



CITY OF MILLS
EST. 1921

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Memorandum

TO: Mills City Council
FROM: Megan Nelms, AICP, City Planner
DATE: May 14, 2024
SUBJECT: Planning & Zoning Commission Bylaws Adoption

In reviewing the proposed updates to Title 17, staff recently became aware that the Planning & Zoning Commission lacked bylaws to provide for the operating procedures and general processes of the Commission.

Attached, please find proposed bylaws for review, approval, and adoption. The bylaws are intended to inform and assist the Commission regarding procedural matters during meetings, provide guidance on process and to generally aide in the management and efficiency of meetings. The bylaws also provide guidance on topics such as membership, terms of office and elections.

Per the Wyoming Administrative Procedures Act, the proposed rules/bylaws have been advertised for a public hearing. A copy of the notice is attached.

Planning Commission Recommendation: At their March 7, 2024, meeting, the Commission made a “Do Pass” recommendation to adopt the bylaws as proposed.

Staff Recommendation: Staff recommends APPROVAL of the City of Mills Planning & Zoning Commission Bylaws to City Council.

CITY OF MILLS PLANNING & ZONING COMMISSION BY-LAWS

CHAPTER I
GENERAL PROVISIONS

SECTION 1. Establishment: As set forth in the Wyoming Statutes on Planning & Zoning, Wyo. Stat. §15-1-501 through 15-1-510 and 15-1-604, Wyoming Statutes, (1977 as amended), the City of Mills Planning & Zoning Commission, Mills, Wyoming, adopted these By-Laws governing its powers. These By-Laws shall regulate and govern the affairs of the City of Mills Planning and Zoning Commission, hereinafter referred to as the "Commission".

SECTION 2. Adoption of By-Laws: These By-Laws shall become effective upon their approval by the City of Mills Council and their formal adoption by the Commission as required in accordance with the Wyoming Administrative Procedures Act, Wyo. Stat. §16-3-101 et. Seq and as amended.

SECTION 3. Amendments to By-Laws. Changes or amendments to these By-Laws shall conform to the procedures outlined in the Wyoming Administrative Procedures Act, Wyo. Stat. §16-3-101 et. Seq and as amended. A vote of a majority of the Commission and the City Council shall be required to change or amend these By-Laws.

SECTION 4. Purpose. The purpose of the Planning & Zoning Commission is to promote the health, safety, and general welfare of the community and foster the most appropriate development of land within the city. The Commission shall, in accordance with the public interest, oversee the development of and updates to the city comprehensive plan. The Commission shall submit recommendations to the City Council, on the adoption of ordinances and codes established to enact the development policies of the comprehensive plan, and rule on matters pertaining to the enforcement of said adopted codes and ordinances, specifically the zoning ordinance and subdivision regulations, known as the City of Mills Land Development Regulations.

CHAPTER II
COMPOSITION OF COMMISSION

SECTION 1. Membership: The Commission shall be composed of five (5) members, appointed by the City Council. All members shall be residents of the City of Mills.

SECTION 2. Terms of Office. The term of office for each member appointed shall be for two (2) years. The terms of the members appointed to the first Commission shall be of such length and so arranged that the terms of no more than three (3) members expire at any one time. There is no limit to the number of terms that a person may serve on the Commission.

SECTION 3. Vacancy of Office: In the event of a vacancy in the Commission, the Mills City Council shall fill the vacancy by appointment for the unexpired term.

SECTION 4. Removal from office. The in event that any member is no longer a resident of the city, the Mayor and City Council shall terminate the appointment of such person and appoint and new member of the Commission. If a member fails to attend four (4) regular Commission meeting without cause over a six (6) month period, the chair of the Commission shall notify the Mayor and City Council, who may declare the member's seat vacant and appoint a new member to the Commission.

CHAPTER III ELECTION OF OFFICERS & MEETINGS

SECTION 1. Officers: The Commission shall annually elect two (2) officers from amongst its own members during its annual Board meeting in July. The two officers of the Commission shall consist of a chairman and vice-chairman. Each officer shall serve a one (1) year term. Officers may succeed themselves.

SECTION 2. Annual Meetings: The annual meeting of the Commission shall be the first regular meeting in the month of July of each year. This meeting shall include the election of officers for the following year and the regular business of the Commission.

