

RULES OF PRACTICE

PLANNING COMMISSION

CITY OF DEFIANCE, OHIO

<u>RULE 1: PROCEEDINGS TO BE CONDUCTED IN PUBLIC</u>	4
Rule 1.1: Official Action to be Taken in Public Session	
Rule 1.2: Deliberations to be Conducted in Public Session	
Rule 1.3: Procedure of Calling Executive Session	
Rule 1.4: Minutes of Proceedings in Executive Session	
<u>RULE 2: REGULAR MEETINGS</u>	5
Rule 2.1: Time and Place of Regular Meetings	
Rule 2.2: Nature of Business to be Conducted	
Rule 2.3: Public Notice of Prearranged Business	
Rule 2.4: Cancellation of Regular Meetings	
<u>RULE 3: SPECIAL MEETINGS</u>	6
Rule 3.1: Who May Call a Special Meeting	
Rule 3.2: Time and Place of Special Meetings	
Rule 3.3: Notice of Business to be Transacted	
Rule 3.4: Nature of Business to be Conducted	
<u>RULE 4: RECESS PRIOR TO ADJOURNMENT</u>	8
<u>RULE 5: NOTICE PROCEDURES & REQUIREMENTS</u>	9
Rule 5.1: Public Posting of Meetings	
Rule 5.2: Notice to Government Officials	
Rule 5.3: Notice to Media Representatives	
Rule 5.4: Notice to Neighboring Property Owners	
Rule 5.5: Individual Requests for Notification	
Rule 5.6: Time and Manner of Delivery	
Rule 5.6(A) Documents Prepared for Pick-up	
Rule 5.6(B) Documents Prepared for Mail Delivery	
Rule 5.6(C) Documents Prepared for Delivery by Courier	
Rule 5.6(D) Exhaustion of Supply of Document Containers	
Rule 5.6(E) Risks of Delayed or Non-Delivery	
Rule 5.7: Copies of Posted Notices	

<u>RULE 6: MINUTES OF PROCEEDINGS</u>	12
Rule 6.1: Duty to Take Minutes	
Rule 6.2: Contents of Minutes	
Rule 6.3: Distribution of Draft Proposed Minutes	
Rule 6.4: Approval and Journalization of Minutes	
Rule 6.4(A) Objections to Proposed Minutes	
Rule 6.4(B) Approval Without Correction	
Rule 6.4(C) Correction Prior to Approval	
Rule 6.4(D) Attestation of Approved Minutes	
Rule 6.4(E) Filing of Minutes and Maintenance of Journal	
Rule 6.5: Public Access to Minutes	
Rule 6.5(A) Proposed Minutes	
Rule 6.5(B) Attested Minutes	
Rule 6.5(C) Reproduction of Minutes; Costs	
<u>RULE 7: PRESIDING OFFICER</u>	15
Rule 7.1: Election of Chairperson and Vice-Chairperson	
Rule 7.2: Chairperson to Preside at Meetings	
Rule 7.3: Presiding Officer in the Absence of Chairperson	
Rule 7.4: Voting by Presiding Officer	
<u>RULE 8: CLERK-SECRETARY OF COMMISSION</u>	16
Rule 8.1: Procedure for Appointment of Clerk	
Rule 8.2: Term of Appointment	
Rule 8.3: Removal of Clerk During Term	
Rule 8.4: Vacancy in the Office of Clerk	
<u>RULE 9: DUTIES OF MEMBERS</u>	17
Rule 9.1: Duty to Attend Meetings	
Rule 9.2: Absence may be Excused by Commission	
Rule 9.3: Duty of Members to Vote	
Rule 9.4: Ethical Conflicts, Duty to Abstain	
Rule 9.5: Ethical Conflicts, Duty to Refrain from Debate	
<u>RULE 10: MATTERS OF PERSONAL PRIVILEGE</u>	18
<u>RULE 11: ORDER OF BUSINESS</u>	19
Rule 11.1: General Order of Business, Regular Meetings	
Rule 11.2: Order of Business, Special Meetings	
Rule 11.3: Priorities in Assignment of Business	
Rule 11.4: Departures from the Order of Business	

<u>RULE 12: PROCEEDINGS BY MOTION</u>	21
Rule 12.1: Form of Motions	
Rule 12.2: Second Required	
Rule 12.3: Precedence of Motions	
Rule 12.4: Limitation on Use of Motion to Amend	
Rule 12.5: Motion to Reconsider a Previous Vote	
Rule 12.6: Necessary Approvals	
<u>RULE 13: CONDUCT AND DECORUM</u>	24
Rule 13.1: Right of Floor	
Rule 13.2: Offensive Speech Prohibited	
Rule 13.3: Time Limits for Speaking	
Rule 13.4: Enforcement of Rules of Decorum	
Rule 13.5: Appeal of Call to Order	
<u>RULE 14: DISCIPLINE OF COMMISSION MEMBERS</u>	25
Rule 14.1: Censure	
Rule 14.2: Expulsion	
<u>RULE 15: PROCEEDINGS BY COMMISSION CONVENEED AS A COMMITTEE OF THE <u>WHOLE</u></u>	26
Rule 15.1: Presiding Officer	
Rule 15.2: Attendance Voluntary	
Rule 15.3: Quorum Required	
Rule 15.4: Public Meetings	
Rule 15.5: Meetings Deemed to be Special Meeting	
<u>RULE 16: AMENDMENT AND SUSPENSION OF RULES</u>	27

RULE 1: PROCEEDINGS TO BE CONDUCTED IN PUBLIC

Rule 1.1: Official Action to be Taken in Public Session

All official actions of the Commission shall be taken in meetings open to the public.

