

**BY-LAWS  
OF THE MERRIAM PLANNING COMMISSION**

**1. OFFICERS**

A. Officers of the Merriam Planning Commission shall be Chairperson, Vice-Chairperson, and Secretary, which officers shall be elected by the Commission at the first regular meeting in the calendar year and shall serve for one year. Election shall be by majority vote of the quorum in attendance. Said officers may be re-elected or replaced by such annual election.

The Commission shall have a Recording Secretary, provided by the City of Merriam, who shall not be an appointed member of the Planning Commission.

**2. FUNCTION AND DUTIES OF OFFICERS**

A. **Chairperson:** The Chairperson shall be the presiding officer at all meetings of the Planning Commission. They may call special meetings at their discretion, and may relinquish the chair to the Vice-Chairperson or other specific member at their discretion. The Chairperson may not make or second motions, but may vote on any and all motions to come before the Planning Commission.

B. **Vice-Chairperson:** The Vice-Chairperson shall serve in the absence of the Chairperson, and while so serving shall have all the authority held by the Chairperson. In the absence of both the Chairperson and Vice-Chairperson, the senior member in tenure shall serve and while so serving shall have all the authority held by the Chairperson.

C. **Secretary:** Legal notices regarding the activities of the Planning Commission shall be published over the name of the Secretary.

D. **Recording Secretary:** The Recording Secretary shall attend all public meetings of the Planning Commission and shall keep an accurate record of the spirit and intent of statements made by witnesses at the hearing. All motions shall be recorded and an accurate record made of all voting procedures by members of the Planning Commission. The minutes of each regular and special meeting shall be distributed to members of the Planning Commission and other appropriate persons at an early date. The minutes shall be permanently retained as part of the official records of the City of Merriam.

**3. MEETINGS**

As needed, meetings of the Planning Commission shall be held on the first Wednesday of each month, starting at 7:00 P.M. Special meetings may be held at the call of the Chairperson, or in their absence, the Vice-Chairperson. All meetings shall be open to the public.

Meetings can be in-person or virtual. In-person means a meeting where participants are physically in the same general area or space. Virtual means a meeting where participants are not physically in the same general area or space, but meet via an electronic medium that allows participants to be present visually and audibly. In-person meetings shall be the practice of the Planning Commission. However, the Chairperson can call for a virtual meeting for reasons including, but are not limited to: inclement weather, a limited meeting agenda consisting of non-public hearing items, or conditions outside of the Commission's control.

**4. QUORUM**

A majority of the appointed members, including the Chairperson, shall constitute a quorum for the transaction of business and the conducting of hearings.

**5. APPLICATIONS**

Applications for public hearings before the Planning Commission shall be submitted in accordance with current published statutes.

**6. AGENDA**

The agenda shall be prepared and made available to each member of the Planning Commission, and other appropriate persons one week prior to the date of the meeting. Items shall normally be placed on the agenda in the order in which they are received in the office of the City Clerk, but such placing may vary with due consideration of items likely to attract large attendance at meetings. The Chairperson, for reasons stated to all in attendance, may vary the order of the agenda.

**7. MEETING PROCEDURE**

The Chairperson shall call each agenda item and describe briefly, or ask a member of the staff to describe briefly the proposition before the Commission. The applicant or their agent will then be asked to present their case. The name and address of the applicant and their agent shall be entered in the record, as well as a summary of their presentation. At the conclusion of the applicant's presentation the members of the commission shall have the opportunity to question the applicant. Any other supporting testimony will then be called for. Opposition may then be heard, with the members of the commission having the opportunity to question any speaker. The applicant will then be given an opportunity for a short summary.

All statements shall be directed to the commission and cross conversation among those in attendance is prohibited. Questions between opposing parties shall be directed first to the Chairperson, who may then ask the proper person to answer, such answer being directed to the commission. At such time that the commission feels that testimony has been sufficiently heard, a motion may be passed by a simple majority to terminate testimony, after which the public in attendance may address the commission only with the permission of the Chairperson, and only to answer a question by a member of the commission. All persons who wish to speak shall first give their names and addresses for the record.

