

# *City of Geneva*



## **PLAN**

## **COMMISSION**

## **BYLAWS**

**Adopted September 28, 2017**

CITY OF GENEVA  
PLAN COMMISSION BYLAWS

ADOPTED SEPTEMBER 28, 2017

**ARTICLE I – GENERAL PROVISIONS**

1. These rules are supplementary to the provisions of the Code of Ordinances of the City of Geneva, as they relate to the procedures of the Plan Commission.
2. No member of the Plan Commission who has a conflict of interest in a matter before the Commission shall vote thereon.
3. Nothing herein shall be construed to give or grant to the Plan Commission the power of authority to change or alter the Zoning Ordinance, including the Zoning Map. This authority is reserved to the Geneva City Council.
4. The City Attorney shall be consulted in cases where the powers of the Plan Commission are not clearly defined.
5. The office the Plan Commission shall be the office of the City of Geneva Community Development Department.
6. Roberts Rules of Order shall be the official rules of the Plan Commission except when they are in conflict with the officially adopted bylaws.

**ARTICLE II - OFFICERS AND THEIR DUTIES**

1. Chairman

The Mayor of the City of Geneva shall appoint the Chairman of the Plan Commission. The Chairman shall:

- a. Preside at all meetings of the Plan Commission.
- b. Have general charge of the business of the Plan Commission.
- c. When authorized by action of the Plan Commission, sign and seal in its name documents as required by law.
- d. Appoint all subcommittees of the Plan Commission.
- e. Perform such other duties as are usually exercised by the Chairman, as authorized by the Ordinances of the City of Geneva.

2. Vice Chairman

The Mayor of the City of Geneva shall appoint the Vice Chairman after the appointment of the Chairman. In the event of the absence or inability of the Chairman to serve, the Vice Chairman shall perform the duties assigned under this Article.

### 3. Administrative Secretary

The Administrative Secretary of the Plan Commission or designee shall:

- a. Attend all regular and special meetings of the Plan Commission and maintain a permanent record of minutes of the same.
- b. Record the names and addresses of all persons appearing before the Plan Commission and provide summaries of testimony.
- c. Be the custodian of the files and records of the Plan Commission.

The Director of the Geneva Community Development or his designee shall serve in the capacity of Administrative Secretary. In the event of the absence of the Secretary at any meeting, the Chairman shall appoint a temporary Secretary. In the absence of the Chairman or Vice Chairman, the majority of those present shall appoint an Acting Chairman.

## **ARTICLE III – MEETINGS**

- Regular meetings of the Plan Commission shall be held on the second and fourth Thursdays of each month at 7:00 p.m. at City Hall, 22 South First Street, unless such day shall be a recognized holiday. In that event, the regular meeting shall be held at such time as the Chairman may designate.

No petition or item of business shall be started after 10:00 p.m. unless it is determined by a simple majority vote of a quorum of the Commission that any such item of business or petition can be reasonably and expeditiously decided. In the event the Plan Commission does not vote to consider an item on the approved agenda after 10:00 p.m., then the Plan Commission shall reconvene to consider all such remaining matters at a date and time as the Chairman may designate.

- Regular meetings may be postponed by the Chairman or changed to another date, provided that adequate public notice is given, and all members notified.
- Special meetings of the Plan Commission for a stated cause, may be called by the Chairman at a regular meeting. Special meetings of the Plan Commission may be continued at such time and place as may be fixed at the special meeting.

Special meetings of the Plan Commission shall also be called by the Chairman upon the written request of any four (4) or more members of the Plan Commission. In this instance, the Plan Commission members shall be given a minimum of seven (7) days' notice prior to such special meeting (excluding a special meeting called at a regular meeting).

Proper public notice shall be given for all special meetings as provided by law.

- All meetings shall be open to the public, except for those, which may be closed under the provision of the Illinois Revised Statutes, Chapter 102, and Sections 41-44.
  - A quorum shall consist of a simple majority of the Plan Commission members for any regular or special meeting, and is required for any decision, determination, or official action by the Plan Commission. A vote by a simple majority of those present shall be sufficient for approval of any decision.
  - Plan Commissioners may participate in a meeting by video or audio conference, provided such attendance complies with the City's adopted Electronic Attendance at Meetings Rules and the Open Meetings Act.
    - A quorum of the Commission must be physically present at the meeting in order to achieve a quorum.
    - No more than two (2) members of a Public Body may participate in a meeting by video or audio conference.
    - A Commissioner wishing to attend a meeting by video or audio conference must notify the Administrative Secretary not less than twenty-four (24) hours before the meeting.
    - A Commissioner may participate by video or audio conference if he or she is prevented from physically attending the meeting because of: 1) personal illness or disability; 2) employment purposes or the business of the Commission; or 3) a family or other emergency.
    - The Chairman will announce the name of any Commissioner participating in a meeting by video or audio conference at the beginning of the meeting.
- A Commissioner participating in a meeting by video or audio conference shall preface their comments and their votes by first stating their full name.

