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RESOLUTION NO. 02B-2020

A RESOLUTION FOR THE PASSAGE, APPROVAL AND ADOPTION OF THE RAWLINS
PLANNING & ZONING COMMISSION BY-LAWS

WHEREAS, the Governing Body of the Rawlins City Council recognizes the importance of the Rawlins Planning & Zoning Commission; and

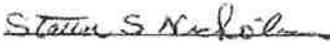
WHEREAS, the Planning & Zoning Commission has worked cooperatively with the City Staff and the City Attorney in drafting these By-laws to the City of Rawlins for approval; and

WHEREAS, the Governing Body of the City of Rawlins approves and adopts bylaws for the Planning & Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RAWLINS, CARBON COUNTY, WYOMING, that the attached Bylaws of the Rawlins Planning & Zoning Commission consisting of nine (9) pages are hereby passed, approved and adopted and shall hereby become the bylaws to be utilized by the Planning & Zoning Commission henceforth.

PASSED, APPROVED, AND ADOPTED this 4th day of February, 2020.

CITY OF RAWLINS, a Wyoming
Municipal Corporation


Steven S. Nicholson, Mayor

ATTEST:


Marla K. Brown, City Clerk

STATE OF WYOMING,
County of Carbon.

I, GYWNN G. BARTLETT, County Clerk and Ex-Officio Register of

Deeds within and for said County, in the State aforesaid, do hereby certify that the within and foregoing is a full, true and complete copy of a/an A RESOLUTION FOR THE PASSAGE APPROVAL AND ADOPTION OF THE RAWLINS

PLANNING AND ZONING COMMISSION BY-LAWS

between the parties herein named as same appears on file in the office of the County Clerk of Carbon County, Wyoming.

Witness my hand and official seal at Rawlins, Wyoming the 12 day of FEB 2020

Gwynn G. Bartlett



County Clerk

By WENDY NEWBROUGH

Deputy

My term expires first Monday in January 2023

**CITY OF RAWLINS
PLANNING & ZONING COMMISSION
BY-LAWS, RULES AND PROCEDURES**

Revised February 2020

ARTICLE I: Name

The name of this organization shall be the City of Rawlins Planning & Zoning Commission, hereinafter referred to as "Board".

ARTICLE II: Purpose

The City of Rawlins Planning & Zoning Commission is responsible for the preparation and updating of the Master Plan for the City of Rawlins for the physical development of the City of Rawlins, City of Rawlins Zoning Ordinances, and Subdivision Regulations; preparing recommendations to the Rawlins City Council on the adoption of regulations, zoning changes, and subdivisions; and recommendations of Special Use Permits. The board has all the powers necessary to perform its functions and promote municipal planning. Wyoming Statutes §15-1-507.

ARTICLE III: Regulations

The regulations of the business and conduct of the affairs of the Board shall be determined by Resolution of the Rawlins City Council, by these By-Laws and by additional rules of procedure that, from time to time, may be adopted.

ARTICLE IV: Board Appointment

Section 1. Membership.

The board shall consist of not less than five (5) voting members and not more than seven (7) voting members who fall within the rules and regulations of the City of Rawlins. Five (5) of these members shall be municipal utility customers of the City of Rawlins and shall represent the City of Rawlins. No more than two (2) members may be qualified as electors residing in the unincorporated area within three (3) miles of the corporal limits of the City of Rawlins. One (1) Rawlins City Council Member serving on the Board as a representative of the Governing Body. The Board Members shall be appointed by the Mayor, by and with the approval of a majority vote of all City Council Members. If at any time the board membership is reduced to less than seven (7) members, the above membership qualification will be reduced accordingly to ensure that municipal utility customer members hold a majority. No meeting will be held whereby a majority of the unincorporated representatives outnumber the municipal city customer representatives.

Section 2. Terms.

Board Members shall serve three (3) year terms with the consent of the City Council. The Board Members shall be appointed for staggered terms of one, two and three years. Members may be reappointed. Reappointed or newly appointed terms, once the initial

staggered terms are completed will be three (3) year terms. Any Board Member may, after a hearing before the Rawlins City Council, be removed by the Mayor, by and with the consent of two-thirds (2/3) vote of all members of the Rawlins City Council, for gross neglect or duty of malfeasance in office. Variances occurring otherwise and through the expiration of the term shall be filled for the unexpired term by the Mayor, by and with the approval of a majority vote of all members of the Rawlins City Council.

Section 3. Compensation.

Board Members shall serve without compensation, except for reasonable and actual expenses.

ARTICLE V: Officers

Section 1. Election of Officers.

The Board shall organize annually, including election of officers, at the first regular meeting in March.

Section 2. Board Officers.

The board shall elect a Chairman, Vice-Chairman, a secretary, and other officers deemed necessary.

