

CITY OF BESSEMER

Planning Commission RULES OF ORDER

REGULAR MEETINGS

- The Planning Commission meets the 1st Tuesday of each month beginning at 6:00 p.m unless a holiday interferes.
- A list of all regular meetings including dates and times will be posted at least 10 days prior to the first meeting of the fiscal year on the City Center bulletin board and the city website.
- All regular meetings are open to the public.

SPECIAL MEETINGS

- Special meetings can be called by the City Manager on the written request of any two members with 24-hour notice.
- Special meeting notices will be posted on the City Center bulletin board and the city website as soon as possible, but not less than 24 hours before the meeting.
- Special meeting notices will include all of the business to be transacted at the special meeting. If all five Commission members are present, the commission can choose to add items to the agenda however, this is discouraged in instances other than emergencies.
- All special meetings are open to the public.

CLOSED MEETINGS

- In order for the commission to hold a closed meeting, a roll call vote must be taken.
- An affirmative vote of two-thirds of the membership of the Commission (4) is needed to go into closed session for the following matters:
 - o To consider the purchase or lease of real property.
 - o To consult with our attorney about a trial or settlement strategy in pending litigation, but only when an open meeting would have a detrimental financial effect on the public body's position.

- o To review the contents of an application for employment or appointment to a public office when the candidate requests the application remain confidential. However, all interviews by a public body for employment or appointment to a public office must be conducted in an open meeting.
- o To consider material exempt from discussion or disclosure by state or federal statute
- An affirmative vote of a majority of the membership of the Commission (3) is needed to go into a closed session for the following matter:
 - o To consider dismissal, suspension or disciplining of, or to hear complaints or periodic personnel evaluations of, a public officer or employee if requested by the named person.
 - o For strategy and negotiation sessions necessary in reaching a collective bargaining agreement if either party requests a closed hearing.
- The purpose for which the closed meeting is being called must be stated in the meeting when the roll call is taken.
- Following the closed session, the commission will reconvene the regular meeting. The commission may take action at the regular meeting before adjourning the regular meeting or may adjourn the regular meeting without taking action.

AGENDAS

- The agenda of each meeting shall be prepared by the city manager at least 48 hours prior to each regular meeting of the commission and shall be prepared prior to the posting of any special meeting. Due to our Tuesday meetings, to get on the published agenda, we need all agenda information by 12:00 on Thursday.
- Agenda packets will be delivered via email to commissioners at least 72 hours before a regular meeting, or at least 12 hours before a special meeting.
- The commission will allow people to add items to the agenda at the last minute if it is of pressing concern.

ORDER OF BUSINESS

The order of business for regular meetings of the commission shall be as follows:

- Call to order.
- Roll call.

- Presentations
- Public Hearings
- Approval of Minutes
- Conflict of interest
- Business
- Public Comment.
- Closed Sessions
- Resume Open Session
- Adjourn

ATTENDANCE

- A quorum of the commission consists of 3 members. Commissioners are asked to notify the city manager if they will be unable to attend a meeting so the administration will know if a quorum will be present.
- If a Planning Commissioner is regularly unable to attend regularly scheduled meetings, the city council may remove the individual.

CONDUCT OF MEETINGS

- Presiding Officer - The chair is the presiding officer of the commission. In the absence or disability of the chair, the vice chair shall be the presiding officer. In the absence or disability of both, the city manager shall call the commission to order and shall preside until an acting chair shall be chosen.
- Rules - The commission has adopted Robert Rules of Order.
- Voting - Except for a procedural matter, voting will be done on a roll-call basis.
- Commissioner must vote on a motion unless they have a conflict of interest. A conflict of interest is defined by state law, a summary of which is available in the MML Handbook for municipal officials. A commissioner must disclose any monetary interest in a contract under consideration. Unless he or she will directly benefit in an amount less than \$250.00 and less than 5% of the public cost of the contract, or the contract is for emergency services or repairs and the commissioner member files a Sworn Affidavit to

that effect in writing 7 days before the meeting at which a vote is to be taken, the contract can still be approved. The disclosure must also be made public by way of appropriate notice at least 7 days before the same meeting. If there is such a conflict, the contract must be approved by not less than 2/3 of the commission without the vote of the commissioner making the disclosure.

