

**CITY OF BLOOMINGTON, MINNESOTA
PLANNING COMMISSION**

RULES OF PROCEDURE

Last Amended November 16, 2023

The following rules of procedure are adopted by the City of Bloomington, Minnesota Planning Commission (the "Commission") to facilitate the performance of its duties and the exercising of its functions as a commission created by the City Council pursuant to Section 2.02 of the Home Rule Charter of the City of Bloomington, Minnesota (1960) and Chapter 2, Article V, Division G of the Bloomington City Code, as they may be amended from time to time.

Section 1. MEETINGS

- 1.1 Time and Day.** All meetings of the Commission shall be held Thursdays at 6:00 p.m. unless otherwise established by majority vote of the Commission. Meetings shall be scheduled to coincide with the meeting schedule of the City Council so that development business considered by the Council is not unduly delayed solely due to the meeting schedule of the Commission.

When the meeting day falls on a legal holiday established by State law or a holiday established by City policy, or any other time when public business is prohibited by State law, there shall be no Commission meeting.

- 1.2 Study Items.** Study items shall be considered at regular meetings or special meetings.
- 1.3 Special Meetings.** Special meetings may be called by the Chair or four Commissioners. Special meetings may be called only when such meetings comply with the advance notice requirements of State law.
- 1.4 Place.** Unless circumstances dictate otherwise, meetings shall be held in the Council Chambers. Special meetings may be held at such places as shall be convenient to the matters under consideration at the meeting.
- 1.5 Public.** All meetings and hearings shall be open to the public unless closed pursuant to the exceptions in State law. All records and minutes shall be open to the public.
- 1.6 Quorum.** Except for the approval of minutes, a quorum for the transaction of business consists of a majority of Commissioners appointed to the Commission at a given time. For example, when there are six or seven appointed Commissioners, a quorum consists of four or more Commissioners. When there are four or five appointed Commissioners, a quorum consists of three or more Commissioners. When there are two or three appointed Commissioners, a quorum consists of two or more Commissioners. Minutes may be acted upon by a majority of the Commissioners present at a given meeting.
- a.** Whenever a quorum is not present, the Commissioners present may adjourn the meeting or hold the meeting for the purpose of hearing interested parties on such matters as are on the agenda.
 - b.** Except for the approval of minutes, no final or official action shall be taken at a meeting where a quorum is not present. However, the facts and information gathered at such a meeting may be taken as a basis for action at a subsequent meeting at which a quorum is present.
 - c.** When Commission inaction would result in the automatic approval of an application due to the deadline for agency action established by State law, and a quorum is not present, the application will be forwarded to the City Council without a recommendation from the Commission.

- 1.7 Vote.** Except as otherwise specified in these rules, voting shall be by voice and shall be recorded in the minutes.
- 1.8 Recommendations.** When the Commission is unable to form a majority to recommend an action to the City Council, staff will forward the application to the City Council without a Commission recommendation. In such cases, the Commission shall clearly identify what it considers to be important issues for City Council consideration, to be reflected in the minutes or synopsis of the meeting for the benefit of the Council.
- 1.9 Variances.** In those cases which must appear before the Commission and in which variances are found to be required, the following procedure shall be followed in each case:
- a.** For items that require variances, the Commission or Hearing Examiner must act on the required variance before acting on the land use or development item, except in cases where the Commission recommends denial.
 - b.** Where, during the course of Commission hearings, or as a result of complying with Commission recommendations, variances are found to be required, the case shall be continued until the appropriate hearings are advertised as required by law and hearings are held by the Commission (provided there is time to do so under the agency action deadline established by State law), or the Commission shall recommend denial of the application.
- 1.10 Consideration of Development Plans.** The Commission may consider a development plan (e.g., Final Site and Building Plans, Preliminary Development Plan or Final Development Plan) for a particular property at the same meeting where an antecedent approval (e.g., comprehensive plan amendment, ordinance amendment, rezoning, conditional use permit) is required prior to approval of the subsequent development plan.

The Commission must vote on the antecedent request separate from and prior to any vote for other requested actions. Should the Commission recommend approval of the antecedent request, the Commission may then consider and vote on any other requests related to development of the subject property. However, should the Commission fail to recommend approval of the required antecedent request, the Commission shall also recommend denial of related requests.

- 1.11 Adjournment.** Each regular meeting must adjourn at or before 11:00 p.m. unless a vote to extend the meeting is adopted by a majority of those members of the Planning Commission present at that meeting.