Section 3. Chairman.

The Chairman shall preside at all meetings and public hearings of the Board, shall decide all points of order or procedure, shall certify recommendations to the Rawlins City Council, and shall transmit reports and recommendations of the Board to the City Council. The Chairman may authorize any Board Member or staff member to certify recommendations.

Section 4. Vice Chairman.

The Vice Chairman shall assume the duties of the Chairman in the Chairman's absence.

Section 5. Senior Member.

In the absence of both the Chairman and Vice Chairman the senior member of the board shall assume the duties of the Chairman if a quorum is present.

Section 6. Secretary.

The secretary shall be responsible for keeping the minutes of the Board, sending agendas to the members of the Board, carrying out routing correspondence, mailing of agenda packets to the members, maintaining records of the Board except those records pertaining to finance and which are the responsibility of the Finance Director, and performing such other duties as the Board may require. The Community Development Secretary will serve as Board Secretary.

Section 7. Committees.

The Board may establish such committees as it deems advisable and assign each committee specific duties and functions. The Chairman shall designate the members of each and shall name the Chairman of each committee. The Chairman shall make appointments to fill vacancies on committees as they occur.

ARTICLE VI: Meetings

Section 1. Regular Meetings.

The Board shall hold at least one regular meeting in each yearly quarter based upon the boards schedule and the business that needs to be conducted. If needed more than one meeting shall take place during the yearly quarter. Regular meeting times shall be reserved the second Tuesday of the month at 5:30 p.m. in the City Council Chambers located within City Hall, 521 W Cedar St, Rawlins, Wyoming. Pursuant to the Wyoming Public Meetings Act, public notice shall be given to all Board Meetings.

Section 2. Special Meetings.

Special Meetings of the Board may be called by the Chairman, or in the Chairman's absence, by any of the members of the Board, provided at least three (3) days' notice is given to each member prior to any special meeting date. Special Meetings would be considered any meeting not held on the regularly scheduled second Tuesday of the month.

Section 3. Order of Business.

The order of business at regular meetings shall be as follows:

1. *Call to Order*
2. *Roll Call.*
3. *Citizen's Participation/ Correspondence.*
4. *Approval of Agenda.*
5. *Approval of previous meeting's minutes.*
6. *Public Hearings.*
7. *Old Business*
8. *New Business.*
9. *Comments from the Board.*
10. *Discussion.*
11. *Adjournment.*

The order of business may be changed upon regular motion carried by a majority of the members present.

Section 4. Public Meetings.

Meetings for the Board shall be open to the public, as described in the Wyoming Open Meetings Act (Wyoming Statutes §16-4-401 et al) except meetings as described by Wyoming Statutes that may be closed to the Public.

Section 5. Quorum.

A majority of the Board shall constitute a quorum for the transaction of business.

Section 6. Voting.

An affirmative vote of a majority of a quorum of the Board shall be necessary to authorize any official action of the Board. Where such vote is not possible either for or against a particular proposal, the results of such action shall be submitted to the City Council with an explanation of the failure of the Board to establish an official vote on the subject in question. All members including the Chairman shall have to vote, all votes shall be by voice, all votes shall be cast in person by Board Member and each member shall vote when present, except that any member shall automatically be disqualified from voting on any decision in which there may be a conflict of interest.

Section 7. Parliamentary Procedure.

Where the procedural or parliamentary rules adopted by the Commission do not conflict, parliamentary procedure shall be according to the Robert's Rules of Order.

Section 8. Attendance.

Members must maintain at least a seventy-five (75%) percent attendance record. Excessive absenteeism by a Board Member, or more than three (3) un-excused absences, will be dealt with through a meeting of the board to determine any recommendation to the Mayor and City Council regarding continued Board Membership. The Mayor with the consent of the City Council may elect to take formal action to dismiss a member of the Commission for failing to meet their obligations under their appointment.

ARTICLE VII: Public Hearings

Section 1. Conformity of Provisions to Law.

Public Hearings conducted by the Board shall conform to all provisions of the Wyoming Administrative Procedure Act". Wyoming Statues §16-3-101 et al.

Section 2. Authorization to Preside.

Any member or members designated by the Commission for the purpose shall be authorized and qualified to preside over and conduct any formal hearing, provided that the purpose of such hearing shall be confined to the taking and recording of all pertinent testimony, and the member or members conducting such hearing shall summarize the testimony introduced and render their opinions thereon to the full Board. Decision on matters held at such hearings before a member or members shall, however, be made only at, a regular or adjourned or special meeting of the Board.

Section 3. Member Participation.

The presiding officer and members of the Board shall not participate in the actual hearings other than propounding pertinent questions to the witness for the purpose of employing testimony. The members of the Board shall never indulge in any argument with the witness during the course of the hearing.

Section 4. Discussion of Pending Matters.

