# Hall County Planning Commission Rules of Procedure

## I. PURPOSE AND AUTHORITY

The Planning Commission's purpose, authority, and duties are outlined in Section 11.1.1 of Hall County's Unified Development Code.

## II. MEMBERSHIP

**A.** The Hall County Planning Commission (the "Commission") shall consist of five (5) members, individually appointed by members of the Board of Commissioners. All Commission members must be residents of Hall County. Each member of the Hall County Board of Commissioners shall appoint one member to serve on the Commission for a two-year term with members' terms to be staggered as provided under Section 11.1.1(B)(2). Each two-year term will begin February 1, and expire January 31, or continue until a qualified successor is appointed.

**B.** Any vacancy in membership must be filled for the unexpired term by the County Commissioner authorized to appoint the member occupying the position.

**C.** Commission members shall serve at the pleasure of the Board of Commissioners. The Board of Commissioners may remove any member at any time, with or without cause. Prior to removal, the Board shall provide the member with written notice of the proposed removal and an opportunity to be heard at a public meeting of the Board of Commissioners.

**D.** The unexcused absence of a Commission member from three consecutive regularly scheduled meetings without prior notice to the chairperson of the Commission or the Planning and Zoning Department staff may be grounds for termination of said member's appointment in accordance with Section 11.1.1(B)(5).

**E.** Members of the Commission may be reimbursed or compensated for their services pursuant to direction and approval of the Hall County Board of Commissioners.

## III. ELECTION OF OFFICERS

**A.** The officers of the Commission shall consist of a chairperson and vice chairperson. The elected officers shall serve for a period of one year with eligibility for re-election.

The election of officers by members of the Commission shall take place at the first regular meeting in February of each calendar year. The term of each officer shall run until the subsequent election. If, for any reason, Commission officers are not elected at the first February meeting, the existing officers shall continue to serve until an election is held.

## IV. OFFICERS

### A. Chairperson

a) The chairperson shall be a voting member of the Commission and shall:

i. Preside over all meetings of the Commission;
ii. Act as spokesperson for the Commission;

iii. Sign documents for the Commission
iv. Declare the meeting in session and adjourned

b) The Chairperson has broad authority over all matters regarding the conduct of meetings. He or she shall exercise this authority to promote the fullest possible presentation of information and discussion of matters before the Commission while permitting the orderly and timely completion of business.

**B. Vice Chairperson**

The vice chairperson shall, in the absence of the chairperson, perform all duties incumbent upon the chairperson. If the chairperson and vice chairperson are both absent, the members present may elect a temporary chairperson who shall have full powers of the chairperson during the absence of the chairperson and vice chairperson.

## V. SECRETARY

**A.** The Commission shall appoint a secretary, who may be an officer or employee of the County.
**B.** The secretary shall record and preserve minutes of all meetings. These records shall remain the property of the Commission and be retained for public record in the Planning Department.
**C.** The secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting.
**D.** The secretary shall assist in the preparation of recommendations to be forwarded to the Board of Commissioners.

## VI. PLANNING DEPARTMENT

**A.** The Planning Department will accept applications and prepare staff reports for the Commission and make recommendations consistent with the County's adopted plans, ordinances, and standards with accepted planning theory and practice.
**B.** The Planning Department provides research assistance to the Commission to help its members in reaching a decision.
**C.** The Planning Department prepares and forwards recommendations from the Commission to the Board of Commissioners**.**

## VII. MEETINGS

**A.** The Commission shall hold its regular meetings on the first and third Mondays of each month at 5:15 p.m. at a place designated by the Commission. Notice of meetings shall be provided through the Planning Department as required under the Open Meetings Act.
**B.** When a meeting day falls on a legal holiday as designated by Hall County, GA and/or any County-established furlough day, the meeting shall be held on the following day, unless otherwise designated by the Commission.
**C.** All Commission meetings shall be governed by these Rules of Procedure. The Commission may refer to the current edition of *Robert's Rules of Order* for guidance for items not addressed by these Rules of Procedure.

**D.** The meetings of the Commission are open to the public. However, the Commission may hold closed meetings as permitted by law. No person shall address the Commission without first obtaining recognition from the chairperson.

## VIII. QUORUM

To conduct official business of the Commission, a quorum must be present. A majority of the membership of the Commission, being not less than three (3) in number, shall constitute a quorum for the transaction of business. The affirmative vote of at least three (3) members shall be required for any official action or decision of the Commission.

## IX. TELECONFERENCE

So long as a quorum is present in person, a member may participate by teleconference if necessary, due to reasons of health or absence from the jurisdiction, provided that the other Open Meetings Act requirements are met. In the absence of emergency conditions or a written opinion from a physician or other health professional stating that reasons of health prevent a member's physical presence, no member shall participate by teleconference under this subsection more than twice in one calendar year.

