

CITY OF HARRISBURG PLANNING COMMISSION BYLAWS

ARTICLE I – AUTHORIZATION

1. Authorization for the establishment of the Planning Commission is set forth under South Dakota Codified Law (SDCL 11-6-2).
2. Powers and duties are delegated to the Commission by the City Council of the City of Harrisburg by Ordinance (Chapter 9.01 of the Revised Municipal Ordinances).

ARTICLE II – MEMBERSHIP

1. Commission members are appointed by the Mayor, with affirmation of the appointment by the City Council.
2. Absence from three consecutive meetings or from five regular meetings in any twelve-month period by any Commission member may constitute sufficient grounds for removal.

ARTICLE III – OFFICERS

1. The officers of the Commission shall consist of a Chairperson and Vice-Chairperson.
2. The Chairperson shall:
 - A. Chair all Commission meetings.
 - B. Reschedule regular Commission meetings when needed.
 - C. Call all special meetings.
 - D. Sign documents or actions of the Commission.
 - E. Act as spokesperson for the Commission.
 - F. Rule on all points-of-order and procedure.
 - G. Perform other duties and functions as may be determined by the Commission.
3. The Vice-Chairperson shall act for the Chairperson in the Chairperson's absence.

ARTICLE IV – ELECTION OF OFFICERS

1. An annual organizational meeting shall be held during the Commission's regular meeting in January.
2. The election of officers shall be held at the annual organizational meeting. Nominations may be made by the members.

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3. A candidate receiving a majority of the ballots cast by the members present shall be declared elected for a term of one (1) year. A candidate member may vote in the election.
4. Officer vacancies shall be filled immediately for the remainder of the term in the same manner as in Section 3 (above).
5. In the event that the Chairperson and Vice-Chairperson are both absent from a meeting, an acting Chairperson shall be elected for the meeting by the members present.

ARTICLE V – MEETINGS

1. Regular meetings of the Commission shall be held once per month during the week between regular Council meetings at a time, date, and place to be determined by the Commission. If a scheduled regular meeting day falls upon a holiday, the regular meeting may be rescheduled by the Chairperson.
2. Special meetings shall be called by the Chairperson. All members shall be notified at least twenty-four (24) hours prior to a special meeting or as otherwise allowed by law for public meetings. Public notification shall be made in the usual manner and shall state the purpose, time, and place of the special meeting. A special meeting shall be limited to the purpose so stated. It is the duty of the Chairperson to call a special meeting when so requested by a majority of the Commission or the Council or by the Mayor.
3. All meetings shall be open to the public and may be continued to another specified time and place without additional publication.
4. The conduct of an open and orderly meeting shall be a duty of the Chairperson. The Chairperson may limit the time and relative content of any public testimony not germane to the issue being discussed.
5. Robert's Rules of Order shall govern the proceedings of all Commission meetings unless otherwise specified in these Bylaws.
6. The minutes, records, and all official actions of the Commission shall be filed in the office of the Harrisburg Planning Department and shall constitute public record.
7. A quorum shall consist of a majority of the members of the Commission. The number of votes necessary to transact business shall be a majority present, but not less than three (3) or as otherwise provided by state law. Abstentions and refusals-to-vote shall not be counted as votes. Voting shall be by oral question and answer unless any member requests an oral roll call vote. The

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Chairperson shall adjourn the meeting to a specified time and place if a quorum is not present.

8. Each member shall have one (1) vote and must be present to vote.
9. Records of voting shall show:
 - A. The member making the motion.
 - B. The member seconding the motion.
 - C. The vote on the motion whether unanimous or of each member.
10. No votes may be made by proxy. Written communications from absent members shall be read to the Commission by the Chairperson.
11. A "Conflict of Interest" shall mean either a direct, personal, or financial interest that impairs the ability of a member to make a neutral and fair decision. Any member who feels his judgement will be so impaired may declare a Conflict of Interest.
12. Challenge for Conflict of Interest may be made by any member or by the public on any agenda item that has been opened for discussion. Challenge for Conflict of Interest relating to a non-property-specific plan, ordinance, regulation, or action shall be decided by the member challenged. Challenge for Conflict of Interest relating to a property-specific plat, land use change, variance, or other specific action shall be decided by a majority voice vote of the Commission.
13. If a Conflict of Interest by a member is declared or determined, then that member may participate in the discussion of the agenda item as an audience member but shall not vote on the property-specific item and should not vote on the non-property-specific item.

ARTICLE VI – PUBLIC HEARINGS

1. Public Hearings shall be held as required by law or when in the public interest.
2. The order of business for Public Hearings shall be:
 - A. The Chairperson shall call the Public Hearing to order.
 - B. The Chairperson shall state the purpose of the Public Hearing and any rules or limitations affecting the conduct of the Public Hearing.
 - C. The Chairperson shall ask for abstentions or challenges for Conflict of Interest.
 - D. Staff report and comments.
 - E. Applicant and proponents' comments.
 - F. Opponents' comments.
 - G. Questions or comments by the public.

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- H. Rebuttal by applicant and proponents.
 - I. Close public testimony.
 - J. Questions by members to staff, applicant, proponents, or opponents.
 - K. Commission discussion.
 - L. Adjournment of the Public Hearing.
3. No record or statement shall be recorded or sworn to as evidence for any court of law without prior notice to the parties.
4. Planning Department staff shall keep a record of those speaking before the Commission at such hearings.

ARTICLE VII – SUBCOMMITTEES

1. The Commission or the Chairperson may establish any such subcommittee as is deemed advisable. All recommendations or reports of such subcommittees shall be provided to the Commission for vote or other action.

ARTICLE VIII – AMENDMENTS

1. These Bylaws may be amended by a majority vote of the Council. The Commission may recommend Bylaw changes to the Council, provided that the proposed changes have been submitted in writing to each member at least five (5) days prior to a meeting. The five (5) day period shall include said meeting date and shall not include the date said changes are mailed to the members.

APPROVED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF HARRISBURG ON August 14, 2013.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HARRISBURG ON August 19, 2013.