Rule 1.2: Deliberations to be Conducted in Public Session

Except for matters expressly declared by State Law to be appropriate for discussion in Executive Session, all deliberations of the Commission shall be conducted in meetings open to the public.

Rule 1.3: Procedure of Calling Executive Session

For the purpose of discussing matters declared by State Law to be appropriate for deliberation in Executive Session, an Executive Session may be called upon the concurrence of a majority of a quorum of the Commission, expressed by Roll Call Vote, to a Motion to Convene in Executive Session. Such Motion shall only be made by a voting member of the Commission in Public Session at a Regular or duly convened Special Meeting of the Commission. The Motion shall state with specificity the purpose for which the Executive Session is sought. No business shall be transacted other than the deliberation of matters pertaining directly to the purpose stated in the Motion pursuant to which the Executive Session is convened. In the event Executive Sessions are desired to consider more than one item of business, the Commission shall not be required to reconvene in Public Session prior to entertaining each separate item of business. A separate Motion shall, however, be made with respect to each item of business to be taken up in Executive Session and only matters pertaining directly to the purpose stated in each approve Motion shall be discussed.

Rule 1.4: Minutes of Proceedings in Executive Session

Unless expressly stated otherwise in the Minutes, it shall be presumed that all members of the Commission in attendance at the Regular or Special Meeting at which a Motion to Convene in Executive Session is approved attended the Executive Session. Minutes of deliberations conducted in Executive Session reflect only the general subject matter of the deliberations and shall not reflect the substance of the discussions.

RULE 2: REGULAR MEETINGS

Rule 2.1: Time and Place of Regular Meetings

Regular Meetings of the Commission shall convene on the Third Monday of each month at 4:00 o'clock PM, at the Municipal Annex Building, 1450 Baltimore Rd., Defiance, Ohio, and continue until adjournment.

Rule 2.2: Nature of Business to be Conducted

Any matter properly brought to the floor in accordance with the Order of Business shall be appropriate for discussion at all Regular Meetings of the Commission. No Motion to recommend legislation to council shall be entertained unless discussion of the subject to which such recommendation pertains has been included in the Agenda for the meeting at which such action is proposed. Nothing contained elsewhere in these Rules shall be construed to limit the matters that may be raised, considered or acted upon at a Regular Meeting of the Commission.

Rule 2.3: Public Notice of Prearranged Business

Not later than 72 hours prior to each Regular Meeting of the Commission, the Clerk-Secretary shall prepare an Agenda of all matters that have been prearranged to be brought before the Commission. The Agenda shall briefly describe the subject matter of each topic to be presented and identify the person or group that has arranged to present that subject. If the subject has previously been considered by Council, a Committee of Council, the Board of Control, "project-review" or a similar Committee composed of municipal administrative officers, the Board of County Commissions, the Board of Trustees of an affected Township or the Defiance County Planning Commission, the minutes of such prior proceedings shall, if available, be appended to the Agenda. The Agenda shall be posed and distributed as provided by Rule 5.

Rule 2.4: Cancellation of Regular Meetings

Any Regular Meeting established by these Rules may be canceled by the Chairperson or Vice-Chairperson, whenever, in the opinion of such official, there is insufficient business to warrant the Meeting or it appears that an insufficient number of Members will be available to attend the Meeting.

RULE 3: SPECIAL MEETINGS

A Meeting of the Commission may be convened at a place or time other than provide by Rule 2.1 only in accordance with this Rule.

Rule 3.1: Who May Call a Special Meeting

A Special Meeting may be called upon the concurrence of a majority of a quorum of the Commission to a Motion to hold a Special Meeting. The motion shall be made by a voting Member in public session at a Regular or duly convened Special Meeting. The Motion shall recite the purpose for which the Meeting is to be held and the time and place at which the meeting is to be convened.

If a Motion to hold a Special Meeting for the same purpose has not previously been made and defeated by vote of the Commission, a Special Meeting maybe called by the Chairperson and shall be called if the Chairperson is requested to do so in writing by three or more Members of the Commission. In the absence of the Chairperson, authority to call a Special Meeting is reposed in the Vice-Chairperson. Requests of Members to hold a Special Meeting shall state the purpose for which the Meeting is to be called. Exclusive authority to designate the time and place of the meeting shall rest in the official calling the Meeting.

Rule 3.2: Time and Place of Special Meetings

Special Meetings shall convene at the time and place stated in the Agenda. The Agenda prepared for a Meeting called upon Motion shall specify the time and place state in the Motion pursuant to which the Meeting is called. The Agenda prepared for a Meeting called by the Chairperson or Vice-Chairperson shall specify the time and place designated by the official calling the Meeting. No Special Meeting shall be convened earlier than 24 hours following posting and distribution of the Agenda in accordance with Rule 5.

