PLEASANT VALLEY

PLANNING COMMISSION



RULES OF ORDER AND PROCEDURE

Adopted

\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_, 2017

**PLANNING COMMISSION RULES OF ORDER AND PROCEDURES**

1. **Authorization**
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8. **Authorization**
   1. **State Code.** The Pleasant Valley Planning Commission was created as provided for in West Virginia State Code Chapter 8A, Article 2, as amended.
   2. **City Code.**The Pleasant Valley Planning Commission was created as provided for in Article 1000 of the Planning and Zoning Code of the City of Pleasant Valley.
9. **Commission Meetings**
   1. **Place for Meetings.** The designated place for meetings of the Pleasant Valley Planning Commission (Commission) shall be the Council Chambers, Municipal Building, 2340 Kingmont Road, Pleasant Valley, West Virginia unless otherwise provided by the Commission.
   2. **Meetings and Quorum.** The Planning Commission shall meet at least quarterly and once in the months of January, April, July and October and may meet more frequently at the request of the president or by two or more members. Whenever a legal holiday is the same day as a meeting, such meeting shall be cancelled or scheduled for an alternate date and advertised in accordance with State regulations pertaining to Open Government Meetings. An alternate date may be selected when, in the opinion of the President, the regular date conflicts with a community event that may hinder public access, attendance, and/or participation. In such case, the alternate date shall be advertised in accordance with State regulations pertaining to Open Government Meetings.
   3. Not less than seventy-two (72) hours prior to the time of such regularly scheduled meeting notice of the meeting shall be posted at a conspicuous place within City Hall and the City Enforcement Officer, Planning Consultant, or designee shall mail or otherwise distribute by any means reasonably calculated to provide notice to all newspapers of general distribution and to other available news media customarily covering news of the City identical notices to that posted.
   4. In the event of any modification in the time or place of a regularly scheduled meeting of the Commission, notice of such modification shall be given to the public and news media by posting at the place and distributing to the news media in the manner set forth above.
   5. **Special Meeting.**Special meetings may be called by written request of five or more members of the Commission, or by the President. The City Enforcement Officer, Planning Consultant, or designee shall prepare a notice of the special session stating the time, place, and purpose of the special meeting, and this notice shall be served personally upon each member of the Commission, or left at their usual place of residence at least forty-eight (48) hours before the time of the meeting. It shall also be the duty of the City Enforcement Officer, Planning Consultant, or designee, immediately upon receipt of written request, to make every diligent effort to notify each member of the Commission in person, either by telephone or otherwise, of such special session. Except written notice of a special meeting is not required if the date time and place of the special meeting were set during regular meeting.
   6. Not less than 48 hours prior to the time of such special meeting notice of the meeting shall be posted at a conspicuous place within City Hall and the City Enforcement Officer, Planning Consultant, or designee shall mail or otherwise distribute by any means reasonably calculated to provide notice to all newspapers of general distribution and to other available news media customarily covering news of the City identical notices to that posted.
   7. **Meeting Matters**. Only matters set forth in the notice of a regular or special meeting shall be discussed and/or acted upon.
   8. **Adjourned Meeting.** Any session of the Commission may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting thereafter. Notice of the adjournment of a meeting and of the time and place for the continuation or reconvening thereof publicly given during such adjourned meeting shall be adequate notice to the public of the time and place thereof.
   9. **Conference Meeting and Work Sessions.** The Commission may meet in at 6:00

p.m. prevailing time on the first Tuesday of each month prior to a regular meeting.

The conference session shall be devoted primarily to any matters regarding which the interchange of information is deemed desirable by the Commission and/or the City Enforcement Officer, Planning Consultant, or designee, and particularly preliminary to discussion and action at the regular meetings of the Commission. No formal vote shall be taken on any matter under discussion nor shall any Commissioner enter into a commitment with another respecting the vote to be taken subsequently in a regular meeting of the Commission; provided, however, to the extent permitted by the West Virginia Open Government Proceedings Act nothing herein shall prevent a polling of the Commission or the taking of any informal vote on any matter under discussion.

* + 1. Agenda procedures shall be the same as for regular meetings except that matters not included on a conference session agenda shall be taken up by the Commission only after listed agenda matters have been considered. No vote of the Commission shall be required to consider a non-agenda item.
    2. Additional conference or work sessions may be held at the request of the President, or of a majority of the Commission. It shall be the responsibility of the President to advise all other members of the Commission and the City Enforcement Officer, Planning Consultant, or designee of any additional conference sessions
  1. **Quorum.** Five members of the full nine member Commission shall constitute a quorum. In the event that a quorum is not obtained, the member(s) present may adjourn the meeting to a specific date and time.
     1. No action of the Commission may be taken without a quorum of the members.
     2. No action of the Commission shall be valid or binding unless adopted by the affirmative vote of a majority of the Commission members present.
  2. **Open Meetings.** All meetings of the Commission shall be open to the public.

