

Planning Commission Bylaws



SECTION 1. PURPOSE

The bylaws outlined below are approved procedures for the Planning Commission. Members should review and understand City Code Chapter 2, Article III, Division 1 and Chapter 2, Article III, Division 6 included in the appendix of these bylaws. In the event of a conflict between the City Code and the Planning Commission bylaws, the City Code will prevail.

Some components of these bylaws are common across all City boards and commissions. From time to time the City Council may make changes to board and commission bylaws and will notify the board and commission of these changes. Boards and commissions should consult with their staff liaison if they want to propose a change to the bylaws. Proposed bylaw amendments should be announced one meeting prior to voting on the proposed change. Bylaw amendments require the approval of a majority of the voting HRRC members and approval by the City Council.

In addition to the City Code and these bylaws, the Planning Commission will be guided by those policies and procedural documents applicable to the Planning Commission or City advisory boards in general. Copies of these documents together with such other orientation materials as may be applicable to the performance of each member's duties and responsibilities will be made available to members at the beginning of their service with the Planning Commission.

SECTION 2. MEMBERSHIP

The membership of the Planning Commission shall consist of such voting and nonvoting members as shall be appointed, from time to time, in accordance with City Code Chapter 2, Article III, Division 1, Section 2-78 and Chapter 2, Article III, Division 6, Section 2-222. All members of the Planning Commission shall serve at the pleasure of the City Council. The terms of Membership is regulated in City Code Chapter 2, Article III, Division 1, Section 2-81.

(A) Contact Information.

Planning Commission members are required to provide a mailing address and phone number and/or email address to the Project Coordinator. This contact information is available to city staff and members of the public.

(B) Responsibilities

Planning Commission members are expected to be present and adequately prepared for all meetings and to actively participate in meeting discussions. Members who are unable to complete assigned tasks should notify the Chairperson as soon as possible.

SECTION 3. ANNUAL MEETING

The annual meeting of the Planning Commission shall be the first regular meeting in the month of February of each year. Such meeting shall be devoted to the election of officers for the ensuing year; consideration of any updates to the bylaws of the Planning Commission, and such other business as shall be scheduled by the Planning Commission.

SECTION 4. REGULAR MEETINGS

In accordance with City Code Chapter 2, Article III, Division 1, Section 2-84, two Regular meetings of the Planning Commission shall be held each calendar month in the City Hall or other officially noticed location at 7:00 pm on the date set for each meeting. The first meeting shall be held on the second Wednesday of each calendar month. The second

Planning Commission Bylaws



meeting shall be held on the fourth Wednesday of each calendar month. All board and commission meetings are open to the public. To comply with legal requirements and ensure accessibility to the public, the Staff Liaison gives official notice of all HRRC meetings on the City’s website and at City Hall. At such meetings, the Planning Commission may consider all matters properly brought before the Planning Commission.

A regular meeting may be cancelled or rescheduled by the Planning Commission at a prior meeting, or by the Chairperson, the City Council or Mayor. Unless otherwise determined by the Chairperson, any regular meeting falling upon a holiday shall be held on the following business day at the same time and place.

SECTION 5. SPECIAL MEETINGS

Special meetings of the Planning Commission may be called by the Chairperson or Vice-Chairperson, City Council or Mayor who shall designate the time, place and purpose of the meeting. Notice of special meetings must conform to the State Open Meeting Law. Written notice thereof shall be given to all members not less than 24 hours in advance of the special meeting except in the case of an emergency. To comply with the open meeting law and to ensure accessibility to the public, the Staff Liaison posts official notice of all special meetings

SECTION 6. QUORUM

In order for any meeting to be called to order, a quorum of a majority of all then existing voting members must be present. During the course of a meeting, such a quorum must be present to take action on any matter before the Planning Commission.

SECTION 7. MEETINGS AND THE OPEN MEETING LAW

In accordance with the Minnesota Open Meeting Law (Minnesota Statutes Chapter 13D), and unless otherwise provided, authorized or permitted under the Open Meeting Law or other applicable law, all official meetings of the Planning Commission shall be open to the general public. An “official” Planning Commission meeting is any gathering, or simultaneous communication (via email, telephone or otherwise), between a quorum of Planning Commission members for the purpose of considering the public business of the Planning Commission.

SECTION 8. VOTING AND RECOMMENDATIONS

At all meetings of the Planning Commission, each member attending, with the exception of any high school student member, shall be entitled to cast one vote on matters before the Planning Commission. In the event that any member shall have a conflict of interest, in accordance with Section 21 of these bylaws, or as otherwise determined by the City Attorney, concerning a matter then before the Planning Commission, he/she shall disclose his/her interest, refrain from participation in any discussion of such matter, and be disqualified from voting upon the matter, and the Secretary shall so record in the minutes that such member refrained from all such participation and that no vote was cast by such member. The affirmative vote of a majority of voting members in attendance shall be necessary for the adoption of any resolution or other voting matter. The results of any vote shall be recorded, listing those voting Aye and those voting Nay.

