

RULES OF PRACTICE AND PROCEDURES
THE CHARLES COUNTY PLANNING COMMISSION

ARTICLE I. INTRODUCTION

1. **Name:** The name of the organization shall be the Charles County Planning Commission (“the Commission”).
2. **Planning Commission Authority:** The Commission is granted the exclusive authority to review and approve the subdivisions of land as promulgated under the Land Use Article of the Maryland Annotated Code and, in addition, those powers and duties articulated in the Charles County Zoning Ordinance.
3. **Purpose:** The purpose of the Rules of Practice and Procedures (“the Rules”) is to facilitate the conduct of the Commission’s proceedings and to help citizens having business before the Commission.
4. **Authority:** The rules are adopted and shall be governed in accordance with the authority contained in the Land Use Article of the Annotated Code of Maryland; Title 10 Section 5 of the State Government Article of that Code and the Code of Charles County.

ARTICLE II. MEMBERSHIP AND ORGANIZATION

1. **Membership:** The Commission shall consist of seven (7) voting members, each appointed by the County Commissioners to a term of four (4) years. At the conclusion of a member’s term, he/she may apply for a second term of four (4) years. A member appointed to complete an unfinished term may apply for reappointment to a full term. No Planning Commission member service shall exceed two (2) full consecutive terms.
2. **Officers:** The Commission shall organize annually in the month of January of each year. Officers shall include:
 - a. **Chairperson (Chair):** The Chairperson is appointed annually by the Charles County Commissioners. He/she shall be a voting member of the Commission for a one-year term. The Chairperson shall preside over all meetings of the Commission, appoint members to committees, and coordinate Commission activities. With the concurrence of the Commission members, the Chairperson may represent the Commission at official gatherings. As the presiding officer, the Chairperson shall maintain order while conducting the business of the Commission, shall decide on all procedures subject to these Rules, and respond to points of order called by a member. The Chairperson shall maintain the authority to sign and execute, on behalf of the Commission, all instruments approved in accordance with the Code of Charles County and the Land Use Article of the Annotated Code of Maryland.

- b. **Vice Chairperson:** In the absence of the Chairperson, the Vice Chairperson shall preside over all meetings of the Commission and will perform the duties of the Chairperson.
- c. **Chair Pro Tem:** If the Vice Chairperson is absent, the Secretary shall serve as Chairperson and shall preside over a meeting of the Commission. In the absence of these officers, the member with the most current continuous Commission service shall preside.
- d. **Secretary:** It shall be the duty of the Secretary to insure that all minutes of the previous meetings are approved as submitted by the Clerk to the Commission or amended and duly recorded in the Official minute book and signed by the Secretary and the Clerk to the Commission.
- e. **Elections:** At a regular meeting held in January of each year the Planning Commission shall nominate, from the floor, candidates for the offices of Vice Chairperson and Secretary. A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected and will serve until the regular meeting is held in January of the following year or until a successor is elected. Any officer is eligible for re-election. An election may also be held when an officer vacates his/her position.

3. County Staff

- a. **Planning Director:** The Planning Director is a technical advisor with subject matter expertise on Subdivision, Zoning and other regulations for Commission consideration. The Planning Director is designated by the Planning Commission as the administrative authority to act on their behalf and is authorized to administratively approve and sign plats and plans. The Planning Director, or his designee shall attend regular and special meetings of the Planning Commission.
- b. **Legal Advisor:** The Deputy County Attorney, or designee, is the legal advisor to the Planning Commission. The Deputy County Attorney, or designee, will attend all Planning Commission meetings, unless excused by the Chairperson.
- c. **Clerk to the Planning Commission:** The Clerk will maintain the records of the Planning Commission. Additionally, the Clerk will:
 - I. Provide clerical support during meetings of the Commission; provide a written statement to the Chairperson for closed sessions and public hearings. Maintain sign in sheets and keep the time clock for both Personal Appearances, Public Meetings/Hearings, and maintain a record of votes;
 - II. Record and keep the minutes of all meetings of the Commission in an appropriate Minute Book;
 - III. Issue publications of all notices required by law or by these Rules of Practices and Procedures;
 - IV. Schedule agenda meetings within twelve (12) calendar days of the next meeting with appropriate staff to identify projects for the next agenda;

