

Plan Commission Code of Conduct

Appointed members of the City/Village/Town/County of _____ Plan Commission agree to abide by the following Code of Conduct.

As a member I will:

1. Represent the Plan Commission with dignity and pride by conducting myself in a business-like manner and respecting the rights and opinions of the public and other members of the Plan Commission.
2. Read, respect, and enforce the rules, policies, and guidelines established by the Plan Commission and the City Council/ Village Board/Town Board/County Board.
3. Read and become familiar with local plans, ordinances, and other documents which relate to Plan Commission functions.
4. Continue to gain knowledge and understanding of planning issues which affect the community through self-study, inquiries and appropriate training.
5. Attend meetings of the Plan Commission on a regular basis and provide prior notification of any necessary absences.
6. Read meeting material packets ahead of time and come prepared to participate in meetings.
7. Participate in Plan Commission deliberation at meetings and hearings and refrain from making decisions until adequate information has been provided.
8. Give full consideration to all aspects of a project and make decisions based upon the best interests of the entire community.
9. Represent the official position of the Plan Commission when authorized to speak on behalf of the Commission.
10. Treat fellow officials, staff and the public with courtesy, even when we disagree. Insulting, profane or excessively argumentative language or conduct will not be tolerated.
11. Refrain from situations which might appear to compromise my independent judgment (including but not limited to situations involving ex parte communication, conflicts of interest, voting on the same issue twice by virtue of serving on two different bodies, participating in a decision for which I previously served as an advocate, and accepting gifts).
12. Read and abide by the State of Wisconsin *Code of Ethics for Local Government Officials* (Wis. Stat. s. 19.59) and the American Planning Association *Ethical Principles in Planning* (available at: www.planning.org/ethics/ethicalprinciples.htm).

Signature _____ Date _____

Adapted from *Sample Planning Commission and Zoning Board of Appeals Code of Conduct*. Kurt H. Schindler. 2008. Michigan State University Extension Land Use Series #8. and *Planning Commissioner's Handbook*, "Public Service Values for Commissioners." League of California Cities. 2004.

Plan Commission Rules of Procedure

SECTION I AUTHORITY AND PURPOSE

The following rules of procedure are hereby adopted by the City/Village/Town/County of _____ Plan Commission. The Plan Commission has been established pursuant to Section _____ of the Wisconsin Statutes and Section _____ of the City/Village/Town/County of _____ Ordinance, and assumes thereby, all responsibilities, duties and powers as provided therein. These rules supplement the provisions of state statutes and local ordinances as they relate to the procedures of the Plan Commission.

SECTION II MEMBERSHIP

- A. Selection of Members. Members of the Commission are appointed by the Mayor/Village President/Town Board Chair/County Board Chair with input from the Governing Body and Plan Commission. The following criteria will be considered when selecting members: [Examples follow]
1. Geographic or jurisdictional diversity
 2. Demographic diversity
 3. Planning skills or expertise
 4. Interpersonal and decision-making skills
 5. Commitment to community service
- B. Alternates. [optional] Two alternates will be appointed to serve on the Plan Commission. The first alternate shall act when a regular member of the Plan Commission is unable to act due to conflict of interest or absence. The second alternate shall act when the first alternate or multiple members of the Plan Commission are unable to act. [Insert expectations for attendance, training, etc.]
- C. Vacancies. Plan Commission vacancies are filled for the remainder of a term. If a vacancy occurs, the City/Village/Town/County Clerk will announce the vacancy and the procedures and deadline for applying for the position. A committee comprised of the Mayor/Village President/Town Board Chair/County Board Chair and ____ (number) Plan Commission members will review the applications/letters of interest and/or interview the applicants. The Mayor/Village President/Town Board Chair/County Board Chair will make the final selection and appointments.

SECTION III OFFICERS AND COMMITTEES

- A. The Chairperson shall be appointed by the Mayor/Village President/Town Board Chair/County Board Chair and shall preside at the meetings of the Commission, supervise the work of the Secretary, and decide all points of procedure unless otherwise directed by a majority of the Commissioners present.
- B. The Vice-Chairperson shall be elected by members / appointed by the Chairperson at the first meeting of the Commission in May of each year. The Vice-Chairperson shall act in the capacity of the Chairperson in his or her absence.
- C. The Secretary shall be elected by members / appointed by the Chairperson at the first meeting of the Commission in May of each year. The Secretary shall prepare all correspondence for the Commission; receive and file all referrals, applications, papers,

and records; prepare, publish, and mail all notices required; and prepare and keep all minutes and records of the Commission's proceedings.