1. **Duties of Commission Officers and Other City Officials**
   1. **Presiding Officer.** The President or in his/her absence, the Vice President, shall take the chair at the hour appointed for the Commission to meet, and shall immediately call the members to order. If neither the President nor Vice President is in attendance, then the Commission by majority vote may elect a temporary presiding officer to chair the meeting. The roll call then be called by the Secretary, who shall enter in the minutes of the meeting the names of the member’s present. The presiding officer shall preserve decorum and decide all questions or order, subject to appeal to Commission.
      1. The presiding officer may move, second and debate from the chair, subject only to such limitations as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Commission member by reason of acting as presiding officer.
      2. The President may call special meetings of the Board as required or necessary.
      3. The President shall automatically send a letter to the City Mayor to inform him/her when any member fails to attend three (3) consecutive regular meetings or any five (5) regular meetings in a calendar year. The President may also include in the letter a request that the member be removed by City Council for inactivity, neglect of duty, or malfeasance. Said procedure should include provisions requiring that the person to be removed be provided with a written statement from the City Mayor of the reasons for removal and an opportunity to be heard by the City Council on the matter.
   2. **City Enforcement Officer, Planning Consultant, or designee.** The City Enforcement Officer, Planning Consultant, or designee or his/her designee shall attend all meetings of the Commission, and shall have the right to take part in discussions, but may not vote.
   3. **Other City Officers and Employees - Officers and Employees to Attend.** Any employee or officer of the City, when requested by the City Enforcement Officer, Planning Consultant, or designee or at the request of the Commission may attend any regular or special meeting of Commission.
2. **Commission Procedure**
   1. **Order of Business.** The business of all regular meetings of the Commission shall be transacted in the following order, unless the Commission by a vote of at least two-thirds of the member’s present shall suspend the rules and change the order.
      * 1. Call to Order
        2. Roll Call of Members
        3. Pledge of Allegiance
        4. Approval of Minutes of Previous Meeting(s)
        5. Public Hearings
        6. Public Hearings to Set for Next Meeting
        7. Citizens Petition
        8. Disposition of Past Cases
        9. Other Business
           1. Commissioner Reports
           2. Staff Reports

X. Adjournment

* 1. **Minutes Provided Commission Members.** Each member of Commission shall be provided a copy of the minutes of the previous meeting in advance of the regular meeting whenever practicable. The presiding officer may inquire “whether or not there are any additions or corrections to the minutes as furnished Commissioners and as are set forth in the minute book of Commission”. If there are no corrections or additions such minutes shall stand approved and shall be signed by the presiding officer.
  2. **Filing with City Enforcement Officer, Planning Consultant, or designee.** Every amendment, application and document or other matter to come before Commission except as hereinafter provided, must be filed with the City Enforcement Officer, Planning Consultant, or designee at least five (5) business days prior to each Commission meeting.
  3. **Preparation of Agenda.** The City Enforcement Officer, Planning Consultant, or designee shall arrange or cause to be arranged a list of all matters to come before the Commission according to the Order of Business. The City Enforcement Officer, Planning Consultant, or designee shall deliver to each member of the Commission a copy of the agenda at least seventy-two (72) business hours prior to a regularly scheduled Commission meeting or forty-eight (48) hours prior to a special meeting.
  4. **Supporting Information.** All matters included on the agenda unless clearly self-explanatory, shall have been preceded by or shall be accompanied by written explanations or descriptive material, such information to be provided by the sponsor of the agenda item.
  5. **Copies of Agenda.** For each regular or special meeting of the Commission, the City Enforcement Officer, Planning Consultant, or designee shall, at least seventy-two (72) hours in advance of each regular meeting, post at a conspicuous place in the City Hall and mail or otherwise distribute, by any means reasonably calculated to provide notice, to all newspapers published and of general circulation and to other available news media customarily covering news of the City, an agenda for the business to be conducted at each such meeting. The Agenda listing the matters requiring official action that may be addressed at the meeting may be amended up to forty-eight (48) hours prior to the meeting. A sufficient number of copies of the agenda shall also be available to the public at Commission meetings.

