



## HERRIMAN PLANNING COMMISSION RULES OF PROCEDURE

These Rules and Procedures (“Rules of Procedure”) shall govern the proceedings of the Herriman Planning Commission (“Commission”) and shall be consistent with applicable provisions of the Utah Code (“Utah Code”) and Herriman Code of Ordinances 2017 (“Herriman Ordinances”).

### **I. Authority and Duties**

The Commission shall act on all planning matters that arise within the jurisdiction of Herriman (“City”) as required or permitted by Utah Code and/or Herriman Ordinances.

### **II. Membership**

Section 1. Appointment of Members and Participation– Regular and alternative Members of the Commission (“Members”) shall be appointed as provided in the Herriman Ordinances. Alternative Members may participate as a Member of the Commission upon the request of the Chair on a rotation basis when a regular Member is absent and the term Members shall also include any alternative Member who is thus participating.

Section 2. Rights of Members– All Members, including the Chair, shall be entitled to one vote on all matters properly brought before the Commission for action. Proxy votes shall not be permitted and Members must be present to vote unless otherwise allowed by a duly adopted policy on electronic meetings.

Section 3. Secretary - City Staff shall serve as secretary of the Planning Commission.

Section 4. Members’ Terms– The terms of regular and alternate Members shall be as set forth in the Herriman Ordinances.

Section 5. Training – Within three (3) months of being first appointed, newly appointed Members should meet with City Staff to review among other things the Rules of Procedure and the General Plan. All new members shall also be required to attend a Land Use 101 training with the Utah League of Cities and Towns within the first 6 months of being appointed.

All Members should attend additional trainings scheduled from time to time by City Staff. This should include a minimum of 4 hours of training each year. Failure to comply with attending any required training may result in removal of the Member from the Commission.

Section 6. Attendance – Members shall regularly attend Commission meetings.

Section 7. Member Responsibilities – As a Member of the Commission, each member shall be responsible to:

1. Read and study the agenda, staff reports, and all attached documents prepared by City Staff so that they are fully informed about each application prior to the scheduled Commission meeting.



2. Act in a courteous and respectful manner to their fellow Members, City Staff, applicant, and the public, during all meetings.
3. Attend Commission meetings, including any Joint Work meetings, and arrive on time.

Section 8. Removal Proceedings – Removal from the Commission shall be as set forth in the Herriman Ordinances.

Section 9. Vacancies – A Member may resign at any time by giving written notice of such resignation to the Mayor, Chair, and City Staff. Resignations shall be recorded in the meeting minutes. Any vacancy during a Member’s term shall be filled as set forth in Herriman Ordinances.

Section 10. Compensation and Reimbursement – Members shall receive compensation for their services and reimbursement for expenses as determined by City Council.

Section 11. Annual Review – The Mayor and Planning Commission Chair may meet annually with each Member for a performance evaluation.

### **III. Officers**

Section 1. Election of Officers – As the first order of business at the first regularly scheduled Commission meeting held in August, the Commission shall hold elections for the positions of Chair and Vice Chair from among regular Members by a majority vote of the Members’ present.

Section 2. Officer Terms - Officers may serve successive terms.

Section 3. Officers Duties

1. The Chair Shall:
  - a. Serve as the Presiding Officer of the Commission
  - b. Implement the Rules of Procedure
  - c. Coordinate with the Supporting Agency staff to provide an agenda for each public meeting, and timely reports and other relevant information to the Commission
  - d. Execute all official documents and letters of the Commission
  - e. Identify and bring before the Commission such policy matters as are within the purview of the Commission
  - f. Conduct Joint Work Meetings with the City Council
2. The Vice Chair Shall:
  - a. Assist the Chair in all necessary capacities
  - b. Assume the duties and responsibilities for the Chair in all instances where the Chair is not available or unable to carry out the duties and responsibilities
3. The Secretary Shall:



- a. Take written minutes, and post all agendas and meeting activities as required by Utah Code. The Secretary in consultation with the Chair shall create the agenda for each meeting and shall send an agenda to the Members of the Commission. Additional items may be placed on the business meeting section of the agenda by Members of the Commission or City Staff as provided below.

