

## SARPY COUNTY PLANNING COMMISSION BY-LAWS

These By-Laws shall be in full force and effect at all meetings of the Sarpy County Planning Commission unless otherwise provided.

### I. Objectives

- A. The objectives and purpose of the Sarpy County Planning Commission are as set forth in the Nebraska State Statutes §§23-114.01 – 23-114.05 as amended and other such duties as delegated by the Sarpy County Board of Commissioners.

### II. Agenda

- A. The Planning Director shall maintain the agenda for all meetings of the Planning Commission. Advance public notice of meeting dates and times shall be determined by the Planning Commission for all regular or special meetings and notice of each such meeting publicized according to statute.
- B. Items shall be scheduled on the Planning Commission agenda in accordance with the Sarpy County Zoning Regulations and the Sarpy County Subdivision Regulations as amended.
- C. During a Planning Commission meeting, the Chairman, or in the absence of the Chairman, the Vice Chairman may alter the sequence of the agenda items in order to expedite the Planning Commission meeting.
- D. The Planning Commission may approve a consent agenda for items of a routine nature. A Planning Commission member may request that an item be withdrawn from the consent agenda. If such a request is made the item shall be heard separately as scheduled on the regular agenda. The motion to approve shall include amendments requested by the Planning Commission members to withdraw specific items from the consent agenda.
- E. Following the regular agenda, there shall be a correspondence agenda.
  - 1) The purpose of the correspondence agenda shall be to discuss items of a non-substantive and informative nature, such as calendaring or scheduling, letters of correspondence, updates of County Board decisions as well as updates of major happenings within the County. No vote shall be taken on any correspondence agenda items.
  - 2) Correspondence agenda items may not be used to discuss the substance of a matter which may come before the Commission for a recommendation. A discussion of calendaring or scheduling of a future issue may be acceptable,

but there shall be no discussion or information presented on a specific matter which may come before the Commission for a recommendation.

- 3) To the extent such correspondence agenda items are known prior to the meeting, they shall be placed on the agenda and publicized according to statute. To the extent such correspondence items are not known prior to the meeting, the item may be addressed so long as the agenda item falls within the purpose of this section.

### III. Meetings

- A. At least one meeting shall be held each month, unless there are no applications.
- B. A quorum is required to be present in order to hold a meeting. A quorum shall consist of six (6) members.
- C. All meetings shall comply with the Open Meetings Act and shall be open to the general public.
- D. Special meetings may be called by the Chairman upon his or her determination that such a meeting is required. It shall be the duty of the Chairman to call a special meeting when requested to do so in writing by a majority of the members of the Planning Commission.

### IV. Public Participation

- A. Public participation at any meeting of the Planning Commission for any particular agenda item shall be allowed when required by law, when granted by the Chairman, or upon vote of a majority of the Planning Commission then voting.
- B. In addressing any particular agenda item, public comment shall be made during the time designated by the Chairman. After the Chairman ends the time for public comment, public participation can only be made upon a vote of the majority of the Planning Commission then voting, at the discretion of the Chairman, or at the direct request of a Planning Commission member in response to a question.
- C. All individuals addressing the Planning Commission on an agenda item shall state their name and sign in prior to any testimony. When the agenda item under consideration has a named proponent or opponent, a representative of the proponent or opponent shall be designated. When there is no named proponent or opponent, the Chairman, in his or her discretion, may recognize a spokesperson for an interested group as the opponent or proponent.
- D. Limitations of public participation or testimony provided to the Planning Commission shall only be limited as hereinafter provided:

- 1) Five (5) minutes for the applicant or representative for the applicant. A portion of this time may be reserved for rebuttal and/or by other representatives of the applicant.
  - 2) Five (5) minutes for a representative of the opponent(s).
  - 3) Two (2) minutes each for any other individuals who wish to speak in favor, or against, or comment in a neutral fashion on the proposed action. This time cannot be yielded or reserved for another speaker.
  - 4) Once the time for taking public testimony has passed, the matter may be debated by the members of the Planning Commission. The Commissioners may question any person desired as a part of this debate, without the requirement of rebuttal. There shall be no time limit for this debate.
  - 5) These time limits may be modified if the modification is approved by two-thirds of the Commissioners.
  - 6) There shall be no time limit for staff comments or discussion on any matters before the Commission.
- E. No person shall address the Planning Commission, unless and until first recognized by the Chairman of the Commission. No person shall address the Commission after having been recognized by the Chairman, unless and until that person has signed the Register found on the speaker's podium, and placed his or her true name and address on the Register, in order that said information may be truly and accurately reflected in the Minutes of the Planning Commission. No person shall address the Commission on a topic other than that shown on the agenda for the meeting. Nothing in this Rule shall prevent the Commission, by a two-thirds vote, from suspending this Rule, to allow the Commission to take up a matter, or to allow debate on an item which does not appear on the agenda, if an emergency exists.
- F. Should an individual depart from the topic set forth in the agenda during his or her presentation, the Chairman shall bring this departure to the attention of the individual. Should the individual persist in departing from the agenda item, the Chairman shall announce that the speaker has forfeited any remaining time to address the Commission, and shall thereafter proceed to allow those with an opposing view address the Commission, should those individuals have any time remaining under these Rules, or, should there be no time left for such a presentation, proceed to close the public comment part of the hearing.
- G. Should any person or persons disturb, disrupt, or otherwise interfere with the proceedings of the Planning Commission, at the request of any member of the Planning Commission, or on his or her own motion, the Chairman shall warn the person or persons against further interference. Should the person or persons persist in disturbing, disrupting, or otherwise interfering with the proceedings of the Planning Commission,

the Chairman shall direct that law enforcement officers present for security of the Commissioners and the citizens attending such meeting remove those individuals from the meeting place, and/or may, at the request of any member of the Planning Commission, or on the Chairman's own motion, declare a recess until order has been restored.