- V. Distribute the agenda (after approval of the Chairperson) and staff reports to appropriate parties (staff, Planning Commission, applicants, etc);
- VI. Post the agenda and all background reports in a timely and in appropriate formats; send public notices, and agendas for posting on the internet in coordination with the Media Department;
- VII. Maintain a Commission members' contact list, provide reminders for member compliance with Open Meetings Act Training, Ethics Code requirements, and Planning Commission Training; Serves as Point of Contact for Planning Commission members;
- VIII. Maintain attendance records and other administrative records and correspondence; send a summary of the meeting to the Commissioners and appropriate staff the day following the meeting or as soon as possible;
- IX. Serve as liaison between the Clerk to the County Commissioners and the Commission to coordinate meetings, be responsible for member term notifications and other duties;
- X. Serve as custodian of Commission records; inform the Commission of correspondence relating to business of the Commission and attend to such correspondence as directed by the Chairperson;
- XI. In the absence of the person designated as Clerk, the Director of Planning may designate another person to assume the duties of the Clerk.

ARTICLE III. RESPONSIBILITIES AND DUTIES

1. Compliance with State and Local Laws

- a. Code of Civility:** All Commission members shall comply with the County Code of Civility and shall conduct themselves at Commission meetings in a fair, understanding and gracious manner. The Commission shall seek to be considerate of all individuals, attitudes and differences of opinion involved in official Commission business.
- b. Ethics Code:** Commission members are subject to and must comply with the County Ethics Ordinance. The Ethics Code requires annual submission of a Financial Statement. Late or incomplete financial statements may be referred to the County Commissioners by the Ethics Board for action which may include removal.
- c. Open Meetings Act:** All Commission members shall complete the Open Meetings Act Training on the Maryland Attorney General's website and provide a copy of the certificate of completion to the Clerk.

2. Rules against Ex Parte Communication: Ex Parte communication is improper and may provide legal grounds for overturning a decision.

- a. Members receiving ex parte communications shall advise all Commission members through the Clerk's office prior to the meeting or make a statement in person at the Commission meeting.
 - b. Any ex parte communication received shall be furnished to all Commission members and the public orally or in writing.
 - c. As an alternative to ex parte communications, members should encourage the public to prepare written reports for all members through the Clerk's office or speak publicly at the Commission meetings.
- 3. Electronic Communication:** Electronic communication related to an Agenda item sent to all or a portion of the Commission membership may be considered a discussion and should be avoided. All questions related to an Agenda item and conveyed by electronic communication shall be forwarded only to the Clerk. The Clerk shall be responsible to forward the response to all members and make the questions and responses available for the public.
- 4. Attendance:** It shall be the duty of each member to attend all meetings. If unable to attend a specific meeting, the Commissioner shall notify the Clerk as soon as possible or at least one hour prior to the meeting. Commission members who accrue three or more unexcused meeting absences, with less than one hour notice, will be reported to the County Commissioners in accordance with Resolution 96-45.
- 5. Order and Conduct: during and outside of meetings:** No member of the public attending an open session may participate in the session except in instances where the Commission Chairperson invites public testimony, questions or comments. It is the responsibility of all Commission members to maintain and follow order in all meetings and to allow an opportunity for the public to speak, subject to the following guidelines. The Chairperson shall:
- a. Recognize a speaker when it is time for a speaker to address the Commission. A Commission member may request that the Chairperson recognize a speaker, but the speaker can address the Commission at the discretion of the Chairperson, in the interest of maintaining order during a meeting;
 - b. Set a time limit for each speaker, either individual or group. Only one person may speak representing any one organization and must be an officer of the local, state or national chapter of the organization;
 - c. Interrupt or stop a speaker using non-germane, derogatory, disruptive or excessively repetitive comments;
 - d. Order the room clear of disruptive individuals or recess the hearing in the event of general disruption;
 - e. Prevent any person from engaging in conduct that disrupts the session or interferes with the rights of members of the public to attend and observe the session without outside interference. Disruptive conduct includes, but is not limited to visual

demonstrations (i.e., waving placards, signs or banners) or impeding members of the public while entering, being at or leaving a session;

- f. Request that the time for each speaker be kept by the Clerk or a staff member of the Department of Planning and Growth Management. Speakers shall be given a warning before their time is expired.