Planning Commission Bylaws



All recommendations shall be sent to the City Council by means of written minutes, and shall include the record of the division of votes on each recommendation.

SECTION 9. REGULAR PROCEEDINGS

(A) At any regular meeting of the Planning Commission, the following shall be the regular order of business:

1. Call to order
2. Roll call
3. Approval of agenda
4. Approval of minutes
5. Community Comment
6. Public hearings
7. Reports and recommendations
8. Correspondence
9. Commission comments
10. Staff comments
11. Adjournment

The order of business may be varied by the presiding officer, but no public hearings shall be held at an earlier time than specified in the notice of hearing.

(B) Except as otherwise determined by an affirmative vote of a majority of voting members in attendance, and except for public hearings which shall be governed by the procedures set forth in Section 14, the following procedures shall be observed for matters before the Planning Commission; provided, however, the Chairperson may, in the Chairperson's reasonable discretion, rearrange individual items if necessary for the expeditious conduct of business:

1. Staff presents report and makes recommendation (if any).
2. The Planning Commission may ask questions regarding the staff presentation and report (if any).
3. The applicant (if any) of the agenda item make a presentation (if any).
4. The Planning Commission may ask questions of the applicant (if any).
5. Members of the public (proponents or opponents) make comments (if any).
6. The Planning Commission asks any questions it may have of the applicant, proponents, opponents or staff (if any).
7. If in the determination by the presiding officer the applicant's responses to questions from the Planning Commission introduces materially new information or issues relevant to the matter then under consideration, proponents and opponents may make additional comments confined solely to such new information or issues.
8. The Planning Commission asks any questions it may have of the applicant, proponents, opponents or staff (if any) with respect to such new information.
9. The Planning Commission then discusses and takes a vote.

Planning Commission Bylaws



- (C) In order to promote meeting efficiency, the Chairperson may discourage duplicative comments and may place reasonable time limits on the amount of time that individuals have to speak.
- (D) Each formal action of the Planning Commission required by law, rules, regulations or policy shall be embodied in a formal vote duly entered in full upon the Minute Book after an affirmative vote as provided in Section 6 hereof and may be accompanied by written findings of fact.
- (E) Unless agreed to by a majority vote of the Planning Commission, no new agenda items shall be taken up after 11:00 p.m.

SECTION 10. AGENDA AND DEADLINE FOR AGENDA

- (A) Agenda. The agenda of a Planning Commission meeting shall be prepared by City Staff in cooperation with the Chairperson.
- (B) Submissions. Any Planning Commission member may request an item or issue to be placed on a future agenda at a regular meeting by instructing the City Staff responsible for agenda preparation; provided, however, a majority vote of the Planning Commission is required for the item or issue to become a future regular agenda item. No item shall be placed on the agenda unless the item is expressed in such a way as to clearly show the subject matter involved.
- (C) Agenda Additions During Regular Meetings. Additional items may be added to the agenda at a Planning Commission meeting subject to approval by a majority vote of the voting members in attendance. The additional agenda items may be discussed, but no action may be taken if any voting member objects.
 - 1. If a new item of business proposed to be added to the agenda requires staff review (such as rezoning, ordinance amendments, preliminary subdivision plans, and subdivision review procedures and guidelines), involves quasi-judicial procedures (such as a request for a hardship variance from Subdivision or Zoning Ordinance standards), or involves substantive matters of potential public interest (such as the Comprehensive Plan, or other major policies), the Planning Commission may add the item to the agenda only for purposes of referring it to the staff or a Planning Commission committee, or scheduling it for consideration at a later meeting (as appropriate). The Planning Commission may not discuss the substance of the matter or take any final action on the item except at a meeting where the item is included on the distributed agenda.
- (D) Delivery of Agenda to Members. On the Friday immediately preceding the next meeting of the Planning Commission, the meeting agenda shall be delivered to each member of the Planning Commission, along with any supporting materials related to items on the agenda.
- (E) Order and Form of the Agenda. The agenda organization shall generally conform to Section 9 above. In addition, the agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for effective public input and the timely and efficient performance of Planning Commission responsibilities.

Planning Commission Bylaws



SECTION 11. MINUTES

- (A) Duties of Staff Preparing Minutes. In accordance with City Code Chapter 2, Article III, Division 1, Section 2-85, City Staff shall prepare minutes of all Planning Commission meetings. The minutes shall state:
1. Which members were present and absent, and whether absent members were excused or not excused.
 2. A summary of staff and committee reports and recommendations, applicants' presentations, public comments, and the Planning Commission's discussion on each item.
 3. The content of each principal motion before the Planning Commission, the identity of the person who made and seconded the motion, and the record of the vote on the motion (identifying the vote count and, unless the vote was unanimous, the names of those voting for or against the motion). If the motion called for or recommended adoption of an ordinance or resolution, or the acceptance of a report, the minutes shall also include a copy of the ordinance, resolution or report.

