February 27, 2020

TO: Planning Commission

FROM: Anna B. Kurtzman, Zoning Administrator

Subject: Amending By-Laws

As mentioned the last time we met, there has been recent modifications to state requirements which requires certain public bodies to allow citizens to speak to the body regarding items which may, or may not, be listed on the agenda. Planning Commissions are one of those bodies. As you have published by-laws which provide an outline for agendas it is appropriate to amend the by-laws to include this new requirement. You'll see this revision outlined in the attached document.

It would be appropriate to have the Commission formally change the by-laws during their March 5th meeting.

/abk
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BY-LAWS
OF THE
TOWN of CORTLAND
PLANNING COMMISSION

Revised August 31, 1998
Revised July 18, 2005
Revised August 6, 2007
Revised August 4, 2016
Revised March 5, 2020

ARTICLE I

GENERAL PROVISIONS

SECTION 1.1 These rules are supplementary to the provisions of applicable Illinois statutes and the Zoning Ordinance of the Town of Cortland as they relate to the procedures of the Planning Commission.

SECTION 1.2 Any member who has a proprietary, or any other conflict of interest, in a matter before the Commission shall not vote thereon and shall remove himself from any meeting or hearing at which said matter is under consideration.

SECTION 1.3 Nothing herein shall be construed to give or grant to the Commission the power or authority to alter or change the Zoning Ordinance, including the zoning map, which authority is reserved to the President and Town Board of Trustees of the Town of Cortland.

SECTION 1.4 The Town Attorney shall be consulted in cases where the powers of the Commission are not clearly defined.

SECTION 1.5 The Office of the Commission shall be located at the Cortland Town Hall.

ARTICLE II

OFFICERS AND DUTIES

SECTION 2.1 The officers of the Planning Commission shall be a Chairman, Vice-Chairman, and a Secretary.

SECTION 2.2 CHAIRMAN. The Chairman shall have the following powers and duties:

a. Preside at all meetings of the Commission.

b. Have general charge of the business of the Commission.

c. When authorized by the Commission and ordinances of the Town of Cortland, execute in its name all contracts and other obligations.

d. Appoint all committee chairmen.

e. General supervision of the conduct of affairs of the Commission and of the employees thereof.

f. Perform such other duties as are usually exercised by the Chairman of the Commission or the president or chief of a corporation.

SECTION 2.3 VICE-CHAIRMAN. The Vice-Chairman shall have the following powers and duties:

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a. Perform the duties of the Chairman during the absence or disability of the Chairman.

b. Such other powers and duties as the Chairman may from time to time delegate to him.

SECTION 2.4 SECRETARY. The Secretary shall:

a. Keep a record of the Commission's official actions;

b. Act as custodian of the minutes and records of the Commission, which shall be maintained in the office of the Commission;

c. Record the name of all persons appearing before the Commission;

d. Subject to the instructions of the Chairman, conduct the correspondence of the Commission and provide and have published notices of public hearings as required by law and these rules of procedures;

e. Furnish members of the public with blank forms of applications for consideration by the Commission; and

f. Receive on behalf of the Commission such forms, when completed and executed by the appellant or applicant or his agent or attorney.

It is not the duty, nor is it proper for the Secretary or his/her staff to complete any form for application for consideration by the Commission on behalf of an applicant.

SECTION 2.5 RECORDING SECRETARY

a. A Recording Secretary may be a member of the Commission but shall not be considered an officer of the Commission.

b. The Recording Secretary shall have the following duties:

1. Record the minutes of the Commission's proceedings and actions, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact;

2. Keep brief record of the testimony of those appearing before the Commission or cause a verbatim transcript of all hearings to be kept.

SECTION 2.6 REMOVAL OF OFFICERS. Any Officer may be removed from office or resign under the conditions described herein.

ARTICLE III

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MEETINGS

SECTION 3.1 REGULAR MEETINGS

a. The Commission shall meet in regular session on the first Thursday of each month.

b. All regular meetings shall be held at 7:00 p.m. in the Town Hall in Cortland, unless the Commission indicates otherwise by posting a notice in the Town Hall at least forty-eight (48) hours prior to the regular meeting.

c. Adjourned regular meetings of the Commission shall be held at such time and place as may be fixed in the resolution of adjournment. Except as otherwise provided in the resolution of adjournment, adjourned meetings shall be held at Town Hall.

SECTION 3.2 SPECIAL MEETINGS

a. Special meetings of the Commission may be called by the Chairman and held at any reasonable time or place fixed in the call.

b. The Chairman shall call a special meeting of the Commission at the request, in writing, of any three (3) or more members of the Commission, and if the Chairman shall fail to comply with such request, said members so requesting may call such meeting, all signing the notice.

c. Adjourned special meetings of the Commission shall be held at such time and place as may be fixed in the resolution of adjournment. Except as otherwise provided in the resolution of adjournment, adjourned meetings shall be held at Town Hall.