#### **ARTICLE IV – ORDER OF BUSINESS**

1. All meetings of the Commission shall proceed as follows:
  - a. Call to Order
  - b. Roll Call
  - c. Approval of Agenda
  - d. Approval of Minutes of Previous Meetings
  - e. Consideration of Petitions
  - f. Public Comment
  - g. Other Business
  - h. Adjournment
2. Continuance of a hearing may be granted at the discretion of the Plan Commission in any case for good cause, and for any interested party who has entered their appearance, as follows:
  - a. New petitions or new business appearing for the first time on the agenda.
  - b. Continued petitions

All petitions, which have been previously approved on the agenda of the Plan Commission, constitute continued petitions. A request for the further continuance of a case will be considered at the time the case is called and upon showing:

- That the petitioner has given reasonable notice in writing to all persons who have filed a written objection in the matter; and
  - That the petitioner will be unable to proceed with his evidence at the hearing.
- Failure of petitioner to appear
    - a. The chairman may entertain a motion from the plan Commission to dismiss the case for failure of the petitioner to appear. In the absence of a motion by the Plan Commission, the Chairman shall rule.
    - b. In cases, which are dismissed for failure of the petitioner to appear, the petitioner will be furnished written notice by the Administrative Secretary of the Plan Commission.
    - c. The petitioner shall have seven (7) days from the date of the notice of dismissal to apply for reinstatement of the case. In such cases, the petitioner must file a written request with the Plan Commission secretary for reinstatement. Reinstatement shall be at the discretion of the Chairman for good cause shown, and upon repayment of the appropriate fee by the petitioner.
    - d. All petitions reinstated will be docketed and advertised by the petitioner following identical procedures required of new petitioners.

#### **ARTICLE V – PROCEDURE FOR HEARING**

1. At the time of the hearing, the petitioner may appear on his/her own behalf or be represented by counsel and/or agent(s). In the event any objector(s) retain counsel and/or agent(s) to represent them at a hearing before the Commission, then such counsel or agent(s) shall state that he/she has been so retained and is present to object.
2. Evidence shall be presented in the following order:
  - a. The Chairman may make a statement or introduction of the petition as appropriate;
  - b. Evidence, comments and staff report from the Administrative Secretary, if any;
  - c. The Plan Commission cross-examines the petitioner and/or their witnesses;
  - d. Upon being sworn under oath by the Chairman, the objectors present evidence;
  - e. The Plan Commission cross-examine the objectors and/ or their witnesses;
  - f. Recommendation from the Administrative Secretary, if any;
  - g. Response by the petitioner;
  - h. Response by objectors to new information presented in Item G;
  - i. Open the floor for questions;
  - j. Evidence, comments, requests or continuances by the Commission;
  - k. Close public hearing.

3. The public hearing may be reopened at the discretion of the Chairman at any continued Plan Commission public hearing, if there is no objection from the Plan Commissioners, or on a motion and majority vote of the Plan Commission present.
4. The Plan Commission shall not be bound by strict rules of evidence, and may exclude irrelevant, immaterial, incompetent or repetitious testimony or other evidence. It shall be the prerogative of the Chairman to enforce a limit on testimony and shall be decided without debate by a majority vote of the members of the Plan Commission then present.
5. A petitioner or objector, or the agent or attorney of either, may submit a list of persons favoring or opposing the application.
6. The Chairman shall rule on all questions relating to the admissibility of evidence, which rulings may be overruled, upon motion and by a simple majority of the Commission.
7. The petitioners and objectors should present all evidence they possess concerning the case at the initial phase of the public hearing. The Administrative Secretary will accept written material (for distribution) from the petitioners or objectors requested by the Commission until such time as the Plan Commission takes the final vote.

#### **ARTICLE VI - DECISIONS**

1. The Plan Commission shall conduct its vote in public session.
2. All decisions of the Plan commission shall be made by motion, seconded, and a roll call vote, polled by the Administrative Secretary. With respect to a petition for a special use, the motion shall include explicitly, or by reference, the Findings of Fact, and shall state explicitly, or by reference, the reasons for the Findings of the Plan Commission. If conditions are imposed in a recommendation, such conditions shall explicitly be included in the motion.
3. A summary of the petition shall be acknowledged as to accuracy by the Administrative Secretary and shall be a part of the public record of the Plan Commission.
4. Notice of decision and/or recommendation of the Plan Commission shall be given to petitioner.

#### **ARTICLE VII – AMENDMENT OF BYLAWS**

1. These rules may be amended by an affirmative majority vote of the members of the Plan Commission.
2. The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.
3. These rules may be suspended for due cause upon the affirmative vote of a simple majority of the Plan Commission.
- 4.

## **ARTICLE VIII – MEMBERSHIP**

1. When a member of the Plan Commission has missed three (3) consecutive meetings without notifying the Administrative Secretary at least 24 hours in advance and/or a member is absent a majority of the regularly scheduled meetings in twelve consecutive months, the Chairman will request staff to prepare a letter to the Mayor for signature by the Mayor requesting the resignation of that individual from the Plan Commission for signature by the Chairman.

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