SECTION 12. COMMUNICATIONS

- (A) Ex Parte Communications.
1. Ex parte communications are contacts, whether oral or written, direct or indirect, which occur outside the public meeting forum between individuals seeking to influence the decisions of the Planning Commission and individual members of the Planning Commission in which such member discusses the merits of any matter which may or will be subject to such Commissioner's vote. Such contacts include, without limitation, meetings with project proponents or opponents, residents, property owners, citizens or other interested parties separate from Planning Commission meetings, and telephone calls or letters which attempt to influence a Commissioner's opinion on a matter which may or will be subject to the Commissioner's vote.
 2. Exclusions. Notwithstanding Section 12(A) above, ex parte communications shall not include the following:
 - (a) Written communications delivered to City Staff for distribution to all members of the Planning Commission as part of each member's public meeting packet and which thereby become available to all interested parties and constitute communications within the public meeting forum; or
 - (b) The conduct of site visits by members of the Planning Commission provided that all such members are able to, and do, conduct such visits for the specific purpose of gathering physical facts and data, and without any unnecessary contact with any project proponents or opponents, residents, property owners, citizens or other interested parties, or any of their respective representatives.
 3. Ex Parte Communications Prohibited In Connection With Quasi-Judicial Matters. In the interest of avoiding bias or undue influence, or the appearance of bias or undue influence, all Planning Commission members shall refrain from engaging in any ex parte communication related to any Quasi-Judicial Matters. In the event any Planning Commission member is contacted by any project proponents or opponents, residents, property owners, citizens or other interested parties, or any of their respective representatives, under circumstances where the Planning Commission member has reason to believe that an ex parte

Planning Commission Bylaws



communication related to a Quasi-Judicial Matter will or may occur, such member shall promptly inform such interested party that the Planning Commission member cannot discuss the matter or have any contact with such interested party on the subject of such matter other than at a Planning Commission meeting. Members are encouraged to recommend to all such interested parties that they attend meetings of the Planning Commission to publicly express their views, or that they otherwise deliver written comments to the office of City Staff for distribution to Planning Commission members.

4. Disclosure of Ex Parte Communications/Abstention. When any ex parte communication occurs, each Planning Commission member participating in such ex parte communication shall promptly notify the Chairperson and City Staff of the occurrence of such ex parte communication, and shall divulge the occurrence and substance of such communication on the record at the commencement of the public hearing to which such communication pertains. In doing so, each member shall disclose, if known, the name of the party or parties participating in such communication, the substance of such communication, and whether, in the opinion of such member, such communication has caused such member to become biased in connection with any public vote on such matter. If, in the opinion of that member, an ex parte communication has caused such member to become biased in connection with any public vote on a matter, such member shall refrain from participation in any discussion of such matter, and be disqualified from voting upon the matter, and the Secretary shall so record in the minutes that such member refrained from all such participation and that no vote was cast by such member.
5. "Quasi-Judicial Matters" Defined. For purposes of this Section 12, "Quasi-Judicial Matters" shall mean such matters as to which the Planning Commission determines the legal rights, duties or privileges of specific parties in a public hearing or other contested case proceeding over which the Planning Commission has jurisdiction. By way of example only, Quasi-judicial matters do not include legislative actions recommending, adopting, amending or revising comprehensive plans, zoning ordinances, other land use planning documents, or other similar matters.

(B) Communication between Members Outside of Meetings. Planning Commission-related communication between members when a quorum of voting members is present constitutes a violation of open meeting laws if it takes place outside of publicly-noticed meetings. Members are prohibited from discussing Planning Commission business in such a situation. Since email communication is common outside of meetings, the following email protocol is adopted:

1. Any email communication intended for a majority of Planning Commission members should go through the City Staff Liaison so that an appropriate record can be established.
2. Members should not respond "reply all" to group messages.
3. Members should not blind copy (bcc) other members.

Members must not engage in a serial discussion of Planning Commission business. A serial discussion occurs when members discuss official business with a majority of voting members through successive communications. Serial communication can occur through a combination of communication methods such as "face to face," email, telephone or on a social media site.

(C) Public Announcements and Press Releases

Planning Commission Bylaws



The City's Communications and Marketing Department will approve and coordinate any public announcements, press releases or other media contact desired by the Planning Commission.

SECTION 13. RULES OF PROCEDURE FOR PLANNING COMMISSION MEETINGS

All meetings of the Planning Commission shall be conducted in accordance with Robert's Rule of Order of Standard Parliamentary Procedure 10th Edition, or such later edition as may then be in effect ("Robert's Rules").

