

Rules of Procedure
City of Barre
Planning Commission
May 16, 1997; September 26, 2019

Article I. Establishment of Rules of Procedure

- (a) Authority. The Planning Commission of the City of Barre shall be governed by the provisions of all applicable state statutes, the City Charter, and these Rules of Procedure, as adopted by the Planning Commission.
- (b) Adoption of these Rules. The Planning Commission Rules of Procedure shall be those adopted by the Commission in accordance with 24 VSA §4462. Upon adoption of the rules, a copy of these rules and all amendments shall be filed with the City Clerk as a public record and be made available to the public upon request.
- (c) Amendments. These rules may be amended at any regular meeting by an affirmative vote of a majority of the Commission provided that such amendment has been presented in writing to each member of the Commission at least 48 hours preceding the meeting at which the vote is taken.

Article II. Officers and Duties

- (a) Members. The Planning Commission of the City of Barre shall consist of seven (7) members appointed by the City Council for three-year terms in accordance with Title 24 VSA §4322-4323. The Planning Commission shall perform such planning functions and duties as may be required by the City Council, Charter, Ordinances, or applicable state laws.
- (b) Chairperson. The Commission shall elect a Chairperson from among its members by a majority vote annually in the month of May. The Chairperson shall perform the duties prescribed by state law, the City of Barre's Charter, and these rules.
- (c) Duties of the Chairperson. The Chairperson shall call the meeting together, preside over all meetings of the Commission, put all questions, maintain order, decide all questions of order and procedure, subject to these rules, and shall appoint any committees found necessary to carry out the business of the Commission, subject to the order of a majority of the members of the Commission.
- (d) Vice Chairperson. The Commission shall elect a Vice Chairperson from among its members by a majority vote annually in the month of May. The Vice Chairperson shall perform all of the duties of the Chairperson in the Chairperson's absence, or when the Chair is not presiding.
- (e) Signature. The Chairperson's signature shall be the official signature of the Commission and shall appear on all applicable documents pertaining to actions of the Commission

which were made at meetings of the Commission when the Chairperson was present and presiding. The Vice Chairperson's signature shall appear on all documents pertaining to actions of the Commission which were made with the Chairperson was not present or not presiding.

- (f) Secretary. A Secretary, who may or may not be a member of the Commission, or the Department of Planning, Permitting & Assessing staff, shall be appointed by a majority of the Commission. The Secretary shall perform the following duties:
1. Keep the minutes of all Commission actions and proceedings, showing the vote of each member upon every question, or if absent, disqualified, or failing to vote, shall so indicate; and shall include in the minutes the names and addresses of all witnesses, and a summary of the facts on which the decision is based and the decision rendered.
 2. Preserve and keep the records of the Commission's examinations and other official actions.
 3. Cause to be filed all minutes and records of examination and other official actions with the City Clerk & Treasurer as a public record.
- (g) Vacancies. The Secretary shall give immediate notice of any vacancy of the Commission to the municipal legislative body. Any vacancy among the officers of the Commission shall be filled by election, for the unexpired term, at the regular meeting of the Commission. If the office of Chairperson becomes vacant, the Commission shall fill that office by election for the unexpired term at the next regular meeting of the Commission.
- (h) Attendance. Less than 75% attendance in any fiscal year or two unexplained absences by a Commissioner in a row is grounds for recommendation of dismissal to the City Council.
- (i) Vacancies. Vacancies shall be filled by the City Council upon the expiration of such term or an unexpired portion of any term.
- (j) Removal. Upon majority vote, the Commission may request that the City Council remove a Commissioner from the Planning Commission. Planning Commissioners may be removed at any time by unanimous vote of the legislative body per 24 VSA §4323(h).

Article III. Meetings and Hearings

- (a) Regular Meetings. Regular meetings of the Planning Commission shall be held on the second and fourth Thursday in each calendar month, unless there is no business to transact, in which case the meeting may be canceled.
- (b) Special Meetings. Special meetings of the Commission may be called by the Chairperson or by a majority of the members of the Commission, provided that at least 24 hours written notice of the time, place, and business of such meeting shall be given to each member of the Commission. Action items requiring public hearing notice shall conform to the notice requirements in 24 VSA §4447 and will not be scheduled for a special meeting.

- (c) Site Visits. The Commission may convene at a site if the Commission feels a site visit will aid in their understanding of a proposed project, activity, or study. Members may visit a site individually or as a Commission. If a quorum of the Commission is present, it is an open meeting and its date and time must be announced and/or posted in accordance with state law.
- (d) Recess of Meeting or Hearing. The Commission may recess a meeting or hearing if all business cannot be disposed of on the day set. No further public notice shall be necessary provided that the date, time and place of the recessed meeting or hearing shall be announced prior to the adjournment.
- (e) Open Meetings. All meetings of the Commission and any subcommittees shall be open to the public, and held in a location that is handicapped accessible. No longer a quasi-judicial body, the Commission cannot enter into deliberative sessions which are not open to the public to discuss the issues. The Commission and any subcommittees can enter into executive sessions only in accordance with the Open Meeting Law.

Article IV. Conflict of Interest

All members of the Planning Commission shall abide by the City of Barre's Conflict of Interest Policy adopted by the Barre City Council on October 13, 2009, together with any subsequent amendments. No disqualified member shall preside at a hearing or be counted by the Commission in establishing the required quorum. The applicant or any interested party may petition the Commission to disqualify any member because of a conflict of interest. If the Chairperson is disqualified, the Vice Chairperson shall preside. In the event the Vice Chairperson is unable to preside, a majority of the remaining Commission shall appoint an Acting Vice Chairperson for the proceeding.

Article V. Conduct of Public Hearings

- (a) Public hearings shall be conducted in accordance with the applicable rules as set forth in 24 VSA §4384, 24 VSA §4403, and other rules as are applicable.
- (b) Record of Proceedings. Proceedings at public hearings shall be recorded either electronically or by the Secretary.
- (c) Recess of public hearing. The Commission may recess a public hearing if all the matters pertaining to it cannot be disposed of on the day set. No further public notice shall be necessary provide that the date, time, and place of the recessed hearing shall be announced before adjournment.

Article VI. Voting

- (a) Quorum. For the conduct of a meeting or hearing, and the taking of any action, a quorum of the Commission must be present, consisting of a majority of the Planning Commission.

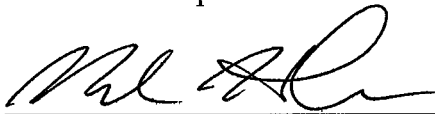
(b) Majority Vote Required. Decisions on any matter before the Commission, except the amendment or adoption of procedural rules, shall require the concurrence of a majority of the members of the entire Commission, regardless of vacancies or disqualifications.

(c) Motions in the affirmative. All motions made for any decision shall be made in the affirmative. This does not imply that the person making or seconding the motion support that motion. A failure to obtain four (4) affirmative votes shall be considered a denial. An abstention equals a negative vote.

(d) Tie Vote. A tie vote shall constitute no action of the Planning Commission.

(e) Conflict of Interest. No Commission member shall participate in any hearing or vote on any matter in which he or she has a personal or direct or indirect financial interest in the matter under consideration.

These rules of procedure were adopted by the Planning Commission.



Chairperson Michael Hellein

9/30/19

Date