SECTION 3.3 NOTICE OF SPECIAL MEETINGS. The Chairman or other authorized member of the Commission shall notify each member of the Commission in writing by personal service or by mail of special meetings. Such notice shall indicate the time, place and business to be transacted at such special meeting. Such notice shall be given at least three (3) days in advance of the special meeting to which it pertains.

SECTION 3.4 OPEN MEETINGS. All meetings of the Commission shall be open to the public and no official action shall be taken except in public and in accordance with Article VIII hereof.

SECTION 3.5 QUORUM. A majority of the appointed members of the Planning Commission then holding office shall be necessary to constitute a quorum for the transaction of business at any meeting of the Planning Commission unless otherwise specifically provided in these By-laws.

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SECTION 3.6 QUORUM REQUIRED. No questions can be decided in the absence of a quorum. However, discussion and debate on any item of business can continue in the absence of a quorum.

SECTION 3.7 ATTENDANCE AT MEETINGS

a. In order to provide continuity of thought and action, it shall be a requirement of all members to attend all meetings, both regular and special, of this Commission.

b. Any member unable to attend a regular or special meeting of the Commission due to sickness or vacation shall notify the Chairman of such inability in advance of such meeting. Vacations and sickness shall be considered excused absences.

ARTICLE IV

COMMITTEES

SECTION 4.1 Committees may from time to time be appointed by the Chairman when deemed necessary by the Commission.

SECTION 4.2 The Chairman of each Committee shall recruit at least two members of the Planning Commission to each Committee.

SECTION 4.3 The Chairman of the Commission shall be an *ex-officio* member of all Committees. The Committee shall meet at such times and places as directed by the Chairman of the Committee.

SECTION 4.4 The Chairman of any Committee may appoint to his committee advisory members, having talent, information or experience bearing upon the problems before such Committee, whenever it may be advisable.

SECTION 4.5 All reports of the Committees upon which action of the Commission is contemplated shall be submitted in writing to the Commission and shall be signed by the Chairman of the Committee.

ARTICLE V

ELECTIONS, APPOINTMENTS AND REMOVAL OF MEMBERS

SECTION 5.1 ELECTIONS. The Officers of the Commission shall be elected at a regular meeting of the Planning Commission and shall serve for a term of one (1) year. Elections are to be held on the meeting date in June which falls after the beginning of the fiscal year for the Town and after

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the Town Board meeting during which the Board President makes appointments.

SECTION 5.2 The Recording Secretary shall be employed by the Town Board and shall serve at the pleasure of the Commission.

SECTION 5.3 VACANCIES. Any vacancy in the office of the Chairman or Vice-Chairman or Secretary shall be filled by vote of the Commission at a regular meeting.

SECTION 5.4 In the event that the Chairman and Vice-Chairman of the Commission shall be absent or unable for any reason to attend to the duties of the Chairmanship, the members of the Commission shall appoint a Chairman pro-tem, who shall attend to all of the duties of such office until the Chairman or Vice-Chairman shall be able to attend to such duties or until a new Chairman is elected.

SECTION 5.5 REMOVAL. Any appointed member shall be removed from the office for neglect or failure to faithfully discharge the responsibilities of this office upon a vote of two-thirds (2/3) of the Planning Commission members present at a duly convened meeting provided that the notice of such meeting shall specify that one of the purposes of the meeting shall be to consider such matter.

ARTICLE VI

ORDER OF BUSINESS

SECTION 6.1 The order of business at regular meetings of the Commission shall be:

a. CALL TO ORDER
    1. Pledge of Allegiance

b. ROLL CALL
~~b.~~c. PUBLIC WISHING TO SPEAK
~~c.~~d. APPROVAL OF MINUTES
~~d.~~e. CHAIRMAN'S REPORT
~~e.~~f. COMMISSIONER'S REPORT
~~f.~~g. LIAISON REPORTS
~~g.~~h. STAFF REPORTS
~~h.~~i. PUBLIC HEARING
~~i.~~j. UNFINISHED BUSINESS
~~j.~~k. NEW BUSINESS
~~k.~~l. ADJOURNMENT

SECTION 6.2 The order of business at special meetings of the Commission shall be as designated by the Chairman.

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SECTION 6.3 The order of business at Committee meetings of the Commission shall be as designated by the Committee Chairman.

