

DAKOTA COUNTY PLANNING COMMISSION BY-LAWS (June 27, 2019)

County Board Actions:

WHEREAS, on June 21, 2005, the Dakota County Board of Commissioners (the "Board") continued the establishment of the Dakota County Planning Commission (the "Commission") by adoption of Ordinance No. 118, pursuant to Minnesota Statutes Section 394.30.

WHEREAS, the Dakota County Board of Commissioners amended Ordinance 118, pursuant to Minnesota Statutes Section 394.30, on October 23, 2012 and on December 11, 2012.

Planning Commission Actions:

WHEREAS, the Planning Commission adopted By-Laws on August 23, 1978; and

WHEREAS, the Planning Commission amended its By-Laws on April 18, 1979; and

WHEREAS, the Planning Commission amended its By-Laws on May 25, 2006; and

WHEREAS, the Planning Commission believes it is appropriate to restate its By-Laws to conform them with various changes in laws and ordinances adopted by the Board since December 11, 2012;

NOW THEREFORE, BE IT RESOLVED by the Planning Commission that its By-Laws are restated as follows:

Article 1: AUTHORITY

- 1.1 Article 3.2 of Ordinance 118 and County Policy 1015 authorizes the Planning Commission to adopt rules for the transaction of its business.
- 1.2 If there is a conflict between any provision of any Minnesota statute, County ordinance, County Board of Commissioners' directive or County policy (collectively the "Governing Provisions") and any provision of these By-Laws, the Governing Provisions shall take precedence. To the extent reasonably possible, the By-Laws will be construed and constructed to supplement, rather than conflict with the Governing Provisions.

Article 2: COMPOSITION

The composition of the Commission is determined by the Ordinance 118, as follows:

- 2.1 **Membership**
The Planning Commission shall consist of two (2) members from each County Commissioner district appointed by the County Board. The members shall be residents of the County Commissioner district from which they are appointed. No more than one (1) member shall be an officer or employee of Dakota County.
- 2.2 **Term**
The members of the Planning Commission, except as otherwise provided in this paragraph, shall be appointed for one-year terms, which shall begin on the first Tuesday following the first Monday in January of each year. A member shall also serve after the expiration of a term until the successor is appointed and qualified.
- 2.3 **Residency Requirement**
The Members of the Planning Commissioner shall remain residents of the districts from which they were appointed.
- 2.4 **Conflict of Interest**
No member of the Commission shall have received, during the two years prior to appointment to the Commission, any substantial portion of income from business operations involving the

development of land within the County for urban or urban related purposes. No member of the Commission may participate in any proceeding in which the member has a direct interest in its outcome.

If a member has a conflict of interest, the member shall state that the member is abstaining from voting due to a conflict of interest. A member with a conflict of interest is not entitled to vote or participate in the Planning Commission proceeding. The member's presence at the meeting cannot be counted for quorum purposes for the matter under consideration.

2.5

Removal

The County Board, by resolution, may remove any Planning Commission member for the nonperformance of duty, misconduct in office, for engaging in conduct detrimental to the accomplishment of the Planning Commission's mission or for engaging in conduct which is contrary to the County Board statement of expectations set forth in Dakota County Policy #1015. The County Board will conduct a hearing prior to any vote to remove a member pursuant this section if the member requests a hearing.

2.6

Vacation of Office

Any member missing three (3) consecutive regular or special meetings or 50% of the Commission meetings in any twelve (12) months shall have automatically vacated the office of Commission member. Any member voluntarily resigning shall have automatically vacated the office of Planning Commission member. Any member who fails to maintain a principal residence within the County Commissioner district from which the member was appointed shall have automatically vacated the office of Planning Commission member.

2.7

Vacancies

The Planning Manager for the County or designee shall notify the Chair of the Board of any vacancies occurring in membership in the Commission. The County Board may fill such vacancies by appointment for the unexpired portion of the term.

2.8

Oath of Office

Every member of the Planning Commission, before entering upon the discharge of duties, shall take an oath that the member will faithfully discharge the duties of the office.

2.9

Compensation

Members of the Commission shall be compensated pursuant to the County's Policy #1015.