## X. ABSENCE OF MEMBERS

Members unable to attend a regularly scheduled meeting of the Commission shall notify the chairperson or the Planning Department staff. Three consecutive unexcused absences may be grounds for termination of the member's appointment in accordance with Section 11.1.1(B)(5) of the Unified Development Code.

## XI. ORDER OF BUSINESS

The chairperson, or acting vice chairperson, may, with the approval of at least two (2) other Commission members, change the order of business. Generally, the Commission meeting's order of business is as follows:

1. Call to Order
2. Announcements
3. Approval of minutes
4. Old Business
5. New Business
6. Other Business
7. Adjournment

## XII. POWERS AND DUTIES

The Planning Commissioners shall exercise their powers and perform their duties in accordance with the authorities and responsibilities established in the Hall County Unified Development Code.

## XIII. PUBLIC HEARING PROCEDURES

**A.** The chairperson will call the meeting to order.

**B.** The Commission will review and amend or approve the minutes of the previous meeting.

**C.** The chairperson will address any old business.

**D.** The chairperson will address new business.

**E.** The chairperson, or their designee, will make a brief statement identifying the application to be heard.

a) The applicant will give their presentation for no more than ten (10) minutes with the ability to reserve time for rebuttal.

b) The Commission may ask questions of the applicant and/or staff.

c) The chairperson will open the floor to the public, those in favor to speak first and then those in opposition.

i. Speakers wishing to address the Commission shall clearly state their name and address and turn in their comment card.

ii. Up to seven (7) speakers in favor or in opposition shall be allowed to speak for no more than three (3) minutes, unless a different time limit is established by the chairperson and announced prior to the commencement of the public hearing. The chairperson or a person designated by the chairperson shall be responsible for enforcing the time limit.

iii. Comments must pertain only to the merits of the proposed application and must be directed to the chairperson. The chairperson may caution any speaker whose comments are irrelevant, repetitious, disruptive, or consist of personal attacks and may prevent further comment if the speaker fails to comply with the chairperson's direction.

d) The applicant shall be afforded an opportunity for rebuttal following public comments. The applicant may reserve a portion of the allotted presentation time for rebuttal, and the Chairperson may allow additional rebuttal time when appropriate.

e) Any correspondence received in favor of or opposition to the application shall be made part of the record of the public hearing. The chairperson may publicly read any correspondence so received.

f) The chairperson will close the public hearing to further public comment.

g) The chairperson will open the floor for discussion by the Commission.

i. The Commission will decide whether to take a vote, postpone a decision or take other legal action in accordance with the Unified Development Code.

ii. The Commission may, if necessary, call on previous speakers for clarification, continue the hearing to another date or call for additional views, studies, or information.

h) The chairperson will ask if there is any other business to discuss.

i) The chairperson may entertain a motion to adjourn.

## XIV. MOTIONS ENDING IN A TIE

**A.** When Making Recommendations to the Board of Commissioners

a) If the Planning Commission is unable to achieve a majority vote on a motion, the Commission may consider an alternative motion in an effort to reach agreement on an official recommendation.

b) The Commission may table the item to allow staff additional time to evaluate and propose conditions that may address concerns raised by members who voted against the prior motion.

c) If at least three members cannot agree on any recommendation, the minutes shall reflect that no official recommendation was adopted. A failed motion or tie vote shall not be recorded or treated as a recommendation of denial.

d) In such cases, the application shall be forwarded to the Board of Commissioners for final consideration without a formal recommendation.

**B.** When the Planning Commission Has Final Decision-Making Authority

a) The same procedures outlined above apply when the Commission is the final decision-making body.

b) The Commission should attempt additional motions or, if necessary, continue the item to a future meeting in order to reach a final decision.

c) If the Commission is unable to obtain the three affirmative votes necessary for a final decision, the Commission may consider alternative motions, including motions to approve the application with additional or modified conditions. If the Commission remains deadlocked, members may reconsider their positions and agree to an affirmative vote to deny the application so that a final decision may be rendered and the applicant may pursue any available appeal to the Board of Commissioners or other review permitted under the Unified Development Code. A failed motion or tie vote shall not, by itself, constitute approval or denial of the application.

## XV. ADOPTION AND AMENDMENT

**A.** These Rules of Procedure, or any part thereof, may be amended at any regular meeting of the Commission by the affirmative vote of at least three (3) members.

**B.** Any bylaws or Rules of Procedure of the Commission in existence previous to the date of this adoption are hereby revoked entirely.

**C.** If any part or parts of these Rules of Procedure are found to be invalid, that part or parts will not invalidate the remainder of the rules.

**D.** These Rules of Procedure were adopted by the affirmative vote of at least three (3) members of the Commission at a regular public meeting on _____.

**_____**

**_____, Chairperson**

**_____**

**Kaitlyn Elliott, Secretary**