

Resolution

Of the

Decatur County Board of Commissioners

Planning Board Rules and Procedures

Whereas, the Decatur County Commission, in 1975, approved a resolution creating a Planning Commission with five members, to allow volunteer individuals to serve the citizens of Decatur County as members of the Planning Commission; and

Whereas, the Decatur County Commission, in 2007, renamed the Planning Commission to the Planning Board and increased the number of members of the Board to seven, to expand the voice of the citizens in the County government decision-making process.

Now, therefore, be it resolved that in creating a framework for deliberation of the Planning Board, the Planning Board Rules and Procedures be adopted and become effective as of the date of approval and all County rules, regulations, and bylaws in conflict with these Planning Board Rules & Procedures are, hereby, repealed.

Approved and effective as of this _____ day of _____, 2007.

H. Palmer Rich,
Chairman, Board of the Commissioners

Beverly King,
County Clerk

Decatur County

Planning Board

Rules & Procedures

Chapter I

INTRODUCTION

Background

The Decatur County Planning Commission came into existence on September 22, 1975, when the Board of Commissioners named five persons to serve four-year terms as Commission members and assigned them the task of drawing up and submitting for approval Subdivision Regulations. Since 1975, the Commissioners have continued to appoint Planning Commission members, and later expanded the number to six. In 2007, the Commissioners changed the name of the Planning Commission to the Decatur County Planning Board and increased the number of members to seven, serving staggered three-year terms.

The initial Planning Board prepared the County's first Subdivision Regulation ordinance, which the Board of Commissioners adopted on December 9, 1975.

Organization

Currently, the Planning Board consists of seven members appointed by the Decatur County Board of Commissioners starting with an initial term of one to three years, beginning on July 1, 2007. The Planning Board has two members with a 3-year initial term, two members with a two-year initial term, and three members with a one-year initial term. Any future appointments to the Planning Board will be for the completion of a term of office or for a three-year term. Any present or future member of the Planning Board shall be eligible to serve two complete terms, excluding any July 1, 2007, initial term or any unexpired term.

When appointing Planning Board members, the Commissioners generally look for the following qualities: leadership; understanding of the County; time availability; experience and technical background; the lack of financial interests in typical Planning Board issues; and conformity to ethical codes. The Commissioners also generally try to ensure that Board membership reflects a broad and balanced representation of Decatur County residents, in terms of where members live as well as their occupations, interests, and socio-economic status.

From among its members, the Planning Board elects a Chair to preside over its meetings and act as its spokesperson. It also elects a Vice-Chair to substitute for an absent Chair.

The Decatur County's Planning Department provides the Planning Board technical and administrative staff support for its review of development proposals, proposed ordinances, amendments, and general planning issues. The Planning Director, a Zoning Administrator, a staff member of the Building/Permits section, and a staff member of Code/Inspection section of the County's Planning Department, a member of County's Road Department, as well as members of the County's Health Department provide the Board technical and administrative staff supports in its review of major development applications, requests for hardship variances from applicable ordinances and standards, and all the other planning issues.

Duties

The duties of the Planning Board members are very comprehensive, and include the following:

- 1 To make recommendations to the Board of Commissioners on preparation of new land use regulations, land use maps, as well as amendments to the existing land development regulations, and other policies and procedures and related matters, as submitted to them;
- 2 To advise the Board of Commissioners on environmental, public health, safety and general welfare matters which may include infrastructure, historic, economic, residential and recreational activities, policies and procedures;
3. To recommend policies, ordinances, administrative procedures, and other means of carrying out the Comprehensive Plans in a coordinated and efficient manner;
4. To make recommendations in preparation of a code enforcement ordinance and other ordinances and implementation of the ordinances and amendments to the existing ordinances, that are directed by the Board of Commissioners; and
5. To perform any other related duties, directed by the Board of Commissioners.

In addition to these regulatory duties, the Planning Board has a major planning role in initiating, developing, and reviewing issues involving the future physical development of Decatur County. This planning role involves a wide range of issues, including thoroughfares and public transit, affordable housing, historic preservation, open space preservation, watershed management, hazardous wastes management, design regulations, and economic development.

Responsibilities

Serving the Public Interest

In reconstituting the Planning Board, the Board of Commissioners defined the Planning Board's purpose as an advisory and accomplishing a coordinated and harmonious development of the County that will, in accord with present and future needs, best and most efficiently promote the public health, safety, and general welfare. Appointment to the Planning Board, therefore, represents a public trust, giving a Board member a responsibility to care for the general welfare of the County and an opportunity to help in shaping the present and future quality of life in Decatur County.

