

BYLAWS OF THE
STATUTORY PLANNING COMMISSION
OF THE CITY OF RAPID CITY, SOUTH DAKOTA

ARTICLE I - DUTIES AND FUNCTIONS

Section 1 - Planning Commission Duties.

(a) The purpose of the City of Rapid City Statutory Planning Commission shall be to preserve the quality of life and natural environment of the community, enhance the economic vitality and diversity of the community and promote the cost effective delivery of public services to the community. The Statutory Planning Commission shall be sensitive to and shall act to implement the goals and policies as identified in the Comprehensive Plan of the City of Rapid City.

(b) The duties and functions of the Rapid City Statutory Planning Commission shall be to consider and make recommendations to the City of Rapid City Common Council with regard to the establishment and implementation of land use planning policies within the Rapid City corporate limits and surrounding areas. The Statutory Planning Commission shall consider and make recommendations to the Common Council as to the approval, modification and disapproval of all plats of a subdivision of land lying within the three (3) miles of its corporate limits and not located in any other municipality. The Statutory Planning Commission shall also consider and advise the Common Council on all proposed changes to the zoning and subdivision ordinances, and prepare comprehensive plans for the physical development of the city and its planning jurisdiction. The Commission shall also perform such other duties as required by state law and as the Common Council may by ordinance prescribe.

(c) The Statutory Planning Commission may expend funds as may be provided by the Common Council for training, education, travel, and other expenses which may be incurred

in carrying out the duties and functions delegated to the Commission by the Common Council and as prescribed by statute and ordinance. The Commission may contract, with the approval of the Common Council, with municipal planners, engineers, and architects and other consultants for such services as it requires. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose of the Common Council, which shall provide the funds, equipment, and accommodations necessary for the Commission's work.

ARTICLE II - MEMBERS

Section 1 - Composition.

- (a) The Statutory Planning Commission shall consist of ten (10) members.
- (b) The membership shall be determined and appointed in the following manner: nine members of the Commission shall be resident electors of the City of Rapid city appointed by the Mayor and confirmed by the Common Council; one member of the Commission shall be a resident elector of the three mile jurisdictional area appointed by the Mayor and confirmed by the Common Council.
- (c) Members of the Commission shall be chosen who through their desire, education, experience and public service will represent the community at large in the areas of long range as well as current community planning. To the degree possible the membership shall include individuals with expertise in civil engineering, architecture, real estate, land development, public or private utilities, law, public education, government, community services, business, industry, environmental matters, family issues or any other specialty that will provide a broad, qualified and balanced representation of the community.
- (d) No member of the Planning Commission may hold any elective office in the City municipal government.

Section 2 - Term.

(a) The terms of each member of the Statutory Planning Commission shall be for three (3) years.

(b) All members of the Planning Commission shall serve without compensation except for actual expenses which shall be subject to the approval of the Common Council.

(c) Members of the Planning Commission may be removed by the Mayor with the confirmation of the Common Council after a public hearing for cause which shall be stated in writing and made a part of the record of such hearing.

(d) Vacancies occurring other than through the expiration of term shall be filled for the remainder of the unexpired term in the same manner as for appointment.

Section 3 - Attendance. Any member absent from 25% of the regular meetings in any calendar year, or three consecutive regular meetings without justifiable cause as determined by the Planning Commission, may be recommended for removal by the Mayor with the confirmation of the Common Council pursuant to the requirements of Section 2 of this article.

ARTICLE III - OFFICERS

Section 1 - Offices. The following offices shall be maintained: Chairperson, Vice Chairperson and Secretary. Such additional offices as may be necessary may be created from time to time.

Section 2 - Election of Officers. The Chairperson, Vice Chairperson and Secretary shall be elected by the Statutory Planning Commission.

Section 3 - Chairperson Duties. The Chairperson shall preside at all meetings of the Statutory Planning Commission, shall notify the Rapid city Common Council and other involved bodies of the recommendations and actions of the Commission, shall sign documents on behalf of the Commission, shall see that all decisions of the Commission are properly carried out and

shall perform other duties and functions as may be determined by the Commission. In the absence of the Chairperson, the Vice Chairperson shall perform the duties of the Chairperson, and should there be no Vice Chairperson, then the Secretary shall perform the duties of the Chairperson. The Chairperson may select other members of the Commission to assist in carrying out the duties of the office.

Section 4 - Vice Chairperson Duties. The Vice Chairperson shall perform the duties of the Chairperson in the absence of the Chairperson and shall perform such other duties as may be assigned by the Commission. The Vice Chairperson may select other members of the Commission to assist in the carrying out of the duties of the office.

Section 5 - Secretary Duties. The Secretary shall assist such staff as is available to keep the minutes and records of the Commission, to prepare the agenda of regular and special meetings under the direction of the Chairperson, provide notice of all meetings to Commission members, arrange proper and legal notice of hearings, attend the correspondence of the Commission and such other duties as are normally carried out by the Secretary. The Secretary shall act for the Chairperson and Vice Chairperson should both be absent.

Section 6 - Terms of Office. The Chairperson, Vice Chairperson and Secretary shall be elected at the last regular meeting held in June of each year. The term of office of the Chairperson and Vice Chairperson shall be one year and all officers shall be eligible for reelection.