1. **Duties and Privileges of Commission Members**
   1. **Right to Floor.** When recognized by the President, a member shall confine himself/herself to the question under debate, avoid personalities, and refrain from impugning the motives of any other member’s argument or vote.
   2. **Right of Appeal.** Any member may appeal to the Commission from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state his/her reason for the same, and the presiding officer may briefly explain his/her ruling; but there shall be not debate on the appeal and no other member shall participate in the discussion. The presiding officer shall put the question: “Shall the decision of the President be sustained”? If a majority of the member’s present vote “Yes”, the ruling of the President is sustained; otherwise, it is overruled.
   3. **Limitation of Debate.** No member shall be allowed to speak more than once upon any subject until every other member choosing to speak thereon shall have spoken.
   4. **Voting.** Every member present when a question is put shall vote either “yes” or “no”, provided, however, that if any member of Commission does not desire to vote on any question, he/she may be shown on the record as having “abstained”. The record shall show whenever the vote is unanimous. In all other cases, the vote shall be called and recorded. No member shall vote or engage in any discussion or debate on any matter in which he/she has a personal interest other than as a taxpayer of the City.
      1. A roll call vote shall be taken for every item requiring a vote by the Commission except to set a public hearing. This requirement may be

waived by the President at his/her discretion.

* 1. **Personal Privilege.** The right of a member to address the Commission on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are assailed, questions or impugned.
  2. **Excusal During Meeting.** No member may leave the Commission Chambers while in regular session without permission from the presiding officer.

1. **Motions.**
   1. **Precedence of Motions.** When a question is before the Commission, no motion shall be entertained except: (a) to lay on the table, (b) for the previous question, (c) to postpone to a certain day, (d) to amend, and (e) to postpone indefinitely. These motions shall have precedence in the order indicated. All said motions, except the motion to amend, shall be put to a vote without debate.
   2. **Motions to be Stated by Chair - Withdrawal.** When a motion is made and seconded, it shall be stated by the Chair before debate. A motion may not be withdrawn by the mover without the consent of the member seconding it.
   3. **Motion to Lay on Table.** A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed at the same meeting, or at the next meeting, by a majority vote, after some business has been transacted after the original laying on the table.
   4. **The Previous Question.** When the previous question is moved, and seconded by one other member, it shall be put as follows: “Shall the main question be considered?” There shall then be no further amendments or debate; but pending amendments shall be put in their order before the main question. If the question “Shall the main question be considered?” be decided in the negative, the main question remains before Commission.
   5. **Division of Question.** If the question contains two or more divisible propositions, the presiding officer may, and upon request of a member shall, divide the same.
   6. **Amendments.** It shall be in order to amend any motion at any time before a final vote.
   7. **Amend an Amendment.** A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.
   8. **Reconsideration.** After the question on any question, any member who voted with the majority may move a reconsideration of any action at the same or the next succeeding meeting, provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require the same number of votes as is required to adopt an ordinance or resolution. After a motion for reconsideration has once been acted on, no other motion for a reconsideration thereof shall be made without unanimous consent.
   9. **Anonymous Communications.** Unsigned communications shall not be introduced in Commission.
2. **Miscellaneous**
   1. **Decorum of Employees of the City.** Members of the administrative staff and employees shall observe the same rules of procedure and decorum applicable to members of the Commission. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and city employees are concerned.
   2. **Public Attending Commission Meetings.**
      1. **Public members attending Commission meetings** also shall observe the same rules of propriety, decorum, and good conduct applicable to members of the Commission. Any person making personal, impertinent, and/or slanderous remarks or who becomes boisterous while addressing the Commission or while attending the Commission meeting shall be removed from the room as directed by the presiding officer, and such person shall be barred from further audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the presiding officer, who shall direct such offenders to be removed from the room. Aggravated cases shall be prosecuted on appropriate complaint signed by the presiding officer. In case the presiding officer shall fail to act, any member of the Commission may move to require him/her to act to enforce the rules, and the affirmative vote of majority of Commission shall require the presiding officer to act.
      2. **Citizens Petition.** Any member of the public desiring to address the

Commission on matters of City business shall complete the petition provided by the City Enforcement Officer, Planning Consultant, or designee immediately before the start of the regular Commission meeting. Each person shall be recognized by the President, shall state their name and address clearly, and be limited to a five-minute presentation. All remarks and questions addressed to the administration of the City shall be addressed to the President and not to any individual City employee. No person other than members of the Commission and the person having the floor shall enter into any discussion either directly or through a member of the Commission without permission of the presiding officer. No Commission discussion with a citizen during Citizen Petition shall constitute an informal or formal decision or vote of the Commission.

* 1. **To Amend Rules.** These rules may be amended or new rules adopted by the governing body of the City of Pleasant Valley after recommendation by the Planning Commission. Any such alteration or amendments shall be submitted in the manner required for Planning Commission business and included on any agenda for a regular Commission meeting.
  2. **Roberts Rules of Order Revised** shall govern the proceedings of the Commission in all cases, unless they are in conflict with these rules or the City Charter.

**Approved and amended by the Pleasant Valley Planning Commission, on this the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2017**

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Planning Commission President