Each Board member's primary responsibility is to represent the best interests of the County as a whole. Board members are therefore expected to keep consideration of the general public interest foremost during their deliberations. They should consider the interests of particular individuals or groups only in the context of their relationship to the general public interest. Board members are also expected to retain an open mind to all viewpoints, until the time for their deliberation. They should not act as delegates of the particular municipalities, neighborhoods, occupations, interest groups, or socio-economic groups, individuals of which they may be a part or acquainted with, or initiate investigation of a private interest matter, on their own, outside of the Board.

On those occasions when the Planning Board does serve as a public forum for citizens' participation and discussion of planning issues, Board members should take a proper approach to the matter. Members should attempt to draw out and clarify the position of people on all sides of an issue in order to identify the relationship of such positions to the public interest. However, Board members should never permit a regularly scheduled meeting to become a forum for a special interest group to present its views on any matter not appearing on the agenda.

Furthermore, Planning Board members are required to attend and complete a planning board member training program, scheduled by the Secretary, up to twelve months from their appointment date.

Acquiring Adequate Information and Knowledge

Each Planning Board member has the responsibility to acquire whatever information and knowledge is necessary to fully understand and make wise decisions and recommendations in the interest of the County as a whole. To this end, a Board member is expected to depend on both his or her own personal background, experience, expertise, and familiarity with the County (especially that part of the County in which he or she resides), as well as the expertise, knowledge, and information provided by County staff members. However, a member of the Planning Board may not, individually outside the Board initiate investigation of a private interest matter.

Board members are expected to have a full understanding of the County's Comprehensive Plan, Land Use Plan, Land Development Plan, and other adopted County ordinances and policies concerning development and ethics, as developed. They are expected to be familiar with the general scope, applicability, and organization of the County's zoning and subdivision regulations and review procedures. Also, they are expected to have a thorough knowledge and understanding of those policies, regulations, and procedures most applicable to the Board's

administrative responsibilities (particularly those concerning the review of preliminary and final subdivision plans and requests for hardship variances).

Members are encouraged to expand their knowledge and understanding of planning issues through such means as attending planning workshops and conferences and reading planning-related literature. Board members may join the American Planning Association, which offers a number of workshops and conferences and provides the monthly Planning magazine. And Board members may review and borrow books, periodicals, and other documents located in the Planning Department's small reference library.

Members are also encouraged to improve their understanding of current applications and issues by discussing them individually with the Secretary of the Planning Board, either over the phone, in person, or through email. But, Board members should always avoid contacting applicants and other interested parties outside of meetings.

At Board meetings, members have the responsibility to disclose that they are provided (by an applicant, interested party, or the staff) information of sufficient scope and depth to allow them to fully understand the issues before the Board and the alternative actions available to the Board. If the application, staff report, and other documents submitted to the Board regarding a particular item are insufficient to enable a Board member to fully understand the issues immediately before the Board, that Board member has the obligation to question or request additional information from the applicant, other interested parties, and the staff (as appropriate) to acquire the necessary understanding.

Being Fair

The Board also has the responsibility to ensure that its decision-making process is fair. This means that persons likely to be interested in a particular subject coming before the Board must be provided adequate and timely notice of the meeting, at which the Board will review the subject. Thus, the persons will have an opportunity to attend that meeting and present views and information concerning the subject, and an opportunity to know the information and considerations on which the Board bases its action concerning the subject.

Fairness also requires that Board members avoid any bias or the appearance of any conflict of interest in their decisions, that the Board act in a timely manner, that the Board keep full and accurate records of its proceedings, and that the Board establish and make available the ground rules under which it conducts business. The next Chapter, "Planning Board Rules & Procedure," sets forth such rules.

Making Rational Decisions

The Planning Board has the responsibility to ensure that in the decision-making process, rational decision making principles apply to any issue. This means the Board's decision should consist of conclusions that are based on findings related to the standards, policies, and considerations applicable to the particular type of decision. Furthermore, such findings should be supported by information available to the Board - that is, information available to all members of the Board.

Generally, this is information which could be contained in an application, staff report, or other document submitted to the Board, or included in any testimony presented before the Board, or explicitly stated by a Board member from his or her personal observations, knowledge, or experience.

Although this responsibility is important to all Planning Board decisions, it is an important legal requirement with administrative decisions concerning preliminary subdivision plans and quasi-judicial decisions concerning requests for hardship variances from ordinance and standards.