ARTICLE IV. MEETINGS IN GENERAL; CONDUCT

1. **In General:** All Planning Commission meetings shall be open to the public unless they meet the requirements of a Closed Meeting. All meetings must comply with the Open Meetings Act. The Commission shall hold at least one regular meeting each month.

2. **Scheduling/Cancellation:**

- a. **Annual Schedule:** At a regular meeting, no later than October, the Commission shall establish a tentative schedule of meetings for the upcoming year. The regular meetings of the Planning Commission are generally held on the first and third Mondays of the month at 6:00 PM unless determined otherwise by the Chairperson or indicated on the annual Public Notice. Meetings are held in the Charles County Government Meeting Room at 200 Baltimore Street, La Plata, Maryland.

- b. **Cancellation of Meetings**

- i. **Inclement Weather/Emergencies:** Meeting cancellation shall be on a case-by-case basis. In the event that Charles County Public Schools are closed system-wide due to weather related issues, any scheduled business meetings of the Planning Commission will be cancelled. Where schools are delayed or close early, or when school is not in session, or other significant issues arise, cancellation shall be on a case-by-case basis. Notice will be posted through the County website and through such external mediums as are typically and/or traditionally used for public outreach.
 - ii. **By the Chairperson-** In case there are no items for discussion, review or action by the Planning Commission, or a quorum is not met, the Chairperson, in consultation with the Planning Director or his designee, may cancel a meeting.
- c. **Agenda Setting/ Approval:** The agenda shall include the date, time and place of the meeting and shall be formatted as demonstrated on Appendix B.
 - i. Items proposed by the County Commissioners will be added to the proposed agenda within 60 days or as soon as the schedule allows, whichever comes first;
 - ii. The proposed agenda will be presented to the Planning Commission for adoption at the beginning of each meeting. Prior to adoption, the agenda is not binding as to details or order of consideration;
 - iii. Prior to adoption, a Commission member may recommend changes to the agenda;

- iv. Adoption of the agenda, including any proposed amendments, shall be completed with a majority vote;
- v. Prior to 12:00 Noon, the Friday before the meeting and prior to agenda adoption, an applicant may notify the Clerk, in writing, to withdraw or defer his project with no additional action required.
- vi. The Commission shall vote to accept any request to reschedule or withdraw any deferral request received after 12:00 Noon of the Friday before the meeting. The Planning Commission has the discretion to defer any request for up to sixty (60) days if the deferral request was made without cause and received after 12:00 Noon on the Friday before the meeting.
- vii. After adoption by the Commission, the Agenda may only be amended by a majority vote. The Commission may defer any item listed on the approved Agenda by a majority vote.

d. Minutes: The minutes are the official record of the proceedings of the Planning Commission.

- i. A copy of the minutes shall be distributed by the Clerk prior to the meeting.
- ii. All corrections shall be presented and read during the Planning Commission meeting in the identified order of the Agenda.
- iii. The Chair calls for the minutes, requests any corrections.
- iv. Corrections, if any and approval shall be done by unanimous consent

e. Recording of Meetings: Any member of the public, including representatives of the media, may record discussions of the Commission at an open session by means of a tape recorder or any recording device, provided that the device does not create a disturbance to the members of the Commission or to other persons at the open session.

- i. Recording equipment cannot be placed past the front row of the hearing room and may not be placed or operated in any manner that blocks the view of people who are attending the open session.
- ii. The Chairperson may designate a location for all recording to be performed, as long as the location is reasonable for recording to occur.
- iii. The Chairperson may restrict the movement of a person who is using a recording device, camera broadcasting or television equipment if such restriction is necessary to maintain orderly conduct of the meeting.

