

BYLAWS
of the
CITY OF TALENT
PLANNING COMMISSION

Principles of the Commission (from *Robert's Rules of Order*):

- The right of the majority to rule
- The right of the minority to be heard
- The right of the individual to participate in the decision-making process

The authority of the Planning Commission to adopt bylaws is found in Section 1-9.7 of the Talent General Ordinances (TGO).

A. ORGANIZATION

The Commission consists of seven (7) members appointed by the Mayor with the approval of the City Council. Members serve four-year terms. The two officers of the Commission are Chair and Vice-Chair. Planning staff, in addition to being advisor to the Commission, serves a functionary role as Commission secretary.

- A.1. **Election of Chair and Vice-Chair** and Appointment of Commission Representatives [*TGO Sec. 1-9.5*]
- a. The Commission, at its first regular meeting in January of each year, shall elect a Chair and Vice-Chair and shall serve until their successors are elected and qualified.
 - b. If the office of the Chair or Vice-chair becomes vacant, the Commission shall elect a successor from its membership who shall serve the unexpired term of the predecessor.
 - c. Nominations shall be by oral motion. At the close of nominations, the Commission shall vote by voice upon the names nominated for the office. If requested by any member, written ballots shall be used for voting purposes.

A.2. **Chair — Duties**

The Chair shall preside at all meetings of the Commission providing general direction for the meetings, assuring proper order of the Commission and public in all proceedings. Such duties shall include:

- a. Announcing the business on the meeting agenda in the order in which it is to be acted on;

- b. Reviewing the agenda for consistency with Planning Commission direction;
- c. Receiving and submitting all motions and propositions presented by the members of the Commission;
- d. Preside over and maintain order in all deliberations and meetings of the Commission;
- e. Putting to a vote all questions which are properly moved, or those that arise during proceedings, and to announce the result thereof;
- f. Vote on all questions before the Commission;
- g. Informing the Commission when necessary, or when called to, on any point of order or practice. The Chair may call upon staff for advice on such matters;
- h. Moving the agenda along, holding down redundancy, referencing handouts and procedures during meetings;
- i. Recognizing speakers and members of the Commission prior to receiving comments and presentations of physical evidence; i.e., plans and pictures; and
- j. The Chair may rule out of order any testimony or comment that is irrelevant, personal, or not pertinent to the matter being heard.

It shall be the duty of the Chair to authenticate by signature when necessary, or when directed by the Commission, all the acts, orders and proceedings of the Commission.

A.3. Duties of the Vice-Chair

During the absence, disability, or disqualification of the Chair the Vice-Chair shall exercise or perform all the duties and functions of the Chair.

A.4. Temporary Chair

In the event of the absence or disability of both the Chair and Vice-Chair, the Secretary calls the meeting to order, calls the roll, and the Commission shall elect a temporary Chair to serve until the Chair or Vice-Chair so absent or disabled shall return. In such event, the temporary Chair shall have all the powers and perform the functions and duties herein assigned to the Chair of the Commission.

A.5. Commission– Responsibilities

The purpose, objectives, and responsibilities of the City Planning Commission shall be:

- a. Comprehensive Plan. The Commission shall carry out duties assigned to it by the City Council relating to development, updating, and general maintenance of the Plan.
- b. Capital Improvement Program. The Commission may assist the Council in the formation of a Capital Improvement Program and, after adoption of said Program, may submit periodic reports and recommendations to the Council relating to the integration and conformance of the Program with the Talent Comprehensive Plan.
- c. Application of Development Regulations. Except for those matters which may be delegated to the Community Development Director, the Commission shall review and take action on quasi-judicial and legislative matters, and other proposals which result from the application of development regulations contained within the Development Code on specific pieces of property and uses of land, buildings, etc.
- d. Coordination and Cooperation. The Commission may, and is encouraged to, exchange research, information, ideas and experiences, participate in joint meetings, develop programs and undertake such other formal and informal actions to facilitate cooperation and coordination.
- e. General Welfare. Upon its own initiative or direction of the City Council, the Commission shall study and propose in general such measures as may be advisable for promotion of the public interest, health, safety, comfort, convenience, and general welfare of the City of Talent and its citizens related to its particular area of responsibility.