Taking a Broad Perspective

Board members have the responsibility to recognize the comprehensive and long-range nature of many of the Board's decisions. They must consider, as well as balance and integrate, not only the many physical aspects of the issue being decided, but often also its economic and social aspects. They must consider not only the decision's immediate impacts on those persons most affected, but also its future and secondary impacts on the County in its entirety. The Board should, thus, explicitly evaluate all facts, alternatives, means, and consequences relevant to its decisions.

As the County's body of elected officials, the Board of Commissioners are principally occupied with resolving pressing current problems that usually demand immediate action and that often involve the need to balance competing interests. The Commissioners, therefore, rely on the Planning Board to give them advice that reflects a broader and longer-range viewpoint and in-depth analyses than that demanded of them.

Chapter II

BOARD RULES & PROCEDURE

Purpose

These Rules are intended to establish procedures ensuring that the Decatur County Planning Board performs its responsibilities in an efficient, effective, and equitable manner.

Governing Statutes and Ordinances

The Decatur County Planning Board shall be governed by the Georgia General Statutes, any other general and special state laws relating to planning in Decatur County, and all current Decatur County ordinances, rules, and regulations.

Officers

Chair

The Board shall annually elect one of its members as Chair, to serve a one-year term of office. The Chair has the following powers and duties:

- a. To decide all points of order and procedure, subject to these Rules, unless directed otherwise by a majority of the Board in session at the time;
- b. To call special meetings in accordance with these Rules;
- c. To sign documents on behalf of the Board, or to authorize the Secretary to do so; and
- d. To present the Board's recommendations concerning County business to the Board of Commissioners, or authorize the Secretary to do so; and to otherwise represent the Board.

Vice-Chair

The Board shall annually elect another of its members as Vice-Chair, to serve a one-year term. The Vice-Chair shall serve as acting chair if the Chair is absent or the office of Chair becomes vacant. During such times, the Vice-Chair has the same powers and duties as the Chair.

Secretary

The Planning Director, or a Planning Department staff member designated by the Planning Director, shall serve as Secretary to the Board for most purposes. The Secretary is not a member of the Board and, therefore, cannot vote or otherwise act as a Board member, unless the Chair and Vice Chair are both absent. In the absences of both the Chair and Vice Chair, the Secretary shall serve in the capacity as Acting Chair. While serving, as Acting Chair, the Secretary shall have all the duties, except the right to vote.

The Secretary, subject to the direction and supervision of the County Administrator, has the following powers and duties:

- a. To record minutes of all Board meetings;
- b. To conduct all correspondence of the Board;
- c. To prepare agenda and arrange for all public notices required to be given;
- d. To notify Board members and interested parties of pending meetings and their agenda;
- e. To act as custodian of all Board records;
- f. To handle funds allocated to the Board in accordance with applicable County regulations and policies; and
- g. To supervise the clerical work of the Board.

Elections

The Board shall hold annual elections in the July Planning Board meeting for the offices of Chair and Vice-Chair at the Board's first meeting following the Commissioners' annual appointment of members. The Secretary shall notify Board members of the upcoming annual election at least thirty (30) days before the meeting at which the elections are to be held.

If the offices of both the Chair and Vice-Chair become vacant before the end of their terms, the Secretary shall conduct a meeting for election to fill both offices.

When conducting elections, the Chair shall first request nominations from Board members. If only one member is nominated, the election may be by unanimous consent. Otherwise, on hearing no further nominations, the Chair shall announce the names of all members nominated. In the event that more than two persons are nominated and no one receives a majority of the votes on the first ballot, the two persons with the highest number of votes will be voted on in a second, runoff vote.

The Board may re-elect a member to a consecutive, second term as Chair or Vice-Chair. A member may not be elected to a consecutive third term for the same office. However, after having been out of office for a full term, a member again becomes eligible for election to the same office he or she previously held for two consecutive terms.

Meeting Attendance

Each Board member is responsible for attending all regular Board meetings, in a timely manner. Any Board member who expects to be absent at an upcoming meeting shall notify the Secretary as soon as possible.

If any member is absent from any two (2) consecutive regular meetings or from three (3) or more regular meetings held within a twelve-month period, the Secretary shall forward that member's name and attendance record to the Board of Commissioners along with a recommendation that the Commissioners consider requesting the member's resignation and appointing a replacement.

Meeting Schedule

All meetings shall be held in conformity with Georgia's Open Meeting Act, O.C.G.A. 50-14-1 et. seq.

Regular Meetings

The Board shall hold regular meetings on the first Tuesday of each month at 1:30 p.m. in the Board Room of the Decatur County Administration Building, located at 203 Broughton Street, Bainbridge, Georgia. If the Secretary directs, the Board may hold a regular meeting at some other location in the County.