Since the Board is serving in a quasi-judicial capacity, no member of the Board shall at any time discuss with any party having an interest therein any matter pending before the Board other than during the actual period in which the hearing is being conducted.

Section 5. Presentation of Facts.

Prior to public hearing, the hearing officer or staff present the primary and basic facts.

Section 6. Procedural Conduct.

The procedure for the conduct of public hearing shall closely conform to the following:

- a. The presiding officer will announce, "This is the time and place for the hearing on the _____."
- b. The presiding officer will then request the Secretary to read the formal written application, petition, or appeal.
- c. The secretary or staff will then proceed to read the same.
- d. The presiding officer will then announce approximately as follows: "In receiving testimony pertaining to the matter now pending before the Board, the opportunity will first be given to the applicant or his representative to supplement the information given on the application. This will be followed by testimony of others who may desire to support the application. Upon the completion of testimony by proponents, an opportunity will be given to those who may oppose the application to present evidence. Upon the completion of the presentation of the opponents' case, an opportunity will be given to the applicants to rebut any testimony that may have been introduced. At the conclusion of such rebuttal testimony, the hearing will be closed.
- e. The presiding officer will then inquire, "Is the applicant or his representative present, and do you desire to be heard?" Thereafter, the applicant, and in order, others who desire to testify on behalf of the application will be heard.
- f. The presiding officer will then inquire, "Are there any persons present who desire to be heard in opposition to the application?" Thereafter, those who may be present who do so desire to testify in opposition will be heard in order.
- g. Upon the completion of the opposing testimony, the presiding officer will inquire, "If the applicant or his representative has rebuttal testimony that he desires to introduce, it will now be received." It will then be received.
- h. If, during the course of the hearing, it is the desire of any party to the hearing to ask questions of the witnesses, such questions shall be deferred until the conclusion of the testimony by the witness and then the questions shall be directed to the witness through the presiding officer, not from the floor. In this connection, testimony shall be kept to factual matters and person references shall never be permitted.
- i. The presiding officer will then announce, "Is there any question that any member of the Planning Commission would like to direct to any witness, before the hearing is closed?" Such questions may be asked upon recognition by the presiding officer.
- j. The presiding officer will then announce, "The testimony in this case has been completed.", and if there are no objections, the presiding officer will declare the

hearing closed. (After pause) "The public hearing is closed?" Upon objection, either the hearing continues, or the presiding officer entertains a motion to close the public debate.

- k. The chairman requests comments and opinions from the Board. The public is not allowed to participate except in response to questions from the Chairman.
- l. At the discretion of the Chairman, each case can be taken under temporary advisement to be considered later during the same meeting, and the next case heard. In all cases taken under advisement, the Board may recall all interested parties for further information as it may deem necessary to render all effective decision.
- m. Upon motion made and approved by the Board, any case can be taken under advisement until the next regular meeting at which there is no quorum present. Failure of the Board to act at the next regular meeting at which a quorum is present shall be deemed approved unless the petitioner agrees to further delay.
- n. Upon motion made, the Board may declare itself in executive session. The chairman calls for a vote and a vote is recorded. The final decision will be dictated into the record. The final decision shall include findings of fact and conclusion of law separately stated if the petition is denied and the findings or conclusions are requested by the petitioner.
- o. After all cases have been decided by the Board or have been taken under advisement, the meeting proceeds according to the agenda.

ARTICLE VII: Cases Not Requiring Public Hearing

Section 1. Procedural Conduct.

The following outline is hereby established as the procedure to be followed in the consideration of all formal cases not requiring public hearings:

- a. The Planning Commission is briefed by staff on all primary and basic facts relative to the case.
- b. The Chairman requests the petitioner, his agent or attorney, to speak for the case, followed by anyone else for the case in questions.
- c. The Chairman requests anyone, his agent or attorney, opposed to the case to speak.
- d. The Chairman requests comments and opinions from the Commission. The public is not allowed to participate except in response to questions from the Chairman.
- e. Upon the discretion of the Chairman, each case can be taken under temporary advisement to be considered after the same meeting, and the next case heard. In all cases taken under advisement, the Commission may recall all interested parties for further information as it may deem necessary to render an effective decision.
- f. Upon motion made and approved by the Board, any case can be taken under advisement until the next regular meeting, at which there is a quorum present. Failure of the Board to act at the next regular meeting, at which a quorum is present shall be deemed approved unless the petitioner agrees to further delay.

- g. Upon motion made, the Board may declare itself in executive session. The Chairman calls for a vote and a vote is recorded. The final decision will be dictated into the record. The final decision shall include findings of fact and conclusions of law separately stated if the petition is denied and the findings of fact and conclusions of law are requested by the petitioner.

ARTICLE VIII: Case Applications, Lead Time and Agendas

Section 1. Signed Applications.