SECTION 14. PUBLIC HEARINGS & COMMUNITY COMMENT

- (A) A public hearing is a noticed, official hearing, the express and limited purpose of which is to provide an equitable opportunity for the public to speak on matters before the Planning Commission.
- (B) For certain matters considered by the Planning Commission, a requirement that the Planning Commission conduct a public hearing is prescribed by State Statute, the City's Municipal Code of Ordinances or by City Policy. The Planning Commission, however, may elect to conduct a public hearing, although not specifically required, if the Planning Commission determines that due to the unique nature of the matter, it is advisable.
- (C) The Planning Commission may neither deliberate nor take a substantive vote during a public hearing, but may ask questions for the sake of clarification of speakers.
- (D) The Planning Commission, upon resuming their regular meeting after the close of the public hearing, may take action upon the matter discussed at the public hearing.
- (E) Conduct of Persons Before the Planning Commission
 1. During all public hearings required by State law or ordinance, members of the public shall be given reasonable opportunity to speak. In order to promote meeting openness, fairness and efficiency, the Chairperson may discourage duplicative testimony, may place reasonable time limits on the amount of time that individuals have to speak, and may establish such other rules of procedure as shall, under the circumstances, reasonably facilitate a fair, open and orderly conduct of the public hearing. Comments should be addressed to the item before the Planning Commission. Where a comment is irrelevant, inflammatory, disruptive or prejudicial, the Chairperson may instruct the Planning Commission to "disregard" the comment, which nevertheless remains in the public record.
 2. During all regular and special meetings of the Planning Commission, the public may be present but shall remain silent unless specifically invited by the Chairperson to provide comment.
 3. During all proceedings, members of the public have the obligation to remain in civil order. Any conduct which interferes with reasonable rights of another to provide comment or which interferes with the proper execution of Planning Commission affairs may be ruled by the Chairperson as "out-of-order" and the offending person directed to remain silent. Once, having been so directed, if a person persists in disruptive conduct, the Chairperson may order the person to leave the Planning Commission meeting or hearing. Where the person fails to comply with an order to leave, the Chairperson may then call upon civil authority

Planning Commission Bylaws



to physically remove the individual from the chamber for the duration of the hearing or deliberation on that item.

4. The Chairperson may impose additional limits or rules upon members of the public as permitted by Section 16.

(F) Additional Rules of Procedure for Public Hearings

1. Public Hearing Format. Public hearings shall be conducted in the following manner:

- (a) The presiding officer calls the public hearing to order and declares the time of opening.
- (b) It is the intent of the Planning Commission to open all public hearings at or after the predetermined and published time. From a practical standpoint, not all hearings can be opened at their designated time. The presiding officer may delay the start of a hearing until the business at hand is acted upon, in any manner, by the Planning Commission. However, in no circumstances can a hearing be opened prior to the predetermined and published time.
- (c) The presiding officer shall read, from the hearing notice, the details on the hearing sufficient to provide the public a general understanding of the purpose and procedures for the hearing, and the fact that the hearing is their exclusive or primary opportunity to provide input to the city on the subject.
- (d) Staff and/or a consultant make a presentation or report on the subject matter for the hearing.
- (e) The applicant (if any) may make a presentation or report on the subject matter for the hearing.
- (f) The presiding officer asks Planning Commission members if they have questions of the staff or consultant, if any.
- (g) The presiding officer requests a motion and second to open the public hearing.
- (h) The presiding officer announces that input will be received from the citizens, requesting that each speaker provide a name and address, noting any applicable time limits for comment from individual members of the public, any other applicable rules and explaining the procedure for enforcement of such rules.
- (i) After members of the public have spoken, the presiding officer requests a motion to:
 - i. Close the public hearing, and the Planning Commission votes on the motion. Once the vote is taken, the hearing is closed for the record.
 - ii. Continue a public hearing, and the Planning Commission votes on the motion. If the Planning Commission votes to continue the hearing, the presiding officer shall, in consultation with City Staff, select and announce a time and date certain for the continued public hearing. No additional publication or notice requirements are needed if a hearing is continued to a later date. However, no

Planning Commission Bylaws



public hearing may be continued more than once without re-notice and publishing the time, date and location of the hearing.

- (j) The Planning Commission may request that the applicant respond to issues or questions arising from, or raised by the public during, the public hearing. In such event, and if the presiding officer determines that the applicant's response introduces materially new information or issues relevant to the matter then under consideration, the presiding officer may request a motion and second to reopen the public hearing, after which the reopened public hearing shall be conducted, and closed or continued, in accordance with Section 14(F)(1)(i) above; provided, however, the presiding officer may limit the scope of such reopened public hearing only to a discussion of such materially new information or issues.
- (k) The Planning Commission addresses the subject matter through deliberation, questions to citizens and staff, and reactions and statement of position on the subject.
- (l) If the public hearing is closed, the Planning Commission may take action on the application before them. The Planning Commission may formulate a recommendation which outlines the parameters under which an approval would be granted. The reasons and conditions shall be stated in the motion or resolution for approval or denial. Continuation of an action may occur in the event insufficient information is present to make a decision. The Planning Commission shall delineate the missing information before continuing the item.

SECTION 15. OFFICERS

Refer to City Code Chapter 2, Article III, Division 1, Section 2-83. The officers of the Planning Commission shall consist of a Chairperson, a Vice-Chairperson, and Secretary elected by the Planning Commission at the annual meeting for a term of one year. In the absence of the Chairperson and Vice-Chairperson, the remaining members shall elect a Temporary Chairperson for that respective meeting.