## V. Action

- A. The Planning Commission may only take action on matters properly placed on the agenda for a duly called meeting, and by the wording of the agenda provides notice that action, rather than discussion, may be taken.
- B. Action shall be taken by a vote of the Commission. Motions may be made for approval, approval with changes, disapproval or table. Motions must be supported immediately by a second or the motion dies. The Chairman may make motions or second a motion.
  - 1) Motions shall be restated by the Secretary or Chairman prior to any vote.
  - 2) Once a motion is made and seconded, discussion may be had on the motion, but no other business shall be taken until a vote is taken upon the motion, or the motion is withdrawn by the movant and the second.
  - 3) Once a motion is made and seconded, it can only be altered with the consent of the movant and the second. Absent said consent, the motion may be amended by a motion to amend the motion.
  - 4) A motion to **Divide the Question** is appropriate when an application/zoning matter contains an issue that may be separated from the original application. The Motion to Divide the Question must specifically and clearly state how the question is to be divided. If a motion to Divide the Question is approved by a majority of those voting, the issue may be separated from the application and a vote on the separate matter shall be had, prior to the vote on the original application/zoning matter. If a motion to Divide the Question fails, the issue will not be separated the original application/zoning matter.
  - 5) A motion to **Call the Question** is always proper once a motion has been made and seconded for an agenda item. Upon a duly made motion to Call the Question and second, no further discussion may take place until a vote is made on the motion to Call the Question. If a motion to Call the Question is approved by a majority of those voting, a vote on the pending matter or motion shall be had without further discussion. If a motion to Call the Question fails, discussion may continue.
  - 6) A motion to **Move the Agenda** is in order after the Chairman has opened proceedings on a particular agenda item until such time as the Chairman has closed proceedings on a particular agenda item or has moved to a different

agenda item. All discussion and action must cease once a motion to Move the Agenda is made and seconded until the motion is voted on. If approved, a motion to Move the Agenda will cause discussion or action on the agenda item to immediately cease, and shall begin again only at such point in the Commission's agenda as is specified in the motion, or at the end of the agenda if there is no specified point.

- C. A **Point of Order** is a question directed to the Chairman or acting Chairman regarding procedure. A Point of Order is always in order and must be addressed by the Chair before further action or discussion is had. A Point of Order may only be made by a member of the Commission, the Planning Director, or the County Attorney. (See also, Other Rules of Procedure, below).
- D. A record of votes cast by individual members shall be kept as part of the minutes. A majority of those voting shall be required for the passage of any motion. However, there must be a minimum of four votes for approval of any platting, rezoning or amendment to the Sarpy County Comprehensive Development Plan.
- E. Conflict of Interest
  - 1) A member who is legally required to abstain from a vote because of a conflict of interest shall not count toward the quorum requirement.
  - 2) A member who abstains but is not legally required to abstain shall count toward the quorum requirement.
  - 3) When a declaration of a conflict of interest results in the lack of a quorum: No member of the Planning Commission, nor the Chairman or Acting Chairman at the meeting shall be allowed to "Abstain", "Pass", or otherwise refrain from voting unless and until the particular member, Chairman or Acting Chairman, shall declare on the record in open session if he or she has an actual conflict of interest. In the event that such abstention results in the lack of a quorum, the declaring member shall confer with the County Attorney to determine if the abstention is required by law, as opposed to avoiding an inappropriate appearance or declining to vote. The County Attorney shall make a statement for the record, which shall appear in the meeting minutes, regarding the effect of the abstention on the quorum. If there is no quorum, the Chair shall proceed to the next agenda item.

## VI. Minutes of the Meeting

- A. The Planning Commission shall cause minutes to be kept of all meetings. The Planning Department shall act as the Secretary of the Planning Commission and keep the minutes.

- B. The meeting minutes must include the following: the time and place of the meeting, members present and absent, substance of all matters discussed. Additionally, any action taken shall be in open session, by roll call vote or any electronic voting device which allows the yeas and nays of each member to be seen by the public. The minutes shall state how each member voted or if the member did not vote or was absent. The election of the chairperson may be by secret ballot, but the total votes for each candidate must be stated in the minutes.
- C. All minutes of open meetings, evidence and documentation received or disclosed in open session shall be public records and open to the public during normal business hours.
- D. The minutes shall be written and made available to the public within ten (10) working days of the meeting or prior to the next meeting, whichever is earlier.
- E. Persons requesting transcripts of the Planning Commission proceedings must obtain the services of a court reporter at their own expense to transcribe the proceedings from audiotapes or audio files maintained by the Planning Department.