The Secretary shall ensure that a current schedule specifying the time and place of the Board's regular meetings for the calendar year is kept on file with the County Clerk, whose office is located in the County Administration building. The Secretary shall send any revision to this schedule to the Clerk at least seven (7) calendar days before the first meeting to be held under the revised schedule.

Special Meetings

On determining that delaying Board consideration of a matter until the next regular meeting would be contrary to the public interest, the Secretary may call a special meeting of the Board at any time and place to consider that matter.

Cancellation and Rescheduling of Meetings

The Chair or Secretary may cancel or reschedule a scheduled regular meeting on determining that there will be no business for the Board to consider at the meeting, or that so many members have indicated their probable absence at the meeting that a quorum will not be present. The Secretary shall notify other members of the Board, regarding the cancellation or rescheduling of any regular meeting, as well as the County Administrator.

Meeting Notice

All meeting notices shall be sent in conformity with Georgia Open Meeting Act, O.C.G.A. 50-14-1 et. seq.

Regular Meetings

The Secretary shall remind the Board members of an upcoming regular meeting with a mailed, or delivered, agenda packet at least five (5) calendar days prior to the meeting date. In addition, the Secretary shall also mail or deliver the meeting's agenda to representatives of the news media and to the County Administrator's office, at least five (5) calendar days prior to the meeting.

Special Meetings

For any Board meeting to be held at a time or place other than those shown on the filed schedule of the Board's regular meetings, the Secretary shall send a written notice of the time, place, and purpose of the meeting to the County Clerk at least three (3) calendar days before the meeting date. At least forty-eight (48) hours before the time of the meeting, the Secretary shall mail or deliver the meeting's agenda packet (or other written notice of the meeting's time, location, and purpose) to all Board members and to representatives of the news media.

Meeting Cancellations

For cancellation of any regular meeting, the Secretary shall notify all Board members of the cancellation, and send notice of the cancellation to the County Clerk and representatives of the news media at least twenty-four (24) hours before the scheduled meeting time.

No Notice for Continuation of Recessed Meetings

If the Board recesses a regular or special meeting, or tables an item, for which proper notice was given, after the Chair has announced in open session the time and place at which the meeting will be continued, no further notice need be given for the continued meeting.

Meeting Agenda

Preparation of the Agenda

The agenda of a Board meeting serves two important functions: it focuses Board deliberations by determining what matters will be considered at the meeting, when each matter will be considered, and the context in which each matter will be considered; and it serves as the public's only guide to what will be considered at the meeting, how the matter will be dealt with, who will participate in the discussion, and when public comment may be made. The agenda should be prepared **in** the Planning Department so as to best achieve these functions.

The Planning Board Chair has the authority to determine the order of the agenda items for Board meetings, after consultation with the Planning Director, or a majority vote. The Planning Director has the authority for content and agenda-setting.

At least seven (7) calendar days before the Board's next scheduled regular meeting, the Planning Director shall prepare the meeting's agenda and package. Matters addressed at Planning Board meetings may include: proposed development application, new ordinances, existing ordinance amendments, preliminary or final subdivision plans for which staff review is completed, and requests for a hardship variance from Subdivision Ordinance standards; matters continued or tabled from a previous meeting; matters the Board scheduled during a previous meeting; matters for which Board review has been requested by a Chair or Vice Chair as presiding officer; matters for which Board review has been requested by the Board of Commissioners; and any other matters demanding the immediate attention of the Board, per Planning Director's decision.

Order and Form of the Agenda

The agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for effective public participation and input and the timely and efficient performance of Board responsibilities. Items of business likely to attract the attendance of many interested persons should generally be placed early, thereby minimizing the time. Designated spokes persons should avoid redundancy. A signup sheet should include identification (by name and/or role) of the leading participants at each step of the Board's review and indicate the step at which interested persons will have the opportunity to comment on the item.

Distribution of Agenda and Materials to Board Members

At least five (5) calendar days before the meeting, the Secretary shall send each Board member a meeting agenda and a packet containing all materials related to items on the agenda (e.g., petition, application, plans, report, and written comments received).

Distribution of Agenda and Materials to Interested Parties

When distributing the agenda to Board members, the Secretary shall notify the applicants. The Secretary shall also ensure that a reasonable number of copies of the agenda are available at the meeting for attendees.

Quorum

A majority of the full membership of the Board must be present at a meeting if the Board is to transact any business other than to adjourn. The Chair may not call a meeting to order until such a quorum is present unless, after waiting a reasonable time past the meeting's scheduled starting time, the Chair determines that there is no hope of obtaining a quorum. In that case, the Chair shall call the meeting to order, note the lack of a quorum, and adjourn the meeting. If a quorum ceases to be present at any time during a meeting, the Chair shall note the lack of a quorum, order the cessation of business, and adjourn the meeting.