- Commissioners must be physically present at the meeting to vote.
- Discussion - During commission discussion and debate, no member shall speak until recognized by the chair. The member shall confine discussion to the question at hand and to its merits and shall not be interrupted except by a point of order. Speakers should maintain a courteous tone. No member shall speak more than once on the same question unless every member desiring to speak to that question shall have the opportunity to do so.
- Reconsideration of Motions – When a question has been decided, it shall be in order for any commissioner who voted on the prevailing side of the question to move the reconsideration at the same meeting, provided no action has been taken as a result of the previous vote.
- Recension of Motions: When a question has been decided, it shall be in order for any commissioner to move the recension at a future meeting, provided no action has been taken as a result of the previous vote.
- General Consensus – General consent or consensus may be used to give direction and the minutes should indicate that a majority consented.
- Appeals – Any ruling of the presiding officer relative to the proper interpretation of any rule of order shall be subject to appeal, which appeal shall be determined by a majority of the members present. If an appeal is taken by any member from the ruling of the presiding officer, the member of the commission desiring to appeal shall state that he or she claims an appeal from the ruling of the presiding officer and shall state briefly what in his or her opinion the ruling should have been. If this appeal is seconded, the presiding officer shall state clearly the question at issue and shall then call for the vote of the commission on the question: “Shall the decision of the presiding officer be sustained?” The presiding officer shall preserve order and decorum and may speak to points of order in preference to other members. He or she may express his or her opinion on any subject under debate without the substitution of another presiding officer.

CITIZEN PARTICIPATION

- Citizens will have the opportunity to address the commission at every meeting during the *public comment* item on the agenda. The commission may choose to impose a time restriction of 3 minutes or greater.
- At public hearings and special meetings, public comment will be confined to the subject of the public hearing or special meeting.
- The presiding officer may call to order any person who is being disruptive by speaking out of order or otherwise disrupting the proceedings, speaking longer than the allotted time or speaking vulgarities.

MINUTES

- Proposed minutes will be available within 7 business days after the meeting.
- Approved minutes will be available within 5 days after the meeting at which they were approved.
- Approved minutes will be available on the city website within 5 days after the meeting at which they were approved.
- Minutes of closed sessions will be taken by the city manager or by a recording secretary appointed by the commission if the city manager is not present. They are not available for public inspection and will only be disclosed if required by a civil action. The closed session minutes must be kept for one year and one day after they have been approved by the commission. Approval of the closed session minutes will be made at the next regular meeting of the commission.

RELATIONS WITH CITY STAFF

- Requests for information or questions by the commission shall be directed to the city manager.
- All complaints should be submitted to the city manager for him or her to address.
- The Planning Commission shall have no direct oversight of any staff.
- Information for commissioners is often sent via the city email. All commissioners must abide by the email policy when using the city email.

- City Manager reserves the right to require setting up appointments to meet with commissioners.

CONDUCT OF COMMITTEE MEMBERS

- Committee Members shall abide by the Open Meeting Act and all other state, local, and federal laws.
- Contact on behalf of the city with county, state and federal representatives and staff shall only be made by the city manager or mayor unless authorized by either the city manager or mayor. As a private citizen, anyone can contact representatives but as a citizen, they shall not infer they are acting on behalf of the city. Some commissioners may choose to acknowledge they are a committee member but they are acting privately. Others may choose to not mention the city or their position at all.

COMMITTEE APPOINTMENTS

- Appointments will be made by the mayor with the consent of the council.

COMMISSION VACANCIES

- When a vacancy occurs, the position will be advertised in the local newspaper, on the city website, and on the City Center bulletin board. All applications received will be given to the council for review. The Mayor makes a recommendation for appointment and the council votes on the appointment.

POLICIES AND PROCEDURES

- Planning Commission members will sign abide by the Bessemer Policies and Procedures documents.

SUSPENDING RULES

- If a rule creates a harmful situation for Bessemer, a rule may be temporarily suspended on a vote of 4 members or by the city manager if warranted

CONTROLLING AUTHORITY

- These rules shall be followed unless preempted by city charter, state laws, or the courts.

Yes:

No:

Resolution adopted this ____th day of _____, 2022

CERTIFIED

Charly Loper, City Manager