

# **‘Bethel Planning Commission Rules of Procedure’**

**March 2005**

## **I. ESTABLISHMENT OF RULES OF PROCEDURE**

A. Authority: The Planning Commission of the Town of Bethel shall be governed by the provisions of all applicable state statutes, *Roberts Rules of Order*, and these Rules of Procedure.

B. Adoption of These Rules: The **Bethel Planning Commission Rules of Procedure** shall be those adopted by the Commission in accordance with Title 24 of Vermont Statutes Annotated (VSA). Upon adoption of the rules, a copy of these rules and all amendments shall be filed with the Town 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 (on paper, or electronically via email), to each member of the Commission at least 48 hours preceding the meeting at which the vote is taken.

## **II. MEMBERS, OFFICERS, AND DUTIES**

A. Members: The Planning Commission of the Town of Bethel shall consist of seven members appointed by the Select Board for 3 year terms in accordance with Title 24 VSA. The Planning Commission shall perform such planning functions and duties as may be required by the Select Board, ordinances, or applicable state laws.

If a member chooses to resign from the Planning Commission, she or he should do so in writing to the Select Board, and should send a copy to the Chair of the Planning Commission.

B. Administrative Officer: The Town official recommended by the Planning Commission and appointed by the Select Board whose job it is to receive and review all zoning permit applications, issue permits for permitted uses and refer conditional use permits and appeals for variance to the Development Review Board (DRB).

C. Chairperson: The Commission shall elect a chairperson from among its members by a majority vote annually in the month of January. The Chairperson shall perform the duties prescribed by State law, and these rules.

D. Duties of the Chairperson: The Chairperson shall call the meeting together, preside over all meetings and hearings of the Commission, put all questions, maintain order, decide all questions of order and procedure subject to these rules.

E. Vice Chairperson: The Commission shall elect a Vice Chairperson from among its members by a majority vote annually in the month of January. The Vice Chairperson shall perform all of the duties of the Chairperson in the Chairperson's absence or when the Chairperson is not presiding.

F. 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 when the Chairperson was not present or when the Chairperson was not presiding.

G. Secretary: A Secretary shall be elected by a majority of the Commission in January. The Secretary shall perform the following duties:

- (1) Create and send out agendas of meetings.
- (2) 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. These minutes shall be made available for public view within five days.
- (3) Preserve and keep the records of the Commission's official actions by causing those to be given into the custody of the Administrative Officer.
- (4) Type and send any correspondence of the Commission.
- (5) Work with the Administrative Officer to carry out all Notice Requirements per 2004 Vermont Laws, Act 115, including posting Notice of Meetings, notice to adjoining Planning Commissions and the Regional Planning Commission, etc.

H. Vacancies: The Administrative Officer shall give immediate notice of any vacancy of the Commission to the Bethel Select Board. 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.

I. Duties: The Planning Commission shall have all powers granted municipal planning commissions under the general laws of the State of Vermont, including, but not limited to the following:

1. To prepare a Municipal Plan and amendments thereof for consideration by the Select Board and to review any amendments thereof initiated by others, as set forth in subchapter 5 of 24 V.S.A. Chapter 117;
2. To prepare and present to the Select Board proposed bylaws and to make recommendations to the Select Board on proposed amendments to such bylaws as set forth in subchapter 6 of 24 V.S.A. Chapter 117;
3. To prepare and present or review and present findings on a recommended capital budget and program for a period of five years, as set forth in Title 24 V.S.A. Chapter 117, for action by the Select Board, as set forth under Title 24 V.S.A. Chapter 117;
4. To hold public meetings;
5. To require from other departments and agencies of the Town such available information as relates to the work of the Planning Commission;
6. To enter upon land to make examinations and surveys in the performance of its functions;

7. To participate in regional planning programs;
8. To retain staff and consultant assistance in carrying out its duties and powers;
9. To perform such other acts or functions as it may deem necessary or appropriate to fulfill the duties and obligations imposed by, and the intent and purpose of 24 V.S.A. Chapter 117;
10. To perform any other duties which may be assigned to it by the Select Board;
11. To establish sub-committees to carry out its work;
12. To advocate for, monitor, and actively engage in the implementation of the Municipal Plan: and
13. To serve as a statutory party in state Act 250 proceedings.

### **III. GENERAL RULES**

A. Records: A file of all documents, physical evidence, public proceedings, and decisions showing the vote, absence, or failure to vote of each member upon each question shall be kept by the Administrative Officer as part of the records of the Planning Commission. All records of the Commission shall be public records.

B. Fees: The Bethel Select Board shall determine such fees as may be necessary for the filing of notices and the processing of hearings and action thereon.

### **IV. MEETINGS**

A. Regular Meetings: Regular meetings of the Planning Commission shall be held the third Wednesday of each month at 7:00 p.m. unless there is no business to transact, in which cases the meeting may be canceled. Ideally meetings shall be held in a location that is handicapped accessible. Public notice of meetings shall be posted at the Town Offices, and – ideally - on the [www.Bethelvermont.com](http://www.Bethelvermont.com) web site.

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 or emailed notice of the time, place, and business of such meeting shall be given each member of the Commission. Action items requiring public hearing notice shall conform to the notice requirements in Title 24 V.S.A. and will not be scheduled for a special meeting.

C. Open Meetings: All meetings of the Commission and its committees shall be open to the public, and ideally 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 its committees can enter into executive sessions only in accordance with the Vermont Open Meeting Law.

### **V. CONFLICT OF INTEREST**

All members of the Bethel Planning Commission shall abide by the Conflicts of Interest section of the Vermont Municipal Administrative Procedure Act, T.24 Vermont Statutes Annotated. A Member shall not take any official action if she or he has a conflict of interest in a matter that could result in the Member receiving direct or indirect financial benefit.

## **VI. CONDUCT OF PUBLIC HEARINGS**

A. Public hearings shall be conducted in accordance with the applicable rules as set forth in Title 24 V.S.A., and other rules as applicable.

B. Representation: Any interested party may appear in person or be represented by an agent or attorney.

C. Record of Proceedings: Proceedings at public hearings shall be recorded either electronically or by a court stenographer at the discretion of the Commission. A transcript of the proceedings shall be made at the request of any party upon payment of the reasonable costs thereof.

D. 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 provided that the date, time, and place of the recessed hearing shall be announced before adjournment.

## **VII. VOTING**

A. Quorum: For the conduct of a meeting or hearing and the taking of any action a quorum must be present. A quorum for the Bethel Planning Commission shall consist of a majority of all Commissioners – rather than a majority of those present –with the exception of adopting procedural rules.

B. Majority of Vote Required: Determination on any matter before the Commission shall require the concurrence of four members of the Commission, regardless of any absences, 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 affirmative votes shall be considered a denial. An abstention equals a negative vote.

D. Quorum may Transact all Business of the Commission: If a quorum of the Commission is present at a meeting, that quorum may transact all matters that may or are required to come before it.

Adopted by the Bethel Planning Commission: October 12, 2004.  
Revised December 16, 2004: IV.A. - Regular meeting date.  
Revised March 2005: II.B. – Appointment of Administrative Officer.  
Revised 07/18/12: VII.A. – Voting: Quorum.