



# Olmsted County Planning Advisory Commission By-Laws

Adopted November 2, 2021

# OLMSTED COUNTY PLANNING ADVISORY COMMISSION

## BY-LAWS

### ARTICLE I – IDENTITY

#### Section 1.1 Name

This organization shall be known as the Olmsted County Planning Advisory Commission.

### ARTICLE II – AUTHORITY

#### Section 2.1 Legal Authority

The authorization for the establishment of this Planning Advisory Commission is set forth under Minnesota Statute 394.30, as amended from time to time.

### ARTICLE III – MEMBERSHIP

#### Section 3.1 Number of Members

The Commission shall consist of 7 members, appointed by the County Board, who are eligible voters residing within the limits of Olmsted County. At least two members of the Commission shall be residents of the portion of the County outside the corporate limits of municipalities. One member of the Planning Advisory Commission shall also be a member of the County Board. The County Board will strive to provide diversity in its appointment of Commission members.

#### Section 3.2 Prohibition on Service by County Employees

Current County employees are prohibited from serving on the Commission to avoid potential conflicts of interest, though employees who have retired are eligible to be appointed and serve one year after their date of retirement.

#### Section 3.3 Prohibition on Service by Developers

No voting member of the Commission shall have received, during the two years prior to appointment, any substantial portion of income from business operations involving the development of land within the County.

#### Section 3.4 Prohibition on Service by County Contractors

Employees or members of organizations with whom the County is currently under contract to provide mandated services are prohibited from serving on the Commission to avoid potential conflicts of interest only if:

- a. these individuals provide mandated services to the County through their work for a County contractor and
- b. in their service as a Commission member, they would oversee or directly influence the services to be provided by the contractor to the County.

#### Section 3.5 Service by Minors

The County Board may, at its option, choose to permit minors to serve as ex officio members of the Commission, provided a majority of the Board members are satisfied that a prospective member who is a minor is of sufficient maturity to properly understand and participate in the proceedings of the Commission. All minors who wish to serve as a Commission member shall complete an application and include at least one letter of recommendation from an adult who knows the minor well for consideration by the Board. Minors who meet these criteria must apply using the application from through the Youth Commission and be approved by a Deputy County Administrator. No more than 2 minors may serve on the Commission at anytime and they shall serve as ex-officio members of the Commission.

#### Section 3.6 Member Service on Board of Adjustment

One member of the Commission shall also be appointed by the County Board to serve as the Commission's representative on the Olmsted County Zoning Board of Adjustment.

#### Section 3.7 Term of Service

Members shall be appointed for three years, except for the County Board Member, whose term shall be for only one year. Members may be appointed to not more than two (2) consecutive 3-year terms. Members whose terms have expired shall continue to serve as members of the Planning Advisory Commission until their replacements have been appointed and qualified.

#### Section 3.8. Member Attendance

Commission members shall regularly attend Commission meetings and any other Commission member assigned duties. Commission members shall be permitted two unexcused absences for each year of Commission service. Excused absences include, but are not limited to, absences for activities such as illnesses, serious personal injuries, vacations, jury duty, voting, school activities and family emergencies. If a Commission member incurs three unexcused absences within one year, this matter shall be referred to the Deputy County Administrator with oversight for the Planning Department on behalf of the Commission for further action pursuant to the procedure set forth in Section 3.11g below.

#### Section 3.9 Compensation for Member Duties

Commission members shall be paid per diem compensation as determined by resolution of the Olmsted County Board of Commissioners for their attendance at Commission meetings and for any other Commission member duties as assigned. County elected officials who are assigned to serve on the Commission shall not receive per diem compensation for Commission duties

### Section 3.10 Conflicts of Interest

Each Commission member shall complete a Conflict of Interest Statement prior to serving as a Commission member to inform the County about potential conflicts of interest. Each Commission member shall update the Conflict of Interest Statement annually thereafter while service on the Commission continues. No Commission member shall participate in any proceedings before the Commission if the member has a conflict of interest. A conflict of interest occurs when:

- a. the Commission member has a property interest in or directly receives financial compensation from a sale, lease, or contract which is related to a matter that comes before the Commission for action or approval.
- b. a matter requiring Commission action comes before the Commission where the Commission member is related by blood or marriage or is a close friend or associate to persons presenting the matter and the Commission member feels that because of a close personal relationship with the presenter, the Commission member cannot be fair and impartial when considering how to vote on the matter requiring Commission action.

If information is received that a member of the Commission has a conflict of interest on a matter which comes before the Commission for action or approval and that member does not recuse himself/herself from participation, the Commission Chair shall intervene and shall preclude the member from participating in discussions or voting pertaining to that matter. If a member is found to repeatedly participate in matters coming before the Commission for action or approval where a conflict of interest exists, this matter shall be referred to the Commission Chair for further action pursuant to the procedure set forth in Section 3.11g below.