SECTION 16. DUTIES OF OFFICERS

The Chairperson is a voting member of the Planning Commission and may make motions. In addition, the duties and powers of the officers of the Planning Commission shall be as follows:

(A) Chairperson.

1. To preside at all meetings of the Planning Commission.
2. To call special meetings of the Planning Commission in accordance with these bylaws.
3. To sign documents of the Planning Commission.
4. To see that all actions of the Planning Commission are properly taken.
5. To cancel or postpone any regularly scheduled meetings.
6. To invoke a reasonable time limit for speakers during any public hearing in the interest of maintaining focus and the effective use of time.
7. To provide for the selection of one or two spokespersons to represent groups of persons with common interests during public meetings and hearings.

Planning Commission Bylaws



8. To order an end to disorderly conduct and direct law enforcement to remove disorderly persons from Planning Commission meetings or hearings.
9. To schedule a second official public hearing meeting or other continued meeting in the event that a meeting or public hearing cannot be concluded by a reasonable hour in the judgment of the Chairperson.
10. The presiding officer has the responsibility to facilitate discussion by the Planning Commission. This may occur in a variety of ways, including:
 - (a) Interpret and apply rules of procedure;
 - (b) Decide whether motions are properly made;
 - (c) Decide whether motions are in order;
 - (d) Decide whether questions of special privilege ought to be granted;
 - (e) Decide when to recognize speakers;
 - (f) Call for motions or recommend motions;
 - (g) Expel disorderly persons from the meeting; and/or
 - (h) Enforce speaking procedures.

(B) Vice-Chairperson.

During the absence, disability or disqualification of the Chairperson, the Vice-Chairperson shall exercise or perform all the duties and be subject to all the responsibilities of the Chairperson.

(C) Secretary.

1. To sign official documents of the Planning Commission and other duties as required.

(D) Secretarial duties to be delegated to City Staff.

1. To give or serve all notices required by law or by these bylaws.
2. To prepare the agenda for all meetings of the Planning Commission.
3. To be custodian of Planning Commission records.
4. To inform the Planning Commission of correspondence relating to business of the Planning Commission and to attend to such correspondence.
5. To handle funds allocated to the Planning Commission in accordance with its directives, the law and city regulations.
6. To take the minutes of all meetings of the Planning Commission for typing and filing into the appropriate minute book by City Staff.

(E) City Staff Liaison. Pursuant to City Code Chapter 2, Article III, Division 1, Section 2-79, the Planning Commission has a City Staff Liaison appointed by the City Manager. The City Staff Liaison is expected to work cooperatively with Planning Commission members. Members may not direct city staff, but can request assistance through the City Staff Liaison to carry out the Planning Commission mission. The duties of the City Staff Liaison include but are not limited to:

1. Work with Chairperson to prepare and distribute meeting agendas.

Planning Commission Bylaws



2. Reserve meeting rooms and other needed meeting equipment.
3. Provide technical expertise and access to city resources.
4. Work with Chairperson to ensure bylaws are followed and annual work plans are submitted.
5. Relay information or directives from City Council meetings or work sessions relevant to the Planning Commission.
6. Respond to Planning Commission inquiries in a timely manner.
7. Forward information to and between Planning Commission members.
8. Record meeting attendance, include the current attendance record with each packet and consult with the Chairperson and City Clerk regarding attendance issues.
9. Provide orientation materials to new members and chairperson.

Concerns with the performance of the City Staff Liaison should be directed to the Assistant City Manager.

SECTION 17. VACANCIES

If a vacancy occurs among the members of this Planning Commission by reason of death, resignation, disability or otherwise, notice shall be given to the City Manager or City Clerk and Chairperson by the Secretary. City staff shall then see that a new appointment is made by the City Council. Resignations should be made in writing to the Chairperson stating the effective date of the resignation.

SECTION 18. COMMITTEES AND WORKING GROUPS

(A) Introduction

1. Committees or Working Groups may be established by a majority vote of the Planning Commission to study issues in greater depth and report findings. Committees or Working Groups present their analysis to the Planning Commission for discussion and recommendations. The Planning Commission has the sole authority to make final recommendations on all matters on which a Committee or Working Group has given guidance. The Planning Commission defines the scope and the duration of the Committee or Working Group's mission. In no case may the Committee or Working Group exceed the authority granted by the Planning Commission.
2. Committee and Working Group participants may not include enough voting Planning Commission members to constitute a quorum for the Planning Commission. Committees or Working Groups may be designated as standing (ongoing) or temporary in nature.

(B) Definitions

Committees and Working Groups may be comprised of two or more people, one of whom is the chair appointed by the Planning Commission. A Committee is comprised of current Planning Commission members only. A Working Group is led by a Planning Commission member, but will also include members of the public.

(C) Working Group Announcement

Notice will be given to the public of the formation of any Working Group, including a press release from the City to local media outlets. Individuals will have a minimum of 14 days after the public notice to express interest in joining before members are selected.

