

Bylaws of the Planning Commission of the City of Forest Park, Georgia

Article I – Name

The name of the Agency shall be the Planning Commission of the City of Forest Park, Georgia (the “Commission”).

Article II – Purpose and Organization

SECTION 1. Powers and Duties. The Powers and Duties of the Commission are set forth in Sections 8-1-2 and 8-1-3, the Zoning Ordinance, and other appropriate sections of the Code of Ordinances, City of Forest Park, Georgia (the “Code”). Pursuant to those provisions, the Commission shall make careful and comprehensive surveys and studies of existing conditions and probable future developments and prepare such plans for physical, social, and economic growth as will best promote the public health, safety, morals, convenience, prosperity, or general welfare of the City of Forest Park (the “City”) as well as efficiency and economy in the development of the City’s political jurisdiction. In carrying out these objectives, the Commission shall have the power and duty to:

1. Prepare a master plan and parts thereof for the development of the City.
2. Prepare and recommend for adoption to the mayor and council a zoning ordinance or resolution and map for the City.
3. Prepare and recommend for adoption to the mayor and council regulations for the subdivision of land within the City, and to administer the regulations that may be adopted.
4. Prepare and recommend for adoption to the mayor and council, a plat or plats or an official map showing the exact location of the boundary lines of existing, proposed, extended, widened or narrowed streets, public open spaces or public building sites, together with regulations to control the erection of buildings or other structures within such lines, within its political jurisdiction or a specified portion thereof.

In addition, the Commission may make, publish and distribute maps, plans and reports and recommendations relating to the plan and development of the City to public officials and agencies; public utilities; civic, educational, professional, and other organizations, and citizens. It may recommend to the City programs for public improvements and financing thereof. In

general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote the planning of the City's political jurisdiction.

SECTION 2. Bylaws. The Commission has the power to make and to modify these rules, procedures, and guidelines for the transaction of its business pursuant to its power under Section 8-1-2 of the Code. Except for those requirements regulated by the Code or state law, the Commission's rules, procedures, and guidelines may be modified by a majority vote of the members of the Commission at any regular meeting, provided the amendment was submitted in writing at a previous meeting and that said notification contains a full statement of the proposed amendment(s). Any proposed amendment must include existing and proposed texts, must include a statement of the purpose and intended effect of the proposed change, and must be held for fourteen (14) days before it is presented to the Commission for action.

SECTION 3. Principal Office. The principal office of the Commission shall be located at the Forest Park City Hall (745 Forest Parkway, Forest Park, Georgia 30297). All meetings of the Commission shall be held at the principal office. The location of the principal office may be changed by resolution of the Commission.

SECTION 4. Seal. The Commission shall be permitted to provide an official seal which, if approved, shall be in the form of a circle and shall have inscribed thereon the name of the Commission and other appropriate wording. A seal with a generic "corporate seal" inscription may be used as an alternative or temporary device.

Article III - Composition

SECTION 1. Membership. The Commission shall be composed of five (5) members. The governing authority of the City of Forest Park, Georgia (the "City"), the Mayor and Council, shall appoint all members. All members of the Commission must be residents of the City. No member of the Commission shall also be a member of the City's governing authority.

SECTION 2. Terms of Members. Each person appointed as a member of the Commission shall serve a term of four (4) years. Each member is to serve until his successor is appointed and qualified. Any member of the Commission may be appointed to succeed himself or herself.

SECTION 3. Vacancies. Any vacancy in the membership of the Commission shall be filled for the unexpired term of that member by the Mayor and Council. The Mayor and Council shall have the authority to remove any member of the Commission for cause, on written charges, after holding a hearing on such charges. A vacancy on the Commission shall also exist in the event of a member's death, a member's resignation, or the relocation of a residence of a member outside of the City's municipal limits. Any resignation by a member must be submitted in writing to the Secretary, or to the Chairman in the event that the position of Secretary of the Commission is vacant, who shall promptly inform the Mayor and Council in writing of said resignation.

Article IV – Compensation

All members shall be compensated in an amount as fixed from time to time by the Mayor and Council. Each member may be further reimbursed for actual expenses incurred in direct connection with official duties when said expenses have the prior approval of the Mayor or the Forest Park City Manager.

