

**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) **Section 1 - Purpose.** 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) **Section 2 - Duties.** 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 shall 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) **Section 3 - Expenditures.** 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)~~ nine (9) members and two (2) alternate members.

(b) The membership shall be determined and appointed in the following manner: ~~nine~~ eight members of the Commission and the two alternate members 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.

(e) It is an objective to have at least one member of the Planning Commission from each ward of the City. Accordingly, no appointment shall be made to the Planning Commission which would result in two or more members being from the same ward, if there is no current member who is a resident of one of the other wards. However, the change of residence of a member of the Planning Commission from one ward to another ward shall not create a vacancy.

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 a 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% percent~~ 25% percent 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. Alternate members of the ~~Statutory~~ Planning Commission cannot hold an office.

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 act for the Chairperson and Vice Chairperson should both be absent.~~ The Secretary shall assist ~~such staff as is available~~ needed to keep the minutes and records of the Commission, to prepare the agenda of regular and special meetings under the direction of the Chairperson, to provide notice of all meetings to Commission members, to arrange proper and legal notice of hearings, to attend the correspondence of the Commission, and to perform 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~~ October of each year. Their terms 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.~~ Notice of the meeting and the items on the agenda shall be given in accordance with state law.

(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~~ available to the public at the City Community Planning and Development Services Department office during normal business hours.

(c) The ~~Statutory~~ Planning Commission may hold executive sessions for the purposes permitted by state law. ~~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 as needed, or generally at least twice ~~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 in accordance with state law. At the time of adoption of these bylaws, state law requires as follows. ~~a~~ At least twenty-four ~~24~~ hours prior to any meeting ~~by posting~~ a copy of the notice shall be posted, 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. The notice shall also be posted on the website of the Planning Commission at the same time. ~~Copies of~~ The information in the notice shall be delivered in person, by mail or the information in the notice shall be transmitted by telephone, by email, or 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~~ for regular meetings.

Section 4 - Work Sessions. The Chairperson may establish regularly-scheduled monthly work sessions and/or breakfast meetings. If such work sessions involve a quorum of the Planning Commission, it shall be considered an open meeting under Section 1.

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 in advance of the meeting or, if advance notice is not possible, at the beginning of each the meeting.

Section 6 - Time and Length of Meetings. The regularly scheduled meetings of the Planning Commission shall convene after the Zoning Board of Adjustment meeting, but in no event prior to 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 in accordance with Section 3. 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 the applicant's authorized representative is not present at the meeting, the item may be tabled or continued; 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 pursuant to any ordinance or law 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)~~ five members of the Commission. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a subsequent date and/or to continue any agenda items until a future meeting.

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~~ the item will be forwarded to the Common Council without recommendation. ~~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 a tie vote on an item other than a 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 or shall participate via teleconference as permitted by state law, and no attendance or voting by proxy shall be allowed.

Section 10 – Alternates. The alternate members can participate and vote at the meeting only when one or more of the regular ~~p~~Planning ~~e~~Commission members is absent or leaves during the course of the meeting. Each alternate member shall be designated as either the first or second alternate, with the first alternate participating to fill the first seat that is vacant and the

second alternate participating if there are any additional vacancies. If a regular member should leave or recuse himself/herself during a meeting, and if the alternate members are not already participating, then the alternates may fill the seat in the same manner as previously described. If the first alternate arrives after the meeting has started and the second alternate is already participating in the meeting, then the first alternate may only participate if the second alternate relinquishes their seat, or if there are additional absences that would allow both alternates to participate. If a regular member arrives late and cannot participate due to the participation of one or both of the alternates, then the regular member may take the seat of the second alternate or, if the second alternate is not participating, the first alternate. The regular member can take the alternate's seat after the final disposition of the agenda item that the eCommission is currently discussing.

Section 11 - 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.

Adopted this _____ day of _____, 2015.

PLANNING COMMISSION

Chairperson

ATTEST

Secretary