COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2013 Legislative Session, Legislative Day No.: November 26, 2013

Resolution No.: 207

Introduced by: Mr. Bartlett, Mr. Hollis, Mr. Pack, Ms. Price

A RESOLUTION TO APPROVE AMENDMENTS TO THE PLANNING COMMISSION'S BYLAWS TO INCLUDE PROCEDURES FOR PREPARING AND SUBMITTING THE RECORD FOR APPEALS TO THE TALBOT COUNTY BOARD OF APPEALS

By the Council: November 26. 2013

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, December 17, 2013 at 6:30 p.m. in the Bradley Meeting room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601

By Order Susan W. Moran

Susan W. Moran, Secretary

A RESOLUTION TO APPROVE AMENDMENTS TO THE PLANNING COMMISSION'S BYLAWS TO INCLUDE PROCEDURES FOR PREPARING AND SUBMITTING THE RECORD FOR APPEALS TO THE TALBOT COUNTY BOARD OF APPEALS

WHEREAS, Section 404 (b) of the Talbot County Charter provides that the Planning Commission shall adopt rules for the transaction of its business; and

WHEREAS, Section 11 of the current Planning Commission Bylaws provide that any amendment to the Bylaws approved by the Planning Commission shall not become effective unless and until it is submitted to the County Council for consideration and approval; and

WHEREAS, the Planning Commission has requested County Council consideration and approval of these amendments to their Bylaws.

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Talbot County, Maryland, that:

1. The *Planning Commission Bylaws,* as amended and approved hereby, are attached as Exhibit "A."

2. This Resolution shall become effective immediately upon adoption.

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Resolution No. _____ having been published, a public hearing was held on _____, _____, 2013 at _____ p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

ENACTED_____

By Order_____
Susan W. Moran, Secretary

Bartlett -

Hollis -

Pack -

Price -

Duncan -

EFFECTIVE DATE:_____

EXHIBIT "A"

Talbot County Planning Commission Bylaws

Section 1. **Annual meeting**—The annual meeting shall occur each year at the first regular meeting in January at 9:00 a.m. At this meeting, the election of Commission officers shall occur by written secret ballot. Regularly scheduled business may also be conducted during the annual meeting.

Section 2. **Regular meetings**—Regular meetings shall be held at 9:00 a.m. on the first Wednesday of each month and, when necessary, at 7:00 p.m. on the third Wednesday of each month, at 11 N. Washington Street, Easton, Maryland, and shall be open to the public. At such meetings, the Commission shall consider all matters properly brought before them without the necessity of prior notice thereof to any Commissioners. A regular meeting may be cancelled or rescheduled by the Planning Commission. Notice of cancelled or rescheduled meetings shall be published in the local newspaper and promptly posted on the County's website.

Section 3. **Special meetings**—Special meetings shall be called by the Chairperson or Vice Chairperson and held at a time and place designated by the officer calling the meeting. Written-notice of such meetings shall be given to all Commissioners at least forty-eight (48) hours in advance.

Section 4. **Quorum**—A quorum shall consist of at least three (3) Commission members. A quorum must exist for a meeting to be called to order. If a quorum does not exist at the time of a scheduled meeting, the Commissioners present shall reschedule the meeting.

Section 5. **Voting**—Each Commission member attending shall be entitled to cast one vote on each item of business before the Commission. An affirmative vote of at least three (3) Commissioners shall be required for a motion to pass. A tie vote shall result in a failed motion. Voting shall be by voice except that voting for officers at the annual meeting shall be by written secret ballot.

The secretary shall record in the minutes the name of any Commissioner who recuses himself or herself and the item of business for which the recusal occurred. Commissioners are encouraged to physically leave the dais when they recuse themselves.

Section 6. **Proceedings**

A. At regular meetings, the following shall be the order of business:

(1) Call to order

(2) Review and action on prior meeting minutes

(3) Old business

(4) New business

(5) New business communications

(6) Other matters for discussion

(7) Adjournment

B. Each formal action required by law, rule or regulations shall be made in a formal motion, seconded and duly voted upon as provided in Section 5.

Section 7. **Rules of procedure**—All meetings shall be conducted in accordance with *Robert's Rules of Order, Newly Revised, 10th ed.*, as amended or revised from time to time, except to the extent of any inconsistency with these Bylaws, in which event the Bylaws shall govern.