Conduct of Meetings

Open Meetings

In accord with the State of Georgia's open meetings act (O.C.G.A. 50-14-1 et. Seq.), all official meetings of the Board shall be open to the general public - i.e., any person is entitled to attend them. An "official" Board meeting is any gathering of, or simultaneous communication between, a majority of Board members for the purpose of considering the public business of the Board. Informal gatherings and communications such as site visits and conference telephone calls may, therefore, constitute an official meeting. A purely social gathering or communication, however, does not constitute an official meeting. The Board may exclude the public from its meeting only in certain very limited cases identified in the open meetings law.

Control by Presiding Officer

The Chair shall preside over all Board meetings and shall take whatever action is necessary to enforce compliance with these Rules, provide a full opportunity for public comments, focus comments and discussion on issues directly related to the item being considered, ensure polite and orderly proceedings, and otherwise promote the efficient and effective disposition of matters before the Board. Such actions may include limiting the time allotted to speakers, providing for the selection of one or two spokespersons to represent groups of persons with common interests, interrupting unnecessary repetition of statements and opinions, interrupting personal attacks or digressions into immaterial issues, and ordering an end to disorderly conduct.

If the Chair is absent, the Vice-Chair shall preside over the meeting. If both the Chair and Vice-Chair are absent, the Secretary will call the meeting in order and will ask the Board members present to elect a temporary Chair from among them to preside over the meeting.

Order of Business/Amendment of Agenda

Except as provided below, the Board shall conduct business in accord with the distributed agenda.

If a Board member objects to an item being on the agenda, the Chair shall remove the item from the agenda or move it to an appropriate place later on the agenda, when a majority of Board members are in agreement. Otherwise, the Board must adopt a motion to suspend the rules (by at least a two-thirds) before it may take up an item of business out of its proper order, or remove an item from the agenda. Board members are encouraged to make any such motions during the Agenda Amendments step at the beginning of the meeting.

A new item of business may be proposed to be added to the agenda by staff. A new item proposed by a Board member and approved by majority of Board member's vote, which requires staff review, may be added to the Planning Board's following meeting's agenda, only for purposes of referring it to the staff for consideration at a later meeting (as appropriate). The Board may not discuss the substance of the matter or take any final action on the item except at a meeting where the item is included on the distributed agenda. (This is intended to ensure that all Board members, the staff, the news media, and the public have prior notice that the Board may conduct discussions or take action on a substantive issue at a particular meeting).

Call to Order

At the time the meeting is scheduled to begin, or at some reasonable waiting time thereafter if a quorum is not initially present, the Chair shall call the meeting to order and announce which members are absent. The Chair shall also notify persons attending the meeting of the availability of copies of the agenda. In the absence of the Chair, the Vice-Chair may do the same. In the absence of both, the Secretary may do the same.

Consideration of Substantive Agenda Items

a. Chair's Introduction

The Chair shall begin the Board's consideration of each agenda item by announcing the title of the item, identifying the nature of the decision involved, and briefly explaining the steps in Board consideration of the item. In doing so, the Chair shall note the opportunity for public comments and briefly note the circumstances under which the Board will receive public comment.

b. Staff Report and Recommendation

Most items considered by the Board will involve prior review by County staff. After announcing such an agenda item, the Chair shall then ask the County staff to describe the nature of the matter being considered and to present the staff's findings and recommendation for Board action.

(With preliminary subdivision plans, requests for a hardship variance from Subdivision Ordinance standards and procedures, or other matters requiring discretionary actions, the County staff will generally present the staff report. With ordinance amendments, rezoning, and in most other cases, the Planning Director, other staff from the Planning Department, or other County staff will generally present the staff report. Occasionally, staff presentations will include supporting comments from other County staff, Health Department staff, or from staff from outside agencies).