3. Types of Meetings:

a. Public Hearings: Public Hearings shall be conducted for Rezoning applications, Water and Sewer Amendments, Zoning Text Amendments, Sub-Area Plans and Comprehensive Plan Amendments and the like. All Public Hearings shall meet the requirements of the State Code and Zoning Ordinance for Public Hearing and shall

generally be conducted as follows:

- i. Call to Order, determination of quorum
- ii. Staff presentation summarizing the item followed by questions from the Planning Commission
- iii. Presentation by Applicant (if applicable) followed by questions from the Planning Commission
- iv. Questions by Planning Commission to applicant
- v. Testimony from public (proponent and opponent)
- vi. Concluding questions by Planning Commission
- vii. Open/Close record
- viii. Discussion and action

- b. Public Meetings:** Public meetings shall include Conceptual Subdivision Plans, Site Development Plans or Preliminary Plans. The Commission invites citizen participation regarding the affairs of the County. Any citizen desiring to speak on a matter that is not scheduled on the agenda may request to do so under the Personal Appearances section. It is the policy of the Planning Commission not to hear matters of personal appearances that are also on the same meeting agenda. Written comments opposing a project must be received by the Clerk no less than 72 hours prior to the public meeting.

Public Meetings shall be conducted as follows:

- i. Staff Presentation of report and recommendations, followed by questions from the Planning Commission
- ii. Presentation by Applicant/Representative, followed by questions from the Planning Commission
- iii. Public Testimony and Comment (Proponents and Opponents)
- iv. Applicant's Responses to Public Testimony and Comment
- v. Concluding comments by staff (if applicable)
- vi. Concluding questions by Planning Commission members
- vii. Planning Commission motion and action

c. Work sessions:

- i. The Planning Commission may call one or more work sessions during a public meeting to evaluate the specific area of concern or request additional information.
- ii. After completion of a work session, the Planning Commission may make a motion to require further action prior to making a decision on an item.
- iii. Work sessions may also include final actions to approve or deny an application

or further make a recommendation to the County Commissioners.

- iv. Briefings by staff or a public agency on particular issues are considered work session.

d. Special Meetings:

- i. Special Meetings may be held by either the Planning Commission or sponsored by the Department of Planning & Growth Management on behalf of the Planning Commission and shall be held in the Charles County Government Building unless noted elsewhere.
- ii. A Special Meeting may also be called by the Chairperson with the written concurrence of at least three (3) Commission members. The Chairperson shall designate the time of the meeting.
- iii. Notice shall be posted as soon as practicable and generally within 48 hours after notice from the Chairperson.
- iv. The minutes shall identify the purpose of the special meeting. Actions and discussion is limited only to the defined purpose of the special meeting.

e. Closed Meetings:

All meetings held by the Planning Commission shall be open to the public unless the topic of discussion falls within one of the exceptions that allow a public body to exclude the public. For the most part, the decision to invoke an exception to close a meeting is discretionary, however, the Planning Commission shall only close a meeting to discuss or review only those topics outlined in the Maryland Open Meetings Act per §3-305(b). Closed meetings shall follow the process outlined in the Appendix of these Rules of Practice and Procedures.

ARTICLE V: PLANNING COMMISSION ACTION

1. **Quorum:** A quorum shall consist of a majority of the existing membership, or a minimum of four (4) members. Unless a greater number is required by these Rules of Procedures, a majority of the members present and eligible to vote on a matter shall be sufficient to take any action. No Commission member may participate in, vote, or be counted as a member of the quorum by proxy.
2. **Proceedings in the absence of a Quorum:** The Planning Commission shall take no action, vote or conduct any business on any item without the presence of a quorum.
3. **Motions/Planning Commission Action/Voting**
 - a. **Motions:** A motion may be offered by any member except the Chairperson. Once the motion is seconded, the Chairperson will state the question on the motion and offer discussion time to the Commission members prior to the vote.
 - b. **Discussion time:** A time for the body to discuss the subject of the motion or express concerns. Commission members may turn to staff for additional information during this

time.