Section 4. Chair *pro tempore* – In the absence or incapacity of both the Chair and the Vice Chair for a Commission meeting, the Members present at the meeting shall elect a Chair *pro tempore* to serve as Presiding Officer only for that meeting. Alternate Members shall not serve as Chair *pro tempore*.

#### **IV. Meetings of Members**

Section 1. A Quorum shall consist of a majority of its Members and shall be necessary to conduct any business of the Commission.

Section 2. Adherence to City, State, and Federal Law – Except as provided herein, all meetings shall be generally guided by Roberts Rule of Order-Simplified. With respect to matters of interpretation or applicability of these Rules of Procedure, or applicability of the Roberts Rules of Order-Simplified a determination by a majority of the Commission in attendance shall control. All meeting shall adhere to the Utah Open Meetings Act, and the Government Records Access Management Act.

Section 3. Regular Meetings – Meeting locations shall be publicly noticed and held each month. Annual notice of meeting dates shall be noticed as required by Utah Code. In addition, dates and times of the meeting shall be posted as required by Utah Code.

Section 4. Special Meetings – Special meetings may be called by the Chair or City Staff, with the consent of the Chair, at any time, provided that a preferred seventy-two (72) hours' notice (minimum of twenty-four (24) hours' notice) is given to each Member before the meeting is held and notice is given as required by Utah Code.

Section 5. Meeting Cancellation – Notice of cancellation of a meeting shall be posted as required by Utah Code. If a meeting is rescheduled the new meeting time, date, and location shall be posted as required by Utah Code.

#### **V. Subcommittees**

The Chair may create subcommittees as deemed necessary. Members of subcommittees shall be Commission Members.

#### **VI. Meeting Notice and Agenda**

Section 1. The Planning Commission, through the City Planning Staff, shall, insofar as practical, mail notices of the first meeting at which an application for a conditional use or the first public hearing for a subdivision or zoning amendment is to be considered to all property owners appearing on the latest plat in the Salt Lake County Recorder's Office within a 300-foot radius of the premises affected by the application. Compliance with this subparagraph shall not be a condition precedent to proper legal notice



and no hearing or action taken thereon shall be deemed invalid or illegal because of the failure to mail the notices provided for in this paragraph.

Section 2. Whenever a public hearing is held on any subdivision ordinance change or general plan amendment application, notice shall be published in accordance with Utah law and the requirements of the Herriman City Land Use Regulations.

Section 3. Applicants or interested parties should submit written materials on the Thursday by noon, prior to the scheduled meeting to allow the Planning Commission adequate time to review the materials.

## **VII. Procedures**

### **A. Business Meeting**

Section 1. The Commission shall conduct a business meeting as a component of each regularly scheduled meeting. The City Staff, or the Commission, by a majority vote, may adjust the scheduled time as needed. Members of the public may attend such meetings, but will not participate unless invited to do so by the Chair.

Section 2. The Commission shall review, correct, and approve of the minutes from the previous meeting. Additional items may be added to the business meeting section of the agenda by City Staff, Chair, or the Commission, by a majority vote. The Commission may also discuss and render decisions on policy issues and administrative matters that do not require public input. Special presentations, reports, and updates from the City Staff that do not require a decision may also be made. During a business meeting, there shall be no discussion of an application, request, or approval scheduled for the regular meeting.

### **B. Meeting Procedures**

Section 1. Order – The order of business at the regular meeting shall follow the noticed agenda. The Chair, with the consent of the Commission, by a majority vote, or upon recommendation of City Staff, may consider matters out of the agenda order.

Section 2. Decisions – A matter for decision will be placed before the Commission by motion made by any Member present at the meeting. The Chair shall not make motions before the Commission except in the absence of a response from other Members to an invitation by the Chair that a motion on a pending matter would be in order. Any Member may second a motion. Alternates may make motions and second motions only if they are serving as an acting Member of the Commission at the meeting because of the absence of a regular Member.