Planning Commission Bylaws



(D) Public Access

Based on the potential public interest in the topic, some Committees and Working Group meetings may be designated as public meetings by the Planning Commission or the City Council. If a Committee or Working Group's meetings are designated as public meetings, official meeting notices, written agendas and written minutes are required. In the case of such meetings as may not be designated as public meetings, such committee or working group shall endeavor to compile such unofficial notes of such meetings as shall be determined by such committee or working group to be reasonable under the circumstances. Refer to Section 4 of these bylaws for additional information on meeting notices.

(E) Appointments and Chair Assignments

1. **Committees:** The Planning Commission Chairperson will ask for Committee volunteers from the Planning Commission membership. A majority vote may approve the Committee appointments once sufficient volunteers are established. The Committee will elect its own chair and notify the Planning Commission Chairperson. A temporary committee chair will be appointed by the Planning Commission at the time of the committees formation.
2. **Working Groups:** The Planning Commission Chairperson will ask for volunteers from the Planning Commission to serve as the Working Group Chair. The Working Group Chair is approved by a majority of the Planning Commission members. The Working Group Chair will recommend other Working Group members. By definition, those members will include individuals outside of the Planning Commission. The Chair may also nominate a co-chair who is not a Planning Commission member. Working Group appointments will be made by a majority vote of Planning Commission members.

(F) Duties.

1. The duties of the Committee or Working Group Chair(s) include but are not limited to:
 - (a) Set the meeting schedule and, if required, notify the City Staff Liaison for public notification.
 - (b) Prepare and distribute a written meeting agenda, if required.
 - (c) Lead the meeting in accordance with the agenda and facilitate discussion on agenda items.
 - (d) Ensure that this section of the bylaws and Planning Commission directives are followed.
 - (e) Maintain meeting decorum.
 - (f) Recommend members and notify Planning Commission of changes in membership (Working Group only).
 - (g) Report on the Committee or Working Groups' activities at each regular Planning Commission meeting.
 - (h) Communicate to the Committee or Working Group any directives, questions or input from the Planning Commission.

(F) Resignation or Removal

A Committee or Working Group member may voluntarily resign by submitting his or her written resignation to the Chair of the Committee or Working Group. A Committee or Working Group member may be removed by a majority vote of the Planning Commission.

(G) Disbanding

Planning Commission Bylaws



A Committee or Working Group may be disbanded at any regular meeting of the Planning Commission by a majority vote of the members. Committees or Working Groups will automatically be disbanded if no member of the Planning Commission is available to serve or appropriate volunteer membership cannot be established.

SECTION 19. AMENDMENTS

Some components of these bylaws are common across all City boards and commissions. The City Staff Liaison should be consulted prior to considering bylaw amendments. Proposed bylaw amendments should be announced one meeting prior to voting on the proposed change. Bylaw amendments require the approval of a majority of the voting Planning Commission members and approval by the City Council.

SECTION 20. FINANCIAL TRANSACTIONS

All financial expenditures by the Planning Commission must relate to the Planning Commission mission and be covered under the Planning Commission budget. All expenditures must be approved in advance by a majority of the voting members. The City Staff Liaison is responsible for ensuring that all approved expenditures or reimbursements meet the criteria above as well as other city financial policies. Expenditures that do not meet the criteria above will not be reimbursed. The Planning Commission does not have the authority to execute contracts or to otherwise financially obligate the City of Edina. Any contract related to Planning Commission business will be managed by the City Staff Liaison and may be subject to City Council approval.

SECTION 21. ETHICAL AND RESPECTFUL CONDUCT

(A) Conflict of Interest

Members may not use their position on the Planning Commission for personal benefit. The interests of the Planning Commission must be the first priority in all decisions and actions. Any member who has a financial interest in, or who may receive a financial benefit as a result of, any Planning Commission action or decision must disclose this fact as a conflict of interest. A member who has disclosed a conflict of interest should abstain from discussion and voting on the matter.

(B) Gifts

Planning Commission members may not receive personal gifts from any "interested person" in conjunction with their board or commission duties. An "interested person" is a person, or representative of a person or an association, who has a direct financial interest in a recommendation under the Planning Commission's purview. This section does not apply to lawful campaign contributions. The Planning Commission may recommend acceptance of general gifts or donations through the City's donation policy.

(C) Respectful Behavior

The City of Edina is committed to providing a work environment free from violence for all elected and appointed officials, employees and visitors. The City does not tolerate any form of violence in the workplace including threats or intimidating actions by or against any of the groups cited above. Violence and threats may include, but are not limited to:

1. Any act which is a physical assault; and

Planning Commission Bylaws



2. Any threat, behavior or action which is interpreted by a reasonable person to carry the potential to harm or endanger the safety of others, or result in an act of aggression, or destroy or damage city property.

The Chairperson and City Staff Liaison have the right to call for the immediate removal of anyone who threatens or commits an act of violence on City property.

Respectful behavior also includes how Planning Commission members relate to each other, City staff and members of the public. Members share a joint responsibility in modeling, monitoring and addressing behavior within the group.