ARTICLE IV - COMMITTEES

Section 1 - Appointment. The Chairperson, with the concurrence of the Statutory Planning Commission may establish such committees as may be necessary for the conduct of the business of the Commission. The Chairperson shall appoint the members of such committees.

Section 2 - Committee Meetings. Any meetings of committees created pursuant to this section shall be held in accordance with all applicable sections of the South Dakota Codified Laws and the requirements of the Rapid City Municipal Code. All members of the Commission shall be entitled to attend meetings of the Committees.

ARTICLE V - MEETINGS

Section 1 - Open Public Meetings.

(a) All meetings of a quorum of the Statutory Planning Commission or committees thereof at which any public business is discussed are public meetings open to the public at all times except as otherwise provided in this article.

(b) The minutes shall be taken of any meetings which are public meetings open to the public pursuant to the provisions of this section, and shall be promptly recorded. The minutes shall be open to the public at the City Planning Department office during normal business hours.

(c) The Statutory Planning Commission may hold executive sessions for the purpose of considering personnel matters, employment contracts, negotiations or pending litigation within the confines of the attorney-client privileges recognized by state law, which shall not be subject to the provision of this section; provided, however, that nothing in this section is intended to authorize executive sessions where the same are otherwise prohibited by the statutes of the State of South Dakota or the Rapid City Municipal Code.

Section 2 - Regular Meetings. Regular meetings of the Commission shall be held at least once in each month and in accordance with the schedule established by the Commission at the last regularly scheduled meeting of the Commission each year. At such meetings the Commission shall consider all matters properly brought before the Commission as set forth on the agenda, pursuant to the provisions of Section 9 of this article.

Section 3 - Special Meetings. Special meetings shall be held upon the call of the Chairperson or Vice Chairperson or upon written request of two members of the Commission. Notice of special meetings shall be given at least twenty-four hours prior to any meeting by posting a copy of the notice, visible to the public at the principal office of the Statutory Planning Commission. Such notice shall set forth the time, place, date and purpose of the meeting. Copies of the notice shall be delivered in person, by mail or the information in the notice shall be transmitted by telephone to members of the local news media who have requested such notice. To the extent possible, notice for all special meetings shall comply with the public notice provisions concerning regular meetings.

Section 4 - Work Sessions. The Chairperson may establish regularly scheduled monthly work sessions and/or breakfast meetings.

Section 5 - Agenda. The agenda for regular meetings shall be prepared under the direction of the Planning Director. Commission members or staff may add items to the agenda at the beginning of each meeting.

Section 6 - Time and Length of Meetings. The regularly scheduled meetings of the Planning Commission shall convene at 7:00 a.m. However, should the agenda be lengthy, the Planning Director or the Chairperson of the Commission may call a special meeting. Notice of the special meeting shall be given forty-eight (48) hours in advance. Such notice shall set forth the time, place, date and purpose of the special meeting.

Section 7 - Presence of Applicant. If the applicant, or authorized representative is not present, the item may be tabled, however, the Chairperson may move the item to the end of the agenda to allow the applicant additional time to appear. When the continuance of an item would result in an automatic approval due to the ninety (90) day time limit, the Planning Commission may deny the application without prejudice.

Section 8 - Quorum. A quorum for the conduct of business at any meeting shall be six (6) members of the Commission. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date.

Section 9 - Commission Action. In all applications coming before the Commission, the affirmative vote of a majority of those present and voting shall be required to approve, approve with conditions or modifications or deny an application, or to forward a recommendation to the Common Council. In the event of a tie vote in a land use application, no recommendation shall be forwarded to the Common Council. In all other matters, the affirmative vote of a majority of those present and voting shall be required to approve a motion. In the event of tie vote on an item other than land use application, the motion shall be defeated. The Chairperson may vote on all matters to come before the Commission. Members voting shall be in attendance at the meeting, and no attendance or voting by proxy shall be allowed.

Section 10 - Rules of Procedure. All meetings shall be conducted in accordance with these bylaws. Where these bylaws do not prescribe specific procedural rules, the Statutory Planning Commission shall conduct all business in general compliance with Robert's Rules of Order.

ARTICLE VI - CONFLICT OF INTEREST

Section 1 - Disclosure of Conflicts of Interest. Except as provided in Section 2 of this article, no member of the Statutory Planning Commission shall participate in the voting upon, or recommendation to the Common Council of any matter before the Statutory Planning Commission in which the member has a potential personal or pecuniary interest not common to other members of the Commission.

Section 2 - Application. The provision of Article VI shall apply to all proceedings of the Planning Commission or committees thereof, deemed open public meetings provided that nothing contained in this subsection shall be construed to authorize a Statutory Planning

Commission member to participate in any proceedings where such participation is otherwise prohibited by law.

ARTICLE VII - AMENDMENT

Section 1 - Amendment of Bylaws. These bylaws may be amended at any regular meeting of the Statutory Planning Commission, provided that the proposed amendment has been introduced in writing at the prior regular meeting of the Commission. Amendment of the bylaws shall require the affirmative vote of six of the members of the Statutory Planning Commission, and shall become effective upon approval by the Rapid City Common Council.