Formal signed application must be made on the furnished form before any petition will be accepted and processed.

Section 2. Necessary Information.

Petitioner must furnish necessary information so that the Board may systematically and meaningfully consider the petition and arrive at a decision/recommendation of approval/disapproval.

Section 3. Case Types.

Case Types to be formally presented to the Board include petitions for:

- a. Appeal from administrative decision.
- b. Subdivision.
- c. Special Use Permits.
- d. Zoning Changes.

Section 4. Lead Time.

Lead time is required for processing. Petitioner must file seventeen (17) days before the Board meeting date for Special Use permits, twenty-two (22) days ahead for a Zone Change, and thirty (30) days for a Subdivision, in order to allow time for required publication of legal notice in newspaper, and processing time for both City staff and newspaper staff. All other case types require a minimum of ten (10) days, and an application form must be submitted to the City of Rawlins ten (10) days prior to the meeting in order for the case to be scheduled on the agenda.

Section 5. Subject Submitted in Writing.

Upon application by an interested party for a place upon the agenda of a Planning Commission meeting, the secretary of the Planning & Zoning Commission shall require that all data pertaining to such subjects be presented in writing at least one week prior to the date of the Meeting.

Section 6. Postponement.

Where the volume of Commission subjects may require such action, the Chairman of the Commission may postpone discussion of certain subject until sufficient time is available for the members to give proper review to such subjects.

Section 7. Agendas.

Agendas shall ordinarily be mailed to members of the Planning Commission at least five (5) days prior to the meeting at which subjects are to be considered.

Section 8. Subjects Not Listed in Agenda.

Subjects which are not listed on an official Commission Agenda shall not be considered at a meeting, unless unusual conditions approved by the Commission justify such actions.

Amendments

Section 9. Amendment.

These rules and procedures may be altered, amended or repealed by an affirmative vote of four (4) members of the Commission at any regular or special meeting provided such proposed amendment or appeal has been submitted in writing to each member of the Commission at least three (3) days prior to the meeting at which such action is taken subject to final approval by the Rawlins City Council.

Section 10. Conflicts Of Interest.

No board member shall vote or otherwise participate in any matter in which he has an interest. When such interest appears, the board member shall make such interest known, and shall thenceforth refrain from voting on or otherwise participating in the particular transaction involving such interest.

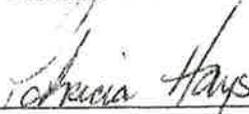
Section 12. Repeal and Replace.

These bylaws shall repeal and replace all other rules of procedure, bylaws previously adopted or abided by. The revisions made to these bylaws were approved at a meeting of the Rawlins City Council.

BOARD APPROVAL AND RECOMMENDATION TO THE RAWLINS CITY COUNCIL

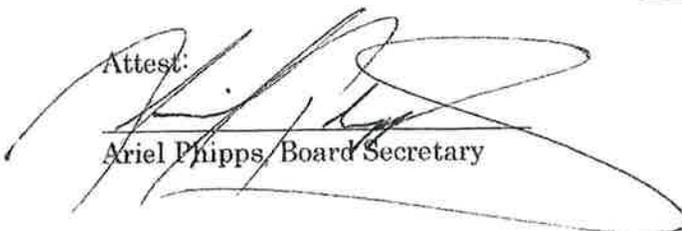
THE RAWLINS PLANNING & ZONING COMMISSION HEREBY APPROVES, RATIFIES AND RECOMMENDS these Bylaws consisting of nine (9) written pages to the Rawlins City Council for final approval on the 4th day of February, 2020.

RAWLINS PLANNING & ZONING
COMMISSION



Patricia Hays, Chairman

Attest:



Ariel Phipps, Board Secretary

**RAWLINS CITY COUNCIL PASSAGE, APPROVAL AND ADOPTION OF THE RAWLINS
PLANNING & ZONING COMMISSION GOVERNING BYLAWS, RULES AND
PROCEDURES**

THE ABOVE AND FOREGOING RAWLINS PLANNING & ZONING COMMISSION BYLAWS, RULES AND PROCEDURES WERE PRESENTED TO THE RAWLINS CITY COUNCIL on the 4th day of July, 2020, at a regularly held meeting of the Rawlins City Council with said Bylaws, Rules and Procedures being approved by a majority of the Rawlins City Council and shall hereby become the Bylaws, Rules and Procedures to be utilized by the Rawlins Planning & Zoning Commission henceforth.

PASSED, APPROVED AND ADOPTED by the Rawlins City Council this 4th day of July, 2020,

THE CITY OF RAWLINS,
A WYOMING MUNICIPAL CORPORATION.

Steven S. Nicholson
Mayor Steven S. Nicholson

ATTEST:

Marla K. Brown
Marla K. Brown, City Clerk