

## **Planning Commission Meeting Procedures**

### **Purpose and Authority**

The following guiding principles have been the foundation of the formation of these rules:

- The Commission must act as a body.
- The Commission should proceed in the most efficient manner possible.
- The Commission must act by at least a majority.
- Every Commissioner must have an equal opportunity to participate in decision-making.
- The Commissioner's Rules of Procedure must be followed consistently.
- The Commission's actions should be the result of a decision on the merits.
- In making recommendations applying the Land Development Regulations (LDRs) to a particular property or development application, the Planning Commission must make its recommendation based on specific findings in the LDRs only.
- In making legislative recommendations regarding text or map amendments to the LDRs, the Planning Commission can take a variety of "factors" into account. Legislative recommendations should be guided by the community's vision as expressed in the adopted Comprehensive Plan.
- Meetings are accomplished in the spirit of openness with the encouragement of public participation.

No deliberative body can efficiently perform without rules of procedure. While rules cannot ensure civility and comment accuracy, or eliminate demagogic, clear rules and their fair and consistent application can lead to an orderly process.

The following rules are content-neutral time, place, and manner regulations, which are narrowly tailored to serve a significant government interest and leave open ample alternative channels of communication, with the significant government interest being an orderly meeting.

Per Wyoming Statutes § 18-5-202, Planning Commissions are advisory boards. The Commission does not make legally binding decisions. The Commission only makes recommendations to the Board of County Commissioners.

Where provisions of these rules are in direct conflict with the Land Development Regulations, the Land Development Regulations shall govern.

## **Chapter 1 Meetings**

### **Rule 1-1 Actions Meetings**

#### **A. Regular Meeting**

1. The regular meeting of the Planning Commission shall be on those dates delineated in the Annual Teton County Planning Commission Meeting Schedule Resolution adopted in November of each year.
2. All Regular meetings shall be held in the Commissioner's chambers of the Teton County Administrative Office, located at 200 S. Willow St., Jackson, Wyoming, or at such other location within the county as may be necessary due to limitations of space or other reasons.  
(W.S. §16-4-404(a), LexisNexis 2013)
3. Any person may request to receive notice of all Regular and Special Meeting of the Planning Commission from the County Clerk, so long as the request is in writing and is renewed annually.

#### **B. Special Meeting**

1. Special meetings may be called by the Chair by giving verbal, electronic or written notice of the meeting to each member of the Planning Commission and to each newspaper of general circulation, radio or television station requesting notice. A special meeting shall be scheduled by the Chair if requested in writing by at least two Planning Commission members stating the reason for the special meeting. The notice shall specify the time and place of the special meeting and the business to be transacted and shall be issued at least eight (8) hours prior to the commencement of the meeting. Proof of delivery of verbal notice to the newspaper of general circulation, radio or television station may be made by affidavit of the clerk or other employee responsible for distribution of the notice of the meeting. (W.S. §16-4-404(b), LexisNexis 2013)
2. No other business shall be considered at a special meeting other than the business listed in the notice.

#### **C. Emergency Meetings**

1. The Planning Commission may hold emergency meetings on matters of serious immediate concerns to take temporary action without notice. Reasonable efforts shall be made to offer public notice.
2. All actions taken at an emergency meeting are of temporary nature and in order to become permanent shall be reconsidered

and acted upon at an open public meeting within 48 hours excluding weekends and holidays unless the event constituting the emergency continues to exist.

(W.S. 16-4-404(d). LexisNexis 2013)

#### **Rule 1-2      Ex-Parte Meetings**

Any request for a meeting or field trip with members of the Planning Commission that is outside of the usual public process and made by representatives of either an applicant, or a special interest organization shall be initiated through Staff. A minimum of two (2) Planning Commissioners shall attend an ex-parte meeting. Such meetings or field trips shall be scheduled at the Planning Commission's discretion. Staff will ensure appropriate public records are created and maintained. In the event that an unscheduled ex-parte meeting occurs, Commissioners attending such meetings are required to report the particulars of those meetings to the rest of the Planning Commission and the public at the subsequent Planning Commission meeting.