During Planning Commission interactions, members should strive to:

1. Treat people with courtesy, politeness and kindness;
2. Encourage others to express their opinions and ideas;
3. Listen to what others have to say;
4. Use the ideas of others to improve decisions and outcomes; and
5. Recognize cultural differences.

Members should avoid:

1. Speaking over or cutting off another individual's comments;
2. Insulting, disparaging or putting down people or their ideas; and
3. Bullying other members by displaying a pattern of belittling, demeaning, judging or patronizing comments.

How to Report

Members can report cases of unethical conduct to the City Staff Liaison, Assistant City Manager, City Manager or City Attorney.

SECTION 22. AMENDMENT, RESTATEMENT AND REPLACEMENT OF BYLAWS

These bylaws of the Planning Commission hereby amend, restate and replace in their entirety all predecessor bylaws of the Planning Commission.

Appendix: City Code Chapter 2, Article III, Division 1 – Generally

Sec. 2-78. Establishment.

- (a) *Authority to establish.* Pursuant to Minn. Stats. § 412.621, and other such statutes as are specifically cited herein, the council establishes or continues the following boards and commissions to advise the council with respect to municipal functions and activities and to investigate subjects of interest to the city.
- (b) *How established.* A board or commission may be established by a majority vote of the council. An ordinance shall be adopted prescribing the purpose, duties and composition of the board or commission.
- (c) *Subject to provisions in this chapter.* All boards and commissions established by the council shall be subject to the provisions of this chapter, unless otherwise specified in city ordinance or state law.

Planning Commission Bylaws



- (d) *Purposes and duties generally.* All boards and commissions established by the council shall be advisory to the council and shall have the responsibility to:
- (1) Investigate matters within the scope of the particular board or commission or as specifically directed by the council.
 - (2) Advise the council by communicating the viewpoint or advice of the board or commission.
 - (3) At the direction of the council, hold hearings, receive evidence, conduct investigations, and, on the basis of such hearings, evidence and investigations, make decisions and recommendations to the council.
- (e) *Advisory role.* A board or commission established by the council shall not assume the role of an administrative or legislative body.

Sec. 2-79. Cooperation of city officials subject to direction of city manager.

The manager may make available city staff members to record and prepare minutes of board and commission meetings. Such staff members shall perform only such clerical duties on behalf of a board or commission as provided in the bylaws of that board or commission or as assigned by the chairperson with the consent of the manager. The manager may assign additional staff to assist a board or commission.

Sec. 2-80. Membership.

- (a) *Regular members.* Regular members of boards and commissions established by the council shall be adult residents of the city unless otherwise expressly stated by ordinance. Members who discontinue legal residency in the city shall automatically be deemed to have resigned from office as of the date of such discontinuance.
- (b) *Student members.* Student members shall be residents of the city and enrolled full time in a secondary school. Student members shall be nonvoting.

Sec. 2-81. Appointment and terms of membership.

- (a) *Regular members.* Board and commission members shall be appointed by majority vote of the council and shall serve terms of membership not to exceed three years per term. Each member is eligible to serve two three-year terms, except for members of the planning commission, who are eligible to serve three three-year terms. A member in good standing shall serve until a successor has been appointed.
- (b) *Student members.* Student members shall be appointed by majority vote of the council and shall serve terms of membership not to exceed one year per term.
- (c) *Resignation and removal.* Members shall serve without compensation and may resign voluntarily by letter or e-mail to the city clerk or be removed by majority vote of the council or pursuant to section 2-80 or 2-86
- (d) *Vacancies.* Vacancies in membership shall be filled by majority vote of the council for the balance of the unexpired term.
- (e) *Term of appointment to fill vacancy.* A person appointed to fill a vacancy shall be eligible to serve two (or for planning commission, three) full terms in addition to the balance of the unexpired term.

Planning Commission Bylaws



- (f) *No concurrent membership.* No person may serve concurrently on more than one board or commission.
- (g) *Staggered terms.* Terms of membership shall be staggered so that no more than one-half of the terms on a board or commission expire in any particular year.

Sec. 2-82. Committees and subcommittees.

- (a) *Establishment.* A board or commission may, with specific approval of the council or pursuant to its bylaws, establish committees, subcommittees, committees of the whole or working groups that include members of the board or commission and additional persons as requested by the board or commission.
- (b) *Prohibition.* A committee, subcommittee, committee of the whole or working group may not engage in activities, functions, or duties outside the scope of authority granted to the board or commission by which it was established.

Sec. 2-83. Organization and bylaws.

- (a) *Bylaws.* Each board or commission shall adopt and be governed by such bylaws as shall be necessary and desirable for the conduct of its activities. Bylaws shall be subject to review and approval by the council.
- (b) *Chairperson.* Each board or commission annually shall elect from its members a chairperson and vice-chairperson to serve a term of one year. No person shall serve more than two consecutive one-year terms as chairperson of a particular board or commission. A chairperson elected to fill a vacancy shall be eligible to serve two full terms in addition to the remainder of the vacated term.

Sec. 2-84. Time, location and conduct of meetings.

