

BY-LAWS

CITY of CHEYENNE PLANNING COMMISSION

Established: May 5th, 2008

BY-LAWS

CITY OF CHEYENNE
PLANNING COMMISSION

CHEYENNE, LARAMIE COUNTY, WYOMING

I certify that the copy attached hereto is a true copy of the amended By-Laws of the City of Cheyenne Planning Commission in accordance with Planning and Zoning, Wyo.Stat.§§ 15-1-501 through 15-1-609 and the Administrative Procedures Act, Wyo.Stat.§§ 16-3-101,et. seq., and as amended.

Prior to adoption by the City of Cheyenne Planning Commission, these By-Laws were made available for public inspection on the 7th day of April, 2008.

These By-laws shall supersede all other By-Laws for the Planning Commission previously filed with the State of Wyoming and/or Laramie County, Wyoming.

These By-laws shall be effective upon the date of filing with the County Clerk for Laramie County, Wyoming.

A separate document, Rules of Practice , outlines the procedures for specific conduct of business for the City of Cheyenne Planning Commission.

Signed this _____ day of _____, _____ .

_____, Chair
City of Cheyenne
Planning Commission

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PLANNING COMMISSION
BY-LAWS

CHAPTER I
GENERAL PROVISIONS

Section 1. Establishment. As set forth in the Wyoming Statutes on Planning and Zoning, Wyo.Stat.§§ 15-1-501 through 15-1-609 generally, and the Administrative Procedures Act, Wyo.Stat.§§ 16-3-101, et. seq and as amended, the City of Cheyenne Planning Commission, Cheyenne, Wyoming, adopted these By-Laws governing its powers. These By-Laws shall also guide its conduct of official business.

Section 2. Statement of Purpose. The purpose of the Planning Commission is to promote the health, safety and general welfare of the community and county and foster the most appropriate development of land within these jurisdictions. The Planning Commission shall, in accordance with the public interest, oversee the development of and updates to area comprehensive plans. The Commission shall submit recommendations to the City Council, on the adoption of ordinances and codes established to enact the development policies of the comprehensive plan, and rule on matters pertaining to the enforcement of said adopted codes and ordinances, specifically the zoning ordinance and subdivision regulations.

Section 3. Definitions.

(a) “Planning Commission” means the appointed citizen body known as the City of Cheyenne Planning Commission.

(b) “Contested Case” means a proceeding in which legal rights, duties or privileges of a party are required by law to be determined by the Planning Commission after an opportunity for hearing. A contested case shall not include any action when legislation or amendments thereto are being recommended, or where the action is not final or determinate of the party’s legal rights.

(c) “Development Office” means the City of Cheyenne Development Office or other office/department designated to perform the same or similar function by the City Administration.

(d) “Discretionary Hearing” is one called by the Planning Commission in order to investigate a problem which has come to its attention. The hearing is proposed for finding facts and making recommendations concerning the problem to the City Council for action.

(e) “Governing Body” means the authority through whom the powers and duties of the Planning Commission are created.

(f) “Party” means each aggrieved person or agency named or admitted as a party.

(g) “Rule” means each statement by the Planning Commission of general applicability that implements, interprets, or prescribes law, policy or ordinances of the City or describes the organization, procedures or practice requirements of the Planning Commission.

The term includes the amendment or repeal of a prior rule, but does not include:

- (1) Statements concerning only the internal management of the Planning Commission and not affecting private rights or procedures available to the public; or
- (2) Rulings issued pursuant to Wyo.Stat.§ 16-3-106; or
- (3) Intra agency memoranda; or
- (4) Planning Commission decisions and findings in contested cases; or

- (5) Resolutions and ordinances of the City.

CHAPTER II MEMBERSHIP

Section 1. Qualifications. Members of the Planning Commission shall be residents of and qualified electors of the city and/or county for a minimum of two (2) years prior to appointment. No member of the City Council or member of the Board of County Commissioners shall serve on the Planning Commission.

Section 2. Appointment. The Planning Commission shall be composed of not less than 5 and not more than 7 members. Appointments of members shall be pursuant to Wyo.Stat.§§ 15-1-502 and 18-5-202. Appointees shall be named by the Mayor and confirmed by the City Council. Members may be reappointed upon expiration of terms.