#### **Rule 1-4      Open Meeting**

- A. All meetings of the Planning Commission are public meetings, open to the public at all times, except as otherwise provided. No action of the Planning Commission shall be taken except during a public meeting. (W.S. §16-4- 403(a), LexisNexis 2013)
- B. Meetings are defined as when at least a quorum of the Teton County Planning Commissioners (three (3) members), are assembled for the purpose of discussion, deliberation, presentation of information, or taking action regarding public business, after having been called together through the proper authority. (W.S. §16-4-402(a) (iii), LexisNexis 2013)

#### **Rule 1-5      Public Participation**

- C. A member of the public is not required as a condition of attendance at any meeting to register their name, supply information, complete a questionnaire, or fulfill any other condition precedent to their attendance. A person seeking recognition at the meeting may be required to give their name and affiliation. (W.S. §16-4-403(b), LexisNexis 2013)

#### **Rule 1-6      Commissioner Participation by Telephone, Video-Conference or Other Electronic Means**

Any Planning Commissioner may participate in a meeting by means of telephone, video conference, or other electronic means, so long as all participating Planning Commissioners are able to communicate with each other contemporaneously and are able to participate fully in that particular issue in its entirety prior to voting. Any attendance by Planning Commissioners by electronic

means shall also ensure that members of the public can listen to the meeting contemporaneously.

(W.S. §16-4-404(b), LexisNexis 2013).

**Rule 1-7 Meetings Conducted by Electronic Means or any other Form of Communication**

No meeting shall be conducted by electronic means or any other form of communication that does not permit the public to hear, read or otherwise discern meeting discussion contemporaneously.

Communications outside of a meeting, including, but not limited to, sequential communications among Planning Commissioners, shall not be used to circumvent the open meetings law. (W.S. §16-4-403(d), LexisNexis 2013)

**Rule 1-8 Recess**

The Planning Commission may recess any regular, special, or recessed regular or special meeting to a place and at a time specified in an order of recess. A copy of the order of recess shall be conspicuously posted on or near the door of the place where the meeting or recessed meeting was held. (W.S. §16-4-404(c), LexisNexis 2013)

**Rule 1-9 Duration of Meetings**

If any public meeting is willfully disrupted by a person or group of persons so as to render the orderly conduct of the meeting unfeasible, and order cannot be restored by the removal of the person or persons who are willfully interrupting the meeting, the Chair may order the removal of the person or group from the meeting room and continue in session, or may recess the meeting and reconvene at another location. Only matters appearing on the agenda may be acted upon in a meeting recessed to another location. Duly accredited members of the press or other news media, except those who participated in a disturbance, shall be allowed to attend any meeting permitted by this section. (W.S. §16-4-406, LexisNexis 2013)

**Rule 1-10 Minutes**

- A. Minutes are required to be taken, but not published, from a meeting where no action is taken by the Planning Commission.  
(W.S. §16-4-403(c), LexisNexis 2013)
- B. Action is defined as meaning the transaction of official business of the Planning Commission including a collective decision, a collective commitment or promise to make a positive or negative recommendation, or an actual vote upon a motion, proposal, resolution, regulation, rule, or order at a meeting (W.S. §16-4-402(a) (i), LexisNexis). The County Clerk shall take an audio recording of the proceedings.

**Rule 1-11      County Clerk Attendance**

- A. The County Clerk has designated the Planning and Development Department's Receptionist/Administrative Assistant as their designee and the designee shall be present at all Planning Commission regular, special and emergency meetings, to record proceedings.  
(Fontaine v. Board of County Commissioners, 4 P.3d 890 (Wyo. 2000))
- B. The County Clerk or designee only needs to attend meetings that are called by the Planning Commission. (W.S. §16-4-402(a)(iii), LexisNexis 2013)

## **Chapter 2 Conduct of Meetings**

### **Rule 2-1 Chapter Constitutes Rules Governing Procedures: Suspension of Rules**

The provisions of this chapter shall constitute the rules and regulations governing the procedures of the Teton County Planning Commission and shall be strictly adhered to unless temporarily suspended by a three-quarters vote of the Planning Commissioners present at the meeting. The motion to suspend the provisions of this chapter must specify for what purpose the suspension is made and the suspension shall exist only until the purpose named in the motion is accomplished.

### **Rule 2-2 Applicability of Robert's Rule of Order**

This Chapter shall govern the Planning Commission in regards to parliamentary procedure of meetings, however, for those areas of parliamentary procedure in which this Chapter is silent, the rules of parliamentary procedure contained in Robert's Rules of Order, Newly Revised, 11th Edition, and any subsequent editions or amendments thereto, if any, shall govern the Planning Commission so long as Robert's Rules of Order are not inconsistent with the provisions of this Chapter or the Statutes of the State of Wyoming.