Following the staff report, Board members may ask staff members for more information about the item and request clarification or explanation of the reasons for the staff's findings and recommendation. Board members should generally reserve questions about the details of a development proposal until after the applicant's presentation.

c. Presentation or Comments from the Applicant

If the item involves a rezoning, preliminary subdivision plan, or request for a hardship variance from Subdivision Ordinance standards, the Chair shall then provide the applicant an opportunity to make a presentation and respond to staff and committee findings and recommendations. The applicant, however, is not required to make a presentation.

d. Additional Information

Following the applicant's presentation (or the Chair's solicitation of applicant comments, where the applicant declines to make a presentation), Board members and staff may ask the applicant for more information about the proposal. The Chair may ask the Planning staff to clarify their recommendations in light of the applicant's comments.

e. Comments from Other Interested Persons

The Chair shall then solicit comments on the item from persons attending the meeting, asking them to first state their name and address. If the number of persons attending the meeting indicates that a large number of persons may wish to comment on an item, the Chair may first ask those wishing to comment to raise their hands. If a large number of persons wish to comment, the Chair may limit the time allotted each speaker for a total time equal to the time taken by the applicant. The Chair may encourage those with common interests to select a spokesperson to represent them, or take whatever other action may be necessary to ensure a full opportunity for public comments to be heard in an efficient manner.

The Chair shall determine the order in which persons may speak. Following each interested person's presentation, Board members may ask the person about the nature of his or her interest and to clarify his or her comments.

f. Questions from Non-Board Members

Persons other than Board members, who have questions related to previous presentations and comments, shall direct them to the Chair, when their turn is to speak. The Chair may then redirect them to the appropriate persons. The Chair may choose not to redirect questions for the reasons of being immaterial, simply rhetorical, misleading, or unreasonably biased, or that have already been answered, or that constitute a personal attack.

g. Board Discussion

If the item involves a request for specific Board action, as with items involving an application or a staff or committee recommendation, the Chair shall invite Board members to formally discuss the item and recommended action, without the need for a prior motion. Otherwise, the Chair shall state that a motion is in order, and Board members may discuss the item only in response to a motion for specific Board action.

The Chair shall determine the order in which Board members are recognized to comment on the pending item or motion, and shall ordinarily give each member present an opportunity to comment before allowing one member to comment a second time.

Only Board members may participate in the Board's discussion of an item. If, however, the discussion raises requests for more information or questions about the previously heard presentations and comments, the Chair may relay those requests and questions to the appropriate persons and invite their response in the context of the Board discussion, or ask a staff member of the County.

h. Board Action

The Planning Board shall act on a substantive item by voting on a proper motion for action.

i. Reasons for Decisions

The Board's action on any matter before it should not only be rational, but should also be perceived as rational. Therefore, any final action by the Board on substantive matters (and especially on ordinance text amendments, rezoning cases, preliminary and final subdivision plans, and requests for a hardship variance from Subdivision Ordinance, or any other ordinances) shall be based on express conclusions that reflect a logical connection between the information available to the Board and the standards, policies, and considerations applicable to the particular type of decision being made. These conclusions may be expressed in the motion for action, either directly or indirectly (by reference to adoption of a resolution, or concurrence with a staff report, that includes appropriate conclusions). Or, they may have been expressed during the Board discussion that immediately preceded the Board's final action. If, when restating a motion before taking a vote, the Chair is uncertain whether the reasons for the moved action are explicit to all persons attending the meeting, the Chair shall ask the member making the motion to clarify the reasons for the moved action.

Consideration of Routine Business Agenda Items

After the Board has disposed of substantive matters on the agenda, the Chair shall introduce, and invite Board discussion on those routine business matters on the agenda such as appointments, scheduling meetings, etc. The Board may act on a routine business item by voting on a proper motion for action, or where Board discussion indicates consensus on Board action, by unanimous consent.

Approval of Minutes

After the Board has disposed of routine business matters on the agenda, the Chair shall ask Board members if they wish to make any corrections and revisions to the draft Minutes of the previous Board meeting, as noted on the agenda. The Board may adopt or revise Minutes by voting on a proper motion for action or, more commonly, by unanimous consent.

Reports

After the Board has disposed on all other business on the agenda, the Chair shall invite the Planning Director to report any information s/he believes is likely to be of interest to the full Board - e.g., information about the disposition or status of matters previously considered by the Board, notification about matters likely to demand Board consideration in the near future, information about the status of ongoing staff or committee projects, etc.. The Chair may then report any additional information to the Board. Reports should be limited to the presentation of information only, and should not involve requests for Board action unless for the purposes of referring the matter to the staff or scheduling it for consideration at a later meeting.

Board Action by Vote

A Board action is adopted by vote only after:

- (a) A Board member makes a proper motion for action;
- (b) Another Board member seconds the motion;
- (c) The Chair restates the motion (including making any clarifications);
- (d) All Board members have an opportunity to discuss the motion;
- (e) The Chair restates the motion again and asks for a vote;
- (f) The majority proportion of Board members present vote in favor of the motion; and
- (g) The Chair announces the result of the vote (including the vote count).
- (h) Where discussion precedes the motion, the Chair need only restate the motion once, when asking for a vote.

