

**BYLAWS
OF THE
KENT COUNTY REGIONAL PLANNING COMMISSION**

**ARTICLE I
NAME OF ORGANIZATION**

Section 1. The name of this organization shall be the Regional Planning Commission of Kent County, Delaware, hereinafter referred to as the Commission.

**ARTICLE II
AUTHORITY**

Section 1. The Commission is authorized under and charged with the duties and responsibilities contained in Chapters 48 and 49, Title 9, Part III, Delaware Code, as amended.

**ARTICLE III
PURPOSE, DUTIES AND RESPONSIBILITIES**

Section 1. The general purpose of the Regional Planning Commission is to study, research, plan and make advisory recommendations regarding the matter relating to the Kent County Zoning Ordinance, the Kent County Comprehensive Plan and the Subdivision Ordinance.

Section 2. The Commission is charged with the duties and responsibilities contained in Chapter 48 and 49, Title 9, Part III, Delaware Code, as amended, and such duties and responsibilities as may from time to time be assigned to it by the Levy Court of Kent County, Delaware (reference Kent County Levy Court Ordinance 88-16, An Ordinance amending the Membership, Terms, Qualifications and Compensation of the Kent County Regional Planning Commission, and amendments).

**ARTICLE IV
MEMBERSHIP, APPOINTMENT, COMPOSITION**

Section 1. The County Government shall appoint a Regional Planning Commission of seven (7) members.

Section 2. Each Levy Court Commissioner shall be entitled to submit the name of a qualified appointee residing in his district for consideration and confirmation by the Levy Court.

Section 3. The term of each appointee shall continue until a successor is named by the Levy Court Commissioner in whose district the appointee resides and is confirmed by the Levy Court.

Section 4. During the term of the appointment, a member must maintain residency within the Levy Court District from which appointed.

Section 5. Any member may terminate his/her membership at any time by notifying, in writing the Chairman. Unless otherwise specified in such notice, such resignation shall take effect upon receipt

thereof by the Chairman.

ARTICLE V **ELECTION OF OFFICERS**

Section 1. At its annual organizational dinner meeting on the second Monday in July, the Commission shall elect a Chairman and a Vice Chairman, each of which shall serve for a term of one (1) year or until his successor shall take office. The Chairman and Vice Chairman may be elected to succeed themselves.

Section 2. Nominations for Chairman and Vice Chairman shall be made from the floor and elections shall follow immediately thereafter. Voting shall be by paper ballot.

Section 3. The candidate receiving a majority vote of those present and voting shall be declared elected.

Section 4. Vacancies in office shall be filled immediately by regular election procedure at any properly constituted meeting.

Section 5. Newly elected officers will assume their responsibilities following the first official meeting after the annual organizational meeting in July.

ARTICLE VI **DUTIES OF OFFICERS**

Section 1. The Chairman shall preside at all meetings and hearings of the Commission, shall appoint all committees, and shall perform all of the duties normally conferred by parliamentary usage on such office as well as those duties specified by these Bylaws.

Section 2. The Chairman shall be a voting member of the Commission. He shall have the privilege of discussing all matters before the Commission, of initiating or seconding motions and of voting thereon.

Section 3. The Vice Chairman shall act for the Chairman in his absence. He shall be a voting member of the Commission.

Section 4. In the absence of the Chairman and Vice Chairman, the members present shall elect one of their number to be temporary Chairman for the meeting.

ARTICLE VII **STAFF**

Section 1. The Levy Court, through the Department of Planning, shall provide such secretarial and professional staff as may be required to adequately accomplish the Commission's administrative functions and responsibilities.

Section 2. The Commission shall designate a member of its staff who shall act as secretary of the Commission. The secretary shall keep the minutes and records of the Commission, prepare agenda of regular and special meetings and hearings, provide notice of meetings to Commission members and others, arrange proper notice of meetings and hearings, attend to the correspondence of the Commission and represent the Commission in other designated official capacities.

ARTICLE VIII **COMMITTEES**

Section 1. Standing committees of the Commission shall consist of:

Zoning Ordinance Committee
Legislation and Bylaws Committee
Subdivision Regulations Committee
Budget and Capital Improvements Program Committee

Section 2. Ad hoc committees and sub-committees may be established at the discretion of the Chairman.

Section 3. The Zoning Ordinance Committee may have referred to it for special review and report to the general membership of the Commission any matters which pertain to the zoning ordinance or the zoning district maps of Kent County.

Section 4. The Legislation and Bylaws Committee may have referred to it for special review and report to the general membership of the Commission any matters which pertain to the bylaws of the Commission or the state enabling legislation under which the Commission is empowered to act.

Section 5. Subdivision Regulations Committee may have referred to it for special review and report to the general membership of the Commission any matters which pertain to the Subdivision Regulation or the implementation documents of the Kent County Comprehensive Plan.

Section 6. The Budget and Capital Improvements Program Committee may have referred to it for special review and report to the general membership of the Commission any matters which pertain to the County's proposed capital improvement program or the Commission's annual operating budget. In addition, this committee shall meet annually and prepare with the assistance of the staff a proposed capital improvement program and operating budget for Commission consideration, approval and submission to the Levy Court for adoption.

Section 7. Each of the committees shall consist of at least two (2) members appointed by the Chairman. Committee members shall be appointed at the first business meeting following the annual organizational meeting and shall serve for a term of one (1) year. They may be appointed or reappointed at any properly constituted business meeting of the Commission. The Chairman of the Commission shall be an ex-officio member of each committee; however, the Chairman may appoint himself as a voting member to any committee.

