



City of O'Fallon, Missouri

Council Chambers of the O'Fallon Municipal Centre 100 North Main Street, O'Fallon, Missouri

PLANNING AND ZONING COMMISSION / BYLAWS PROCEDURAL FORMAT AND RULES OF ACTION

In conjunction with the rules and requirements established for the formation and operation of the Planning and Zoning Commission that are listed in Article XI of Title IV of the Municipal Code of the City of O'Fallon, the Planning and Zoning Commission has established and adopted the following additional rules and procedures that state and clarify the powers specific to this Commission.

Part 1: Commission Establishment.

The O'Fallon Planning and Zoning Commission is established by an ordinance which is contained within Title IV of the City's Municipal Code, specifically, Section 400.440 of the Zoning Code.

1. The Commission consists of 1) the Mayor, if the Mayor chooses to be a member of the Commission, 2) a member of the City Council selected by the City Council, if the City Council chooses to have a member serve on the Commission, and 3) eleven (11) citizen members appointed by the Mayor with the approval of the City Council such that two (2) members are representing each ward and one (1) citizen member serving at-large.
2. Members of the Commission shall be reimbursed \$25.00 per meeting for expenses or as otherwise specified by City ordinance.
3. Any changes to the structure, duties, or purview of the Commission must be in compliance with RSMo Chapter 89 and the City's Charter and City Ordinance.

Part 2: Adherence to Applicable Law.

The Commission recognizes that its duties and powers are governed by Chapter 89 R.S.Mo. and the Municipal Code of the City of O'Fallon. The Commission further recognizes that state law and municipal ordinance dictate many of the procedures utilized by the Commission in the conduct of its business.

The Commission shall adhere to all applicable law in its proceedings.

In the event any of the procedural rules or bylaws of the Commission conflict with any applicable law, then the applicable law shall govern. No bylaw or procedural rule shall, in any way, be construed inconsistently with applicable law or in such a way as to alter applicable law.

Part 3: Open Records and Meetings Policy.

The Commission's proceedings are considered open to the public and anyone may attend, whether they have an item on the agenda or not.

1. Regular meetings will be held on the first Thursday of each month at City Hall, at the O'Fallon Municipal Centre, 100 N. Main Street, O'Fallon, Missouri 63366, or such other time and place as may be determined from time to time by the Commission.
2. A majority of the Commission must be in attendance at a meeting to constitute a quorum. Each member is entitled to one (1) vote. A record of the vote shall be kept as part of the minutes.
3. A record of the Commission's proceedings at all regular and special meetings shall be kept and such records shall be public records. The Custodian of Records for the Commission shall be the custodian of records for the City of O'Fallon, Missouri.
4. The Recording Secretary and other staff members shall use their best efforts to provide each Commissioner with a meeting packet no later than the Friday preceding the Commission meeting.
5. The Commission shall generally conduct meetings in accordance with Robert's Rules of Order.
6. The Commission shall follow the State of Missouri's Sunshine Laws and the City's open records and meetings policy as adopted by the City Council. The open meetings and records policy is set forth in Title I of the Municipal Code of the City of O'Fallon.
7. The Recording Secretary shall be responsible for preparation of the Commission's agenda and the posting of such agenda in accordance with the Missouri Sunshine Law and the open records and meetings policy.
8. The Commission may vote to go into "Closed Session" in order to confer with legal counsel and in accordance with the provisions of State law. Votes to go into "Closed Session" will take place during the posted meetings and must be held in open session.

Part 4: Journal of Proceedings

The Recording Secretary assigned to the Commission shall take appropriate minutes of all Commission meetings. The minutes shall reflect all actions taken by the Commission and shall contain the information as required by the open records and meetings policy.

Part 5: Public Comment and Public Hearings

1. When a specific case requires more than one agenda item in which public comments or a public hearing are required, the Commission shall open the items for discussion so that the presentation of the items can occur concurrently during the meeting.
2. All comments from the public concerning a matter requiring public comment or a public hearing shall be taken with that matter during the Commission's meeting. In the event that a person attempts to provide such comments during the "Citizen Comments" portion of the meeting, the Chairman will ask that such comments be reserved until that matter is taken up later in the meeting.
3. In the event that a matter is tabled or is continued to another meeting, the public comment or public hearing may be held and closed, tabled, or left open and continued to the next meeting. Nothing herein shall be construed to require more than one public comment session or public hearing.
4. The Chairman will ask each speaker to identify him/herself and provide his or her address prior to offering comment during public comment or a public hearing. In order to ensure the accuracy of the speaker's information, the Chairman may require all speakers to submit "Speaker Cards".

Part 6: Citizen Comments

1. "Public Comment" and "Citizen Comments" are two different agenda items.
2. Public Comment is an opportunity for members of the public to comment on a specific agenda item at the time the matter is discussed by the Commission.
3. Citizen Comments is an opportunity for members of the public to offer general comments at the beginning of the meeting pertaining to matters before the Commission if a separate public comment or a public hearing is not otherwise specifically afforded.
4. All members of the public who wish to speak during the "Citizen Comments" portion of the meeting shall complete and submit "Speaker Cards" prior to the meeting. The Recording Secretary shall place the Speaker Cards at the entrance prior to any Commission meeting.
5. The Chairman shall call on speakers using such Speaker Cards in the order they were submitted or in such other manner as the Chairman deems appropriate.
6. All persons speaking during the "Citizen Comments" shall be limited to five (5) minutes each.