The concurring vote of two-thirds (2/3) of members present is necessary to adopt motions that would suspend the Board's rules or established order of business - e.g., motions to amend the Rules, to suspend the Rules, to limit or close debate, to extend the limits of debate, to call for the previous question, and motions objecting to consideration of a question. The concurring vote of a majority of Board members present shall be sufficient to decide all other motions.

Unless excused from participation due to conflict of interest, each Board member present has a duty to vote on a motion. The abstention of any member present shall be recorded as an affirmative vote.

Votes are generally taken by voice ("ayes" and "nays"). The Chair may take a vote by a show of raised hands if the Board's discussion indicates that the vote may be close, or if, after the Chair announces a voice vote, a Board member or the Secretary questions the vote count or how members voted. The Board may not vote by secret ballot.

Board Action by Unanimous Consent

In cases where there seems to be no opposition concerning routine business such as approval of minutes or adjournment, where questions of little importance are involved such as minor procedural matters, or where items are on the consent agenda such as preliminary subdivision plans recommended for approval by the Planning Director, and items where staff recommendation for approval is forwarded, the Board may adopt a motion or recommended action by unanimous consent rather than by vote.

On determining that action by unanimous consent may be appropriate, the Chair shall ask Board members if there is any objection to unanimous consent approval of the motion or recommended action before the Board. On hearing no objection, the Chair shall declare the motion or action approved by unanimous consent. If any member of the Board objects to unanimous consent approval, whether because of disagreement with the motion or recommended action or simply a wish to discuss the matter further, the Chair shall initiate a vote on the matter or invite further discussion, as appropriate.

Board Action Required

The Board may not consider an agenda item until it has not taken action, final or procedural, on the on-going agenda item. In special circumstances, the Board may recommend conditional approval, subject to certain conditions that the applicant is able to comply with them prior to County Commission meeting.

Minutes

The minutes of the Planning Board's meetings represent the official record of the Board's deliberations and actions. As such, they record the Board's voted-on actions and the reasons for them, communicate background on Board recommendations to the Board of Commissioners, provide perspective on issues, and provide a historical record of Board proceedings.

Furthermore, the State's open meetings act requires the Board to keep full and accurate minutes of all official meetings, and the State's public records law requires that those minutes be retained and be available for public inspection by any person.

The Secretary shall prepare minutes of all Board meetings (including committee meetings). The minutes shall state which members were present and absent. They shall briefly note the gist of staff reports and recommendations, applicants' presentations, public comments, and the Board's discussion on each item. They shall also state the content of each principal motion before the Board, identify who made and seconded the motion, and record the vote on the motion (identifying the vote count and, unless the vote is unanimous, the names of those voting for or against the motion). If the motion called for, or recommended adoption of an ordinance or resolution, or the acceptance of a report, the minutes shall also include a copy of the ordinance, resolution, or report.

The Secretary shall maintain the minutes of Board meetings on file in a safe and conveniently accessible place within the Planning Department, permit them to be inspected at reasonable times by any person, and furnish certified copies of them on payment of prescribed fees.

Conflicts of Interest

To preserve public confidence in the integrity of the Planning Board and the County's governmental process, each Board member shall have the duty to avoid even the appearance of a conflict of interest. A Board member, therefore, shall ask the Chair to be excused from participation in any matter before the Board in which the member's impartiality might reasonably be questioned, including, but not limited to, instances where:

- a. The Board member has a personal bias or prejudice concerning any interested party, or representative of a party, to a matter before the Board; or
- b. The Board member has a close personal or financial relationship with any party or party representative; or
- c. The Board member, or a member of the member's household, has a personal or financial interest that may be substantially affected (directly or indirectly) by the Board's action on the matter.

If any person questions the impartiality of a Board member, before or during the Board's consideration of a matter, the Chair shall treat this as a request that the member be excused from participation. Any request that a Board member be excused from participation must disclose the basis for the request.

On concurring that an actual or apparent conflict of interest exists, the Chair shall excuse the member from participation in the matter. On finding that an actual or apparent conflict of interest does not exist, the Chair shall refuse the request and allow the member to fully participate in the matter. No actual or apparent conflict of interest shall be deemed to exist where the matter would similarly affect all citizens of Decatur County (as generally with consideration of county-wide policies and regulations), or where the Board member's bias, prejudice, relationship, or interest is so insignificant or so remote that it is unlikely to affect the member's actions in any way.

If excused from participation in a matter, a Board member may not sit with the Board during its consideration of the matter, and may not vote on, discuss, advocate, influence, or otherwise take part in the Board's consideration of the matter, either in public or in private.