Article 3:

ORGANIZATION AND MEETINGS

3.1

Officers

At the first meeting of the year, the Planning Commission shall elect a chair, a vice-chair, and a secretary from among its members. Any member desiring to be nominated as an officer shall indicate such interest to the Planning Manager prior to the first meeting of the year. The Planning Manager will provide a means for indicating interest prior to the meeting. At the first meeting of the year, the list of members interested in serving as officers shall be read. The Planning Manager will ask the Commission if other members would like to be considered for an office. The floor shall then be open for nominations from the list and from additional members who express interest in holding an office. A nomination does not require a second by another member. If only one member is nominated for a certain office, the election shall proceed by voice vote. If more than one member is nominated for a certain office, the election shall proceed by ballot. The ballot shall state the voting member's name with a blank to write in the name of the person the member seeks to elect. The members shall continue to vote until one person receives a majority vote for the vacant office prior to moving to the election for the next vacant office. The Planning Manager shall conduct the first meeting of the year until the chair is elected, upon such election, the elected chair shall conduct the remainder of the first meeting.

Officers shall take office immediately following election and shall serve for a term of one (1) year and until their successors are elected. Officers may serve for no more than two (2) consecutive one-year terms in any one Officer position. The chair shall preside at all meetings and perform

such other duties as the Planning Commission may direct. The vice-chair shall act in the capacity of the chair in the absence of the chair. If the office of the chair becomes vacant, the vice-chair shall proceed to this office for the unexpired term and a successor to the office of vice-chair shall be elected for the unexpired term. The secretary of the Planning Commission shall be responsible for signing all official records of the Planning Commission and shall review all Planning Commission meeting minutes prepared by County staff.

3.2

Meetings

The Planning Commission shall adopt a regular meeting schedule, based upon the recommendation of the Planning Manager for the County. In the event of a conflict such as holidays, or when the business before the Planning Commission dictates, the chair of the Planning Commission may change the meeting date. Special meetings may be held on reasonable notice by the chair or by a majority of the Planning Commission upon terms and conditions as the Planning Commission may determine. The Planning Commission shall adopt rules for the transaction of business and shall keep a record of its transactions and findings. County staff shall be responsible for mailing by regular mail or email to each member of the Planning Commission or posting at the County's web site a notice and agenda for the meeting one week in advance of the scheduled meeting date. A quorum of the Planning Commission shall consist of at least eight (8) members. Voting shall occur by voice vote unless a member of the Planning Commission requests a roll call. A record of the roll call vote shall be kept as part of the minutes. Special meetings may be called by the chair and attendance at such meetings will be compensated, if any, pursuant to County Policy #1015. The Planning Commission shall be subject to the requirements of the Open Meeting Law, Minn. Stat. ch 13D. In the absence of the chair, the vice-chair shall conduct the meeting. In absence of both the chair and the vice-chair, the secretary shall conduct the meeting. If all three officers of the Planning Commission are absent from a meeting of the Planning Commission, the remaining members of the Planning Commission shall elect a chair to serve for the meeting. Meetings shall be conducted in accordance with Roberts Rule of Order. In the event of a conflict between Roberts Rules of Order and the By-Laws, the By-Laws shall prevail. Planning Commission meetings are generally held on the fourth Thursday of the month, from 7 to 9 PM.

The minutes of the Commission shall record the time, date and place of the meeting, the attendance of members and guests, the topics of the meeting, action taken or findings made, results of roll call votes, and a narrative of pertinent discussion, including summaries of comments made by the public at the meeting. A copy of the minutes for each meeting shall be sent by regular mail or by email to members of the Commission or posted at the County's web site and sent to the Clerk of the Board for distribution to the Board. An official transcript shall be taken of any public hearing conducted by the Commission.

A County employee shall keep records in the minutes of attendance at Commission meetings and of resolutions, transactions, findings, and determinations showing the vote of each member present on each question requiring a vote by roll call, and what members, if any abstain from voting. All records of the Commission shall be available for public inspection.

Planning Commission members desire to be and shall be available to meet with the County Board of Commissioners to receive direction from the Board regarding the Board's policies, goals and vision for the County, if requested by the Board. The Planning Commission as a whole may attend or it may establish a sub-committee to attend the meeting and report back to the Planning Commission.

