

PLANNING AND ZONING COMMISSION

RESOLUTION NO. PC23-01

A PLANNING COMMISSION RESOLUTION AMENDING THE RULES AND PROCEDURES FOR CONDUCT OF PLANNING AND ZONING COMMISSION MEETINGS.

WHEREAS, Chapter 94 of the Branson Municipal Code requires the Planning and Zoning Commission to adopt rules for the conduct of business; and,

WHEREAS, a review of the "Rules and Procedures for the Conduct of Planning and Zoning Commission Meetings", conducted by the Planning and Zoning Commission for the City of Branson, Missouri, has resulted in the determination that amending of such rules is reasonable and necessary.

NOW, THEREFORE, BE IT RESOLVED, that the Planning and Zoning Commission for the City of Branson hereby amends the following "Rules and Procedures for the Conduct of Planning and Zoning Commission Meetings."

RULES AND PROCEDURES FOR CONDUCT OF THE PLANNING AND ZONING COMMISSION MEETINGS

I. STATEMENT OF PURPOSE.

Pursuant to Chapter 89 of the Revised Statutes of Missouri and Chapter 94 of the Branson Municipal Code, the following rules are to govern the transaction of business by the Planning Commission of the City of Branson (hereinafter Commission). The objectives, purposes, powers and duties of the Commission are those set forth in Chapter 89 of the Revised Statutes for Missouri as amended and Chapter 94 of the Branson Municipal Code as amended.

II. RULES OF ORDER, ORGANIZATION AND OFFICERS

A. RULES OF ORDER

Except as otherwise provided herein or by the laws of the State of Missouri, the most current edition of Roberts Rules of Order, Newly Revised, shall be the controlling authority with regard to the conduct of the meetings of the Planning and Zoning Commission.

B. ORGANIZATION

The Planning Commission shall consist of 11 members, including the mayor, if the mayor chooses to be a member, one member of the board appointed by the mayor and approved by the board annually during its first organizational meeting, and nine citizen members, appointed by the mayor and approved by the board. All citizen members shall serve without compensation. The term of each citizen member shall be four years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in the membership shall be filled by appointment as described above for the remainder of the expiring term. It shall be necessary for at least six members of the planning

commission to be present at any meeting for the conduct of business, and a majority of those six members shall enact any business or pass upon recommendations.

C. OFFICERS

1. Selection

- a) A Chairperson, Vice-Chairperson, and Secretary shall be elected annually from among the Commission's membership at the first meeting in May, to serve at the pleasure of the Commission. Their terms shall be for one year with eligibility for reelection.
- b) A Chairperson or Vice-Chairperson can be removed upon adoption by a 2/3 vote of all those present and voting of a resolution stating that such persons is removed. An individual removed as Chairperson or Vice-Chairperson of the Commission shall remain a member of the Commission until that person's term otherwise expires.
- c) The Vice-Chairperson shall succeed the Chairperson if he or she vacates the office before the term is completed and shall serve the unexpired term of the vacated office. If the office of Vice-Chairperson is vacant for any reason, a new Vice-Chairperson shall be elected at the next regular meeting.
- d) In the absence of the Chairperson and Vice-Chairperson, any other member shall call the Commission to order whereupon a Chairperson pro tem shall be elected from the members present to preside until either the Chairperson or Vice-Chairperson is present.

2. Responsibilities

- a) Chairperson shall have the authority and shall be required to:
 - (1) Preside at all meetings of the Commission;
 - (2) Call special meetings of the Commission in accordance with applicable laws of the State of Missouri and Rules of Procedure;
 - (3) Sign documents of the Commission; and
 - (4) See that all actions of the Commission are properly taken.

- b) Vice-Chairperson shall have the authority and shall be required to:
 - (1) Exercise or perform all the duties and be subject to all the responsibilities of the Chairperson, during the absence, disability or disqualification of the Chairperson.
- c) The Director of Planning and Development, or his or her designee may serve as the secretary of the Planning and Zoning Commission.

D. POWER AND DUTIES

The functions, powers and duties of the Planning and Zoning Commission shall be all those functions, powers and duties as provided in Chapter 94 of the Branson Municipal Code and Chapter 89, Planning and Zoning, of the RSMo.

III. MEETINGS

A. PUBLIC MEETINGS

All meetings shall be held in full compliance with the provisions of state law, ordinances of the City of Branson, and the rules and procedures outlined in this Section.