Article V – Officers and Advisors

SECTION 1. Chairperson. The Commission shall elect one of its members as Chairperson, who shall serve a one (1) year term in that position. The previously elected Chairperson shall be eligible for reelection to succeed himself or herself. The Chairperson shall be responsible for directing all affairs of the Commission and shall preside at all meetings of the Commission. The Chairman shall be responsible to ensure that all parties receive a full and fair hearing before the Commission and that all rules of the Commission and applicable state law receive full enforcement and compliance. The Chairperson may sign any documents which have been authorized by the Commission or are required by law to be signed or executed. In general, he or she shall perform all duties incident to the office of Chairperson and such other duties as may be prescribed by the Commission from time to time. The Chairperson shall vote as any other member of the Commission.

SECTION 2. Vice-Chairperson. The Commission shall elect one of its members as Vice-Chairperson, who shall serve a one (1) year term in that position. The member currently serving as Chairperson shall be ineligible to serve simultaneously as Vice-Chairperson. The previously elected Vice-Chairperson shall be eligible for reelection to succeed himself or herself. The Vice-Chairperson shall preside over meetings and shall assume the duties of the Chairperson only in the absence of the Chairperson. The Vice-Chairperson shall vote as any other member of the Commission.

SECTION 3. Temporary Acting Chair. In the event that neither the Chairperson nor the Vice-Chairperson is present for a meeting, the voting members of the Commission present shall elect on the record at such meeting a member who is present to serve as Temporary Acting Chair for that meeting only. For purposes of that meeting only, the Temporary Acting Chair shall preside and shall assume the duties of the Chairman. The Temporary Acting Chair shall vote as any other member of the Commission.

SECTION 4. Secretary. The Commission shall appoint a Secretary, who may be a City officer or employee. No person shall be eligible to serve as Secretary while he or she is a member of the Commission. At the direction of the Chairperson, the Secretary shall prepare the agenda for each meeting of the Planning Committee and shall maintain the minutes for each said meeting. The Secretary shall affix the Commission seal to any lawfully executed documents when required and shall attest to the signature of the Chairperson on any such documents. In general, the

Secretary shall perform all duties usually incident to the office of a secretary and such other duties as may be described by the members of the Commission from time to time. The Secretary shall not be a voting member of the Commission.

SECTION 5. Legal Counsel and Other Advisors. The Commission may appoint legal counsel, or other advisors and assign duties by majority vote. Such appointees shall serve at the pleasure of the Commission.

Article VI - Meetings

SECTION 1. Regular Meetings. Regular meetings of the Commission shall be held at the principal office at ___ PM on the (first/second/third/fourth/last) _____ of each month. The date and hour of regular meetings may be changed by resolution of the Commission. However, the regular meeting shall occur on the same day of each month in order that the public may be well informed as to the regular meetings of the Commission. Whenever there is no business for the Commission, the Chairman may dispense with a regular meeting by giving notice to all members of the Commission not less than five (5) days prior to the time set for said meeting.

SECTION 2. Notice of Regular Meetings. Notice of regular meetings, including the time and place therefore, shall be provided via a written agenda prepared by the Secretary of the Commission and delivered to all members of the Commission not less than five (5) days before the time and date of the scheduled meeting. All matters to be addressed during a regular meeting must appear on said agenda to be considered by the Commission during said meeting; however, a majority vote of the Commission members present during said meeting may waive this requirement. Public notice of all regular meetings must be made in accordance with the appropriate provisions of the Code and of the Georgia Open Meetings Act, § 50-14-1 et seq.

SECTION 3. Special Meetings. Special meetings may be called by the Chairperson, two (2) of the members of the Commission, or upon the general consent of a majority of the Commission. The purpose(s) of a special meeting shall be stated and no other business may be conducted.

SECTION 4. Notice of Special Meetings. Notice of special meetings, including the time therefore, shall be provided via a written agenda prepared by the Secretary of the Commission and delivered to all members of the Commission not less than twenty-four (24) hours before the time and date of the scheduled meeting. All matters to be addressed during a special meeting shall appear on said agenda to be considered by the Commission during said meeting and no other business may be conducted. Public notice of all special meetings must be made in accordance with the appropriate provisions of the Code and of the Georgia Open Meetings Act, § 50-14-1 et seq.

SECTION 5. Quorum. A quorum must be present before any meeting of the Commission may begin. A majority of the five (5) voting members of the Commission shall constitute a quorum. Any vacancy in the membership of the Commission shall not impair the right of the quorum to exercise all of the rights and perform all of the duties of the Commission. If a quorum is not attained within twenty (20) minutes of the scheduled meeting time, the Chairperson shall reschedule the meeting.