- c. **Voting:** After discussion and call for the question, each member shall provide his/her voice vote to the Clerk. At the request of the Chairperson, the Clerk may conduct a roll call vote. After the vote, the Chairperson will report the vote and declare the outcome.
 - i. **Affirmative Vote Required:** The basic requirement for an action is a majority vote of the Commission who are present. A denied project requires a “motion to deny” and an affirmative vote of the motion by the voting members. An “approval” requires a “motion to approve” and an affirmative vote of the motion by the voting members.
 - ii. **Abstaining from a Vote:** Each member can abstain from a vote and cannot be compelled to vote. No member shall vote on a question in which he has a direct personal or pecuniary interest. Any member who intends to abstain from a vote due to a direct personal or pecuniary interest must state his intent to abstain prior to the staff presentation and shall not participate in the discussion questioning as well as vote in the item.
 - iii. **Tie votes** - A tie vote shall be interpreted as a failure to approve the motion upon which the vote was taken. A tie vote does not deny the project. After a tie vote, the Commission may propose additional motions for consideration.
 - a) If a motion cannot be approved or the Commission is unable to provide a decision the item is automatically scheduled to either (1) the next meeting date or (2) a date certain, by adoption of a motion.
 - b) In a meeting where a tie vote is reached, the absent board member(s) shall listen to the record of the case within fifteen days, after which the full Board shall reconvene for further discussion and final vote. Prior to participating in a continued motion, the absent Board member(s) shall certify in writing, that he/she listened to the tape of the proceeding.
- d. **Effects of Chairperson’s Vote:** As a member of the Commission, the Chairperson has the same voting right as any other member. However, The Chairperson can protect his impartial position by exercising his voting right only when his vote would affect the outcome, in which case he can either vote to change the result or he can abstain. If he abstains, he simply announces the result with no mention of his own vote.

4. Other Actions:

a. Motion to Postpone/Defer

- i. **Postpone to a Specific time/day:** The Commission may defer an item to a specific date by a majority vote. Postponement requests, made without cause by applicants and after Agenda adoption, cannot be heard for less than 60 days of the meeting.
- ii. **Indefinite Postponement/Deferral:** If the Commission is unable to defer an item to a specific date, the Commission may, by majority vote, indefinitely defer

an item.

b. Reconsideration of a Motion

i. **Grounds for reconsideration:**

- a) Showing of mistake of fact or law or to correct a clerical error;
- b) A changed circumstance or new evidence which could not have been reasonably presented at the original hearing; or,
- c) A showing of a mistake or misrepresentation was made at the original hearing.
- d) Evidence of changed circumstances or new evidence is submitted which could not reasonably have been presented at the original hearing or unless some mistake or misrepresentation was made at the original hearing which required rehearing and re-argument in order to be corrected.
- e) For the purpose of reconsideration to “revise” is to change the decision of approval or denial.
- f) For the purpose of reconsideration to “modify” is to revise a condition of approval.

ii. **Reconsideration proposed by whom:**

- a) **By public or applicant:** An applicant can request a reconsideration if a written request is filed with the Commission by sending the request to the Clerk by mail within 14 days of the vote.
- b) **By a Commission member:** At the following meeting after a vote, a Commission member may make a motion to reconsider a Commission action if the motion is made by a member of the Commission who voted in the majority on the issue.

iii. **Procedure/Action:**

a) **Reconsideration by a Public:**

- 1) **Deadline for submittal:** An applicant’s written request for a reconsideration must be filed with the Clerk no later than 4:00 PM of the deadline date and must include all information supporting the request.
- 2) **Consideration of Request:** After reviewing the supporting documentation and no later than the second meeting following the original vote, a Planning Commission member of the majority vote must make a motion to reconsider. The Planning Commission must either vote to accept or reject the reconsideration request and must determine the subject matter to be reviewed. A request or a motion for consideration must

pass by a two-thirds (5 members) majority vote of the full Commission.