Rule 3.3: Notice of Business to be Transacted

The Clerk-Secretary, shall prepare an Agenda of the matters to be brought before the Commission at the Special Meeting. The Agenda shall set forth:

1. The time and place at which the Special Meeting is to be convened;
2. The authority pursuant to which the Special Meeting has been called;
3. The stated purpose for which the Special Meeting has been called; and,
4. A brief description of the subject matter of any topic to be presented to the Commission and the identity of the person or group that has arranged to present that special subject to the attention of the Commission.

Rule 3.4: Nature of Business to be Conducted

No subject shall be raised, considered or discussed at any Special Meeting of the Commission other than the transaction of business directly pertaining to the purpose for which the Meeting has been called as stated in the Agenda.

RULE 4: RECESS PRIOR TO ADJOURNMENT

Any Regular or Special Meeting of the Commission may be recessed and reconvened at a later time or at a different location upon the concurrence of a majority of a quorum of the Commission to a Motion to Recess and Reconvene. The Motion shall state the purpose for which the meeting is to be recessed and the time and place at which the meeting is to be reconvened. The Motion shall be made by a voting Member in public session. If adopted, the meeting shall be recessed until the time stated in the Motion. Public announcement shall be made of the time and place at which the meeting is to be reconvened to all persons present at the meeting recessed. The fact that the body stands in Recess and the time and place at which it will reconvene shall be posted on the door of the meeting room in which the recessed meeting was conducted. If the meeting is recessed as stated in the Motion. No meeting shall be recessed to a date other than the date upon which the meeting was initially convened.

RULE 5: NOTICE PROCEDURES & REQUIREMENTS

Rule 5.1: Public Posting of Meetings

Public Notice of all Regularly Scheduled and Special Meetings of the Commission shall be made by posting a copy of the Agenda prepared for such meeting on the bulletin boards located on the second floor of the Municipal Building, 324 Perry St., Defiance, Ohio, and the Municipal Annex Building, 1450 Baltimore Rd., Defiance, Ohio. The Agenda prepared for each Regular Meeting of the Commission shall be posted by the Clerk-Secretary not later than 72 hours prior to the time scheduled for the meeting to convene. The Agenda prepared for each Special Meeting of the Commission shall be posted no later than 24 hours prior to the time scheduled for the Special Meeting to convene.

Rule 5.2: Notice to Government Officials

The Agenda for each Meeting shall be distributed to all Members of the Commission, all Members of the Council, the City Engineer and City Zoning Commissioner at the time the document is posted in compliance with Rule 5.1. Distribution to Members of the Commission who are not municipal employees shall be made by ordinary U.S. mail. Distribution to all others shall be made via the internal municipal mail system. Agendas not mailed at least 96 hours prior to the time scheduled for commencement of the Meeting to which they pertain shall be hand delivered to the residence or municipal office of the individual entitled by this Rule to Notice.

Rule 5.3: Notice to Media Representatives

A publisher, broadcaster or other news distribution or public information agency may obtain one copy of each Agenda without charge by filing a Request for Notification with the Clerk-Secretary on one of the approved forms set forth in Appendix B. Additional requests by any such organization or by a representative thereof shall be filed pursuant to Rule 5.4 utilizing the appropriate form contained in Appendix C.

Rule 5.4: Notice to Neighboring Property Owners

When an application has been filed for alternation of the District Map, whether by allowance of a PUD designation or change of District Classification, each person identified by the application as being an owner of property located within two hundred feet of the land described in the application shall be served a copy of the Agenda by regular U.S. Mail addressed to the last known residence address of said person. The Clerk shall certify the date of mailing and the name and address of each person to whom such notice was posted.

Rule 5.5: Individual Requests for Notification

Any person may obtain personal notice of business prearranged for presentation to the Commission by filing a Request for Notification with the Clerk on one of the approved forms set for in Appendix C.

A charge of twenty-five cents (\$0.25) per page is imposed to cover the cost of duplication of all documents prepared for distribution pursuant to Rule 5.4. Each Request for Personal Notification of proceedings before the Commission shall be accompanied by a deposit of not less than \$10.00 nor more than \$100.00. All deposits shall be used exclusively to pay the costs imposed by this Rule for duplication of the documents requested. The Clerk shall maintain an accurate balance of the unused funds on deposit to the credit of each individual posting a deposit. All Requests for Notification filed pursuant to Rule 5.4 shall be deemed withdrawn any time the amount on deposit to the credit of the person requesting the information is insufficient to fully pay the cost of duplication of any document to which the person is otherwise entitled.

Rule 5.6: Time and Manner of Delivery

Agendas requested pursuant to Rules 5.3 and 5.5 shall be furnished in accordance with the instructions set forth in the Request Form and the application provisions of this Rule.

Rule 5.6(A) Documents Prepared for Pick-up

Requests for documents to be made available for pick-up shall be accompanied by a supply of suitable containers bearing the name of the individual to whom the documents are to be delivered. At or before the time the requested documents are required to be posted, copies prepared for distribution shall be deposited with the Municipal Police Department in the container provided by the person filing the request and shall be available for pick-up by the person whose name is endorsed on the face of the container. Proof of identity may be required of the person receiving the parcel.