SECTION 6. Public Meetings. All meetings of the Commission shall be open to the public and all Commission records shall be public records. Notwithstanding the foregoing, the Commission may meet in an executive session in those instances authorized by the Georgia Open Meetings Act, § 50-14-1 et seq, and maintain certain records as non-public in those instances authorized by the Georgia Open Records Act, § 50-18-1 et seq. Minutes must be kept for any executive session and the presiding officer must sign an affidavit attesting to the reason for the executive session.

SECTION 7. Decisions of the Commission. At any meeting at which a quorum is present, a vote by the majority of members of the Commission present at said meeting shall constitute an official action of the Commission. In the event of a member's abstention based on a conflict of interest or other disqualification, said abstention shall count as if that member were absent and the number of votes necessary for a majority shall be reduced accordingly without affecting the quorum. Recommendations to the Mayor and Council shall be for the approval, approval with conditions, or denial of an application. Final decisions on applications or matters before the Commission, such as appeals heard by the Commission, shall be approved, approved with conditions, tabled, or denied.

SECTION 8. Rules of Procedure. To the extent necessary to consider items requiring action by the Commission, the order of agenda for a Regular Meeting shall be as follows, unless amended by a majority vote of the Commission members present at said meeting or the Chairman, in his or her discretion, allows any agenda item to be called out of sequence:

- A. Determination of Quorum
- B. Election of Temporary Acting Chair, if necessary
- C. Introduction of All Documents into the Official Record
- D. Consideration of Minutes of the Previous Meeting(s)
- E. Consideration of Old Business
- F. Administrative Hearing

G. Consideration of New Business

H. Consideration of Other Business

I. Adjournment

In the event that the bylaws or rules of the Commission do not address a particular situation occurring during a meeting of the Commission, or in the event of a dispute concerning parliamentary procedures governing the conduct of a meeting of the Commission, the provisions of *Robert's Rules of Order* shall govern.

SECTION 9 . Applications.

- A. All applications presented to the Commission shall be accompanied by the applicant or agent representing the applicant. Should the applicant or agent for a particular application not be present at the time the subject matter is heard during a Commission meeting, the application shall be moved to the end of the agenda. Should the applicant or agent not be available at the time of reconsideration (second time) at the meeting, the Commission shall vote to defer the application to the next available Commission meeting within which time the applicant shall have met all applicable deadlines for the resubmittal of material or vote to proceed with the hearing and consideration.

- B. Consideration of an application by the Commission during a meeting shall be as follows:
 - a. The Chairperson identifies the application.

 - b. The staff presents the application to the Commission.

 - c. The Commission addresses questions to the staff regarding the application.

 - d. The Chairperson calls for the applicant or its representative to present the application.

 - e. The Commission addresses questions to the applicant regarding the application.

 - f. The Chairperson opens the application for public comment.

 - g. The Chairperson calls for the applicant to present a rebuttal or closing statement.

- h. The Commission addresses the questions to the applicant and staff regarding the application.
 - i. The Chairperson opens the application for a motion.
 - j. The Chairperson calls for a second to the motion.
 - k. The Chairperson calls for the discussion on the motion.
 - l. The Chairperson calls for a vote on the motion.
- C. The Commission shall take an action on application if it is on a scheduled agenda. The decision of the Commission shall be made by affirmative majority vote of the members present. The Commission may move to approve or partially approve an application; approve the application and impose conditions related to the application being considered; deny the application; deny the application without prejudice; hold the application for further study not less than 30 days or until the next meeting date; or withdraw the application.

Article VII – Code of Conduct and Conflicts of Interest

SECTION 1. Code of Conduct. Each member shall adhere to the following code of conduct:

- A. Uphold the Constitution, laws, and regulations of the United States, the State of Georgia, and all governments therein and never be a party to their evasion.
- B. Never discriminate by the dispensing of special favors or privileges to any one, whether or not for remuneration.
- C. Not engage in any business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of his or her governmental duties.
- D. Never use any information coming to him or her confidentially in the performance of governmental duties as a means for making private profit.
- E. Avoid the use of abusive, threatening, or intimidating language or gestures directed at other members of the Commission, citizens, or local government personnel during public meetings and during the performance of public duties.

