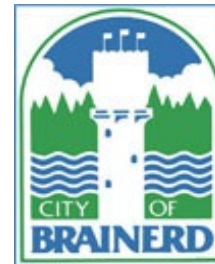


# MEMO



**TO:** Planning Commission  
**FROM:** James Kramvik, Community Development Director  
**DATE:** January 18<sup>th</sup>, 2023  
**RE:** Election of Officers

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The Planning Commission Bylaws state that “The Commission, at its first regular meeting in January of each year shall select a Chairperson and Vice Chairperson.”

The duties of the Chair are:

1. Preside at all meetings of the Commission
2. Call special meetings of the Commission in accordance with the City Ordinance
3. Sign documents of the Commission
4. See that all actions of the Commission are properly taken
5. Cancel or postpone any regularly scheduled meetings
6. Order end to disorderly conduct and direct law enforcement to remove disorderly persons from the Planning Commission meetings

The duties of the Vice-Chair are:

1. In the event of the absence, disability, or disqualification of the Chairperson, the Vice Chairperson shall exercise or perform all the duties and be subject to all the responsibility of the Chairperson.

For 2022, the Chair was Commissioner Mike Duval, and the Vice-Chair was Commissioner Theresa Woodward.

# **Planning Commission Bylaws**

## **Article I. Introduction**

### Section 1. Purpose

It is the intent of the City of Brainerd Planning Commission to conduct its business and perform its responsibilities and duties in an orderly, efficient, fair and lawful manner. These bylaws are established for that purpose.

### Section 2. Application of Bylaws

Unless otherwise specifically indicated, these bylaws shall apply to the transaction and administration of all Planning Commission business and the conduct of all Planning Commission meetings and hearings.

## **Article II. Offices and Duties**

### Section 1. Offices Designated

The Commission, at its first regular meeting in January of each year, shall select a Chairperson and Vice Chairperson.

### Section 2. Recording of Meetings

The Planning Department shall supply a qualified staff member to perform all general corresponding and recording secretarial duties for the Planning Commission.

### Section 3. Duties of Offices

The duties and powers of the office of the Planning Commission shall be as follows:

#### A. Chairperson

- 1) Preside at all meetings of the Commission
- 2) Call special meetings of the Commission in accordance with the City Ordinance
- 3) Sign documents of the Commission
- 4) See that all actions of the Commission are properly taken
- 5) Cancel or postpone any regularly scheduled meetings
- 6) Order end to disorderly conduct and direct law enforcement to remove disorderly persons from Planning Commission meetings

#### B. Vice Chairperson

In the event of the absence, disability or disqualification of the Chairperson, the Vice Chairperson shall exercise or perform all the duties and be subject to all the responsibility of the Chairperson.

#### C. Secretary

A city staff member will be assigned to perform the functions of Secretary. The Secretary shall keep record of the proceedings of every meeting of the Planning Commission.

Section 4. Preparation of the Comprehensive Plan

The Commission shall prepare, adopt and revise from time to time a Comprehensive Plan for the physical development of the City, including proposed public buildings, street arrangements and improvements, public utility services, parks, playgrounds, and other similar developments, the use of property, the density of population, and other matters relating to the physical development of the City. Such plan may be prepared in sections, each of which shall relate to, a major subject of the plan.

Section 5. Means of Executing the Comprehensive Plan

Upon the adoption of the Comprehensive Plan or any section thereof, the Commission shall recommend to the City Council reasonable and practicable means for putting into effect such plan or section thereof in order that the same will serve as a pattern and guide for the orderly physical development of the City and as a basis for the efficient expenditures of the funds thereof relating to the subjects of the plan. Such means shall consist of a zoning plan, the control of subdivision plats, a plan of future streets, coordination of the normal public improvements of the City, a long term program of capital expenditures and such other matters as will accomplish the purpose of the plan.

**Article III. Members**

Section 1. Number

The Planning Commission shall consist of seven (7) voting members, one of which is a City Council member.

Section 2. Members Appointed.

Voting member shall be appointed by the City Council for three years. Terms shall run from January 1 through December 31. Terms shall be staggered so that there will be continuity of the Commission.

Section 3. Removal

City Council has the power to remove a Commissioner by a 5/7 vote.

Section 4. Voting

A member must be present to vote.

Section 5. Vacancies.

Vacancies shall be filled by appointment of the City Council for the unexpired portion of the term.

**Article IV. Meetings and Hearings**

Section 1. Notice

Notices of all meetings and hearings of the Planning Commission shall be made in accordance with all statutory and ordinance notification requirements.

Section 2. Meetings

All meetings of the Planning Commission shall be open to the public.

### Section 3. Workshops

Workshops and other meetings whose sole purpose is for general information and/or educational purposes will be open to the public. Public testimony may or may not be allowed.

### Section 4. Meeting Records

All tapes, minutes, evidence, exhibits, correspondence, maps, plats, etc. shall be made a part of the record, become the property of the City Brainerd, and be maintained as a permanent record.

### Section 5. Meetings

#### A. Date and Time

The Planning Commission shall meet regularly on the third Wednesday of each month at 6:00 pm, or as soon as practical.

#### B. Location

The Commission shall meet in regular session in the City Hall Council Chambers.

#### C. Order of Business

- 1) Call to Order
- 2) Approval/Amendment of Agenda
- 3) Approval of Minutes
- 4) New Business
- 5) Public Forum
- 6) Old Business
- 7) Commissioners' Questions/Comments
- 8) City Planner Report
- 9) Adjourn

#### D. Special meetings

The Chair person, Vice Chairperson, City Council, or Mayor may call for a special meeting at any time. Notice of the time and place shall conform to the Open Meeting Law.