### Section 3.11 Commission Member Conduct

- a. It is critically important that members of the public who have business before the Commission feel confident that the Commission will treat them fairly and impartially without regard to their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation or local human rights commission activity. By choosing to serve as a Commission member, members shall refrain from engaging in speech or conduct that will reasonably tend to make members of the public with business before the Commission feel the Commission will not treat them fairly and impartially without regard to their race, color, creed, religion, national origin, sex, marital status, familial status, disability, public assistance, age, sexual orientation or local human rights commission activity.
- b. Commission members shall also comply with the following [County policies](#) pertaining to their Commission service:
  - a. Accepting Donations
  - b. Conflict of Interest Legal and Ethical Practices
  - c. Diversity and Inclusion Policy

- d. Gifts - Gratuities
  - e. Political Activity (during Board/Commission service times)
  - f. Solicitation on Premises (during Board/Commission service times)
  - g. Tobacco Free Grounds (during Board/Commission service times)
  - h. Weapons in the Workplace (during Board/Commission service times)
  - i. Animals in the Workplace (during Board/Commission service times)
- c. Commission members are also prohibited from representing to others that they speak on behalf of the entire Commission, or the Olmsted County Board of Commissioners, unless the Commission has authorized the member to do so, though members may continue to speak in their role as an individual member serving on the Commission.
- d. If a Commission member is convicted of a criminal offense which directly relates to the administration of laws or ordinances by a County Department which come before the Board/Commission for action, this shall be grounds for removal of the Board/Commission member pursuant to the procedure outlined in Section e below. Examples of this would include a Planning Advisory Commission member being convicted for violating the County's Zoning, Water Well and Water Supply, Septic System or Wetland Conservation Ordinances. A person once removed shall be eligible to be reappointed to the Commission however after the passage of 5 years or proof of rehabilitation from the conviction, whichever occurs first.
- e. Ex parte communications between members of the Commission and members of the public who have business pending before the Commission for official action concerning that matter is discouraged in order to ensure that all nonpublic information pertinent to Commission matters is produced in an open meeting to which all of the Commission members and the public have access.
- f. Commission members are discouraged from publicly stating their positions in advance on matters of official business coming before the Commission because of the perception by the public that they no longer retain an open mind to listen to all sides of matters of official business. If Commission members do state their positions in advance, they will be precluded from participating when the matter of official business is brought up for discussion and a vote by the Commission.
- g. The Commission Chair and Vice Chair shall investigate the allegations brought against a Commission member with the assistance of County staff and the County Attorney's Office as needed. The Commission member shall be given an opportunity to present information relevant to the allegations. If the Commission Chair and Vice Chair determine a Commission member has engaged in speech or conduct which violates this standard, the Commission Chair shall notify the Deputy County Administrator with oversight for the Planning Department of the pertinent facts which support its conclusions and a recommendation concerning disciplinary action. If the allegations are proven by a preponderance of the evidence to the Deputy County Administrator, the Commission may, depending on the facts which are proven, choose to 1) censure the

member privately, 2) issue a public censure of the member and establish a probationary period for further disciplinary action if violations continue, or 3) may ask the County Board to remove the member from the Commission and appoint a suitable replacement member. Members shall be subject to removal, for cause, upon a 4/7 vote by the County Board, after notice and opportunity for hearing before the Board.

#### Section 3.12 Commission Vacancies

It shall be the duty of the Planning Department staff to notify County Administration of any vacancy in membership. The County Board shall appoint an individual to fill such vacancy for the remainder of the unexpired term. However, Commission members wishing to serve a second term shall verbally express their interest to the Planning staff supporting the Commission and Deputy County Administrator with oversight for the Planning Department and, with their approval, may continue to serve a second term without re-application.

### ARTICLE IV – OFFICERS

#### Section 4.1. Commission Officers

The officers shall consist of a Chair and Vice-Chair. The Chair and Vice-Chair shall be elected by the Commission from among its members.

#### Section 4.2. Duties of the Chair

The Chair shall preside at all meetings and hearings of the Commission and shall have the duties normally conferred by parliamentary usage on such officers.

#### Section 4.3 Duties of the Vice-Chair

The Vice-Chair shall act for the Chair in their absence.

#### Section 4.4 Duties of the Secretary and Planning Staff Support

The Secretary shall work with an assigned County Planning employee to the Commission to keep the minutes and records of the Commission; attend to the correspondence of the Commission and carry out any other duties that may be assigned by the Commission

### ARTICLE V – ELECTION OF OFFICERS

#### Section 5.1. Annual Meeting

An annual organizational meeting shall be held at the first regular meeting occurring after the appointment of new Commission members.

