity for public comment in a regularly scheduled or warned, public meeting prior to taking any action on data or reports from a study session.

RULE 11. USE OF EMAIL

Email may be used to disseminate information to Planning Commission members. However, it should not be used to exchange opinions or discuss Commission business. Individual members may email the Planner to request information. Email exchanges among a quorum of members related to town business should not occur. In the event that such an exchange does occur, it should be disclosed at a public meeting. Richmond does not currently have a policy on the retention of email.

RULE 12. TOWN PLANNER

The Town Planner generally attends all meetings of the Commission. The Town Planner may take part in the Commission's discussion on all matters on the agenda, and other topics concerning the business of the Planning Commission.

RULE 13. ASSISTANT TO THE COMMISSION

The Town Planner shall perform such other duties in the meeting as may be required by the Commission or Presiding Officer. In the absence of the Town Planner, the Commission shall appoint another qualified member to perform specific functions required by the Commission. The Presiding Officer shall direct the Secretary, the Town Planner, or another Commissioner to take minutes of all meetings.

SECTION II
DUTIES AND PRIVILEGES OF MEMBERS

RULE 14. ABSTENTIONS FROM PARTICIPATION AND VOTING

In order to ensure the highest level of public trust in the deliberations and decisions of the Richmond Planning Commission each member must avoid any act which a reasonable person knowing the true facts would conclude is a conflict of interest. The test of whether a conflict of interest exists is the “appearance of fairness doctrine” which is based on the question:

“Would a disinterested person, knowing the totality of a Commissioner’s personal interest in a matter being acted upon, be reasonably justified in thinking that partiality exists?”

Prior to any matter of Commission business each Commissioner should ask him-or-herself if a potential conflict exists in exercising his or her duties as a member of the Planning Commission. If a potential conflict exists in the opinion of the Commissioner, then the Commissioner will withdraw from any further discussions and decisions on the particular application or issue.

Circumstances under which a Commissioner should withdraw from participation include:

- (a) Direct financial interest in the outcome of the matter at issue.
- (b) Indirect financial interest in the outcome of the matter at issue (e.g., partner, family member, employee, client, or close friend having direct financial interest).
- (c) Ownership of property subject to rezoning.
- (d) Family relationship to the applicant (direct or spousal, up to and including those three times removed, e.g., grand uncle, second cousin, great grandchild).
- (e) Co-habitators with the applicant.
- (f) A relationship with parties involved in the matter which would result in the Commissioner placing a private interest above the public interest.

A Commissioner need not withdraw if his or her private interest is common to numerous persons in the community. For example, any change in zoning bylaws could generally affect many property owners, including Commissioners. Only changes in zoning bylaws that have a unique impact on a particular Commissioner would warrant disqualification. In the event that a disqualified Commissioner is the chair of the Commission, the vice-chair shall preside over deliberations and actions in question. If the vice-chair is also disqualified, a majority of the remaining Commissioners shall designate a temporary chair to preside during discussions and actions on the matter in question.

A recused Commissioner shall leave the Planning Commission table and may join other members of the public and offer comment.

Any person who perceives a conflict of interest should so indicate to the Commission in writing or on the record at a public meeting.

RULE 15. DISSENTS AND PROTESTS

Any Commissioner shall have the right to express dissent from or protest against any motion or resolution of the Commission at the time it is made and have the reason therefore entered in the minutes.

SECTION III - COMMISSION PROCEDURES

RULE 16. RULES OF ORDER

Rules of order not specified by statute, ordinance, or resolution shall be governed by Robert's Rules of Order. The Presiding Officer shall serve as parliamentarian and shall advise the Commission as to correct rules of procedure or questions of specific rule application.

RULE 17. ACTIONS FOR A PUBLIC HEARING

Public Hearings shall be duly warned in a newspaper of general circulation approved by the Selectboard.

The procedures for a public hearing are as follows:

- (a) Prior to the start of the "Comments from the Public" portion of the public hearing, the Presiding Officer may ask that all persons wishing to be heard sign in at all meetings, giving their names and addresses, the agenda item. Any person who fails to sign in may not be permitted to speak until all those who signed in have done so. At any public hearing all persons who have signed in and wish to be heard shall be heard. However, the Presiding Officer may establish speaker time limits and otherwise control presentations to avoid repetition.
- (b) The Presiding Officer introduces the agenda item, opens the public hearing, and may announce the following Rules of Order.
 - (1) "These rules are intended to promote an orderly system of holding a public hearing, to give every person an opportunity to be heard, and to ensure that no individual is embarrassed by exercising their right of free speech."
 - (2) "All speakers should state their names prior to their comments."
 - (3) "Anyone making 'out of order' comments may be subject to removal from the meeting."
 - (4) "There will be no demonstrations during or at the conclusion of anyone's presentation."
- (c) The closing of the hearing may be followed by a voice or roll call vote. A written explanation may be prepared subsequent to any action by the Commission.

RULE 18. VOTING

The votes during all meetings of the Commission shall be transacted as follows:

- (a) Unless otherwise provided for by statute, ordinance, or resolution, all votes shall be taken by voice, except that at the request of any Commissioner, a roll call vote shall be taken.
- (b) Motions shall be made in the affirmative whenever possible.
- (c) In case of a failure to obtain affirmative votes from a majority of the authorized Commission seats, regardless of vacancies,) on any proposal, the proposal shall be considered lost.
- (d) Commissioners may abstain from voting in accordance with Rule 13, if they feel they have inadequate information, or for any other reasons.

RULE 19. COMMITTEES

- (a) Special Commission Study Committees. Special ad hoc Commission study committees may be created by the Chair for a particular purpose, or when the issue is so complex and time consuming that it cannot be reasonably handled at a Commission meeting. Commission study committees shall consist of fewer Commission members than constitute a quorum and/or members of the public appointed by the Presiding Officer. Special committees shall sunset at the end of their mission, but no later than the end of each calendar year unless specifically continued by the Commission thereafter

for a specified time period. Meetings of special study committees shall be publicized in accordance with Rule 3.

- (b) Commission Liaisons. In order to build additional Commission expertise and facilitate exchange of information in various areas of planning, the Presiding Officer may appoint a member to serve as a liaison to groups such as the following:
- (1) Chittenden County Regional Planning Commission
 - (2) Recreation Committee, Recreation Path Committee, Conservation Commission and Economic Development Committee
 - (3) Water & Sewer Commission and Highway Department
 - (4) Selectboard
 - (5) Schoolboards and Chittenden East School Department
 - (6) Development Review Board
 - (7) Other committees as determined by the Planning Commission.
- (c) Sub-Committees: All sub-committees advisory to the Planning Commission shall report to the Commission.

The Town Planner, Town Administrator and respective department heads shall strive to provide liaisons with additional information beyond that normally provided to the Commission as a whole, and to keep the liaisons abreast of developments, trends, conditions and issues in the various functional areas of Town government as they relate to Planning and Zoning.

RULE 20. RESOLUTIONS AND MOTIONS

An enacted resolution is a non-binding statement.

An enacted motion reflects a binding vote by the Commission to direct that a specific action be taken.