#### E. Additional Agenda Items

After an agenda has been published, at the discretion of the Chair and approval by the Commission items may be added up to the time of the published meeting.

### Section 6. Parliamentary Procedure

All Commission meetings shall be governed by Sturgis Standard Code of Parliamentary Procedure in all cases to which they are applicable and not in conflict with these bylaws, City Code, or other rules this Commission may adopt.

### Section 7. Agenda

A. The agenda shall be prepared by the City Planner with the input of the Chair as requested for the Planning Commission meeting and shall close 7 days prior to the meeting.

B. Any Planning Commission member can place an item on the agenda. No item shall be placed on the agenda unless the item is expressed in such a way as to clearly show the subject matter involved.

- C. The agenda may be amended during a Planning Commission meeting by a majority vote of the Commission.
- D. The agenda shall generally organize matters to be addressed at the meeting so as to best promote opportunities for effective public input and the timely and efficient performance of Planning Commission responsibilities. Items of business likely to attract the attendance of many persons should generally be placed early on the agenda.
- E. Planning staff shall prepare a written report detailing the request and the ordinance provisions that apply to the matter.

#### Section 8. Procedure for Public Hearings

Planning staff or consultants, if any, shall summarize for the public the relevant issues of the application contained in the written staff report. The Commission members may direct question to staff regarding the application.

- A. The Chairperson shall call the public hearing to order and declare the time, and prior to taking testimony, shall explain:
  - 1) The order of testimony
  - 2) The purpose and requirements of the public hearing under Minnesota Law
  - 3) That each speaker shall provide their name and address and that public comments should be limited to matters pertinent to the application under review and avoid duplicative testimony. The Chairperson may place reasonable time limits on public comments, depending on the number of persons waiting to testify on the matter.
- B. The applicant and/or representative shall be given an opportunity to present evidence in support of the request and rebut any issues or conditions identified in the staff report
- C. Members of the public, if any, may testify, either in person or through their agent. Written testimony submitted may be read and will be added to the public record.
- D. The applicant shall have an opportunity to answer questions from the Commission.
- F. The Commission may direct questions to the applicant, planning staff, or public to clarify issues but no further testimony may be received from the public.
- G. When all public comment has been received the Commission shall close the public hearing by motion and majority vote of the Commission. The Commission may deliberate and decide the matter. Should the Commission identify relevant facts that remain unknown or disputed the Commission may postpone closing the hearing by motion and majority vote until the Planning Commission's next meeting and refer the issue to planning staff for further fact finding.

#### Section 9. Protocol for Public Hearings

- A. Everyone who wishes to give testimony shall be given a reasonable opportunity to speak.
- B. All statements or questions should be directed to the chairperson.
- C. All statements should be as factual as possible and should not involve personalities.
- D. Speakers should refrain from repeating what has already been stated.
- E. Each speaker shall provide his or her name and address to the recorder.
- F. The Planning Commission reserves the right to question any speaker.
- G. Written testimony may be received.
- H. No additional testimony may be offered after the close of the public hearing.

#### Section 10. Communication with Public and Applicant

- A. General. Prior to the public hearing or Commission deliberation, no Commission member shall lobby the merits of a pending case with staff, applicant, Commission member, or the general public.
- B. Disclosures. If a commissioner has discussed the pending case, the commissioner shall disclose the facts relating to such discussion during the public hearing.
- C. Exception. Nothing in this section shall preclude the general information communication by Commission members relating to the general conduct of a meeting or hearing, nor shall anything in this section forbid staff or commissioners from discussing with commissioners an upcoming meeting, so long as the facts or merits of the meeting are not discussed.

#### Section 11. Quorum

A majority of the Commission members entitled to vote shall constitute a quorum for the transaction of business.

#### Section 12. Conflict of Interest

Any member of the Planning Commission who shall feel that he or she may appear to have or in fact has, a conflict of interest on any matter that is on the Planning Commission agenda shall voluntarily excuse himself or herself, vacate his or her seat, and refrain from discussing and voting on said matter as a Planning Commissioner.

A conflict of interest is any direct contractual, pecuniary, or other beneficial interest in the outcome of a matter before the Planning Commissioner.

Section 13. Orientation of new Planning Commissioners

To assist new Planning Commission members in learning their responsibilities, and to develop their understanding of the planning process as quickly as possible, they will be required to:

- A. Attend an orientation session with the City Planner, Planning Commission Chair, and City Council member.
  
- B. Read the Comprehensive Plan and Zoning Ordinance.

**Article V. Education, Conference and Convention Policy**

The City Council and Planning Commission of the City of Brainerd recognize and accept the concept that the acquisition and maintenance of a body of knowledge and skills are necessary and desirable to perform the job of the Planning Commissioner. Further, both groups encourage and highly recommend periodic attendance at various educational opportunities conferences and conventions.

The following is the policy of the City of Brainerd Planning Commission on educational meetings, conferences, and conventions:

- A. Attendance at educational meetings, conferences, and conventions is subject of availability of funds.
  
- B. Attendance at educational meetings, conferences, and conventions is voluntary. Planning Commission members are encouraged to attend educational meetings, conferences, and conventions.
  
- C. Involvement in relevant professional organizations such as APA-MN, office holding, or committee work is considered educational.
  
- D. Planning Commission members are encouraged to participate in the budget process and to request allocations for educational purposes.