Section 8. The Staff of the Commission will be available to assist any committee in the accomplishment of its assignment.

ARTICLE IX **MEETINGS AND HEARINGS**

Section 1. The regular monthly public hearing of the Commission will be held on the first Thursday of each month at a time and place publicly designated by the Commission unless there is no business pending before the Commission. The regular monthly business meeting of the Commission will be held at a time and place designated by the Commission at least seven (7) days in advance. Said time and place shall be publicly posted in the Kent County Administration Building at least seven (7) days in advance of the meeting.

Section 2. A quorum of not less than four (4) members shall be necessary before the Commission shall take any official action upon any matter before it for consideration. Four (4) affirmative votes shall be required to pass any motion.

Section 3. If requested by the Chairman or by a majority of the members present, voting shall be by roll call and a record of the roll call shall be kept as part of the minutes.

Section 4. Special meetings may be called by the Chairman or Vice Chairman. It shall be the duty of the Chairman, or in his absence the Vice Chairman, to call such a meeting when requested to do so in writing by a majority of the members of the Commission. The notice to the members of such a meeting shall specify its purposes and no other business will be considered except by unanimous consent of the members present at said meeting. Such notice shall be extended verbally or in writing.

Section 5. A meeting may be postponed to an alternate date and time agreeable to the Commission.

Section 6. Proposed changes to the text of the zoning ordinance or zoning district maps or any matter in the zoning ordinance requiring public hearing prior to Commission action will be heard at public hearing on the first Thursday of each month. Said public hearing shall continue thereafter until all matters which were advertised have been heard, except that the Commission may temporarily adjourn a public hearing and reconvene at its convenience. The hearing record will remain open for a period not to exceed two (2) work days after the hearing day, to permit the introduction of additional written statements or other written evidence into the record.

Section 7. Each applicant shall be notified of the date, time and place of the hearing at which his application will be heard. Each applicant or his designated representative will be requested to appear at the public hearing or to notify the staff if unable to attend.

Section 8. No less than four (4) members shall be necessary before the Commission may conduct a public hearing.

Section 9. The case before the Commission for consideration shall be presented in summary by its staff or by a designated member of the Commission. **Parties in interest shall be extended the**

privileges of the floor by the Chairman and in accordance with the rules of conduct for public hearings established by the Commission. A record shall be kept of those speaking before the Commission. Public hearing testimony by all witnesses shall be under oath.

Section 10. In addition to those hearings required by law, the Commission may at its discretion hold hearings when in its judgment such hearings will be in the public interest.

Section 11. Notice of the time and place of all public hearings and the subject under discussion shall be given in accordance with applicable laws and regulations.

Section 12. All hearings and meetings at which official action is taken shall be open to the general public and all official action shall be taken in public session.

Section 13. All meetings held by the body shall follow procedures in accordance with Title 29, Delaware Code, Chapter 100 entitled "Freedom of Information Act." This chapter of the Delaware Code is an attachment of these bylaws and is a part thereof.

Section 14. Any member of the Commission who fails to attend seventy-five percent (75%) of regular or special meetings of the Commission in any twelve (12) month period, without an excuse acceptable to the Chairman, shall be deemed to have resigned and the vacancy shall be filled as herein provided for original appointments.

ARTICLE X

ORDER OF BUSINESS

Section 1. The order of business at regular meetings shall be:

- Call to Order
- Roll Call and Determination of Quorum
- Approval of Minutes
- Zoning Status Report
- Communications
- Subdivision and Site Plan Review
- Report of Officers and Committees
- Staff Report
- Old Business
- New Business
- Adjournment

Section 2. A change in the Order of Business may be approved by a simple majority of those members present.

Section 3. The staff of the Commission shall have the responsibility of providing a written agenda prior to the Commission's meetings. Such agenda shall be posted in a public place seven (7) days prior to the meeting. Additional items may be added to the Commission's agenda at the business meeting, if agreed to by a simple majority of those present.

ARTICLE XI
VACANCIES

Section 1. Vacancies on the Commission shall be filled for the unexpired term by the Levy Court in the same manner as in the case of regular appointments.

ARTICLE XII
RULES OF ORDER

Section 1. The rules contained in Mason's Manual of Legislative Procedures shall govern the Commission in all cases to which they are applicable and in which they are not inconsistent with the bylaws or any special rules of order adopted by the Commission.

Section 2. An affirmative vote of a simple majority of those present is required to suspend the rules at any properly constituted meeting.

ARTICLE XIII
COMPENSATION

Section 1. Commission members shall receive such compensation as the Levy Court shall from time to time establish for boards and commissions. No out-of-pocket expenses or mileage will be reimbursed. Each Commission member must be present at a meeting to receive compensation. An annual organizational dinner meeting may be held with dinner paid for by Kent County (not to exceed dinner amount as specified in Levy Court Policy) for all members and staff who normally attend the meetings.

ARTICLE XIV
AMENDMENTS

Section 1. Notice of the proposed amendment to the bylaws shall be given to each member of the body in writing fourteen days prior to the business meeting, at which the proposed amendment is to be presented for consideration and approval at the next business meeting.

Section 2. A proposed amendment to the bylaws shall be adopted by a two-thirds vote of the members.

Section 3. Any proposed changes to these bylaws are subject to approval by the Kent County Levy Court.

Chairman

ATTEST:
Director

Regional Planning Commission

DATE: _____

DATE: _____

President

ATTEST: Secretary

DATE: _____

DATE: _____