3) Content of Motion to Reconsider: The motion to accept a reconsideration request must state whether the reconsideration is to “Revise” or to “Modify” a decision and grounds for reconsideration.

4) Reconsideration Action: Should the Planning Commission vote to accept the reconsideration request, staff will notify the property owner and the item shall be placed on a subsequent agenda for action. The review shall be limited to the grounds for reconsideration outlined in the Planning Commission decision to accept the request and shall be by 2/3 (5 member) majority.

b) **Reconsideration by a Planning Commissioner:**

1) Deadline for Submittal: At a subsequent meeting, a Planning Commissioner may present under “Old Business” a written request to reconsider a vote from the immediately previous meeting.

2) Consideration of Request: After reviewing the supporting documentation and no later than the second meeting following the original vote, a Planning Commission member of the majority vote must make a motion to reconsider. The Planning Commission must either vote to accept or reject the reconsideration request and must determine the subject matter to be reviewed. A request or a motion for consideration must pass by a two-thirds (5 members) majority vote of the full Commission.

3) Content of Motion to Reconsider: The motion to accept a reconsideration request must state whether the reconsideration is to “Revise” or to “Modify” a decision and grounds for reconsideration.

4) Reconsideration Action: Should the Planning Commission vote to accept the reconsideration request, staff will notify the property owner and the item shall be placed on a subsequent agenda for action. The review shall be limited to the grounds for reconsideration outlined in the Planning Commission decision to accept the request.

iv. For the purpose of correcting a clerical error, the Commission may, at any time by resolution, and without prior notice, send a copy of the corrected decision to each recipient of the original decision.

ARTICLE VI: AMENDMENT OF THESE RULES

Any provision of these Rules of Procedures may be amended by the affirmative vote of at least (5) members of the Commission at any open meeting, provided that notice of the substance of the proposed amendment was included in the agenda circulated to the Commission prior to that meeting in accordance with Article III.

APPENDIX A- DEFINITIONS

For the purpose of these Rules of Procedures, the following definitions shall apply:

Application: A proposed project such as, but not limited to, site development plan, preliminary subdivision plan, rezoning, concept plan, zoning text amendment, final plat any of which that has been accepted, reviewed and recommended by staff for approval or conditional approval (master plan?)

Approval: A majority vote, made in the form of a formal motion and proposed in a public meeting, that the assembly take action to permit a certain project, plan, resolution or bill to proceed.

Briefing: Informational presentations made to the Board to educate them on particular issues or forthcoming legislation or other areas of public policy.

Commission: The Charles County Planning Commission.

Commissioner: A member of the Charles County Planning Commission as appointed by the County Commissioners.

County Code: The "Code of Charles County, Maryland" as adopted, enacted and amended from time to time by the County Commissioners of Charles County, Maryland on June 26, 1995

County Commission: The Legislative Body for Charles County consisting of five County Commissioners who are elected at-large to four-year terms and are responsible for and fulfilling the mission of Charles County Government

Electronic Communications: The transfer of writing, signals, data, sounds, images, signs or intelligence sent via an **electronic** device. Some examples of e-**communication** are email, text messages, social media messaging and image sharing.

Ex parte communication: Information (verbal, written, electronic or graphic) received outside of the record.

Land Use Article: Source of law for Land Use and Zoning in the Annotated Code of Maryland. Contains material for what was formerly known as Articles 28 and 66B.

Motions: A motion is a formal proposal by a member in a meeting that the Commission take certain actions.

Public Hearing: A formal public meeting for the purpose of obtaining public comment and testimony on projects and legislation. The public hearing must meet legal notice requirements (advertisement, property owner notification and property posting) as outlined in the Land Use Article of the Annotated Code of Maryland and the Zoning Ordinance. Public Hearings shall be conducted for Rezoning applications, Water and Sewer

Amendments, Zoning Text Amendments Sub-Area Plans and Comprehensive Plan Amendments and the like.