B. REGULAR MEETINGS

1. Regular meetings shall be held on the first (1st) Tuesday of each month at 6:00 p.m. in the Council Chambers of the City of Branson, unless otherwise determined by the Commission.
2. Whenever a regular meeting falls on a public holiday, no regular meeting shall be held on that day. Such regular meeting shall instead occur on the preceding business day, or canceled by motion adopted by the Planning and Zoning Commission.
3. During periods of time and at the discretion of the Chairperson, Commission meetings can occur by videoconference when such method of meeting is compelled by state or local orders.

C. ADJOURNED MEETINGS

In the event it is the wish of the Planning and Zoning Commission to adjourn its meeting to a certain hour on another day, a specific date, time and place must be set by the Commission prior to the motion to adjourn, and the meeting so adjourned.

D. SPECIAL MEETINGS

Special meetings of the Planning and Zoning Commission may be held following at least 24 hours' notice to each member of the Commission, at any time upon the call of the Chairperson or by a majority of the voting members of the Commission or upon request of the Board of Aldermen. The time and place of the special meeting shall be determined by the convening authority, and stated in the Notice. The meeting place shall be within the corporate limits of the City. Only those matters of business described in the call and notice for the special meeting shall be considered by the Commission.

E. STUDY SESSIONS/WORKSHOPS

1. The Commission may be convened in the same manner as prescribed for the calling of a special meeting for the purpose of holding a special study session, provided that no official action shall be taken and no quorum shall be required.
2. All study sessions shall be open to the public; but, unless the Commission invites evidence or comments to be given, participation by interested members of the public shall not be allowed at study sessions.

F. AGENDA

1. An agenda for each meeting of the Commission shall be prepared by the Director of Planning and Development or the Director's items can be placed upon the agenda by the Director, the Director's staff, the Chairperson or at the written request of three (3) members.
2. All information, required by the Planning and Development Department as part of any application process, must be provided to the Planning and Development Department by a date no less than thirty (30) days prior to the scheduled date of hearing before the Commission. If the required information is not provided to the Planning and Development Department by the date of the application deadline, the application will not be processed. Applications not meeting these requirements will be heard at the next available hearing date after all the required information is provided.
3. A copy of the agenda for each meeting of the Commission shall be posted in the main lobby of City Hall prior to each regular meeting and a copy of the notice and call (including agenda) shall be posted at least twenty-four (24) hours prior to each special meeting of the Commission.

G. ORDER OF MEETINGS

1. UNLESS THE CHAIRPERSON IN HIS OR HER DISCRETION OTHERWISE DIRECTS, THE ORDER OF BUSINESS SHALL BE AS FOLLOWS:

a) Call To Order and Roll Call:

- The Chairperson shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Commission to order.
- The public shall be advised of the procedures to be followed in the meeting.
- Members present and absent shall be recorded

b) Approval of the Agenda:

- The agenda shall be approved as submitted or revised (to the extent permitted by law).

c) Regular Agenda:

- The minutes of any preceding meeting shall be submitted for approval.

d) Public Hearings:

- The Commission shall then hear and act upon those proposals scheduled for consideration at the public hearing, followed by such other matters of business and reports as the Commission or Director of Planning and Development submits for Commission consideration, and as may be properly considered at that time.

e) Reports

f) Adjourn

2. PRESENTATION OR HEARING OF PROPOSALS

The following shall be the order of procedure for public hearings or other proposals concerning planning and zoning matters, and for testimony, unless the Chairperson shall otherwise direct.

- a) The Chairperson shall announce the subject of the public hearing or other proposal as advertised.
- b) If a request is made for continuance, a motion may be made and voted upon to continue the public hearing to a definite time and date. The Commission may elect to open the hearing and receive evidence prior to acting upon a request or motion to continue the matter.
- c) Prior to staff presentation of the substance of the application, the Commission will require a 1st and 2nd motion from the Commission for the item to be brought on the floor to review.
- d) The staff shall be asked to present the substance of the application, staff report and recommendation, and to answer technical questions from the Commission, as staff testimony.
- e) Open public hearing and receive further public comment in such manner as the Chairman may prescribe.