Vacancies due to resignation, removal, death or termination of membership shall be filled within sixty (60) days by the Mayor with approval of the City Council for the remainder of the unexpired term. When a vacancy occurs, the Chair shall immediately notify the Mayor.

Section 3. Terms of Office. The term of office of each member appointed shall be for three (3) years. There shall be a limit of no more than three (3) consecutive terms that a person may serve on the Planning Commission. When a person is appointed to fill out the term of a departing member, that person's term shall end at the time the departing member's term would have ended. This section applies to all current and new members. Any member can not be appointed again to another term within two (2) years of the end of their previous consecutive terms.

Section 4. Removal from office. 1). General. In the event that any member is no longer a qualified elector of the city and/or county or is convicted of a felony, the Mayor and City Council shall terminate the appointment of such person as a member of the Planning Commission after a public hearing, then the Mayor shall appoint a new member with the consent of the City Council 2). Attendance. If any member of the Planning Commission fails to attend four (4) regular Planning Commission meetings without cause over a six (6) month period, the Chair of the Planning Commission shall notify the Governing Body, who may after a public hearing, declare the member's seat vacant. If a seat is declared vacant, the Mayor shall appoint a new member with the consent of the City Council. 3). Transaction of Business Violations. Refusal or repeated failure by any member to comply with these By-Laws or with the Rules of Practice as established, shall be cause for the referral of the matter, initiated by the Chair, to the City Attorney for legal counsel to the appointing entity.

CHAPTER III ELECTION OF OFFICERS AND DUTIES

Section 1. Date of Elections. Election of officers for the upcoming year shall be held at the first meeting in January. New officers shall take office immediately.

A nominating committee, if used, shall announce the proposed slate of officers at the first meeting in December.

Section 2. Method of Elections. If requested by the Commission, elections of officers shall be by secret ballot. To be elected, a candidate must receive a majority vote of the Planning Commission members present.

Section 3. Term of Office. Each elected officer shall serve for a term of one (1) year or until the successor takes office. Officers shall be eligible for re-election.

Section 4. Vacancies of Offices. Vacancies in unexpired terms of office shall be filled immediately by regular election procedures.

Section 5. Officers. The officers of the Planning Commission shall consist of a Chair, Vice Chair, and Secretary.

Section 6. Duties of Officers.

- A. Chair - The Chair shall have the usual executive powers of supervision and management which pertain to the office of Chair and such powers and duties as set forth in these By-laws and duties designated by policy from time to time by the commission.
- B. Vice Chair - The Vice-Chair shall perform the duties of the Chair in all cases in which the Chair is unable to serve and as otherwise directed by the Chair.
- C. Secretary - The Secretary shall assume the Chair's responsibilities when both the Chair and Vice Chair are absent.

Section 7. Substitute Presiding Officer. Should all officers be absent, those members present shall select a member to preside over the meeting.

CHAPTER IV POWERS AND DUTIES

Section 1. Authority. The Planning Commission shall have the general powers necessary to carry out its functions in accordance with the Wyo.Stat.§§ 18-5-201 through 18-5-315 and 15-1-501 through 15-1-609 relating to planning and zoning, and the Cheyenne Zoning Ordinance and the City of Cheyenne Subdivision Regulations. When required, the Planning Commission shall make recommendations to the City Council. Should the Wyoming Statutes, Zoning Ordinance or Subdivision Regulations be revised or amended, the Planning Commission shall abide by such changes.

Section 2. Adopt and amend By-laws. The Planning Commission shall adopt and amend rules and regulations and by-laws pursuant to law for the conduct of its own business and keep an accurate and complete record of all proceedings of the Planning Commission.

Section 3. Policies and Interpretations. The Planning Commission shall make available for public inspection, in an overall compilation at the Development Office, all statements of policy and interpretations formulated which have been adopted by the Planning Commission in discharge of its functions.

Section 4. Records. Pursuant to the Wyoming Public Records Act, the acts, proceedings and final recommendations of the Planning Commission shall be made available for public inspection.

Section 5. Investigations. The Planning Commission shall have the power to investigate issues coming before it. During investigation, the Commission may call witnesses as necessary to obtain evidence and require that material relevant to the investigation be provided.

Section 6. Rules of Conduct. Rules of Practice shall be established by the Planning Commission and shall govern the proceedings of the commission. When issues not addressed in the Rules of Practice arise the most recent edition of "Robert's Rules of Order" may be used to guide parliamentary proceedings.