- D. The Planning Director / Zoning Administrator / Building Inspector or his or her designee shall attend all meetings for the purpose of providing technical assistance when requested by the Commission.
- E. Standing or Special Committees may be appointed by the Chairperson. Committees shall be charged with duties of examination, investigation and inquiry related to one or more subjects of interest to the Plan Commission. No committee shall have the power to commit the Plan Commission to the endorsement of any plan or program without submission to the Plan Commission for consideration.

SECTION IV CONDUCT OF MEMBERS

- A. Attendance. Plan Commission members shall notify the Chairperson or Secretary as soon as possible regarding an absence. If any member of the Commission is absent from ____ (insert number, i.e. 3) consecutive regularly scheduled meetings, that member shall be considered delinquent. Delinquency shall be grounds for the Governing Body to remove the member for nonperformance of duty or misconduct upon public hearing from the Commission. The Secretary or a designated recorder, shall keep attendance records and shall notify the Governing Body whenever any member of the Commission is absent from ____ (insert number, i.e. 3) consecutive regularly scheduled meetings, so the Governing Body can consider further action allowed under law.
- B. Participation. Plan Commission members shall participate in all proceedings except in the case of a conflict of interest, a disqualification, an excused absence, or other manifest inability to serve.
- C. Training. Members are encouraged / required to attend at least ____ (insert number, i.e. 2) hours of training per year with instruction from one or more of the following: Wisconsin Towns Association, Wisconsin Counties Association, League of Wisconsin Municipalities, Wisconsin Chapter of the American Planning Association, Center for Land Use Education, Local Government Center, County Planning & Zoning Offices, County Extension Offices, and other related organizations.
- D. Conflicts of Interest. Plan Commission members shall avoid issuing, deliberating, voting or reviewing cases which present a conflict of interest. As used here, a conflict of interest includes, but is not necessarily limited to situations:
 - 1. concerning the member or the member's spouse, child, step-child, grandchild, parent, brother, sister, grandparent, in-law, or household members.
 - 2. concerning work on land owned by the member, located adjacent to, or within ____ (insert distance, i.e. 300 feet) of one's property.
 - 3. which result in actions that have a financial benefit to the member.
 - 4. involving a corporation, company, partnership, or any other entity in which the member is a part owner, or any other relationship where the member may stand to have a financial gain or loss.
 - 5. where an employee or employer is an applicant or agent for the applicant, or has a direct interest in the outcome.

When a conflict of interest exists the Plan Commission member shall do all of the following immediately, upon first knowledge of the case and determining a conflict exists:

1. Declare that a conflict exists and recuse oneself from the portion of the meeting that presents a conflict, including all proceedings, deliberations and voting on the matter.
2. Leave the hearing room or the front table where members of the Commission sit until that agenda item is concluded.
3. The Plan Commission member may represent himself before the Commission for the purposes of providing testimony, but should do so as a member of the public.

- E. Ex Parte Contact. Members of the Plan Commission shall attempt to avoid ex parte contact. As defined here, ex parte contact refers to communication regarding a pending quasi-judicial matter that will come before the Plan Commission. Members of the Plan Commission have a duty to not prejudge a case, and to base their decision only on the materials and facts presented at public meetings and hearings on the matter.

Despite one's best efforts it is sometimes not possible to avoid ex parte contact. If a Plan Commission member receives such communication, the member should immediately inform the contact that they may not discuss the matter while the matter is pending and terminate the conversation. The member should publicly report the content and context of the ex parte contact in full at the public hearing or meeting prior to the Plan Commission making a decision on the issue. The Plan Commission member may continue to participate in the matter, so long as they are of the opinion that their objectivity has not been influenced.

- F. Not Voting On the Same Issue Twice. Members of the Plan Commission shall avoid situations where they are sitting in judgment and voting on a decision in which they had a part in making or previously served as an advocate.

When a member of the Plan Commission is in this situation, the member shall do all of the actions required by Section IV.D. of these Rules of Procedure for cases of conflict of interest immediately, upon first knowledge of the case and determining one's prior involvement.

SECTION V MEETINGS

- A. Meetings shall be held monthly, if needed. The Commission hereby establishes a regular meeting day of _____ (for example, the third Thursday of each month), at _____ (time). Meetings shall be held at _____ (place).
- B. Special Meetings may be called by the Mayor/Village President/Town Board Chair/County Board Chair or upon the written request of _____ (insert number, i.e. 4) members of the Commission to the Chairperson. Notice of special meetings shall be provided to all Commission members and posted at least 24 hours prior to the special meeting.
- C. Open Meetings. Meetings shall be open to the public.
- D. Closed Sessions. The Commission may go into closed session for the purposes enumerated in Section 19.85 of the Wisconsin Statutes.