Public Meeting: A regularly scheduled meeting, consisting of a quorum of Planning Commission members during which time the business of the Commission is conducted. This meeting is open to the general public and comment is taken where designated on the agenda.

Special Meeting: A meeting that is held outside of regularly scheduled meeting date, time and place and may include a Planning Commission action. This meeting is open to the public and may provide for public comment where designated on the agenda. A Special Meeting may be held in the event of a scheduling issue or emergency and notice shall be posted as soon as practicable.

Subdivision: (1) Subdivision means: (i) the processes and configuration of land by which one or more lots, tracts or parcels, or other divisions of land, consistent with criteria established by the County Commissioners in the Subdivision Regulations of the Charles County Code; or, (ii) the land so subdivided. (2) "Subdivision" includes re-subdivision.

Subdivision Regulations: Chapter 278 of the Charles County Code.

Work session: A work session is a meeting during which time the business of the Commission is conducted. This meeting is a discussion between staff and the Planning Commission to provide information regarding a specific issue, process or geographic area. This meeting is an opportunity for Commission members to discuss a matter among themselves. Generally comments are not received from the public and a work session is not open for public discourse. Work sessions typically result in action, decision or direction of the Commission.

Zoning Ordinance: Chapter 297 of the Charles County Code.

Planning Commission Agenda

Order of Business

DATE

**County Commissioners Meeting Room
200 Baltimore Street
La Plata, Maryland 20646**

1. **Call to order**
2. **Approval of the Agenda**
3. **Approval of the minutes**
4. **Chairperson’s Comments**
5. **Personal Appearances:** Public comments for items not on the agenda
6. **Public Hearings:**
7. **Public Meetings:** Development Review
8. **Work Sessions:** No public comments
9. **Old Business**
10. **New Business**
11. **Director’s Report**
12. **Adjournment**

APPENDIX C – PROCEDURES TO CLOSE A MEETING

- A. For the most part, the decision to invoke an exception to close a meeting is discretionary; however, the Planning Commission shall only close a meeting to discuss or review only those topics outlined in the Open Meetings Act.
1. **Before Closing a meeting:** Prior to closing a meeting, the Chairperson shall make a written statement of the reason(s) for closing the meeting (Closing Statement). In the Closing Statement, the Chairperson or presiding officer must disclose the “topic to be discussed” and the statutory exception relied upon as authority for closing the meeting. Second, the presiding officer must conduct a recorded vote on a motion to close the meeting to the public. The recorded vote must specify each member’s vote. The closing statement must be kept for one year; are considered a matter of public record and must be available for inspection, at the time of the closing, by members of the public who so request the document.
 2. **During the Closed Meeting:** All members and participants of a closed meeting shall confine the discussion to the topics and the scope of the exception disclosed on the statement. If the discussion strays outside of the topics and exceptions claimed beforehand in the Closing Statement, the Chairperson or presiding officer must stop the discussion so that it may be conducted in the open.
 3. **After the Closed Meeting:** After the Closed Meeting, the Planning Commission must verbally disclose what actually transpired in the closed meeting in as much detail without disclosing the information. After such verbal statement, the Commission must vote to re-enter an open meeting. After a public body has met in a closed session, it must include a summary of the session in the minutes of its next public meeting.
 4. **Closed Meeting Minutes:** Closed session minutes are ordinarily sealed and are not available for public inspection. The written minutes must reflect each item the Commission considered. Minutes must be maintained for at least one year.
 5. **Disclosure:** After the Planning Commission holds a closed meeting, the presiding officer shall include a summary of the session in the minutes of its next public meeting. The summary must include 1) the time, place and purpose of the closed session; 2) each member’s vote on the motion to close the session; 3) the statutory exception claimed as a basis for excluding the public; and, 4) a list of the topics discussed, persons present and actions taken in the closed session. However, the Planning Commission is only required to disclose as much information as it can without compromising the confidentiality of the session. Closed session minutes do not substitute for the post session disclosures.