Section 2. ORGANIZATION

- 2.1 Election of Officers.** In August of each year, the Commission shall hold an organizational meeting. At the organizational meeting, the Commission shall elect from its membership a Chair and Vice-Chair. At the meeting prior to the meeting at which the election of officers occurs, Commissioners will have the opportunity to discuss their interest, or lack thereof, in becoming an officer. Elections shall be completed by secret ballot. Each Commissioner shall cast a ballot for the Commissioner they wish to be Chair. If no one receives a majority, balloting shall continue until one Commissioner receives majority support. The Vice-Chair shall be elected from the remaining Commissioners by the same procedure.
- a.** If the Chair retires from the Commission before the next regular organizational meeting, the Vice-Chair shall be Chair and a new Vice-Chair shall be elected within 90 days of the first meeting that the Vice-Chair became Chair. If both Chair and Vice-Chair retire, new officers shall be elected within 30 days of the first meeting that the Chair and Vice-Chair are absent.

- b. If both the Chair and Vice-Chair are absent from a meeting or notify the Commission they will be absent from a future meeting, the most senior Commissioner present shall have the option to serve as temporary Chair. If the most senior Commissioner declines to serve as temporary Chair, next most senior Commissioner present shall have the option to serve as temporary Chair. If the next most senior Commissioner declines to serve as temporary Chair, this process continues based on Commissioner seniority until the Commission selects a temporary Chair.
 - c. The Chair will appoint a secretary subject to approval by voice vote of the Commission. The secretary does not have to be a Commissioner.
- 2.2 **Tenure.** The Chair and Vice-Chair shall take office immediately following their election and shall hold office until their successors are elected and assume office.
- 2.3 **Duties.** The Chair, or in the Chair's absence the Vice-Chair or temporary Chair, as applicable, shall preside at meetings, appoint committees and perform such other duties as may be ordered by the Commission.
- a. The Chair shall conduct the meeting so as to keep it moving as efficiently as possible and shall remind Commissioners, witnesses, and petitioners to stick to the subject at hand.
- 2.4 **Secretary.** The secretary shall be responsible for recording the minutes, keeping the records of Commission actions and providing clerical service to the Commission.

Section 3. PROCEDURE

- 3.1 **Parliamentary procedure.** Parliamentary procedure governed by *Roberts Rules of Order* shall be followed at meetings where hearings are held. At special meetings and when obviously useful the Commission will hold group discussions not following any set parliamentary procedure except when motions are before the Commission.
- 3.2 **Purpose of hearings.** The purpose of a hearing is to collect information and facts in order for the Commission to develop a planning recommendation for the City Council.
- 3.3 **Hearing Procedure.** At hearings the following procedure shall be followed on each case:
- a. Chair shall state the case to be heard.
 - b. Chair shall call upon the staff representative to present the staff report. Required reports from each appropriate City department shall be submitted to the Commission before each case is heard.
 - c. Chair shall ask the applicant to present the applicant's case.
 - d. Chair will open the public hearing.
 - e. Interested persons may address the Commission, giving information regarding the particular proposal.
 - f. Applicants and the public are to address the Chair only, not staff or other Commissioners.
 - g. Commissioners may ask questions of persons addressing the Commission in order to clarify a fact but any expression of opinion by a Commissioner prior to closure of the public hearing should be avoided and may be ruled out of order.
 - h. After all acts and information have been brought forth, the hearing may be closed by motion adopted by the Commission.

- i. After the hearing is closed, the Chair may recall anyone who testified during the hearing in order to clarify points raised subsequent to the closure of the hearing. If testimony received subsequent to the closure of the hearing brings forward new facts or information of a substantive nature, the hearing may be reopened by motion adopted by the Commission so that all interested parties may be heard again.

Upon completion of the hearing on each case, the Commission shall discuss the item at hand and render a decision of approval, denial, continuance or no recommendation.

- j. The Chair shall have the responsibility to inform all the parties of their rights of appeal on any final decision of the Commission.

3.4 Schedule. At meetings where more than one hearing is scheduled, every effort shall be made to begin each case at the time set in the agenda, but in no case may an item be called for hearing prior to the advertised time listed on the agenda.

3.5 Action. No action on any item shall be taken by the Commission unless it has, to its own satisfaction, considered all reasonably available relevant information pertaining to the request.

3.6 Correspondence Items. Matters for discussion which do not appear on the agenda shall be considered and discussed by the Commission only when initiated and presented by the staff or a Commissioner and shall be placed at the end of the regular agenda.