Rule 5.6(B) Documents Prepared for Mail Delivery

Requests designating the U.S. Postal Service as delivery agent for the person filing the request shall be accompanied by a supply of First Class postage paid mailing envelopes pre-addressed to the location to which the requested documents are to be mailed. At or before the time requested documents are required by Rule 5.1 to be publicly posted, copies prepared for distribution by mail shall be deposited with the U.S. Postal Service in the envelopes provided by the persons requesting mail delivery.

Rule 5.6(C) Documents Prepared for Delivery by Courier

Requests designating a commercial courier service as delivery agent for the person filing the request shall be accompanied by a supply of pre-paid document containers indicating the identity of the commercial service employed and the address of the location to which the documents are to be delivered. At or before the time requested documents are required by Rule 5.1 to be publicly posted, copies prepared for distribution by courier shall be placed in the appropriate document containers and each courier service shall be notified by telephone of the number of parcels available for delivery pick-up. Parcels shall be available for collection at the courier service personnel during the normal business hours of the Municipal Annex.

Rule 5.6(D) Exhaustion of Supply of Document Containers

All requests submitted pursuant to Rules 5.3 or 5.4 shall be deemed withdrawn at any time the supply of document containers required by Rule 5.5(A), 5.5(B) or 5.5(C) is exhausted.

Rule 5.6(E) Risks of Delayed or Non-Delivery

Designation of the U.S. Postal Service or a commercial carrier as delivery agent assumes all risk of delayed delivery or non-delivery of requested documents occasioned by the use of such agent.

Rule 5.7: Copies of Posted Notices

Copies of Agendas posted in accordance with Rule 5.1, may be obtained from the Clerk-Secretary upon payment of twenty-five cents (\$0.25) per page to cover the costs of duplication. Requests for such documents shall be filled no later than the close of business on the regular business day next following the day on which the request is made and the charge paid.

RULE 6: MINUTES OF PROCEEDINGS

Minutes of each meeting of the Commission shall be promptly prepared, filed and maintained open for public inspection. Drafts of proposed Minutes not yet approved and filed in the Journal shall be treated as public records to the extent required by law but shall not be deemed accurate or binding upon the Commission

Rule 6.1: Duty to Take Minutes

The Clerk-Secretary, or in the absence of the Clerk, a suitable person designated by the Chairperson, Vice-Chairperson or Member of the Commission presiding at the meeting, shall record accurate Minutes of all proceedings.

Rule 6.2: Contents of Minutes

The Minutes of each meeting of the Commission shall include:

1. A statement as to whether the meeting is convened as a Regular or Special Meeting and, if the Minutes pertain to a Special Meeting, a statement of the purpose for which the meeting was called and a reference to the Motion or Order of the Chairperson or Vice-Chairperson upon whose authority the meeting is convened.
2. The Roll of Members in Attendance;
3. A summary of all presentations reflecting the identity of the person or group making the presentation and the substance of the information presented;
4. A record of all Motions made and the identity of the Members making and seconding the same;
5. The vote cast by each Member as to all matters determined by Roll Call Vote and a tally of the votes cast on any matter decided without Roll Call Vote;
6. Such additional information as may be directed by the officer presiding at the proceedings recorded by the minutes.

Rule 6.3: Distribution of Draft Proposed Minutes⁸

Within 48 hours following each Meeting of the Commission, the Clerk-Secretary (or substitute official designated to take Minutes in the absence of the Clerk) shall prepare a draft of proposed Minutes. A copy of the proposed minutes shall be distributed to all government officials entitled by Rule 5.2 to receive notice of Commission's proceedings in the manner provided by Rule 5.2 for the distribution of agendas to such officials.

Rule 6.4: Approval and Journalization of Minutes

In accordance with the Order of Business and this Rule, Members of the Commission shall be afforded an opportunity to correct the proposed Minutes prior to Journalization thereof.

Rule 6.4(A) Objections to Proposed Minutes

Objection to the proposed Minutes shall be made by a Motion to Correct the Minutes. The Motion shall be made only by a Member of the Commission who was in attendance at the meeting to which the Minutes pertain. The Motion shall state with specificity the language sought to be added to or deleted from the text of the proposed Minutes. Only those Commission Members who were in attendance at the meeting to which the minutes pertained shall vote on the Motion. If the Members in attendance and eligible to vote constitute a quorum of the Commission, the matter shall be put to an immediate vote and decided the majority voting on the issue. If the Members in attendance and eligible to vote do not constitute a quorum of the Commission, the question shall be continued from Regular Meeting to Regular Meeting until such time as the Members in attendance and eligible to vote constitute a quorum.

Rule 6.4(B) Approval Without Correction

In the event no Motion to Correct the Minutes is made or in the event such Motion(s) to Correct the Minutes as are made fail to receive a second or a majority of the votes cast upon the question, the proposed Minutes shall stand approved as distributed.

Rule 6.4(C) Correction Prior to Approval

In the event a majority of the Members voting on the question affirm the addition or deletion of text proposed by a Motion to Correct the Minutes, the text of the proposed Minutes shall be immediately amended.

Rule 6.4(D) Attestation of Approved Minutes

Minutes approved in accordance with Rule 6.4(B) or 6.4(C) shall be attested by the Clerk-Secretary (or person designated to take minutes at the meeting at the proposed Minutes are approved) and the Chairperson or Vice-Chairperson presiding at the meeting at which the proposed Minutes are approved.