Outside Communications

To preserve public confidence in the fairness of Planning Board deliberations and decisions, the Board should ensure that the public and interested parties have the opportunity to know, and respond to, all information the Board considers in making its decisions. The Board should also ensure that each Board member has the opportunity to know and consider the information available to other Board members.

When considering issues involving administrative determinations such as a preliminary subdivision plan, or quasi-judicial determinations such as a request for a hardship variance from Subdivision Ordinance standards, the Board deals with parties who are directly affected by the Board's decision such as the applicant and neighbors of the proposed subdivision or variance site. Each of these interested parties needs the assurance that other interested parties will not have unfair advantage in presenting their version of the relevant facts or concerns to the Board. In such cases, therefore, Board members shall avoid communicating with applicants or other interested and affected parties about the proposal except at the Board meetings at which the proposal is being considered. If a Board member receives unsolicited communications about such a proposal outside of a Board meeting, the member has the duty to reveal the communications at the beginning of the Board's consideration of the proposal. This ensures that the communicated information will become part of the record and that other Board members and interested parties will have an opportunity to consider and refute the information.

When the Board considers issues pertaining to the County as a whole or principally to the general public interest (such as the Comprehensive Plan, the Land Use Plan, ordinance text amendments, and comprehensive zoning cases), it often finds access to a broad range of public input helpful in making a decision on the issue. In such cases, therefore, Board members may communicate with interested persons outside of the meetings at which the issue is being considered, but each member has the duty to reveal the general nature and scope of relevant information and opinions gleaned from such communications during the Board's consideration of the issue. To ensure that each Board member's decision is based on the full range of information and public opinion available to the Board, members should avoid committing themselves to a position on the issue during any outside communications.

When the Board considers rezoning petitions, it is considering a legislative determination, but one that generally pertains to a specific parcel of land, and thus directly affects the interests of specific parties. Because rezoning cases are legislative determinations, and the Planning Board's role is only advisory, Board members are not required to avoid outside communication about rezoning proposals. To further foster the appearance of fairness in their deliberations, however, Board members are encouraged to do so.

Orientation and Training

Orientation of New Members

The Planning Director shall meet with new Board members as soon as possible after their appointment to prepare them for effectively serving on the Planning Board. At that meeting, the Planning Director shall provide each new member a copy of the Planning Board Handbook (including these Rules & Procedures), all ordinances the Board typically deals with, and the Comprehensive Plan and other major statements of the County's growth management and land development policies. The Planning Director shall also generally explain the County's growth management and land development policies, the relationship between the Board and County staff, and the organization, duties and responsibilities, procedural rules, and legal constraints under which the Board operates.

Continuing Education

a. General

Board members are encouraged to expand their knowledge and understanding of planning issues by reading planning-related literature and attending planning conferences, courses, seminars, and workshops.

b. Budget

Before the Planning Director prepares the annual Planning Department budget request, the Board shall address their needs for training (including magazine subscriptions and attendance at planning-related conferences, courses, seminars, and workshops) and discuss with the Planning Director the extent to which they may be incorporated in the Department's budget request.

c. Approval of Attendance at Conferences, Etc.

County funds available for training of Board members are generally limited. A Board member wishing to use funds from the Planning Board's budget for expenses associated with attending a planning-related conference, course, seminar, or workshop for which sufficient funds have not already been specifically budgeted shall present a request for such funding to the Board. On receiving the request, the Chair may refer the request to the Planning Director for review and recommendation back to the full Board. In deciding whether or not to approve the request, the Board shall consider the following:

- i. The amount of funding requested compared to the amount of uncommitted budget funding available - i.e., how much funding would be left to meet the training needs of other members;
- ii. The relevance of the subject matter of the conference, course, seminar, or workshop to the Board's duties and concerns;

- iii. The member's need for the requested training - i.e., how great is the need, due to a lack of previous training or experience (or how little is the need, due to substantial previous training or experience or due to the short time remaining in the member's term);
- iv. The amount of funding the member has already used for training; and
- v. The seniority of the member - i.e., all other considerations being equal, the requests of members longest on the Board should have priority over other members.

Reference to Robert's Rules of Order

To resolve procedural questions not addressed by these Rules, the Board shall refer to the latest edition of Robert's Rules of Order.

Amendments

An amendment may, within the limits allowed by law, be recommended to the Decatur County Board of Commissioners at any time by an affirmative vote of at least two-thirds (2/3) of the Board's membership, provided that the amendment is first presented to the Planning Board in writing at a regular or special meeting held at least seven (7) days before the meeting at which the vote is taken.

Paul Soudi, Director
Planning Department