Rules of Conduct

- (1) Persons commenting to the Commission shall provide their name and city/township in writing for the record.
- (2) If there are numerous people in the audience who wish to participate on the agenda item, and it is known that all represent the same opinion, a spokesperson should be selected to speak for the entire group, if possible. The spokesperson will thus have the opportunity of speaking for a reasonable length of time and of presenting a complete case.
- (3) To avoid unnecessary cumulative evidence, the Chairperson may limit the number of witnesses or the time of testimony on a particular issue.
- (4) Irrelevant and off-the-subject comments will be ruled out of order.
- (5) The Chairperson will not permit personal remarks regarding the staff or individual Commissioners during a public hearing. Complaints should be submitted in writing.
- (6) All comments shall be addressed to the Commission. All questions shall be placed through the Chair.

H. MOTIONS

- (1) A motion and a second shall be made to approve any item and before any subsidiary motions are made.
- (2) The Chairperson of the Commission, is primarily responsible for the conduct of the meeting, if the Chairperson personally desires to engage in extended debate on questions before the Commission, he or she should consider turning the Chair over to another Commissioner during that item of business.
- (3) Precedence of Motions. When a motion is before the Commission, no motion shall be entertained except: (1) to adjourn, (2) to fix hour of adjournment, (3) to amend, (4) to lay on the table, (5) to postpone, (6) to refer, or (7) to postpone indefinitely. The following motions require a second and shall have precedence in the order indicated
 - a) Motion to amend. No more than one amendment may be considered at a time. When an amendment is before the Commission, the Commission shall vote first on the amendment, and then after it has passed or failed, the Commission may consider additional amendments. After all amendments have individually passed or failed, the Commission shall vote on the main motion as amended.
 - b) Motion to lay on the table. This motion enables the Commission to lay the pending question aside temporarily in such a way that there is no set time for taking the matter up again. However, the matter's consideration can be resumed before the end of the session at the will of the majority.
 - c) Motion to postpone. Motion by which action on a pending question can be put off, within limits, to a definite day, meeting, hour, or until after a certain event takes place or request is met.
 - d) Motion to refer. The purpose of this motion is to refer an item to a committee or to staff for further review.
 - e) Motion to postpone indefinitely. A motion by which the Commission declines to take a position on the main question. Its adoption kills the main motion, (for the duration of the session) and avoids a direct vote on the question.

I. VOTING

1. Voting Requirements

- a) All propositions shall be stated in the affirmative and be decided by a majority of those not abstaining and voting on the proposition.
- b) When a member of the Commission abstains from voting on any matter, said vote shall be counted and shown as "Abstention".
- c) Failure to obtain the number of votes required by ordinance to carry a motion shall be construed as a denial of the motion. In the absence of a further action, the denial of a motion to approve a matter before the Commission will be construed as a denial of that matter.

2. Recording of Votes

The minutes of the Commission's proceedings shall show the vote of each member, including if they were absent, failed to vote, or abstained on a matter considered.

3. Disqualification from Voting

A member shall disqualify himself or herself from voting in accordance with all applicable Conflict of Interest laws, regulations and codes. When a person is disqualified, he or she shall disclose the disqualification prior to Commission consideration of the matter, and the disqualified member shall then either leave the room or move to the audience. Such member shall be regarded as "abstaining" from any vote taken.

4. Reconsideration

Any Commissioner who voted with the prevailing side may move a reconsideration of any action at the same meeting or the next regular meeting following the meeting where the matter was voted upon. After a motion for reconsideration has been acted upon, no other motion for reconsideration thereof shall be made without unanimous consent of the Commissioners present.

J. The Chairperson or such other person who may be presiding at meetings of the Commission is responsible for the maintenance of order and decorum at all times.

K. Any Commissioner may move to require the Chairperson or person presiding at the meeting to enforce the rules, and the affirmative vote of a majority of the Commissioners present shall require the Chairperson to act.

- L. Commissioners shall accord the utmost courtesy to each other, to City employees, and to the public. The Commission shall refrain at all times from rude and derogatory remarks, negative reflections as to integrity, abusive comments, and statements as to motive and personality.
- M. All written communications and documents relating to a matter scheduled to be considered by the Commission shall be submitted to the Director of Planning and Development or person acting in that capacity at least seven days before the date the matter is to be heard by the Commission unless otherwise provided by law or unless it was not reasonably possible to do so, and in those instances, the written communications and documents shall be submitted at the earliest possible time. This paragraph shall be liberally construed so as to allow for fair public hearings.
- N. Failure to comply with the strict provisions of these rules shall not invalidate any action taken by the Commission.

ADOPTED, by the Planning Commission of the City of Branson, Missouri, this _____ day of _____, _____.

Chairperson

ATTEST:

City Staff