Rule 6.4(E) Filing of Minutes and Maintenance of Journal

Minutes shall be deemed filed immediately upon attestation and shall be retained by the Clerk-Secretary in a permanent Journal. The Journal shall be maintained in the Office of the City Engineer and shall be open to public inspection during normal business hours of said office. The Journal shall not be removed from the Office of the City Engineer without written approval of the Chairperson of the Commission.

Rule 6.5: Public Access to Minutes

Rule 6.5(A) Proposed Minutes

The original text of all Proposed Minutes not yet approved or Journalized shall be maintained by the Clerk-Secretary. Such records shall be available for public inspection and copying at the Clerk's customary place of business during the normal hours of such office. All requests for access to such records shall be made to the Clerk or a person designated by the Clerk to respond to such requests in his/her absence.

Rule 6.5(B) Attested Minutes

The Journal containing the attested Minutes shall be available for public inspection at the Office of the City Engineer during normal business hours of said office.

Rule 6.5(C) Reproduction of Minutes; Costs

Photo static copies of proposed or attested Minutes shall be provided upon payment of a fee of twenty-five cents (\$0.25) per page to cover the costs of duplication. All copies of Proposed Minutes shall clearly indicate that the contents of the document reproduced have not yet been accepted by the Commission and remain subject to correction. No fee shall be charged the President or any Member of Council, the Mayor or the Director of a Municipal Department requested copies for Municipal purposes. All requests for copies of shall be filled not later than the close of business on the regular business day next following the day on which the applicable charges are paid.

RULE 7: PRESIDING OFFICER

Rule 7.1: Election of Chairperson and Vice-Chairperson

In conformity with Section 7.02 of the Municipal Charter, the Commission shall elect one Member to serve as Chairperson and one Member to serve as Vice-Chairperson at the first meeting of the Commission held each year. The election of the Chairperson and Vice-Chairperson shall be recorded by Roll Call Vote. The Members shall serve until election of their successors.

Rule 7.2: Chairperson to Preside at Meetings

Unless absent, the elected Chairperson shall preside at all meetings of the Commission. The elected Vice-Chairperson shall preside in the absence of the Chairperson.

Rule 7.3: Presiding Officer in the Absence of Chairperson

In the event both the Chairperson and Vice-Chairperson are absent from a Meeting of the Commission, the Members present shall select a Member to preside and discharge the duties of the Chairperson. The selection of such Member shall be by majority consensus but need not be established by Roll Call Vote. The selection of a Member to preside, and the identity of the Member selected, shall be reflected in the minutes.

Rule 7.4: Voting by Presiding Officer

In all matters decided by Roll Call Vote, the Chairperson, Vice-Chairperson or Member serving as Presiding Officer shall vote last.

RULE 8: CLERK-SECRETARY OF COMMISSION

Rule 8.1: Procedure for Appointment of Clerk

At the first Regular Meeting of the Commission each year, the newly elected and installed Chairperson shall propose a candidate for appointment to the office of Clerk of the Commission. Upon concurrence of a majority of the Commission, the candidate shall be appointed. Concurrence of a majority to the appointment of the candidate proposed by the Chairperson may, but need not be, established by Roll Call Vote provided, however, that any Member opposed to the appointment may demand a call of the Roll. In the event a majority of the Commission does not affirmatively approve the candidate proposed by the Chairperson, the Chairperson shall submit an alternate proposal at each succeeding Regular Meeting until a candidate proposed by the Chairperson is accepted by majority of the Commission.

Rule 8.2: Term of Appointment

The person appointed Clerk shall, unless removed from office by the Commission, serve for a term of one calendar year and thereafter until such time as a successor is appointed.

Rule 8.3: Removal of Clerk During Term

Upon Motion adopted by a majority of the Commission, the Clerk may be removed from office prior to the expiration of the original term of appointment. A Motion to Remove the Clerk need not recite the reason for such action. A Motion to Remove the Clerk shall be approved only by Roll Call Vote.

Rule 8.4: Vacancy in the Office of Clerk

In the event of a vacancy in the office of Clerk, the procedure provided by Rule 8.1 shall be used to appoint a successor to serve for the balance of the original term of appointment. Any time during which the office of Clerk is vacant, the Chairperson shall discharge the duties of Clerk and may designate such person or persons as he or she deems fit to assist him or her in the discharge of the clerical duties of the office.

RULE 9: DUTIES OF MEMBERS

Rule 9.1: Duty to Attend Meetings

It is the duty of each Member to attend the Regular and Special Meetings of the Commission. Repeated unexcused absence of a Member from proceedings at which his or her attendance is required may be punished by censure. Unexcused absence of a Member from the proceedings at which his or her attendance is required for a period of six consecutive months may result in expulsion and a declaration that the seat to which such member was appointed is vacant.

Rule 9.2: Absence may be Excused by Commission

The absence of the Member from any meeting may be excused by a majority of the Members present. A Motion to Excuse an absent Member may, but need not, state the reason for the Member's absence. Approval of the Motion need not be established by Roll Call Vote. In the event any Member is absent from a Regular or Special Meeting and the reason for that absence is unknown, the Commission may defer decision regarding excuse of the Member's absence until the next following Regularly Scheduled meeting.