SECTION 3. Regular Meetings: The Commission shall regularly meet the first Thursday of each month. A regular meeting may be cancelled or rescheduled by the Commission at a prior meeting. In the event that there are no cases scheduled, or other business to be considered, the regular meeting may be cancelled by the chair of the Commission.

SECTION 4. Open Meetings: All meetings of the Commission are public meetings, open to the public at all times except as otherwise provided. A member of the public shall not be required as a condition of attendance at any meeting to register his name, to supply information, to complete a questionnaire or fulfill any other condition precedent to his attendance except that a person seeking recognition may be required to give his name and affiliation.

SECTION 5. Special Meetings: Special meetings may be called by the chairman by giving notice of the meeting to the secretary, who shall thereafter, on behalf of the chairman, give notice to each member of the Commission and to the public. The notice shall be given one day prior to the scheduled meeting and shall specify the time and place of the special meeting and the business to be transacted. No business other than that specified shall be considered at a special meeting.

CHAPTER IV
TRANSACTION OF BUSINESS

SECTION 1. Quorum. Three (3) members of the Commission shall constitute a quorum for the transaction of business. Any or all members of the Commission may participate in a meeting by means of telephone or video conference, and such participation shall constitute presence at the meeting. No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date.

SECTION 2. Voting: Each member, including the chairman, of the Commission shall be entitled to one (1) vote. Voting shall be by roll call voice, voice or by show of hands. All votes shall be cast in person by members of the Commission. A majority of members present shall be required to approve all Board actions.

SECTION 3. Abstention & Conflicts of Interest: Any member of the Commission shall abstain from voting on any matter of issue when that member has a personal or financial interest in that matter or issue. The member shall disclose his interest and be disqualified from voting upon the matter and the secretary shall so record in the minutes that no vote was cast by such member. Any abstention by a member for other than personal or financial reasons shall be considered a negative vote upon the matter.

SECTION 4. Proceedings: At any regular meeting of the Planning and Zoning Commission, the following shall be the regular order of business:

- a. Call to Order
- b. Consideration of Minutes of Previous Meetings
- d. Public Hearings
- e. Public Comment
- g. Adjournment

Individuals or groups may be recognized by the Chairman of the Commission with agreement of the other Commission members for discussion of new business not scheduled on the agenda. This recognition shall only be extended to individuals or groups after the conclusion of the scheduled new business.

SECTION 5. Appearance Before the Commission: Individuals or groups that wish to appear in person or by representative before the Commission shall make their request in writing to the secretary or the official designee. The written request to be placed on the agenda shall be made no later than three (3) weeks prior to the meeting at which they wish to appear. During discussion of topics on the agenda, the chairman of the Commission will recognize all persons who desire to make comments.

SECTION 6. Public Records: All rules and all other written statements of policy or interpretations formulated, adopted, or used by the Commission in the discharge of its function shall be available for public inspection.

CHAPTER V
OFFICERS & DUTIES

SECTION 1. Officers. The officers of the Commission shall consist of a Chair, Vice-Chair and Secretary.

SECTION 2. Duties of Officers.

a. Chairman: The chairman shall preside at all meetings of the Planning and Zoning Commission and shall have general authority and responsibility in the administration of the rules and regulations. Powers include their signature for documents, recommendations and resolutions of the Commission, the call for special meetings in accordance with these By-Laws, and appointments for advisory committees subject to confirmation by the Commission.

b. Vice-Chairman: The vice-chairman shall exercise the functions of the chairman in the chairman's absence or incapacity. He shall also serve as chairman until the election of officers at the annual meetings in July in the event the office of chairman becomes vacant due to resignation, removal, incapacity, or any other similar circumstances.

c. Secretary: The secretary of the Planning and Zoning Commission shall be the Building Official or a person designated by the Mayor. The secretary or the designee shall attest all official documents of the Board. The minutes of the Board shall be kept by the secretary or the designee.

SECTION 3. Advisory Committee. The Planning and Zoning Commission may establish such advisory committees to the Commission as are necessary and the chairman shall appoint the membership of these advisory committees subject to confirmation by the Commission.