CHAPTER V

MEETINGS

Section 1. Open Meetings. All meetings, hearings, and sessions shall be open to the public at all times, except as provided under the Wyoming Public Meeting law. A member of the public shall not be required as a condition of attendance at any meeting to register their name, to supply information, to complete information, to complete a questionnaire (or fulfill any other condition precedent to their attendance), except that a person seeking recognition may be required to provide their name, address, and affiliation.

Section 2. Meeting Dates. Regular meetings shall be held twice each month in the City of Cheyenne Municipal Building. The dates and times of the meetings may be established or changed upon the direction and majority vote of the Planning Commission and with at least 45 days public notice of changes to scheduled dates and times.

Section 3. Special Meetings. Special meetings may be called by the initiative of the Chair, the Development Director, the Urban Planning Director, or a designated Development Office representative or a Substitute Presiding Officer after such a meeting has been approved by a majority of the available members of the Planning Commission. The Development Office shall poll the Planning Commission members to determine if a majority of the available members approve. The Development Office shall notify all members of the Planning Commission not less than three (3) business/working days in advance of the special meeting. This notice shall contain the date, time, place and subject(s) to be discussed. The Development Director and Urban Planning Director will work with the Laramie County Planning and Development Director to schedule combined Long Range Planning meetings with the Laramie County Planning Commission on a regular basis.

CHAPTER VI TRANSACTION OF BUSINESS

Section 1. Quorum. A quorum is a simple majority (one over half) of the total appointed and acting membership of the Planning Commission. All members present shall be counted as part of the quorum.

Section 2. Official Business. To transact official business, a quorum must be present. A majority of those present and voting may approve or disapprove official business. The Chair shall not vote as a member of the Planning Commission unless a tie vote occurs of the majority present and voting.

Section 3. Conflicts of Interest. Any member of the Planning Commission with an interest in any action called to vote shall notify the Planning Commission of such interest and disqualify himself or herself from voting on the matter. The term "INTEREST" shall be interpreted to include direct or indirect financial interest. Members have the right and the obligation to vote on all questions before them and to participate in the business of the Planning Commission except when a conflict of interest exists, or there is a perception of a conflict of interest.

Section 4. Representation. No member shall appear before the Planning Commission on official business.

CHAPTER VII

EMPLOYEES

Section 1. Support Staff. The Governing Body may assign staff to assist the Secretary in the performance of clerical duties and perform such other tasks as may be assigned by the Chair through the Development Office.

Section 2. Planning Staff. The Governing Body may assign staff employed by the City of Cheyenne to assist the Planning Commission.

CHAPTER VIII HEARINGS

Section 1. Public Hearings. In addition to those required by law, the Planning Commission may hold public hearings at its discretion when such hearings are in the public interest.

Section 2. Notice of Public Hearings. Notice of such discretionary hearings shall be published once in newspaper(s) designated by the Governing Bodies. The publication shall occur not less than 30 days before the meeting. All other public hearings required by City Ordinance and County Resolution shall be held in accordance with those procedures set forth in those ordinances and resolutions. All notices of public hearings are available for public inspection at the Development Office.

Section 3. Proceedings of Public Hearings. Matters before the Planning Commission shall be presented in summary by the staff or a designated member of the Commission. Affected parties shall have an opportunity to speak. Where an individual has filed an application or a matter is brought before the Planning Commission, the application or matter shall be considered at a public hearing. Members of the Planning Commission shall be recognized by the Chair before asking questions of the applicant, public, staff, or other Planning Commission members. Questions or comments from the public shall be directed to the Chair who will request response from the appropriate party.

Section 4. Minutes. A record shall be kept of those speaking before the Planning Commission by the representative specified to perform this function by the Development Office. The record shall be available for public inspection at the Development Office.

CHAPTER IX RECONSIDERATION FOR APPLICATIONS

Section 1. Reconsideration Procedure. The Planning Commission may vote to reconsider any recommendation previously made. A motion to reconsider shall be made by a member on the prevailing side, and such motion must be carried by a majority vote. A matter may be reconsidered by the Planning Commission only once. Once the motion is adopted, the original request shall be placed on the agenda for the next regular meeting and interested parties shall be contacted by the Planning or Development Office.