## **8. MOTIONS**

Following closing of testimony, a motion may be made to recommend approval or denial of the proposition to the governing body, or to continue the proposition to a later date. A brief statement of the reason for the motion should precede the making of the motion. Any stipulations relative to plans, development procedure, etc. should be listed following the motion to approve. Upon receiving the second, the motion may be discussed and, upon the call for the question or at the discretion of the Chairperson, brought to a vote. Vote shall be by voice, by raising of hands, or by roll call at the discretion of the Chairperson. Any member may call for a roll call vote on any issue. Any motion may be tabled or amended in keeping with Roberts Rules.

If the commission feels that delaying an action would be in the best interests of the parties involved, the hearing may be continued to a certain date. Such motion for continuance shall include a reason for the action, and shall require a majority vote of those present. The commission may continue a proposition for a period not to exceed two months from the date of first hearing, and one of three actions shall be taken within that period: (a) the proposal may be approved; (b) the proposal may be denied; (c) the applicant may be permitted to withdraw the proposal. In the latter case, the proposal may come before the commission again only by reapplication, publication, etc., as required by ordinance for all such applications.

## **9. CONTINUANCE BY APPLICANT**

A. An applicant may continue their own proposal to a date certain for a period not to exceed two months, but for not less than one month, by notifying the secretary not less than eight days prior to the date of the hearing, whereupon it will not be placed on the agenda. Where notification by mail of adjacent property owners has taken place as required by law, the applicant shall further notify the same property owners by certified mail of the continuance and the new date of the hearing. This notification of continuance shall be mailed not less than five days prior to the date of the new hearing date.

B. Any proposal not withdrawn prior to preparation of the agenda (eight days prior to the hearing) may be continued at the applicant's request only by affirmative vote of three-fourths of the members present at the meeting. In consideration of such a motion to allow continuance, the commission may question the audience as to the number who have been inconvenienced or incurred expense on the presumption that the item would be heard, and

the commission may refuse to continue the proposal and may proceed with the hearing and take appropriate action thereon. In any case of continuance, it shall be to a date certain, only one continuance shall be permitted, unless good cause be shown, and the applicant shall notify by certified mail all parties initially notified of the original hearing date, such notification to be mailed not less than five days prior to the date of the new hearing. In addition, the commission may direct a change in the posting on the property and a republishing of the new hearing date in the appropriate newspaper.

**10. APPLICANT NOT IN ATTENDANCE**

In case an applicant or his agent is not in attendance when their item is called, that item shall be set over to the end of the agenda. At the time the item is called again, if the applicant is still not represented, the commission may continue the case under procedure of Section 9-B, or any approve or deny the proposition as it sees fit.

**11. CONFLICT OF INTEREST**

When a member of the commission feels they may be in conflict of interest on a particular case before the commission, they may so state for the record and vacate their chair. A member so vacating their chair shall leave the room and should not participate in the hearing or discussion, and shall not vote on the issue. If the vacation of a chair due to conflict of interest will eliminate a quorum, then the commission shall continue the hearing to the next regular meeting.

**12. NON-ATTENDANCE BY MEMBERS**

Unless good cause be shown, any member who is absent for any three of four consecutive regular meetings of the Planning Commission shall be deemed unable to fulfill the obligations of the office and shall thereby forfeit their membership on the commission by recommendation of the Mayor to the Council.

**13. ATTENDANCE VIA PHONE LINK-UP**

Phone or virtual link-ups will be allowed to establish a Planning Commissioner's attendance at an in-person meeting to reach a quorum to conduct a meeting. Phone or virtual link-up will be considered when special circumstances exist. Phone or virtual link-up must have prior approval from the Chairperson.

**14. SUSPENSION OF RULES**

Any of these by-laws may be suspended for stated reasons by affirmative vote of three-fourths of those members present at a regular or special meeting with a quorum present.

15. AMENDMENT OF RULES

These by-laws may be amended or repealed for stated reasons by affirmative vote of three-fourths of those members present at a regular or special meeting with a quorum present which shall be submitted to the Council for review and confirmation.

APPROVED the 11<sup>th</sup> day of March, 1974.


AMENDED the 7<sup>th</sup> day of February, 1996.


AMENDED the 24<sup>th</sup> day of January, 2005.

AMENDED the 28<sup>th</sup> day of February, 2005.

AMENDED the 22<sup>nd</sup> day of August, 2011.

AMENDED the 27<sup>th</sup> day of September, 2021.

  
Chairperson

  
Secretary