

**MILLCREEK, UTAH**  
**RESOLUTION NO. 21-32**

**A RESOLUTION OF THE MILLCREEK COUNCIL APPROVING AMENDED RULES OF ORDER AND PROCEDURE FOR THE MILLCREEK PLANNING COMMISSION**

**WHEREAS**, the Millcreek Council (“*Council*”) met in regular meeting on July 26, 2021 to consider, among other things, approving amended Rules of Order and Procedure for the Millcreek Planning Commission (“Amended Rules”); and

**WHEREAS**, as Millcreek Code of Ordinances Section 19.05.060 provides, “[t]he Commission shall adopt rules of order and procedure for use by the planning commission in a public meeting and for any other purposes considered necessary for the functioning of the Commission. Such policies and procedures shall be approved by the Council before taking effect,” and

**WHEREAS**, at a business meeting held on July 21, 2021, the Planning Commission considered and adopted and recommended approval of the Amended Rules pursuant to Millcreek Code of Ordinances Section 19.05.060; and

**WHEREAS**, a copy of the Amended Rules adopted by the Planning Commission has been presented to the Council, a copy of which is attached hereto; and

**WHEREAS**, the Council has reviewed the Amended Rules and determines that the Amended Rules are acceptable.

**NOW, THEREFORE, BE IT RESOLVED** by the Council that the Rules are hereby approved (designated by interlineating the words to be deleted and underlining the words to be added).

This Resolution, assigned No. 21-32, shall take effect immediately upon passage.

**PASSED AND APPROVED** by the Council this 26<sup>th</sup> day of July, 2021.

**MILLCREEK**

**ATTEST:**

\_\_\_\_\_  
Jeff Silvestrini, Mayor

\_\_\_\_\_  
Elyse Sullivan, City Recorder

Roll Call Vote:

Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

# MILLCREEK PLANNING COMMISSION

## RULES OF ORDER AND PROCEDURE

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

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

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

### **II. Membership**

Section 1. Appointment of Members and Participation– Members of the Commission (“Members”) shall be appointed as provided in the Millcreek Ordinances.

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

Section 3. Supporting Staff - The Millcreek Planning and Zoning Department and the Millcreek City Recorder shall be the supporting staff of the Commission (the “Supporting Staff”) and shall digitally record all meetings, make recordings available to the public within seven (7) business days, take written minutes, and post all agendas and meeting activities as required by Utah Code. The Supporting Staff in consultation with the Chair shall create the agenda for each meeting and shall send an agenda to the Members of the Commission. Additional items may be placed on the business meeting section of the agenda by Members of the Commission or Supporting Staff as provided below.

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

Section 5. Training – Planning Commissioners shall obtain training as required by UTAH CODE ANN. §10-9a-302. A newly appointed Member may not participate in a public meeting as an appointed Member until the member completes the training as required by Utah Code, and meets with the Supporting Staff to review among other things the Rules of Procedure and the General Plan. Failure to comply with this provision may result in removal of the Member from the Commission. All Members should attend additional trainings scheduled from time to time by the Supporting Staff.

Section 6. Attendance – Members shall regularly attend Commission meetings. A Member who misses more than three scheduled meetings in a calendar year may result in removal of the Member from the Commission.

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

1. Read and study the agenda, staff reports, and all attached documents prepared by Supporting Staff so that they are fully informed about each application prior to the scheduled Commission meeting.
2. Act in a courteous and respectful manner to their fellow Members, the Supporting Staff, applicant, and the public, during all meetings.
3. Attend Commission meetings and arrive on time.

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

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

Section 10. Compensation and Reimbursement – Members shall receive no compensation for their services and no reimbursement for expenses.

### **III. Officers**

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

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

Section 3. Officers Duties

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

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

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

Section 1. A Quorum shall consist of a majority of its Members and shall be necessary to conduct any business of the Commission. A commissioner who is not physically present may nevertheless participate in the meeting through electronic means and be counted toward the required quorum. All electronic meeting proceedings shall comply with UTAH CODE ANN. § 52-4-207. Any Commissioner participating via electronic means may make, second, and vote on all motions and participating in the discussion as though present, except that the Commissioner who chairs the meeting must be present at the anchor location.

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

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

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

Section 5. Staff and Applicant Participation at Electronic Meetings – Staff members or applicants who are not physically present may nevertheless participate in the meeting through electronic means, provided the Chair and City Recorder receive at least twenty-four (24) hours' advance notice of electronic participation.

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

#### **V. Subcommittees**

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

#### **VI. Procedures**

##### **A. Business Section**

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

Section 2. The commission shall review, correct, and approve of the minutes from the previous meeting. Additional items may be added to the business meeting section of the agenda by the Supporting Staff,

Chair, or the Commission, by a majority vote. The Commission may also discuss and render decisions on policy issues, legislative issues and administrative matters ~~that do not require public input~~. Special presentations, reports, and updates from the Supporting Staff that do not require a decision may also be made. ~~During a business meeting, there shall be no discussion of an application, request, or approval scheduled for the regular meeting.~~ During the business meeting there shall be no discussion of any completed application, either administrative or legislative, that is scheduled for the regular meeting.

## B. Meeting Procedures

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

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

Section 3. A majority vote by the present Members in favor of a motion shall carry the motion.

Section 4. Following a seconded motion, the Chair may ask each Member to verbally pronounce their name and vote and shall record each individual vote in the written minutes as an “aye”, “yes”, “nay”, or “no.”

Section 5. Following a non-unanimous vote, the Chair may ask Members who vote “nay” or “no” to state for the record their rationale for their opposing vote.

## C. Procedures for Applications

### Section 1. Application Public Hearing Procedure

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission
2. Unless altered by the Chair, the order of the procedure at a public hearing on an application shall be:
  - a. Presentation of the application by the Supporting Staff, including its recommendations and a summary of pertinent written comments and reports concerning the application
  - b. The applicant’s presentation, not to exceed fifteen (15) minutes
  - c. Any group representing the area in which the subject property is located, not to exceed five (5) minutes

- d. Persons other than the applicant in favor of, or not opposed to, or in opposition to, the application, not to exceed three (3) minutes per person
- e. Rebuttal by the applicant as necessary to respond to new issues or questions raised by other parties, not to exceed five (5) minutes
- f. Surrebuttal may be allowed at the discretion of the Chair.

## Section 2. Application Public Hearing Rules

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

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

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

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

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

Section 2. Voting/ Recusal:—A member of the Commission who has a conflict of interest as defined by Utah Code and/or Millcreek Ordinances shall declare the conflict of interest as required by Utah Code

and recuse themselves from the agenda item relating to the conflict of interest. The Chair shall announce the recusal for the record.

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

### **VIII. Amendments and Adoption**

#### **A. Adoption and Amendment Procedure**

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