- E. Quorum shall consist of ____ members (generally, one-half of the members of a body, i.e. 4 members of a 7-member Commission or 3 members of a 5-member Commission). [Describe situations in which a greater number is needed for quorum.]
- F. The Order of Business at meetings shall be substantially as follows:
1. Call to order.
 2. Roll call and declaration of a quorum.
 3. Reading and approval of minutes from the previous meeting.
 4. Communications and reports.
 5. Unfinished business.
 5. Review of Land Divisions.
 6. Review of Rezoning Petitions.
 7. Review of applications for Conditional Use Permits/Special Exceptions.
 8. Referrals from the Governing Body.
 9. New Business.
 10. Miscellaneous.
 11. Adjournment.
- G. Voting. Each regularly appointed Plan Commission member, and alternates that have been authorized to act in the place of a regular member, shall be entitled to one vote on any matter that comes before the Plan Commission.
- H. Minutes of the proceedings shall be kept by the Secretary or a designated recorder, showing the vote of each member upon each question, the reasons for the Commission's determination, and its findings. The minutes shall be immediately filed with the City/Village/Town/County Clerk and shall become a public record.
- I. Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall be governed by *Roberts Rules of Order, Newly Revised* for issues not specifically covered by these Rules of Procedure.

SECTION VI HEARINGS

- A. Notice of the time, date, and place of hearings required for petitions for changes and amendments to the comprehensive plan, plan components, zoning ordinance text or map, official map, subdivision ordinance, and applications for conditional use permits/special exceptions or subdivision approval shall be published in the official newspaper or posted, as required by law, and shall be mailed to Commission members, the Zoning Administrator, the applicant, and those parties specified in applicable local ordinances.
- B. Appearances. The applicant may appear in person or be represented by an agent. In the absence of an appearance by the applicant or agent for or against any petition or application, the Commission may table or take action to deny, authorize, or make the recommendation to deny or grant the petition or application.
- C. The Order of Business at hearings shall be substantially as follows:

1. Introduction by the Chairperson.
 2. Explanation by the planning or zoning staff or Chairperson.
 3. Hearing of the applicant or agent.
 4. Report and recommendation by the planning or zoning staff.
 5. Hearing of interested property owners or citizens.
 6. Response of the applicant or agent.
 7. Response of any opposition.
- D. Written Decision. The final disposition of all petitions or applications shall be in the form of a written resolution signed by the Commission Chairperson and Secretary and attached to the minutes. Such resolution shall show the reasons for the Commission's determination and its findings.
- E. Conditions imposed with respect to any conditional use permit/special exception shall be stated in the minutes embodying the Commission's decision and shall also be set forth upon the permit. Such permit shall be valid only as long as the conditions upon which it is granted are observed.
- F. Exhibits. All petitions, letters, photographs, sketches, drawings, documents, study reports or results, architectural and engineering renderings, and any item submitted by any persons, companies, agencies, local officials or staff prior to and/or during public hearings in order to qualify for consideration by the Commission, shall become exhibits for the related matter and shall be numbered, upon receipt, by the Secretary or recorder. Exhibits shall be immediately filed with the City/Village/Town/County Clerk and shall become a public record.

SECTION VII SITE INSPECTIONS

- A. Site Inspections. Site inspections shall be performed by planning and zoning staff. If desired, no more than one member of the Commission may accompany staff on site. A written report of the site inspection shall be orally presented to the Commission, along with accompanying photographs, videos, or other exhibits.

[Alternate section] Site inspections shall be performed by individual members of the Plan Commission. No more than _____ (number less than quorum) members of the Commission shall visit a site at any given time.

[Alternate section] Site inspections shall be performed by the entire Plan Commission. The site inspection must be posted as a public meeting and the public is allowed to come on site.

- B. Authorization for site inspections shall be included as part of the application packet. Failure to authorize inspection of the site may be considered grounds for denying the application.

SECTION VIII PER DIEM AND MILEAGE

Mileage and per diem may be paid to members of the Plan Commission at rates established by the Governing Body for attendance at Plan Commission meetings, hearings, site inspections, and authorized training events, if those members submit a bill for the same. No mileage or per diem will be paid to any member unless authorized and budgeted for by the governing body.

SECTION IX AMENDMENTS

These Rules of Procedure may be amended, suspended, or revoked by a majority vote of the full Commission at any meeting.

SECTION X CONFLICT

Whenever any conflict occurs between these Rules of Procedure and the laws of the State of Wisconsin or local ordinances, the State laws and local ordinances shall prevail.

SECTION XI EFFECTIVE DATE

These Rules of Procedure shall be effective upon adoption by a majority vote of the full Commission and filing with the City/Village/Town/County Clerk.

Signature of Chairperson

Signature of Secretary

Date Adopted _____

Date Filed _____