Part 7: Applicant Presence and/or Representation.

As stipulated under the Missouri Sunshine Law, Planning and Zoning Commission meetings are public meetings and may be attended by anyone. An official record is kept of all of the meeting proceedings and final actions of the Commission. Additional meetings may be held at the Chairman's request. Items on the agenda for a regular meeting are subject to the following:

1. If an item is placed on the agenda for Commission consideration and, at the time of the meeting, the applicant is not present, the Commission may choose to table the item.
2. Anyone wishing to address the Commission must step to the podium to be recognized; they must provide their name, their address, and their relationship to the pending case.
3. Anyone of the applicant's choosing may represent them at the meeting.

Part 8: Commission Deliberation and Actions.

At any time during the presentation of an item to the Commission, a Commission member may request a vote on an open item (the item currently under discussion) by making the appropriate motion. If no motion is made by a Commission member then the Chair may solicit a motion in order to take action on a pending item. No matter whether the motion is made by a member or by the Chair, once the motion is made the following rules will apply:

1. All motions calling for a vote must be made in the affirmative.
2. Any member of the Commission wishing to comment on a matter shall be recognized by the Chairman prior to making comment.
3. Any member making a motion or seconding a motion shall state his or her last name to ensure the accuracy of the record of the action.
4. All votes shall be taken, counted and recorded in accordance with applicable law and the open meetings and records policy.
5. If at any time one of the members cannot vote on an item due to a conflict of interest, they must abstain from the vote.

Part 9: Selection of Commission Officers.

The members of the Commission shall elect their own Chairman and Vice-Chairman who shall each serve for a one (1) year term.

1. The elections shall be conducted as the last item of new business on the January agenda each calendar year.
2. If for some reason the elections cannot be held in January, they will automatically be rescheduled to the successive meeting.
3. The one-year term will be based on a calendar year not a rolling year. Even if the elected officers have not served a full one (1) year term (due to the elections being held after January the previous calendar year) new officers will be elected every January.
4. Sitting officers may be re-elected to consecutive terms.
5. Any officer elected by the members of the Commission may be removed at any time without cause by the affirmative vote of two-thirds (2/3) of the entire membership of the Commission.
6. Any vacancy occurring in any office shall be filled for the unexpired term in a similar manner.

Part 10: Subcommittees.

The Chairman may, with the consent of the Commission, establish a subcommittee. The Chairman may appoint members of the Commission to serve on the subcommittee. All subcommittees shall provide reports and or recommendations at formal meetings for consideration or approval.

Part 11: Administration of the Commission's Decision.

A wide variety of cases fall within the purview of the Planning and Zoning Commission.

1. If an item presented for Commission consideration is "approved", the Commission may choose to make that approval contingent on certain conditions being met. These conditions become part of the project requirements and will be reviewed during subsequent inspections; failure to meet these conditions will void the approval.
2. If an item presented for Commission consideration is "tabled" for any reason (by either the Commission or the Applicant), the item must be taken off of the table and either brought forward or withdrawn within 90 days from the date that it was tabled. Otherwise, the item will be removed from the table and denied due to lack of action.

Part 12: Amendments.

These Bylaws may be altered, amended or repealed and new Bylaws may be adopted by the Commission after ten (10) days' written notice of the proposed alteration, amendment or change has been given to each member of the Commission, provided that no alteration, amendment or change shall be made without the affirmative vote of a two-thirds (2/3) of the entire membership of the Commission. Any such change shall be by resolution of the Commission.

PASSED AND APPROVED this 5th day of April, 2012, by the Planning and Zoning Commission of the City of O'Fallon, Missouri.

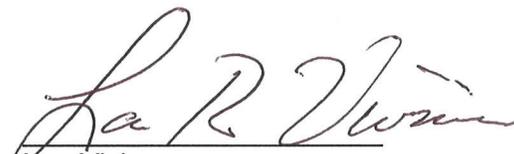

Charles Brunjes, Chairperson

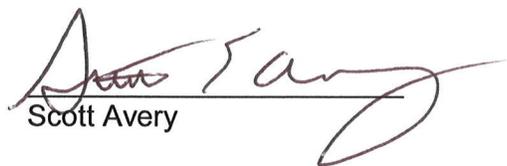

Carolyn Thomas, Vice Chairperson


Bill Hennessy, Mayor

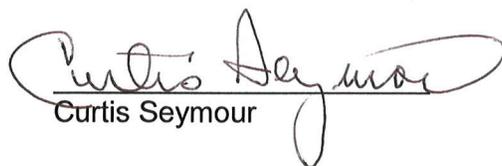

Rick Lucas, City Council Representative

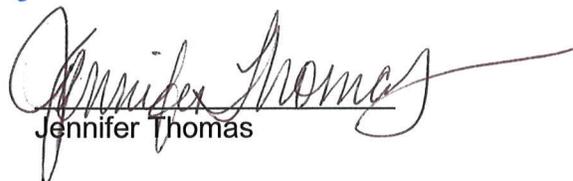

Doug Howard


Lou Viviano


Scott Avery


Jim Frain


Curtis Seymour


Jennifer Thomas


Dave Hinman


Mike Nunnery