- F. Be tolerant, respectful, and attentive. Allow citizens, colleagues, and personnel sufficient opportunity to present their views.
- G. Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors, hospitality, or services from any person, association, corporation, or other entity under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the performance of the member's official duties.
- H. Never accept any economic opportunity under circumstances where he or she knows or should know that there is a substantial possibility that the opportunity is being afforded him or her with the intent to influence his or her conduct in the performance of his or her official duties.
- I. Never engage in other conduct which is unbecoming to a member or which constitutes a breach of public trust.
- J. Never take any official action with regard to any matter under circumstances in which he or she knows or should know that he or she has a direct or indirect monetary interest in the matter or in the outcome of such official action.

If any member of the Commission shall violate any of these provisions, that individual shall no longer be eligible to serve in any capacity with the Commission.

SECTION 2. Responsibility to Remain Impartial. All members of the Commission shall not decide how they will vote and shall otherwise avoid the appearance of premature decision-making on any matter before the Commission. A Commission member shall not reveal his or her decision on a pending matter until after the conclusion of the meeting at which it is addressed.

SECTION 3. Decision-Making. Each member shall adhere to the following:

- A. No member shall decide how he or she will vote on a matter pending before the Commission until after the conclusion of the evidentiary proceeding on the application.
- B. No member shall reveal his or her decision on a matter pending before the Commission until after the conclusion of the meeting at which it is addressed.
- C. A member shall disclose, on the record, any discussion outside the hearing or decision-making process with anyone other than staff or other Commission members at the Commission meeting at which the subject application is under review. Such disclosure

shall include the name of all persons with whom the matter was discussed and the nature of the conversation.

- D. If by virtue of a site visit or otherwise, a member obtains what he or she considers to be pertinent information concerning a matter under review and such information is not presented at the hearing or meeting on the matter, such member shall disclose said information on the hearing or meeting, and all parties present shall be given a chance to respond.
- E. Each member shall strictly comply with all rules contained herein as to code of conduct to avoid even the appearance of premature decision-making.

SECTION 4. Conflict of Interest. All members and agents of the Commission shall be governed by the provisions of O.C.G.A. § 36-67A-1 et seq. (Chapter 67A, Conflict of Interest in Zoning Actions) as follows:

A. Definitions: As used in this section, the following definitions shall apply:

1. “Applicant” means any person who appears before the Commission and any attorney or other person representing or acting on behalf of a person who applies for an appeal, a variance, or any other action that the Commission has the duty to consider in the application of its powers granted under the Code.
2. “Business entity” means any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.
3. “Campaign contribution” means a “contribution” as defined in paragraph (7) of O.C.G.A. § 21-5-3.
4. “Financial interest” means all direct ownership interests of the total assets or capital stock or a business entity where such ownership is ten (10) percent or more.
5. “Member of the family” means the spouse, mother, father, brother, sister, son, or daughter of a Commission member.
6. “Opponent” means any person who opposes a rezoning action or any person or other person representing or acting on behalf of a person who opposes a rezoning action.

7. "Oppose" means to appear before, discuss with, or contact, either orally or in writing, any local government or local government official and argue against a rezoning action.
 8. "Person" means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.
 9. "Property interest" means the direct ownership of real property and includes any percentage of ownership less than total ownership.
 10. "Real property" means any tract or parcel of land and, if developed, any buildings or structures located on the land.
 11. "Rezoning action" means any action by the Commission adopting an amendment to a zoning ordinance which has the effect of rezoning real property from one zoning classification to another.
- B. A Commission member who knew or reasonably should have known that he or she has one or more of the following interests shall immediately disclose the nature and extent of such interest, in writing, the Chairperson:
1. Has a property interest in any real property affected by a rezoning action which the Commission will have a duty to consider and or make a recommendation; or
 2. Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action which the Commission will have a duty to consider or make a recommendation; or
 3. Has a member of the family having any interest described in paragraph 1 or 2 of this section.

The Commission member who has one or more of the interests described in paragraph 1, 2, or 3 of this section shall disqualify himself or herself from voting on the agenda item under consideration. The disqualified Commission member shall not take any other action on behalf of himself or herself, or any other person, to influence any action taken on the application. To that end, the disqualified Commission member shall not make presentations to the Commission, speak to the Commission on behalf of or in opposition to an item under consideration, or present written argument in favor of or in opposition an item to other members of the Commission, with the exception of those items contained as part of the official application. Such presentations may, however, be made to the Mayor

and Council if the item appears before them. The disclosures provided for in this section shall be a public record and are available for public inspection at any time during normal working hours.

If a motion cannot be passed because of the number of Commission members having a conflict of interest, the item shall be sent to the Mayor and Council without prejudice, recommendation, or decision.