### **Rule 2-3 Presiding Officer**

The Chair shall preside at all meetings of the Planning Commission as the presiding officer. In the absence of the chair, the Vice-chair shall preside and act as Chair until the appearance of the Chair. If the Vice-chair is unavailable, the Planning Commission may appoint by a majority vote a Chair pro-tem. The Chair pro-tem and Vice-chair when occupying the place of the Chair, may exercise all of the powers of that office, and have the same privileges, while so acting, shall be as binding upon the Planning Commission as if done by the Chair.

### **Rule 2-4 Call to Order**

At the hour appointed for the meeting of the Planning Commission, the Commission shall be called to order by the presiding officer. If a quorum is present, the Commission shall proceed to the business which may come before it. Three (3) Planning Commissioners shall constitute a quorum.

### **Rule 2-5 Order of Business**

- A. The order of business at each regular Planning Commission meeting shall be as set forth in the agenda prepared prior to each meeting. The suggested agenda format is as follows:

- Chair announces purpose of hearing or meeting, or item on the agenda to be discussed
- Planning Department Staff member presents background facts and reviews the Staff Report
- Applicant/Proponent makes presentation to the Commission
- Chair open public hearing on agenda item
- Chairs closes public hearing on agenda item
- Applicant responds to public hearing comments
- Staff responds to public hearings comments
- Planning Commission publicly deliberates the proposal
- Planning Commission may make a decision listing facts from all above or postpone for additional information or, more deliberation by motion and vote.

**B.** The County Clerk or designee shall prepare and deliver to each Planning Commissioner and the County Attorney an agenda no later than 7 days preceding the next meeting. Items to be included on the agenda must be submitted to the County Clerk or their designee in writing two weeks prior to the meeting. The County Clerk shall also provide a copy of the agenda to every person who has requested the same in writing during the preceding year.

**C.** Following adoption of the agenda at the meeting, agenda items may not be added, removed, or their order changed unless by a vote of the majority of the Commissioners present.

## **Rule 2-6**

### **Public Participation**

- A.** Recognition. No person may address the Commission without the permission of the Chair, or majority of the quorum, or as otherwise required by law.
- B.** Addressing the Commission. A person addressing the Commission shall do so at the speaker's rostrum and shall begin by offering their name and group affiliation, if any, orally, and in writing if requested. All remarks shall be addressed to the Chair. No cross-talking shall be permitted.
- C.** Limits. Each speaker shall limit their remarks to a reasonable time. The Chair may limit remarks to a timed limit, and may request a speaker to stop speaking if repetitive or exceeding a reasonable amount of time to speak. Each speaker shall avoid repetition of the remarks of prior speakers and speak only to the agenda item under consideration.

- D. Questions.** Commissioners shall be given the opportunity to comment further and to address questions.
- E. Written Communication.** Consideration of written communication of an evidentiary or argumentative nature that is received by the Commission less than 48 hours prior to the meeting is discouraged, and no commissioner is obligated to take into consideration matters contained therein. Similarly, consideration of petitions, except to the extent that the signatures are witnessed by notary public, is discouraged and no Commissioner shall have any obligation to assume the genuineness of un-witnessed signatures to any petition.

**Rule 2-7      Preservation of Order**

The Presiding Officer shall preserve order, prevent personally directed comments, confine members in debate to the question, and shall decide who shall be first heard when two or more Commissioners rise at the same time. Any appeal of the Presiding Officer's decision in such cases shall be to the Planning Commission then sitting, who shall decide at once and without debate, and a member called to order may extenuate or justify. A member called to order at a Planning Commission meeting shall at once suspend their remarks, unless permitted to explain. If there is no appeal, the decision of the Presiding Officer shall be conclusive and, if an appeal is taken, the Planning Commission shall decide the question at once and without debate.

**Rule 2-8      Sergeant-at-Arms**

The County Sheriff, or their designee, shall act as Sergeant-at-Arms at all meetings of the Planning Commission at the request of the Chair, and they shall preserve order at such meetings and carry out the directions of the Presiding Officer respecting any business of the Planning Commission.

**Rule 2-9      Planning Commissioners to Observe Order**

No Planning Commissioner shall entertain conversation while another is speaking at a Planning Commission meeting nor pass between the speaker and the Presiding Officer.

**Rule 2-10     Procedure to Obtain Floor**

Each Planning Commissioner, before speaking on any question at a Planning Commission meeting, shall address themselves to the Presiding Officer by their proper title, and shall not proceed with their remarks until recognized and named by the Presiding Officer. A Commissioner may obtain the floor without recognition by the Presiding Officer for a point of order.