#### Section 5.2. Officer Nominations

Nominations shall be made from the floor at the annual organizational meeting and election of the officers specified in Section 4.1 shall follow immediately thereafter.

Section 5.3. Officer Terms

A candidate receiving a majority vote of the entire membership of the Planning Advisory Commission shall be declared elected. New officers shall take office immediately upon election, and shall serve for one year or until their successor shall take office. Officers may serve a maximum of two consecutive terms in any one office. Vacancies in office shall be filled immediately by regular election procedure.

ARTICLE VI – MEETINGS

Section 6.1 Regular Meetings

Regular meetings of the Commission shall be held on the first and third Thursday of each month. The date of any such regularly scheduled meeting may be changed upon approval of a majority of the Commission members.

Section 6.2. Notice of Meetings

Notice in writing (including by email for any Commission Members having email accounts) of any meeting shall be sent to all Commission Members at least 5 days in advance of the meeting and shall state the time, place and purpose of such meeting.

Section 6.3 Special Meetings

Special meetings may be called by the Chair or at the request of at least 3 members of the Commission or by the Director of the Planning Department or his/her designee. Planning Department staff shall notify all members of the Commission by any means not less than two days in advance of such special meeting.

Section 6.4 Open Meeting Law Requirements

Meetings shall be subject to the Minnesota Open Meeting Law, Minn. Stat. Chapter 13D, as may be amended from time to time.

ARTICLE VII – MEETING PROCEDURES

Section 7.1 Robert’s Rules of Order

Unless otherwise specifically designated, Robert’s Rule of Order, as most recently revised, shall govern meeting procedure, insofar as possible.

Section 7.2. Quorum Requirements

A quorum shall consist of 4 members. A minimum of 4 votes in the affirmative shall be required to approve a request. If a member recuses himself/herself from discussion and voting on an application pending before the Commission due to a conflict of interest, the member is still considered to be present for purposes of a quorum

### Section 7.3 Voting Requirements

- a. All non ex-officio members shall have the right to vote on matters which come before the Commission for action.
- b. All voting shall be by voice or by a show of hands and the result of the voice or hand vote shall be kept as part of the minutes.
- c. A motion from the floor must be made and passed in order to dispense with any item on the agenda.
- d. No binding or final action may be taken on any matter not on the written agenda except by an unanimous vote of the members in attendance.
- e. A motion to postpone has the effect of laying the matter over until the next regular meeting unless otherwise specified.
- f. The Commission may temporarily suspend its rules by a five-sevenths (5/7) vote of members in attendance.
- g. Any matter before the Commission that does not get either four affirmative or four negative votes shall be considered tabled until the next regular Planning Commission Meeting. At the second Commission meeting when the tabled matter is considered again, if the matter does not get either four affirmative or four negative votes, then the matter shall be forwarded on to the County Board for appropriate action without a formal recommendation from the Commission.
- h. In circumstances in which failure to act shall constitute approval under Minn. Stat. 15.99, as may be amended from time to time, failure to receive four votes for approval shall constitute a denial unless an extension to the deadline for action is agreed to by the applicant.

### Section 7.4 Meeting Adjournment

All meetings of the Commission will adjourn no later than eleven (11:00) p.m. If there is still business to be discussed the Commission will set a time and date for continuance of the meeting.

## ARTICLE VIII – HEARINGS

### Section 8.1 Public Hearings

In addition to those required by law, the Commission may hold public hearings when it decides that such hearings will be in the public interest.

### Section 8.2. Notice of Hearings

Notice of the time, place and purpose of such hearing shall be published in at least one newspaper of general circulation in the territorial jurisdiction of the Commission at least 10 days prior to the hearing.



Section 8.3. Public Hearing Procedures

Procedures for the public hearing shall be as follows:

- a. The Chair shall announce the commencement of the public hearing.
- b. At the conclusion of the testimony on an application, the Chair shall ask the Commissioners for a motion to close the public hearing, and/or ask for a motion of recommendation of the public hearing item.

Section 8.4. Public Hearing Record

A record shall be kept of those speaking before the Commission at such hearings.

Section 8.5. Hearing Rules

The Commission may adopt rules for the orderly conduct of hearings.

ARTICLE IX – AMENDMENTS

Section 9.1 Amendment of Bylaws

Amendments to these Bylaws may be provisionally approved by a two-thirds vote of Commission members, provided that any such proposed amendment shall first have been delivered to each Commission member at least five days prior to the meeting at which such amendment is considered and is in accordance with the enabling resolution adopted by the Olmsted County Board of Commissioners. However, the proposed amendments shall not become final and binding until they have been approved by a majority vote of the Olmsted County Board of Commissioners following approval by the Commission.

Approval

OC-PAC Approval: Paige Collins, Chair; Date: 10/7/2021

County Board Approval: Stephanie Podulke, Chair; Date: 11/2/2021