CHAPTER VI
PROCEDURES FOR PUBLIC HEARING

SECTION 1. Purpose of Public Hearing: A public hearing is held for the purpose of obtaining information and comments. The Commission shall consider the information and comments presented during the public hearing prior to the submission of recommendations to the Mills City Council.

SECTION 2. Notice of Public Hearing. Notice of the time and place of hearing shall be given as required by Title 17 of Mills City Code.

SECTION 3. Initiated Public Hearing by Commission. The Commission may initiate public hearings relative to the functions permitted under Title 17, Mills City Code and Section 15-1-601 through 15-1-604, Wyoming Statutes (1977 as amended) and other functions duly delegated to the Commission by the Mills City Council.

SECTION 4. Appearance at Public Hearing. Any interested individual or group or their representative will be provided with an opportunity to participate in a public hearing. Appearance will be granted in the following order:

- a. Those individuals or groups who wish to speak for the proposal set for public hearing.
- b. Those individuals or groups who wish to speak against the proposal set for public hearing.
- c. Those individuals or groups who wish only to comment.

SECTION 6. Written Comments for Public Hearing: Any individual or group will be provided with an opportunity to submit written comments to be addressed to the Commission within the public notice period prior to the public hearing. Written comments shall automatically be incorporated into the public hearing record.

SECTION 7. Conduct of Public Hearing. The conduct for the public hearing shall conform to the following procedures:

- a. The chairman shall call the public hearing to order, and the proposal set for the public hearing shall be read.
- b. The chairman may recognize members of the Commission and staff to provide initial comments on the proposal.
- c. The chairman shall then recognize those present at the public hearing. The individual or group recognized by the chairman shall be asked to identify himself or the group and his or their affiliation regarding the proposal prior to making any comments.
- d. Appearance of those recognized by the chairman shall follow the procedure outlined in these By-Laws. Only one (1) individual at a time and recognized by the chairman shall be permitted to speak.

- e. Each person or group shall be limited to five (5) minutes for comments unless an extension approved by the Commission is granted. Any extension of time shall be granted equally to all individuals or groups who wish to comment.
- f. At the conclusion of an individual's comments, the chairman of the Commission may permit appropriate questions from the Board and from recognized individuals, groups, or their representatives to be addressed to the individual who has concluded his or her comments.
- g. Standards of public conduct shall be maintained. All participants and observers will conduct themselves in a proper manner.
- h. At the conclusion of the comments from all individuals or groups recognized by the chairman, the chairman may request comments and opinions from members of the Commission and staff.
- i. Formal action may then be taken by the Commission.

Approved this _____ day of _____, 2024.

MILLS CITY COUNCIL

BY: _____
Leah Juarez, Mayor

ATTEST:

City Clerk

APPROVED AND ADOPTED THIS _____ DAY OF _____, 2024

CITY OF MILLS PLANNING & ZONING BOARD

BY: _____
Leon Norvell, Chairman

ATTEST:

Secretary



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EST. 1921

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NOTICE OF INTENT TO ADOPT
PLANNING & ZONING COMMISSION BYLAWS

PLEASE TAKE NOTICE that the Mills City Council hereby gives notice of its intent to adopt bylaws for the Planning & Zoning Commission, pursuant to W.S.S. 16-3-103.

A copy of the proposed bylaws are available at the Mills City Clerk's Office, 704 Fourth St., Mills, WY 82644 or may be viewed on the city website at www.millswy.gov. Any interested person may present their views regarding this intended action by submitting written comments to the Council no later than 5 p.m. on the 3rd day of May, 2024 by delivering your comments via United States mail to PO Box 789, Mills, WY 82644 or by hand delivery to the address listed above.

The proposed bylaws provide for the organization, processes, and procedures of the Mills Planning & Zoning Commission, including commission composition, meetings, election of officers and conduct of public hearings.

Any person wishing to present their views orally may attend a public hearing scheduled for May 14, 2024 at 7:00 p.m. in the Mills City Council Chambers, 704 Fourth St., Mills, Wyoming.

Following the time allotted for public comment and the public hearing, the City Council intends to take official action regarding the adoption of the proposed bylaws at **their regularly scheduled meeting on May 14, 2024.**

Dated this 16th day of March 2024.

SARAH OSBORN
MILLS CITY CLERK

By: _____

Publish: March 16th & 30th