A.6. Secretary – Duties

The Community Development Director shall serve as Secretary of the Commission. In the event the Secretary is absent from any meeting, the Secretary may send a designee. The secretary shall have the following duties:

- a. Give notice of all Commission meetings as hereinafter provided; coordinate with the Commission Chair on all agenda items, attend every meeting of the Commission, call the roll and record for the record all members in attendance, read communications, resolutions and other papers which are ordered to be read by the Chair of the meeting; and receive and bring to the attention of the Commission messages and other communications from other sources;
- b. Keep the minutes of the proceedings of the Commission and record the same;

- c. Keep and maintain a permanent record file of all documents and papers pertaining to the work of the Commission; and
- d. Perform such other duties as may be required by these rules.

A.7. Commissioner Appointments & Re-appointments

Commissioner appointments and re-appointments shall be consistent with the City's adopted Committee/Commission Appointment Policy.

B. CONDUCT OF COMMISSION MEMBERS

B.1. Addressing Members

Commission members shall address other members as "Commissioner" and their last names. This is for the benefit of the record and the public, who may not know the various commissioners by their first names.

B.2. Preparation

Members of the Commission shall take such time as necessary to prepare themselves for hearings and meetings. If members visit a site or have familiarity with a site they shall disclose any observations.

B.3. Attendance

Every member of the Commission shall attend the meetings of the Commission. Any member planning to be absent shall notify the secretary as soon as possible. If any member is absent from six (6) meetings within one calendar year or three consecutive meetings, then upon majority vote the Commission may recommend to the City Council that position be vacated.

B.4. Conflict of Interest

See ORS 244.020, et seq.

B.5. Misconduct

RESERVED

C. MEETINGS

C.1. Place

Meetings of the Commission shall be held in the Town Hall at 206 E. Main Street, Talent, Oregon, or at such other place in the City of Talent as the Commission may designate. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place within the city of Talent for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place.

C.2. Regular Meetings

Regular meetings of the commission shall be held on the fourth Thursday of each month at the hour of 6:30 PM.

At 9:00 PM the Planning Commission will consider finishing the item presently being considered, and no additional items will be heard after that time unless a motion is made by a member of the Commission and approved by a majority of those present requesting to continue the agenda. In no case, shall the meeting be extended past 9:30 PM. All items remaining to be heard will be forwarded to the next agenda for consideration.

C.3. Special Meetings — Call

A special meeting may be called at any time by the Chair or by a majority vote of the Commission at any regular meeting of the Commission. Notice shall be given to each Commission member of the time and purpose of every special meeting of the Commission at least twenty-four (24) hours prior to such meeting. Such notice shall be delivered to each member of the Commission personally, or may be given by telephone or e-mail to the member of the Commission. Such notice may also be given by United States Mail, directed to the member of the Commission at the member's residence and mailed not less than four (4) business days prior to the time fixed for such special meeting. It is specifically provided, however, that any member may, in writing, waive prior notice of the time, place and purpose of such meeting; and such waiver, if made, shall be deemed a waiver of prior notice of the time and purpose thereof.

C.4. Meetings — Matters Considered

Any matter pertaining to the affairs of the City of Talent Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular meeting of the Commission without prior notice thereof, unless other notice is required under statute or other noticing policies of the Commission. At special meetings, a matter not included within the notice may not be considered or acted upon.

C.5. Quorum

- a. A meeting quorum shall consist of four (4) members, regardless of vacancies.
- b. Except as otherwise specifically provided in these Bylaws, a majority vote of the Commission members voting shall be required and shall be sufficient to transact any business before the Commission.
- c. If all members of the Planning Commission abstain or are disqualified, all members present after stating their reasons for abstention or disqualification shall by doing so be requalified and proceed to resolve the issues.
- d. If a quorum is not present, the Chair shall call the meeting to order, announce the lack of a quorum, and adjourn the meeting.

C.6. Study Sessions

Study sessions may be held as part of a regular Commission meeting or called in the same manner as a special meeting in order for the Commission to discuss matters at greater length or to obtain additional background information. The Commission shall take no vote during such study session, but may give directions to Staff regarding the presentation of options for future consideration.

C.7. Oregon Public Meetings Law

All meetings of the Planning Commission shall be noticed in conformance with the requirements of Oregon's Public Meetings Law.

D. PROCEDURE — ORDER OF BUSINESS

D.1. **Order of Business** shall be as follows:

- a. Call to order roll call
- b. Brief Announcements by Staff
- c. Approval of minutes of prior meetings
- d. Public Comments on Non-Agenda Items
- e. Public Hearings
- f. Discussion Items
- g. Report(s) of any active subcommittee
- h. Propositions and Remarks from the Commission
- i. Assignment of representatives to the City Council
- j. Adjournment

D.2. **Agenda for Meetings**

The secretary shall prepare a written agenda for each meeting a minimum of seven days prior to each regular meeting in accordance with the Talent Zoning Code.