- (a) *Regular meetings.* All board and commission meetings are open meetings subject to the Minnesota Open Meeting Law (Minn. Stats. ch. 13D) and shall be held at a fixed time, on a fixed date and in a fixed place as shall be determined by the board or commission. The city clerk shall give notice of all board and commission meetings as required for meetings of public bodies.
- (b) *Public comment.* All board and commission meetings shall include scheduled time for public comment.
- (c) *Quorum.* A simple majority of voting members, appointed and serving, shall constitute a quorum for any regular or special meeting. If a quorum is not established or maintained during the course of a meeting, no votes on board or commission business may be taken except a motion to adjourn or recess.
- (d) *Meetings conducted according to bylaws.* All meetings shall be conducted according to the bylaws of the board or commission.

Sec. 2-85. Meeting minutes.

Planning Commission Bylaws



- (a) *Official record.* Approved minutes of board or commission proceedings shall be public record; the city shall retain a copy of the official minutes of each board or commission meeting in accordance with applicable state law.
- (b) *Recording.* A board or commission may appoint from its membership a secretary to record and prepare meeting minutes. Minutes so recorded shall be reviewed and approved by the board or commission and a copy forwarded to the city clerk. In the alternative, the manager may make available to the board or commission a member of city staff to serve as secretary to record and prepare meeting minutes.
- (c) *Distributed to city council.* Official minutes of each board or commission meeting shall be distributed to the council prior to the first regular council meeting after approval of the minutes by the board or commission.

Sec. 2-86. Attendance requirements.

- (a) *Purpose.* To assist boards and commissions in fulfilling their purposes and duties and to ensure that they are not prevented from doing so by the repeated absence of their members, the council hereby establishes an attendance policy for members serving on boards and commissions.
- (b) *Removal.* Any member of a board or commission established by the council who fails to attend three consecutive regular meetings, or in the case of members of the planning commission, four consecutive regular meetings, or who fails to attend at least 75 percent of the scheduled meetings in any calendar year, whether regular or joint work sessions with the council, shall be deemed to have resigned as a member of the board or commission.
- (c) *Exceptions.*
 - (1) The requirements of this subsection shall not apply to attendance at special meetings, or of meetings of committees or subcommittees, including committees of the whole, established by a board or commission pursuant to section 2-82
 - (2) The requirements of this subsection shall not apply to members of the housing and redevelopment authority of the city, the East Edina Housing Foundation or the city council.
- (d) *Annual review.* The council shall conduct an annual review of the attendance of members of boards and commissions established by the council.
- (e) *Vacancies.* The successor to any member of a board or commission who has been removed pursuant to this subsection shall be appointed pursuant to section 2-81

City Code Chapter 2, Article III, Division 6 – Planning Commission

Sec. 2-219. Establishment.

The planning commission (the "commission") of the city is to continue. It shall serve as the planning agency within the meaning of Minn. Stats. §§ 462.351 through 462.364. In such capacity, the commission shall be advisory to the council.

Sec. 2-220. Powers, duties and responsibilities.

Planning Commission Bylaws



The commission shall:

- (1) *Comprehensive plan.* Prepare, review, and make recommendations to the council as to the comprehensive plan of the city, as defined in Minn. Stats. § 462.352, subd. 5, or any other sections of this Code, including, but not limited to, a land use plan, a transportation plan, a community facilities plan, a capital improvements program, a parks and open space plan, and a housing plan, with recommendations as to plan execution.
- (2) *Platting.* Review and make recommendations to the council as to all proposed plats and subdivisions, as defined in chapter 32, in accordance with the provisions of chapter 32 and state law.
- (3) *Zoning.* Review and make recommendations to the council as to all proposed amendments to chapter 36, in accordance with the provisions of chapter 36 and state law.
- (4) *Heritage preservation.* Review and make recommendations to the council as to the reports and recommendations of the heritage preservation board regarding preservation of lands and buildings of historical, architectural, cultural, and educational significance pursuant to article IX of chapter 36 and division 5 of this article.
- (5) *Low and moderate cost housing.* Review and make recommendations to the council as to matters referred to it by the council relating to the provision of low and moderate cost housing.
- (6) *Commercial, industrial or residential redevelopment.* Review and make recommendations to the council on matters the council may request relating to major commercial, industrial or residential redevelopments in the city.

Sec. 2-221. Representatives to zoning board of appeals.

All members of the commission except student members are to continue as representatives of the commission to the zoning board of appeals. Any such representative is authorized to review and report, for or on behalf of the commission, to the zoning board of appeals on matters coming before the zoning board of appeals.

Sec. 2-222. Membership.

The commission shall consist of nine regular and two student members, appointed with due regard to their fitness for the efficient dispatch of the functions, duties and responsibilities vested in and imposed upon the commission.

Sec. 2-223. Staff.

The planning department shall coordinate staff services, including secretarial, to assist the commission in its work. The manager may assign additional city staff as needed. Staff shall keep and maintain a written record of the commission's actions, resolutions, recommendations and findings which shall be a public record.