Section 8. **Planning Commission officers**—The officers shall consist of a Chairperson and Vice Chairperson nominated and elected by majority vote of the Commission members at the annual meeting. Officers shall serve for a one (1) year term. An officer may only serve a maximum of three (3) consecutive terms of office in a particular office. In the event the Chairperson and Vice Chairperson are unable to attend a meeting, the member with the longest tenure on the Commission shall serve as the temporary Chairperson for that meeting.

Section 9. **Officers' and Planning and Permits Department's duties—**

A. Chairperson

(1) To preside at all meetings.

(2) To call special meetings.

(3) To coordinate with the Planning and Permits Department the preparation of the agenda.

B. Vice Chairperson—To perform and fulfill the Chairperson's duties and responsibilities in the Chairperson's absence.

C. Talbot County Planning and Permits Department

(1) To keep the minutes of all meetings in the Minute Book. Minutes shall be kept in both paper and electronic formats.

(2) To give or serve all notices required by law or by these Bylaws.

(3) To establish and distribute Planning Commission meeting agendas.

(4) To be the custodian of Commission records.

(5) To inform and transmit to the Commission all correspondence relating to Commission business and to respond to such correspondence, as directed by the Commission.

(6) To prepare and distribute final disposition correspondence for Planning Commission actions.

(7) To see that all actions of the Commission are properly executed and to take necessary enforcement actions if they are not.

Section 10. **Vacancies**--The County Council shall be promptly notified by the Planning and Permits Department of all Commission vacancies. Should a vacancy occur among the Commission officers, the vacant office shall be filled at the next regular meeting in accordance with nominating and voting procedures in Section 1 and Section 8 above. The newly elected officer shall serve for the remainder of the unexpired term of the office in which such vacancy occurred. This term shall count as one of the three (3) maximum consecutive terms permitted in Section 7 if the remainder of the unexpired term equals or exceeds eight (8) full calendar months at the time of the newly elected officer's election.

Section 11. **Appeals**

A. Appealable decisions. The final decisions of the Planning Commission (the "Commission") on major subdivisions, major site plans, and waivers may be appealed to the Talbot County Board of Appeals (the "Board") as provided in this rule. A recommendation of the Planning Commission may not be appealed.

B. A person who participated in the proceedings before the Commission may appeal by filing a notice of appeal with the Board within thirty (30) days of the decision or the notice to proceed, whichever is later, and serving a copy of the notice of appeal on the Commission, Planning Officer, and County Attorney.

C. Upon filing of a notice of appeal, the Commission shall prepare a written opinion explaining the decision announced on the record during the proceedings. The written opinion shall be based solely on information in the record before the Commission but need not be restricted to any discussion or summary explanation by an individual member or members regarding their view(s) or the reasons for their vote(s).

D. At a minimum, the written opinion shall include: (1) the Commission's legal authority to act on the matter; (2) findings of fact based solely on information in the record; (3) application of the law to the facts; and (4) the reasoning of the Commission as a whole in reaching the decision, including any minority view or views, if requested by any member(s) in the minority.

E. The Commission shall issue its written opinion within sixty (60) days of filing the notice of appeal unless that period is extended by the Commission. The written opinion shall be included in the record of the proceedings and shall be the final expression of the decision of the Commission as a whole that is subject to review on appeal by the Board.

F. The Commission shall prepare the record for the appeal, which shall include all transcripts, documents, plats, charts, photographs, reports, and other material presented to the Commission during the proceedings and the Commission's written opinion. The Commission shall make arrangements with a court reporter to prepare a transcript of all proceedings before the Commission held in connection with their review of the matter. The appellant shall pay for all transcripts of the proceedings, which shall include the obligation to prepay any amounts required or requested by the court reporter.

G. The record shall be filed with the Board within sixty (60) days after filing the notice of appeal unless extended for good cause by the Commission.

H. Failure to properly file and serve the notice of appeal, to pay for the cost of transcripts, or otherwise to fail to pay any filing fee as required by these rules or the rules of the Board of Appeals shall be grounds for dismissal of the appeal unless waived by the Commission for good cause shown.

Section 12. **Amending Bylaws**—The Bylaws may be amended at any meeting, provided written notice of the proposed amendment is delivered to each Commissioner at least five (5) days prior to the meeting during which the proposed change(s) will be considered. All proposed amendments shall become effective only after they are approved by resolution of the County Council.