

CITY PLANNING COMMISSION BYLAWS

CITY OF DULUTH

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ARTICLE I - IDENTITY

- 1.1 Name. This organization shall be known as the City Planning Commission of the City of Duluth.
- 1.2 Address. The administrative offices and mailing address of the Commission shall be Room 110, City Hall, Duluth, Minnesota, 55802.

ARTICLE II - ORIGIN AND POWERS

- 2.1 Establishment. The City Planning Commission was created by Ordinance No. 1809 (3/13/22) as amended by Ordinance No. 1917 (8/30/22), pursuant to authority provided by the 1912 Home Rule Charter of the City of Duluth, as amended. The Commission serves in an advisory capacity, except with respect to the platting of lands in the City of Duluth, over which it has plenary power pursuant to Laws of Minnesota, 1933, Chapter 93, and Section 37-1 of the Duluth City Code, 1959.

ARTICLE III - DUTIES AND OBJECTIVES

- 3.1 Duties. The Commission is designed to serve in an advisory capacity to the City Council and Administration and is further empowered to perform certain quasi-judicial functions.
- 3.2 Objectives. The objectives of the Commission are to guide future development of land, services and facilities so as to ensure a safer, more pleasant and more economical environment for residential, commercial, industrial and public activities and so as to promote the public health, safety, morals, and general welfare, including the aesthetic, social, economic, physical, and environmental quality of the entire city in the context of the metropolitan community. To bring about the achievement of these objectives the Commission shall: (a) establish community development objectives and policies, (b) make development plans, (c) increase public understanding and acceptance of planning practices, (d) coordinate development actions affecting city growth, (e) make decisions relating to acceptance of subdivisions (Sub-Division Code), (f) make recommendations to the City Council regarding provisions of the Legislative Code (petitions and applications for rezoning, street and alley vacations, special use permits, concurrent use permits, retention of tax forfeit land, etc.), (g) review all matters relating to or affecting the physical development of the city, (h) draft and recommend to the City Council for adoption, regulations and ordinances authorizing and empowering the enforcement of its findings and conclusions relating to the physical development of the city, and (I) serve as a forum for citizen involvement and expression on the above mentioned elements.

ARTICLE IV - MEMBERSHIP

- 4.1 Establishment. The membership of the Commission, manner of selection, qualifications for membership, removal and payment of Commission expenses are provided for in Ordinance 1809 as amended by Ordinance 9985, Section 50-36.2 of the Duluth Legislative Code and Sec. 27 of the city charter.

- 4.2 Absenteeism. If any member fails to attend three consecutive regular meetings of the Commission during a term year, notice may be forwarded to the Mayor and Council with the request for removal of such member from the Commission at the discretion of the Commission president.
- 4.3 Planning Commission Code of Conduct. The Commission may adopt a code of conduct policy, that may be amended from time to time by the same process as amending the bylaws.

ARTICLE V - OFFICERS AND DUTIES

- 5.1 Titles. The officers of this Commission shall be a President, Vice President, and Secretary. The President and Vice President shall be citizen members of the Planning Commission.
- 5.2 President. The President shall preside at all meetings, appoint committees, rule on procedural questions subject to reversal by a two-thirds vote of members in attendance, exercise the same voting rights as the other commissioners and carry out such other duties as are assigned by the Commission.
- 5.3 Vice President. The Vice President shall act in the absence or inability of the President to act and in such instances shall have the powers and functions of the President.
- 5.4 Secretary. The Secretary shall be responsible for notifying all members of meetings, drafting and circulating agendas, performing research work and preparing reports as are necessary to fully advise the Commission of all facts on matters before the Commission, keeping on file all official records and reports of the Commission, keeping a written record of Commission meetings, transactions and actions, serving required notice of all public hearings and public meetings, maintaining and circulating minutes, reporting on and attending to correspondence of the Commission and carrying out such other duties as are assigned by the Commission. The Land Use Supervisor of the City's Planning Division shall serve as Secretary.

ARTICLE VI - ELECTION OF OFFICERS

- 6.1 Terms. Officers shall be elected at the annual meeting of the Commission. Terms of office shall be for one year and no member shall hold the office of President or Vice President for more than two years consecutively. Officers shall serve until replaced by a duly elected officer in accord with these procedures.
- 6.2 Nomination Process. The Secretary will open the floor for nominations; members may nominate themselves or other members of the commission. Each candidate for President and Vice President shall have up to three minutes to advocate for their nomination, after which all commission members shall vote with a secret ballot. The Secretary of the Planning Commission shall tabulate and share the results.
- 6.3 Majority Required. Candidates for office receiving a majority vote of the entire membership (five) shall be declared duly elected.

- 6.4 Vacancies. Vacancies occurring in offices of the Commission shall be filled forthwith by regular election procedure.

ARTICLE VII - MEETINGS

- 7.1 Annual Meetings. An annual organizational meeting shall be held in February of each year. Election of officers shall be conducted and proposed amendments to bylaws may be acted upon.
- 7.2 Regular Meetings. Regular meetings of the Commission shall be held on the second Tuesday. In the event that the regular meeting date falls on a legal holiday, the meeting shall be held on the following day.
- 7.3 Public Hearings. All public hearings shall be held at 5:00 p.m. unless otherwise indicated on the posted agenda.
- 7.4 Special Meetings. Special meetings may be called at the discretion of the President, or at the written request of at least five members who shall convey such request to the Secretary.
- 7.5 Notice of Meetings. Notice in writing of annual meetings setting forth the time and place thereof shall be delivered to all Commission members at least ten days in advance of such meetings; notice in writing of each regular meeting shall be sent to all Commission members at least three days in advance of such meeting and notice in writing of any special meeting shall be sent to all Commission members at least one day prior to such meeting and shall state the time, place and purpose of such meeting.