**Rule 2-11     Limit on Speaking on the Question**

No Planning Commissioner shall speak more than twice on the same question without leave of the Presiding Officer, nor more than once until each member present desiring to speak shall have spoken.

**Rule 2-12****General Motions**

- A. No question shall be debated or put to a vote at a Planning Commission meeting unless the same is seconded. When a motion is seconded, it shall be so stated by the Presiding Officer before debate or action thereon.
- B. Each motion shall be reduced to writing by the Planning Commissioner making it if the Presiding Officer or any Planning Commissioner shall ask it.
- C. After a motion is stated by a Presiding Officer, it shall be deemed to be in the possession of the Planning Commission, but it may be withdrawn by the Presiding Officer before decision or amendment, with the permission of the Planning Commission.
- D. In the case of a recommendation of denial, instead of simply voting down a motion for approval, the Commission should state the specific findings that the Commission cannot make.

**Rule 2-13****Division of Question**

If the question before the Planning Commission contains more than one distinct proposition, any Planning Commissioner may have the same divided.

**Rule 2-14****Statements for Reasons of Voting**

Any Planning Commissioner may state their reason for voting upon any question either immediately before or immediately after the entire vote is taken of all members, but they shall confine their remarks strictly to the subject under consideration, and shall not spend longer than five minutes.

- A. Minority Report - A Minority Report is a formal written statement submitted by one or more members of the Planning Commission who disagree with the majority vote or recommendation during a meeting of the Planning Commission. The Minority Report outlines the reasoning, evidence, and perspective behind the dissent focusing on the relevant application and its compliance or non-compliance with adopted Land Development Regulations. In the case of a legislative recommendation, the report should focus on the impact on the community and compatibility with the Comprehensive Plan. Minority Reports should be brief and focused only on the relevant application and its compliance/non-compliance with adopted Land Development Regulations.

**Rule 2-15****Subsidiary Motions**

- A. When a question is before the Planning Commission, no motion shall be received, except as herein specified, which motion shall have precedence in the order stated:
  1. To appeal a procedural ruling of the Presiding Officer. The

motion needs a second. The Presiding Officer has the first opportunity to speak to the appeal. Then debate may occur among the Commissioners, and finally the Presiding Officer has the last right to speak before taking the vote. A majority vote is needed to sustain the decision of the Chair.

2. **To adjourn.** This motion may be made only at the conclusion of the action on a pending substantive matter; it may not interrupt deliberation of a pending matter. Motion to simply adjourn cannot be amended, but a motion to adjourn to a time named may be amended and is open to debate.
3. **To take a brief recess.** This may be voted upon or is a privilege of the Chair.
4. **Question of privilege.** Permits a member to make a request relating to the rights and privileges of the Commission. Does not require a second and is not debatable. The Chair rules on the request. Normally used to request to, complain about noise, introduce a guest, or to turn down the heat in the room.
5. **Call to follow the agenda.** The motion must be made at the first reasonable opportunity or it is waived. The Commission may set aside the agenda by a two-thirds vote.
6. **Point of order.** A second is not required and is not debatable. To rise to a point of order is to protest a breach of the rules. The Chair rules on the request.
7. **To suspend the rules.** The Commission may not suspend provisions of the rules that are imposed by law, for example motions that require two-thirds by statute. To suspend the rules requires a two-thirds vote;
8. **Object to consideration of a question.** This motion is made to prevent the main motion from being considered. No second is required and it is not debatable. The motion requires a two-thirds vote in the negative not to consider. Only a negative vote can be reconsidered. If two-thirds of the Commissioners vote in the negative, then the motion cannot be considered for the duration of the meeting. It can be proposed again at another meeting. The Presiding Officer shall state the question as: "The consideration of the question is objected to. Shall the question be considered? Those in favor of considering the question please say aye."
9. **Division.** To verify a voice vote by having members stand. No second is required and it is not debatable. If called for it is done automatically without a ruling from the Presiding Officer.
10. **Point of Information.** To request information.
11. **To defer consideration.** The Commission may defer a substantive motion for later consideration at an unspecified time. A substantive motion, the consideration of which has

been deferred, expires 30 days thereafter unless a motion to revive consideration is adopted. This motion should be distinguished from a motion to postpone to a certain time or date, which matter then automatically is brought up again when that time arrives.