D.3. **Special Order of Business**

The Commission may suspend the rules as to the order of business, or return to an order already passed, on a motion supported by a two-thirds vote of the members of the Commission present.

E. ORDER and DECORUM

E.1. Order of Consideration of Items

The following procedure will normally be observed in a public hearing or other matter before the Commission; however, it may be rearranged by the Chair for individual items, if necessary, for the expeditious conduct of business:

- a. Chair introduces item;
- b. Conflicts of interest and challenges are entertained and any declaration of conflicts of interest and ex parte contacts;
- c. Staff makes a presentation on the criteria and standards and recommendations;
- d. Applicant or applicant's agent presents evidence for the proposal;
- e. Any opponents and/or proponents may comment;
- f. Planning Commission members may question staff, applicant, proponents or opponents on all the above. Questioning of witnesses shall be brief and to the point. All questions shall be submitted to the witness through the Chair unless the Chair expressly permits the submission of questions directly to a witness;
- g. Applicant's rebuttal;
- h. Closing of the public hearing, if applicable;
- i. Staff may provide new recommendations based on testimony;
- j. The Commission discusses the item. During discussion, members may further question any party appearing for or against the proposal as necessary, but generally, questions should be asked while the public hearing is open.
- k. Motion is made and seconded; the Chair states the question (*e.g.* "It is moved and seconded to approve the application with the conditions applied as recommended in the staff report."); the Planning Commission may discuss the item further before voting.

Exceptions

- l. Except when there is or is likely to be a continuance of the hearing, a participant may request (before the conclusion of the initial evidentiary hearing) that the record remain open for at least seven days after the hearing. The hearing shall be closed and deliberations postponed until the following meeting.

- m. When the Planning Commission reopens a record to admit new evidence or testimony, any person may raise new issues that relate to the new evidence, testimony or criteria for decision-making that apply to the matter at issue.

E.2. Public Hearings

Nature of Hearing. All parties with standing shall have an opportunity to be heard, to present and rebut evidence before an impartial tribunal, to have the proceedings recorded, and to have a decision rendered in accordance with the facts on record and the law.

The Chair of the Planning Commission shall have authority to:

- a. Regulate the course and decorum of the meeting.
- b. Resolve procedural requests and similar matters.
- c. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation, questions, and rebuttal testimony.
- d. Question any person appearing, and allow other members to question any such person.
- e. Waive, at his/her discretion, the application of any rule herein where the circumstances of the hearing indicate that it would be expedient and proper to do so, provided that such waiver does not act to prejudice or deny any party his/her substantial rights as provided herein or otherwise by law.
- f. Take such other action as authorized by the Planning Commission to appropriately conduct the hearing.

Any member of the Planning Commission present at the hearing may challenge a ruling of the Chair. The challenge must be seconded. A ruling may be reversed by a majority of the members present and voting. A tie vote upholds the Chair's decision.

E.3. Conduct of Persons before the Commission

Proceedings shall at all times be orderly and respectful. The Chair may refuse to recognize or exclude from the hearing anyone who:

- a. Is disorderly, abusive, or disruptive.
- b. Takes part in or encourages audience demonstrations such as applause, cheering, display of signs, or other conduct disruptive to the hearing.
- c. Testifies without first receiving recognition from the Chair and stating his or her full name and residence.

- d. Presents irrelevant, immaterial, or repetitious evidence.

Persons making presentations or providing comments to the Planning Commission shall address the Commission from the podium or microphone and not from the audience; shall address all comments to the Planning Commission; and may not directly question or interrogate other persons in the audience or at the podium.

F. DOCUMENTS OF THE COMMISSION

- F.1 Any and all materials submitted to the Planning Commission regarding a request shall be entered into the public record by the Chair by indicating that the material is “accepted for the record.” The Staff Report submitted to the Planning Commission as part of the agenda is automatically part of the public record.
- F.2 All notices, agendas, requests, agency or consultant letters or reports, staff reports, minutes of meetings, and resolutions of record shall constitute the documents of the Planning Commission and shall be indexed as public record.

G. AMENDMENT

Adopted Bylaws may be amended at any regular meeting by a vote of the majority of the entire membership; or if the amendment was submitted in writing at the previous meeting, then they may be amended by a two-thirds vote of those voting, a quorum being present.

H. MAINTAINING OF BYLAWS — COPIES TO BE FURNISHED

The secretary shall maintain a copy of these Bylaws, and all subsequent amendments thereto, and shall furnish an up-to-date copy to each member of the Commission in a form convenient for reference.