ARTICLE VIII - PRE-MEETING PROCEDURES

- 8.1 Agenda. The agenda for each meeting of the Commission shall be developed in writing by the Secretary of the Commission, with input from the President. Items under the "Consent Agenda" will be adopted with one motion; however, commission members may request individual items to be pulled from the consent agenda for discussion and action if they choose.
- 8.2 Application Deadlines. No matter shall be placed on the agenda unless written request or petition, along with necessary forms, legal descriptions, maps, drawing, etc., have been submitted to the City in proper and correct form and in full compliance with pertinent codes and policies of the City.
- 8.3 Reference to Committee. The President or Secretary may refer any matter to a Commission standing committee before placing such matter on the agenda, and in such event the pertinent committee shall meet and consider said matter and report thereon before the commission takes final action. Also, any three members of the Commission, may prior to or during full Commission discussion, require that a matter be considered by a Commission committee.

- 8.4 Reports. The Secretary shall prepare a technical report and recommendation on all matters to be heard and shall mail such reports or findings to Commission members and the applicant before the Commission meeting at which time action may be taken.
- 8.5 Withdrawal. If a petitioner or applicant desires to withdraw a matter from the agenda, such request must be submitted to the Secretary in writing, and if any public notice has been given, any persons appearing at the noticed hearing on said petition or application shall be entitled to be heard at said hearing.

ARTICLE IX - MEETING PROCEDURE

- 9.1 Rules of Order. Unless otherwise specifically designated, Roberts Rules of Order, as most recently revised, shall govern meeting procedure.
- 9.2 Quorum. A majority of the currently serving membership of the Commission shall constitute a quorum for meeting purposes. A majority vote of the members present shall be required to transact business or make binding decisions in behalf of the Commission.
- 9.3 Conflict of Interest. Whenever a Commission member shall have a direct or indirect personal or financial interest in an application or petition before the Commission, such member shall declare such interest and shall not participate in any hearing on said matter, and shall in no event vote upon said matter. When there is question as to the existence of a conflict of interest, the President shall make ruling thereon.
- 9.4 Suspension of Rules. The Commission may temporarily suspend its rules by a three-fourths vote of members in attendance.
- 9.5 Public Participation. The public shall be given an opportunity to speak on all agenda items pursuant to provisions written below.
- 9.6 Dispensation. A motion must be made and voted upon in order to dispense with any item on the agenda.
- 9.7 Non-Agenda Matters. No binding or final action may be taken on any matter not on the written agenda distributed to the Commission prior to the date of the meeting except by unanimous vote of a quorum of the membership.
- 9.8 Tabling. A tabling motion if passed has the effect of laying the matter over until the next regular meeting unless otherwise specified.
- 9.9 Notice of Appearance. Any person desiring to speak to the Commission shall express that desire in writing prior to hearing of the matter in question, setting forth their name and address, the matter in which they are interested, and whether they are in favor of or in opposition thereto.

- 9.10 Time Limits. At a public hearing, on any item on the agenda, the proponents and opponents shall be limited to a total presentation period of 15 minutes each. Excluding the applicant or their representative, which shall be limited to no more than 15 minutes, no person shall speak more than three minutes on any one agenda item.
- 9.11 Order of Appearance. The proponents shall proceed first, and no person shall speak more than once on a matter before the Commission unless in answer to a question by a Commission member or staff member or following suspension of the rules, except that a petitioner or their representative may be granted not more than seven minutes to rebut the opposition presentation.
- 9.12 Deliberations and Action. Immediately following the period of public comment, the Commission shall deliberate and take action on an item. Generally, public comment shall not be permitted during Commission deliberative discussions; however, the President may request or authorize public comment to clarify deliberative issues.

ARTICLE X - COMMITTEES

- 10.1 Standing Committees. There shall be standing committees of at least three Commission members each appointed by the President for the purpose of determining policies of the Commission and executing its orders and meeting, deciding and reporting of all other matters referred to such committees. The members of the standing committees shall be appointed at the next regular meeting following the annual meeting and shall serve for the term of one year or until a successor is appointed. The standing committees shall be as follows:
- A. Tax Forfeited Lands
 - B. Education
- 10.2 Special Committees. The president may appoint such special committees and chairperson thereof from time to time as may be deemed necessary.
- 10.3 Ex-Officio Membership. The President at his discretion may appoint non-voting ex-officio members to any standing committees.

ARTICLE XI - AMENDMENT OF BYLAWS

- 12.1 Amendment procedure.
- (a) Amendments considered at the annual meeting. These bylaws may be amended at the annual meeting by a majority vote of the membership in attendance. A copy of the proposed amendment shall be distributed to the commission members with the meeting notice.
 - (b) Interim Amendment Procedure. Amendments to these bylaws which are considered at a meeting other than the annual meeting shall be known as interim amendments. No interim amendment shall be considered unless each commissioner receives at least thirty (30) days

ARTICLE XII - EFFECTIVE DATE

- 13.1 These bylaws shall take effect on March 6, 2018 and shall supersede all bylaws which might have been earlier established for the City Planning Commission.