12. **Motion for the previous question.** This motion is not in order until there have been at least 20 minutes of debate and/or every member has had an opportunity to speak once. The previous question shall be put in this form: "Shall the main question now be put?" It shall be admitted when demanded by a majority of the members present. Its effect, when sustained by a majority of the members present, shall put to an end all debate and bring the Planning Commission to a direct vote.
13. **To postpone to a certain time or day.** A motion to postpone to a certain time or day may be either made as a general order or a special order. A special order requires two-thirds vote, whereas a general order only requires a majority. A general order states the date and/or the approximate time that the matter will be taken up, but does not interrupt pending matters at that time. A special order states a specific date and time and at that specified time all pending matters cease in order to consider the special order. If consideration of a motion has been postponed, a new motion with the same effect cannot be introduced while the postponed motion remains pending. A person who wishes to revisit the matter must either wait until the day in question or move to suspend the rules. Motions to lay on the table are to be only used for laying and removing items from the table of the same meeting. Improper usage of a motion to lay on the table should be restated by the Chair as a motion to postpone if fit appears that is the true intention.
14. **Refer.** The Commission may vote to refer a substantive motion to a committee or Staff for its study and recommendation.
15. **To amend.** An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. The intent of such an amendment should be achieved in a simpler, more straightforward manner by the defeat of the original motion. Pertinent amendments that make major substantive changes to the original motion are proper. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to amend. On an amendment to strike out and insert, the paragraph or sentence it amends shall be first read as it stands, then the words proposed to be struck out, and then those words proposed to be inserted and finally the paragraph or sentence as it would stand if so amended. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last offered amendment is disposed of by a vote. Friendly amendments must be approved by the Commissioner making the original motion and the Commissioner who seconded the motion, and then treated as the main motion.

16. **To revive consideration.** The Commission may vote to revive consideration of any substantive motion earlier deferred by a motion to defer consideration. The motion is in order at any time within the 30 days after the date of a vote to defer consideration. A substantive motion on which consideration has been deferred expires 30 days after the deferral unless a motion to revive consideration is adopted.
17. **To Reconsider.** The Commission may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side, must be seconded by any member regardless of how that member voted originally, and only at the meeting during which the original vote was taken or at the next regular meeting. When a motion is lost by reason of not receiving a two-thirds vote required for its passage, a motion to reconsider may be made by those voting in the minority. A motion for reconsideration being once made and decided in the negative shall not be renewed, nor shall a vote to reconsider be reconsidered.
18. **To rescind.** The Commission may vote to rescind actions it has previously taken.
19. **To prevent reintroduction/reconsideration for six (6) months.** The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote equal to two-thirds of the entire membership of the Commission. If adopted, the restriction imposed by the motion remains in effect for six (6) months.

C. When one of the motions listed in subsection (A.) of this section is made:

1. No other motion which is inferior to it in precedence may be made
2. All motions then pending must be put in the order of their rank as set forth in subsection (A.) of this section
3. No motion or proposition of a subject different from that under consideration shall be admitted under color of amendment.

## **Chapter 3 Meeting Minutes by the County Clerk**

Meeting minutes should contain what was said by the Planning Commission. The Teton County Clerk does not provide verbatim minutes. All meetings that are audio-recorded shall be retained for one year, or as designated by Wyoming State Archives.

### **A. Outline of Items that should be included in minutes, based on the agenda order:**

The first paragraph of the minutes should contain:

- The kind of meeting - regular, special, etc.
- Name of the organization
- The date and time of the meeting
- The location of the meeting

Roll Call for the Planning Commission

- Notate those present and those absent

Action taken on meeting minutes of previous meetings (approved, revised, etc.)

Adoption of the Agenda

- Any changes to the published agenda - adds, deletions, etc.
- Second, adoption of a Consent Agenda

Matters from Staff

- Name and department of presenter
- Main motion and vote-
  - o Who made the motion
  - o Exact wording of each main motion as it was voted on
  - o Who seconded
  - o If it passed or failed, with the vote count if not unanimous
  - o Who voted in opposition

Old Business/New Business

- Name and department of presenter
- Main motion and vote--
  - o Who made the motion
  - o Exact wording of each main motion as it was voted on
  - o Who seconded
  - o If it passed or failed, with the vote count if not unanimous
  - o Who voted in opposition
- Consideration of Unfinished Business. Matters From the Public and Debriefing Name and subject of business

Adjournment

- Include the motion and time the meeting adjourned.

Minutes

- Respectfully submitted: xxx (initials of recording secretary)

**B. Including the following items are at the discretion of the County Clerk:**

- Courtesy titles - Commissioner, Chairman, Mr., etc.
- Staff attendance
- Discussion
- Motions that are withdrawn
- Detailed reports
- "There was no public comment on this item"
- Recess and reconvene times
- Resolutions, Proclamations, etc.