## VII. Officers

- A. The Planning Commission Officers shall be a Chairman and Vice Chairman.
- B. The Chairman shall preside at all meetings and hearings of the Planning Commission and shall have the following additional duties as listed below.
  - 1) Call all regular meetings and special meetings to order.
  - 2) Call special meetings when necessary.
  - 3) Appoint standing and special committees of the Planning Commission.
  - 4) Sign plats and other documents as required.
  - 5) Approve all regular and special meeting agendas.
- C. In the absence of the Chairman, the Vice Chairman shall act for the Chairman.
- D. The Planning Department shall act as the Secretary of the Planning Commission and perform the duties normal to that office. The Secretary shall keep the minutes and records of the Commission and shall perform such other duties as are incidental to the office or as assigned by the Chairman.

## VIII. Election of Officers

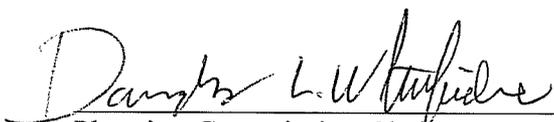
- A. The election of officers shall be held at the first meeting in February of each year. If for some reason the election does not take place in February, the election of officers shall take place and the next Planning Commission meeting.
- B. The election of the Chairman shall be held first with the election of the Vice Chairman immediately following.
- C. Officers shall serve a term of one (1) year or until their successors take office. Officers shall be eligible for re-election.
- D. Vacancy of Chairman or Vice Chairman
  - 1) A vacancy occurs when that member of the Planning Commission is no longer a member of the Planning Commission for any reason.
  - 2) If the Chairman or Vice Chairman is unable to attend meetings for an extended time period due to illness or tragedy, that member may give up their office of Chairman or Vice Chairman without relinquishing their membership to the Planning Commission by submitting a letter to the Planning Commission stating they no longer wish to serve as Chairman or Vice Chairman. An election shall take place according to Article VIII E below.
  - 3) If the Chairman position becomes vacant during the term of office, the Vice Chairman shall automatically become the new Chairman and a mid-term election for Vice Chairman shall be held. The newly elected Vice Chairman shall only serve for the remainder of the term.
  - 4) If the Vice Chairman position becomes vacant during their term of office an election shall be held. The newly elected Vice Chairman shall only serve for the remainder of the term.
- E. Election Process.
  - 1) Election of officers shall be by written ballot, preceded by the nomination of candidates unless there is only one nominee, in which case the election of an officer may be by roll call vote or electronic vote.
  - 2) The acting Chairman shall open the floor for nominations. Nomination of candidates for each officer position shall be made by a motion and a second from the Planning Commission members. In order to be a candidate for one of the officer positions, a motion and a second shall be required.
  - 3) Once no further nominations are made for the officer position, the acting Chairman shall close the floor for nominations.

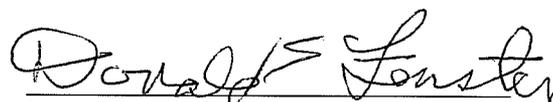
- 4) The acting Chairman shall call for the vote and each Planning Commission member shall vote by writing the name of one of the candidates onto the written ballot.
- 5) The candidate with the majority of votes shall be declared elected. If there is a tie between two candidates an additional vote shall be held between the two candidates until one candidate has a majority of the votes. The total votes for each candidate must be stated in the minutes.

IX. Other Rules of Procedure

- A. The Chairman shall make all rulings regarding the application of these By-Laws. The ruling of the Chairman may only be overruled by a vote of a majority of the Commissioners present and voting. A request by a Commissioner for a vote to overrule a procedural ruling of the Chairman shall be addressed immediately, and no further business shall be conducted until said vote is taken. The Chairman may, at his or her discretion, consult with counsel or staff before making any ruling. Roberts Rules of Order are not applicable to these proceedings.
- B. These By-Laws may not be altered, revised, amended, or suspended, or stricken unless a majority of the members of the Commission vote in favor of such alteration, revision, amendment, suspension or striking.
- C. Copies of these By-Laws shall be available to the public at the Planning Department's Office during normal business hours, and shall be available to the public in the Planning Commission's Meeting Room on the speaker's podium.
- D. While videotaping, televising, photography, broadcasting or recording of Meetings is specifically authorized, such activities shall not interfere with the right of the public to see and hear the proceedings of the Sarpy County Planning Commission. Therefore, given the physical layout of the Planning Commission's Meeting Room, microphones shall not be placed so as to obstruct the view of the Commissioners, the speaker nor of the speaker's view of the Commissioners. Furthermore, all videotaping equipment, television cameras, and photographers shall be restricted to the side aisles or to the last row (farthest from the Commissioners' dais), so as to allow the right of the public to see and hear the proceedings.

ADOPTED ON THE 15<sup>TH</sup> DAY OF OCTOBER, 2013.

  
Planning Commission Chairman

  
Planning Commission Vice Chairman