Section 4. MISCELLANEOUS

4.1 Suspension of Rules. The Commission may suspend any of these rules that do not involve State law or City Code requirements by a unanimous vote of the Commissioners present.

4.2 Amendments. These rules may be amended at any regular or special meeting by a majority of all appointed Commissioners.

4.3 Review. In August of each year these rules of procedure shall be reviewed and adopted by the Commission. Each annual review must include discussion by the commission regarding ex parte contacts and conflicts of interest.

4.4 Orientation. All new appointees to the Commission shall have an orientation session with the Planning staff on the objectives of planning, on rules of procedure, ex parte contacts, conflicts of interest, the quasi-judicial function, the Minnesota Open Meeting Law, the agency action deadline established by State law, and other pertinent information, such as actions of the Development Review Committee and other bodies whose approval and review is required. This orientation shall take place before the appointee is sworn in and is seated on the Commission.

A copy of Solnitz' *The Job of the Planning Commissioner* and a summary of *Robert's Rules of Order* are available upon request.

4.5 Ex Parte Contacts. Ex parte contacts are communications from applicants or interested parties or interested members of the public with Commissioners outside of the public record. In the interest of keeping all Commission discussion on an application within the public record and to avoid the perception of undue influence, ex parte contacts on matters before the Commission should be avoided. When ex parte contacts occur, they should be disclosed prior to the Commission's discussion of a given item.

4.6 Conflicts of Interest. Conflicts of interest arise from any actual or potential benefits that a Commissioner, spouse, family member or person living in their household might directly or indirectly obtain from a planning decision. A Commissioner may consult with the Planning Manager or City Attorney to determine whether an actual or potential conflict of interest exists. Commissioners shall disclose any conflicts of interest in a matter before the Commission, shall

abstain completely from direct or indirect participation in any matter in which they have a conflict of interest, and shall leave any chamber in which such a matter is under deliberation.

- 4.7 Site Visits.** Visits to development sites prior to consideration of applications are recommended so that Commissioners have first hand knowledge of site conditions and land use relationships.
- 4.8 Mentors.** If desired, new Commissioners may request a mentor. Based on the preference of the Commissioner, staff will seek a requested mentor from among former Commissioners or City staff.
- 4.9 Advocacy on City Issues.** Commissioners, as City advisory board members affiliated with the City, shall consult with the City Attorney or designee prior to any advocacy on City issues.
- 4.10 Speaking on Behalf of the Planning Commission.** Only the Chair or designee of the Chair may speak on behalf of the Commission as a whole whether in print or verbally at City Council or other meetings.

Amendments

Section 3.6 added June 5, 1973.

Section 4.3 amended March 1, 1973.

Sections 1.6, 2.3 and 3.3 amended January 16, 1975; Sections 1.8, 1.9, 2.4 and 4.4 added January 16, 1975.

Sections 1.8 and 1.9 amended April 12, 1979.

Sections 1, 2 and 3 amended March 11, 1993.

Sections 1, 2 and 3 amended February 22, 1996.

Section 3.3g amended September 9, 1999

Section 1, 1.1 amended December 6, 2001

Sections 1.6 (c), 4.5 and 4.6 added and Sections 1.8, 1.9, 1.10, 4.1, and 4.3 amended March 26, 2009

Section 4.6 amended May 7, 2009

Section 1.6 amended October 21, 2010

Section 1.6 amended January 6, 2011

Sections 1.9 (a), 2.1, 2.1 (a), 3.3 (f), 4.3, 4.4 and 4.6 amended and Section 4.7 added on May 17, 2012

Sections 2.1 (b) and 3.3 (h) amended on April 25, 2013

Section 1.6 amended on July 25, 2013

Section 1.6 amended on December 19, 2013

Sections 2.1, 3.3 i, and 4.3 amended on March 20, 2014

Introduction, Sections 1.1, 1.2., 1.3, 1.4, 1.5, 1.6, 1.6 (a), 1.6 (b), 1.6 (c), 1.7, 1.8, 1.9 (a), 1.9 (b), 1.10, 2.1, 2.2 (b), 2.2 (c), 2.3, 2.3 (a), 2.4, 3.2, 3.3 (b), 3.3 (c), 3.3 (f), 3.3 (g), 3.3 (h), 3.3 (i), 4.1, 4.2, 4.3, 4.4., 4.5, 4.6, and 4.7 amended on August 29, 2022.

Sections 4.8, 4.9, and 4.10 added on August 29, 2022.

Section 1.11 added on November 16, 2023, approved by City Council on December 4, 2023