3.3

Order of Business

The preferred order of business for Planning Commission meetings includes:

1. Call to Order
2. Pledge of Allegiance
3. Public Comments for Items Not on the Agenda
4. Approval of the Agenda
5. Approval of Previous Meeting Minutes
6. Business Items (information and action)
7. Update on County Board Actions for Items on the Planning Commission Work Plan

8. Upcoming Public Meetings and Community Outreach
9. Topics for the Next Meeting
10. Planning Commissioner Announcements and Updates
11. Adjournment

3.4

Public Comments for Items Not on the Agenda

The Chair shall have the right to limit the amount of time each member of the public has to address the Planning Commission.

3.5

Public Comments for Items on the Agenda

The Chair shall have the right to limit the amount of time each member of the public has to address the Planning Commission. The preferred order is as follows: 1) Staff presentation, 2) Planning Commission discussion, 3) Public comment, 4) Planning Commission recommendation.

Article 4:

COMMITTEES

The Planning Commission may create committees to study and report on projects, plans and programs under consideration by the Planning Commission. Such committees or sub-committees shall operate under the By-Laws and rules of the full Commission. The chair of the Commission shall appoint the chair and membership of all sub-committees for one-year, renewable terms. Committee members are not entitled to compensation pursuant to Ordinance 118, Article 4.

Article 5:

POWERS AND DUTIES

The powers and duties of the Commission are determined by the Ordinance 118, as follows:

5.1

Comprehensive Plan

As directed by the County Board, the Planning Commission shall prepare and make recommendations to the County Board for adoption: (a) comprehensive plans, including any amendments thereto; (b) any subsidiary plans relating to the natural and physical infrastructure of Dakota County, including any amendments thereto; and (c) official controls and other measures to implement the comprehensive plan and subsidiary plans.

Subsidiary plans relating to the natural and physical infrastructure of Dakota County include, but are not limited to: transportation; transit; regional and county parks; trails and greenways; open space (natural areas and farmland); water resources; and environmental management.

5.2

Policy Oversight

Consistent with the direction provided by the County Board, the Planning Commission shall review and make recommendations to the County Board regarding the adoption of or the amendment of policies related to managing and improving the natural and physical infrastructure of Dakota County.

5.3

Capital Projects and Programs

As directed by the County Board, the Planning Commission shall review capital project and/or program proposals. In conducting any requested reviews, the Planning Commission shall act as an oversight committee, providing recommendations that align with County goals and serve the long-term interests of maintaining and improving the natural and physical infrastructure of Dakota County.

5.4

New Initiatives

As directed by the County Board, the Planning Commission shall review emerging issues and provide recommendations to address those issues.

5.5

Conditional Use Permits

The Planning Commission shall review all applications for conditional use permits under the Dakota County Shoreland and Floodplain Management Ordinance and report thereon to the County Board.

5.6

Requests to Change Name of County Road

The Planning Commission shall review and hold a public hearing on all requests to change the name of a county road submitted to Dakota County pursuant to the Dakota County Uniform Street Naming and Addressing System (USNAS) Procedural Manual; and provide its recommendations to the County Board.

5.7

Other

The Planning Commission shall review any other matters referred to it by the County Board and report thereon as directed. When requested by the County Board, the Planning Commission shall consult with the County Board or a designated County Board committee regarding the matters that the County Board directed the Planning Commission to examine and report on.

Article 6:

AMENDMENTS TO PLANNING COMMISSION BY-LAWS

Amendments to the By-Laws may be proposed by any member of the Commission. All proposed amendments must be read before the Commission at a regularly scheduled meeting. Amendments to the By-Laws shall require a majority vote of those present at the meeting.

Article 7:

SEVERABILITY

If any section of these By-Laws is held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions shall nevertheless remain in full force and effect.

Article 8:

EFFECTIVE DATE

These restated By-Laws shall take effect immediately on approval by the Commission.

ADOPTED: August 23, 1978
REVISED: April 18, 1979
REVISED: May 25, 2006
REVISED: June 27, 2019
ADOPTED: June 27, 2019