Rule 9.3: Duty of Members to Vote

Every Member present at a Meeting of the Commission shall vote on all questions upon the Call of the Roll. A vote shall be "yes", "no", "abstain" or an equivalent thereof. In the event any Member enters an abstention, the Member shall, at the request of any other Member, explain the reason justifying or requiring the Member's abstention from voting on the question.

Rule 9.4: Ethical Conflicts, Duty to Abstain

A Member who has a personal or pecuniary interest in a decision of the Commission of such character as manifests a substantial and improper influence upon him or he shall not vote upon the disposition of the issue other than by the entry of an abstention.

Rule 9.5: Ethical Conflicts, Duty to Refrain from Debate

A Member required by Rule 9.4 to abstain from voting upon an issue shall not participate in the discussion or debate of that issue. The Member may, but shall not be required to, exercise the Right of Personal Privilege to explain the reason for his non-participation.

RULE 10: MATTERS OF PERSONAL PRIVILEGE

Any member may explain a matter personal to himself or herself including, without limitation, the existence of an ethical conflict of interest requiring the Member to refrain from debate and abstain from voting upon an issue. A request to be heard regarding a matter of personal privilege shall take precedence over all matters pending before the Commission other than a Motion to Recess Proceedings or Motion to Adjourn. Upon recognition by the presiding officer, the Member seeking recognition regarding a matter of personal privilege shall be afforded five minutes time unless extended by consent of the Presiding Officer. A Member recognized regarding a matter of personal privilege shall not discuss or comment upon the merits of a question or issue before the Commission in such explanation.

RULE 11: ORDER OF BUSINESS

Rule 11.1: General Order of Business, Regular Meetings

The General Order of Business at all Regular Meetings shall be:

1. Determination of the presence of a quorum: The Clerk, or person designated by the Presiding Officer to take Minutes in the absence of the Clerk, shall record the names of the Members present and determine the presence of a quorum. In the absence of a quorum, no action shall be taken except to secure the attendance of absent Members or adjourn the meeting. In the event a quorum is present, the Presiding Officer shall call the meeting to Order. A Member who desires to Excuse an Absent Member or Members shall make the Motion following the Call to Order.
2. Approval of Minutes: The Presiding Officer shall inquire if any Member present desires to make a Motion to Correct the Minutes. If no such Motion is made, all proposed Minutes distributed prior to the Meeting shall stand approved. If a Motion is made, Council shall proceed upon the provisions of Rule 6.4.
3. Report of the Clerk: The Clerk shall report to the Commission regarding activities since the last Regular Meeting which shall include a description of all correspondence addressed to the Commission and a description of any minor subdivisions approved by the Clerk deems appropriate. At the discretion of the Presiding Officer, the Clerk may read correspondence in its entirety, summarize its contents or make copies available to interested Members. The entire text of any item of correspondence shall be publicly read at the request of any Member. The reading or discussion of correspondence pertaining to an item of business appearing on the agenda shall be deferred until such time as the Commission addresses the subject tot which the correspondence pertains.
4. Attention to Agenda: Persons who have made appropriate prearrangements to present a report or issue to the Commission and have been assigned a period of time for such presentation shall be recognized and permitted to speak in the order in which such subjects appear on the Agenda. Members of the Commission, governmental officials and Citizens in attendance who desire to make inquiries into or comment on the matter presented shall be recognized and permitted to speak prior to the Meeting proceeding to the next presentation scheduled by the Agenda.
5. Citizen Concerns: Members of the public who desire to speak to any issue that is properly within the scope of the powers and duties of the Commission and not on the Agenda for the current meeting may, at the discretion of the Presiding Officer, be permitted an opportunity to speak briefly to that matter. In the event the Presiding Officer elects not to permit substantive discussion of the issue, the person presenting the concern shall be informed of the appropriate method to request inclusion of the subject on the Agenda of a future meeting of the Commission.

6. Commission Concerns: Members of the Commission shall be afforded an opportunity to comment on matters that are not on the Agenda for the current meeting but are within the scope of the powers and duties of the Commission and may request that such matters be placed on the Agenda for consideration at a future meeting or referred to the head of an administrative department for investigation or other action. Members desiring to be heard on a matter of Personal Privilege not related to a specific item of business on the Agenda should seek recognition at this time.
7. Adjournment.

Rule 11.2: Order of Business, Special Meetings

At all Special Meetings, the Order of Business shall be as provided by Rule 11.1 for Regular Meetings except that proceedings under paragraphs 2, 5 and 6 shall not be conducted and the report submitted by the Clerk in accordance with paragraph 3 shall be limited to the presentation of correspondence and activities of the Clerk pertaining directly to matters relevant to a purpose for which the Special Meeting has been called.

Rule 11.3: Priorities in Assignment of Business

The Clerk shall assign matters for attention on the agenda in the order in which they are submitted. For purposes of this Rule, no matter shall be deemed submitted until all required documents are filed with the Clerk.

Rule 11.4: Departures from the Order of Business

In the absence of an objection from a Member, the officer presiding at any Meeting of the Commission may direct that an item of business be taken up at a time earlier or later than that provided for by these Rules or the Agenda. In the exercise of this authority, the Presiding Officer may consider the number of people in attendance, the number expressing interest in each item of business on the Agenda, the length of time likely to be required to dispose of each item of business and may, at his or her discretion, reorder the discussion to minimize inconvenience to persons in attendance.