ARTICLE VII

PROCEDURES FOR PUBLIC HEARINGS

SECTION 7.1 An application form for Zoning Ordinance amendments or special uses shall be prepared by the Zoning Administrator from time to time for completion by applicants, which application shall require such information which will adequately delineate the nature of the applicant's request. Together with the application, an applicant shall file the names and addresses of all persons that the applicant intends to call as witnesses at the public hearing on the application in the order in which they are to be called and a brief summary of the evidence or testimony that the applicant expects to elicit from each witness. In the case of expert witnesses, the applicant shall identify the subjects or fields of expertise in which the witness is expected to offer expert testimony and the name of any firm or organization by whom the witness is employed or with whom he is affiliated.

SECTION 7.2 At the time of the hearing, the applicant may appear in his own behalf or be represented by his counsel or agent.

SECTION 7.3 In the event that objectors retain counsel to represent them at a hearing before the Commission, then such counsel shall notify the applicant, or his agent or attorney, that he has been so retained and will be present to object. Such notice shall be delivered to the offices of the Commission and to the applicant, or his agent or attorney, at least two (2) days prior to the scheduled hearing date. If counsel does not give such notice of being retained by the objectors, then the applicant, or his agent or attorney, shall have the option of postponing the hearing to the next regular meeting of the Commission.

SECTION 7.4 All witnesses shall testify under oath.

SECTION 7.5 The applicant or his representative may make an initial statement outlining the nature of his request prior to introducing evidence.

SECTION 7.6 Evidence shall be presented in the following order:

a. Chairman may give restatement of case if applicant's, or his representative's, initial statement needs clarification
b. Applicant presents evidence
c. Commission members examine applicant's witnesses
d. Public presents evidence
e. Commission members examine other witnesses
f. Rebuttal by applicant

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g. Rebuttal by objectors
h. Staff presents evidence
i. Evidence by Commission, if any.

SECTION 7.7 The Commission shall not be bound by the strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence.

SECTION 7.8 An applicant or objector, or his agent or attorney, may submit a list of the persons favoring or opposing the application. Such list will be accepted as an exhibit if it contains nothing more than a brief statement of the position of the persons favoring or opposing the application, together with the signatures of the persons subscribing to such statement.

SECTION 7.9 No written reports, memoranda, maps, charts, or other documents shall be received in evidence by the Commission unless a copy thereof shall have been filed with the Zoning Administrator at least seven (7) days prior to the date of the public hearing at which time such reports, memoranda, maps, charts, or other documents are offered in evidence.

SECTION 7.10 The Chairman shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Commission.

ARTICLE VIII

DECISIONS

SECTION 8.1 The Commission's final decision or recommendation shall be made within a reasonable time after the public hearing (9-9-2 B4, C4 c2). Any applicant may withdraw his application at any time prior to the decision thereon by the Commission.

SECTION 8.2 All decisions of the Commission shall be made at a public meeting by motion made, seconded, and the Chairman polling the membership by a roll call vote.

SECTION 8.3 Members of the Commission absent and not hearing all the evidence shall not be eligible to vote on any question before the Commission, provided, however, that any such absent member who certifies that he has read the transcript of the proceedings before the Commission, shall be eligible to vote.

SECTION 8.4 Final disposition of any application for the Commission's consideration shall be in the form of a recommendation granting or denying the application, and shall include the Commission's findings of fact and reasons for their action. The Commission may require such

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conditions, restrictions or limitations upon the application to secure compliance with the standards set forth in the Cortland Zoning Ordinance and Subdivision Ordinance and shall be made part the recommendation.

SECTION 8.5 Notices of the decision of the Commission shall be given to the applicant, Zoning Administrator, and other interested parties as soon as possible after the decision is reached.

ARTICLE IX

RECORDS

SECTION 9.1 A file of materials and decisions relating to each case shall be kept by the Secretary as part of the records of the Commission.

SECTION 9.2 All records of the Commission shall be of public record.

ARTICLE X

AMENDMENT OF BYLAWS

SECTION 10.1 These bylaws may be amended from time to time by motion of any member as hereinafter provided.

SECTION 10.2 Amendments shall be presented in writing to the Commission at a regular meeting by the member proposing such amendments.

SECTION 10.3 Proposed amendments shall not be voted upon until the next regular meeting following their presentation to the Commission.

SECTION 10.4 No amendment shall be effective unless approved by a majority of all members of the Commission then appointed to office.

SECTION 10.5 The suspension of any rule of procedure in any specific case may be authorized at any meeting of the Commission by a unanimous vote of those members present, provided such suspension does not affect any time limits specified herein or is not otherwise in conflict with applicable Illinois statutes or the Zoning Ordinance of the Town of Cortland.

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ARTICLE XI

RULES OF ORDER

SECTION 11.1 Roberts Rules of order shall prevail at all meetings of the Planning Commission except as otherwise provided in these by-laws.

The Planning Commission of the Town of Cortland hereby adopts the foregoing rules and regulations.

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