Section 3. A majority vote by the present Members in favor of a motion shall carry the motion. No member of the Commission shall be permitted to vote on any question unless the member shall be present when the vote is taken and when the result is announced. No member shall give his/her proxy to any other person.



Section 4. Any member abstaining from a vote may remain seated at the table and participate in the discussion. Reasons for abstention must be stated at the time of the abstention and such reason shall not be considered a conflict of interest.

Section 5. The Chair, or Vice-Chair in the absence of the Chair, shall vote only in case of a tie on rezone, conditional use, and subdivision matters unless his/her presence at the meeting is required to constitute a quorum in which case he/she shall be a voting member on such matters. The Chair shall be a voting member on all other matters before the Planning Commission.

Section 6. Following a seconded motion, the Chair may ask each Member to verbally pronounce their name and vote and shall record each individual vote in the written minutes as an “aye” “yes” “or “nay” “no.”

Section 7. No member shall be permitted to change his/her vote after the decision is announced by the Chair.

### C. Procedures for Applications

#### Section 1. Application Public Hearing Procedure

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission
2. Unless altered by the Chair, the order of the procedure at a public hearing on an application shall be:
  - a. Presentation of the application by City Staff, including its recommendations and a summary of pertinent written comments and reports concerning the application
  - b. The applicant’s presentation, not to exceed fifteen (15) minutes
  - c. Any group representing the area in which the subject property is located, not to exceed five (5) minutes
  - d. Persons other than the applicant in favor of, or not opposed to, or in opposition to, the application, not to exceed three (3) minutes per person
  - e. Rebuttal by the applicant as necessary to respond to new issues raised by other parties, not to exceed five (5) minutes
  - f. Surrebuttal may be allowed at the discretion of the Chair.

#### Section 2. Application Public Hearing Rules

1. Each speaker, before talking, shall give his name and if desired his address.



2. Only one speaker is permitted before the Commission at a time.
3. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application and is not a time for debate regarding the applications.
4. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
5. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.
6. No applause or public outbursts shall be permitted.
7. The Chair or City Staff may request police support to remove offending individuals who refuse to abide by these rules.

Section 3. Discussion and Vote – After all presentations have been made, the Chair may request or entertain a motion to close the public hearing. Members may continue to discuss the application among the Commission. Following this discussion on the application, a motion must be made and seconded, which may include; Approval, Approval with Conditions, Denial, a Recommendation to the Council (as appropriate), or Continuation of the item with or without date.

Section 4. Decisions – A decision of the Commission on an application shall be documented in writing by the City Staff and shall include reasons for the decision.

### **VIII. Ethics and Conflicts of Interest**

Section 1. Compliance -All Members shall abide by Utah Code and, annually complete any necessary volunteer forms, documents, and training.

Section 2. Voting/ Recusal:—A member of the Commission who has a conflict of interest as defined by Utah Code and/or Herriman Ordinances shall declare the conflict of interest as required by Utah Code and recuse themselves from the agenda item relating to the conflict of interest. The Chair shall announce the recusal for the record. After declaring a conflict of interest, a Planning Commission member shall leave the room and not participate in the discussion and vote on the matter, nor attempt to use his/her influence with other Commissioners before, during or after the meeting.

Section 3. Ex Parte Communications – No member of the Commission shall have any ex parte discussion regarding any administrative land use application or re-zone application pending before the Commission. Ex parte communication means any communication, including but not limited to electronic or social media communication, with interested parties of an administrative land use application or re-zone application pending before the Commission prior to the Commission reaching a final decision. An administrative land use application means any land use application where by Utah Code or Herriman Ordinances the Commission is the final decision-maker. A re-zone land use application means any land use application where by Utah Code or Herriman Ordinance the City Council is the final decision-maker.



**IX. Amendments and Adoption**

A. Adoption and Amendment Procedure

These Rules of Procedure must be reviewed and approved by the Council before they become effective and may be amended upon approval by the Council.

Approved by the Council this 13<sup>th</sup> day of December, 2017.

HERRIMAN

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Mayor Carman Freeman

ATTEST:

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Cindy Quick, Deputy Recorder