RULE 12: PROCEEDINGS BY MOTION

Motions shall be used, in the ordinary course of parliamentary procedure, to control the deliberations of the Commission and expedite the orderly transaction of business.

Rule 12.1: Form of Motions

All Motions may be orally made. A Motion which is difficult to fully present orally, such as a Motion to Amend the text of proposed Minutes which sets forth a lengthy passage of text sought to be added to the Minutes, may be made in writing and shall be reduced to writing if requested by the presiding officer.

Rule 12.2: Second Required

A second is required to open debate or take action on any Motion.

Rule 12.3: Precedence of Motions

When a question is before the Commission, no Motion shall be entertained except Motions to:

1. Adjourn the Meeting
2. Reconsider a previous vote
3. Recess and Reconvene the Meeting at a time and place specified
4. Fix the Hour of Adjournment of the Meeting
5. End Debate (Call for the Previous Question)
6. Table the Matter under Consideration (Until Recalled by Motion)
7. Let the Matter Lay (to Table subject to automatic recall without Motion at a future meeting.)
8. Consider a Previously Tabled Questions
9. Suspend the Rules
10. Amend the proposal before the Commission

The Motions shall have precedence in the order listed by this Rule. The Motion to Adjourn and Motion to End Debate (Call for the Previous Question) shall be put to a vote without debate. The Motion to Fix the Hour of Adjournment shall be debatable only as to the time of such Adjournment. A Motion to Recess and Reconvene shall be debatable only as to the time and place at which the meeting shall be reconvened if the Motion is approved. All other Motions shall be debatable.

Rule 12.4: Limitation on Use of Motion to Amend

A Motion to Amend may be made to propose the amendment of proposed Minutes or to propose a change in an action requested of the Commission by a pending Motion. A Motion to Amend shall not, however, be itself subject to amendment by a subsequent Motion to Amend. A Motion to Amend may be withdrawn by a subsequent Motion to Amend. A Motion to Amend may be withdrawn and restated by the Member making the Motion in response to any criticism of the amendment proposed by the Motion during the debate thereon. There shall be no limit on the number of Motions to Amend which may be made to seek amendment of a pending question or proposed Minutes of a meeting. In the event a Motion to Amend fails to receive approval, a subsequent Motion may be made by any Member to address one or more changes sought by the former Motion in a manner which accommodates criticism directed against the earlier Motion during the debate thereon. Repeated efforts to Amend proposed Minutes or pending questions may be terminated by the approval of a majority of the members present to a Motion to End Debate, traditionally referred to as a Call for the Previous Question.

Rule 12.5: Motion to Reconsider a Previous Vote

A Motion to Reconsider any determination for the Commission may be made prior to adjournment of the meeting at which such determination is made by any Member who voted with the majority. Adoption of such motion shall require affirmative approval of a majority of the Members then present expressed by Roll Call Vote. Adoption of a Motion to Reconsider shall nullify the previous decision of the Commission and return the matter under consideration to the floor as if no previous vote had been taken on the issue.

Rule 12.6: Necessary Approvals

All Motions shall be determined by majority vote of the quorum then assembled and may be determined without call of the Roll at the discretion of the presiding officer unless Roll Call Vote on the question before the Commission is expressly required by these Rules. If the Roll is not called, the presiding officer shall determine whether, upon the call of the vote, a majority has voted yes or no. Any Member who disputes the determination may demand that the Roll be Called and the separate votes of each Member taken and entered upon the Record.

RULE 13: CONDUCT AND DECORUM

Rule 13.1: Right of Floor

No person shall speak until recognized by the presiding officer. Members of the Commission shall be recognized in preference to persons in attendance who are not Members of the Commission. When two or more Members seek recognition, the presiding officer shall determine who shall be permitted to speak first. The exercise of such discretion shall not be subject to appeal.

Rule 13.2: Offensive Speech Prohibited

Each person granted the floor shall confine his or her comments to the question under debate, avoid personalities and refrain from impugning the motives of any Member's argument or vote. Vulgarities and profanities shall not be used.

Rule 13.3: Time Limits for Speaking

No person shall be accorded the floor longer than five minutes at any one time. No Member of the Commission shall be permitted to speak to an issue more than once until every other Member desiring to speak has had an opportunity to be heard nor shall any Member be granted the floor more than twice upon any subject.

Rule 13.4: Enforcement of Rules of Decorum

Any person who violates the rules of conduct may be called to Order by the officer presiding over the meeting. A Member, by raising a Point of Order, may call a violation to the attention of the presiding officer. The Point of Order shall be decided by the presiding officer without debate. A person called to Order shall refrain from speaking unless permitted by the presiding officer to explain his or her conduct. A Call to order issued against a Member does not constitute discipline of the Member and need not be reflected in the Minutes. A person who is not a Member of the Commission and who refuses to be called to Order may be ejected from the meeting. A Member who disputes the Presiding Officer's determination of a Call to Order may appeal.

Rule 13.5: Appeal of Call to Order

A Member Called to Order may appeal. The member shall briefly explain challenged conduct and the presiding officer may explain his ruling on the Point of Order. The presiding officer shall put the Question "Shall the decision of the chair be sustained?" to the Members conducting the meeting. There shall be no debate. If a majority of the Members present and voting vote "no," the decision of the chair shall stand overruled. Otherwise, the ruling shall be deemed sustained. Neither the Member called to Order nor the Chair shall vote on the questions.

RULE 14: DISCIPLINE OF COMMISSION MEMBERS

Rule 14.1: Censure

A Member of Commission may be censured or habitual unexcused absence from required meetings, for participating in debate or voting upon a matter in violation of Rule 9, or for refusing to acknowledge a Call to Order. A proposal to censure a Member shall be made by Motion presented in writing. No action shall be taken on such Motion at the meeting at which it is introduced. If the Motion receives a second, the matter shall be "Let Lay" until the next Regular Meeting of the Commission. The Motion shall be personally served upon the Member sought to be censured and no action shall be taken on the Motion until the Member has had an opportunity to be heard. A Motion to Censure a Member shall stand defeated unless affirmatively approved by five Members of the Commission expressed by Roll Call Vote.

Rule 14.2 Expulsion

A Member may be expelled from the Commission and his or her seat declared vacant if the Member has been absent without excuse from all proceedings at which his or her attendance is required for a period of three consecutive months or upon a determination by the Commission that the Member is not legally qualified to serve. A proposal to expel a Member shall be made by Motion presented in writing. No action shall be taken on such Motion at the meeting at which it is introduced. If the Motion receives a second, a Special Meeting shall be called for the purpose of conducting proceedings under this Rule and a copy of the Motion shall be personally served upon the Member sought to be expelled. No action shall be taken on the Motion until the Member has been accorded the opportunity to be heard. The Motion shall stand defeated unless affirmatively approved by five Members of the Commission expressed by Roll Call Vote.

RULE 15: PROCEEDINGS BY COMMISSION CONVENED AS A COMMITTEE OF THE WHOLE

To consider issues requiring extensive study the Commission may, by majority vote of the Membership, establish itself as a Committee of the Whole.

Rule 15.1: Presiding Officer

The Chairperson or Vice-Chairperson shall serve as the presiding officer of all proceedings conducted by the Commission when convened as a Committee of the Whole.

Rule 15.2: Attendance Voluntary

No Member of the Commission shall be required to attend any proceeding conducted by the Commission when convened as a Committee of the Whole.

Rule 15.3: Quorum Required

No Meeting of the Commission shall be conducted as a Committee of the Whole unless attended by at least four voting Members of the Commission.

Rule 15.4: Public Meetings

All proceedings conducted by a Committee of the Whole shall be Open Meetings. A Committee of the Whole shall have no authority to convene in Executive Session. This Rule shall not, however, be construed to prohibit the Commission, sitting in a Regular or Special Meeting from convening in Executive Session to consider matters of interest to the Committee.

Rule 15.5: Meetings Deemed to be Special Meetings

All Meetings of a Committee of the Whole shall be deemed to be Special Meetings of the Commission for purposes of compliance with General Laws pertaining to Open Meetings and Public Records. Notification of the Conduct of Prearranged Business and shall be conducted in accordance of all applicable provisions of Rules 3 and 5.

RULE 16: AMENDMENT AND SUSPENSION OF RULES

These Rules may be amended, or new rules adopted, by Resolution of the Commission approved by a Majority of the Members thereof as provided by Charter. Further, the Commission retains inherent power to suspend these rules, individually or collectively, upon Motion made and adopted in accordance with the applicable provisions of these Rules.

5. *Proposed meeting time changes from 4:30 p.m. to 4:00 p.m. on third Monday of each month at the Municipal Annex.*

Mayor Kissner moved that the meeting time be changed from 4:30 p.m. to 4:00 p.m. with the stipulation that a meeting's agenda would be flexible to accommodate attendees of meetings. Dr. Myers seconded. Motion carried.

6. *Planning Commission Clerk's Report*

Ms. Andrist reported that a lot split on Fifth & Wayne in Bouton & Others Addition requested by First Federal Savings & Loan on January 29, 1999, was approved administratively February 16, 1990. A copy of said application and plat were circulated for review. Ms. Andrist reported that copies of administrative requests, approvals, and denials would be filed under the appropriate month in the Planning Commission Minute Notebook as well as appropriate files.

Ms. Andrist reported that Zeller Industrial Park is being reviewed by Engineering and has been placed on the Project Review Committee Agenda for March.

7. *Review of Planning Commission's Rules of Practice & Procedures"*

City Law Director Williams passed out final review copies of the "Rules of Practice & Procedures." Changes to be made as follows:

- Rule 2: Regular Meetings
 - Time changed from 4:30 to 4:00 because of time change approval at tonight's meeting.
- Rule 5.6: Time & Manner of Delivery
 - Add "in" in second line before "the Request"
- Rule 7.1: Election of Chairperson and Vice-Chairperson
 - Remove "in January of"
- Rule 8.1: Procedure for Appointment of Clerk
 - Remove "in January of"

Dr. Myers made a motion to adopt "Rules of Practice & Procedures" with corrections as stated herein. Mrs. Coffman seconded. Motion carried.

City Law Director Williams will have the changes made. Copies of changed pages only will be distributed along with forms mentioned in Rule 5.3: Notice to Media Representatives for Appendix B and Appendix C.