

Town of Johnson

Planning Commission Bylaws

The following rules of procedure are hereby adopted by the Town of Johnson Planning Commission (JPC) to facilitate the performance of its duties as outlined in the Vermont state statute (24 V.S.A. §4325).

SECTION 1: Officers

- A. Selection and Tenure**—The JPC is a nine-member board, with three 2-year terms and six 3-year terms; all terms end in March (on Town Meeting Day) of the designated year. At the first regular meeting each April, the planning commission shall select from its membership a Chairperson and Clerk (23 VSA §4323). All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C, below. All officers shall be eligible for re-election for consecutive terms.
- B. Chairperson**—The chairperson shall preside at all meetings, appoint committees, facilitate communication between the Selectboard and JPC as appropriate, and perform such other duties as may be ordered by the planning commission. The Chair is responsible for the generation of the Annual Report of the Planning Commission's activities for inclusion in the annual town report.
- C. Vice Chairperson / Clerk** —The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term, and the planning commission shall select a successor to the office of vice chairperson for the unexpired term.
- The Planning Commission may choose to hire a recording secretary to transcribe minutes, etc., this person does not need to be a member.
- D. Temporary Chairperson** – In the event of a quorum for a meeting and neither the Chair or Vice-Chair are present, any member of the commission can call the meeting to order and nominate a present board member as “Chair pro Tempore”. If seconded, the election is by a simple majority of those present; the appointment lasts for the duration of that one meeting.

SECTION 2: Meetings

The business of the planning commission shall be conducted in public meetings held in compliance with Vermont's Open Meetings Law (OML; 1 V.S.A. §§ 310-314). The planning commission may establish reasonable rules and regulations to facilitate orderly meetings; where no specific bylaws address a particular issue, Roberts Rules of Order shall apply.

- A. Regular Meetings**—The planning commission typically holds monthly regular meetings on the second Wednesday of each month. Other meetings may be held as necessary. All meetings are open to the public and are either in person or via Zoom or both as indicated on the posted agenda.
- Notice of regular planning commission meetings shall be given to the public by posting the agenda in accordance with Vermont OML.
- B. Special Meetings**—Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the planning commission.
- Notice of special meetings shall be given to the members of the planning commission at least 48 hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance Vermont's OML.
- C. Emergency Meetings** - Special meetings may be called by the chairperson or upon written request to the secretary by at least two members of the planning commission.

Notice of emergency meetings shall be given to the members of the planning commission at least 24 hours prior to the meeting. Such notice shall state the purpose, time and location of the emergency meeting and shall be posted in accordance Vermont's OML.

D. Public Hearings—All public hearings held by the planning commission must be held as part of a regular or special meeting of the planning commission. Notices of public hearings shall be posted in accordance with Vermont's OML; newspaper announcements should be listed in "Public Notices" section.

E. Public Participation – All meetings shall be open to the public, with limited exceptions as allowed by law (Executive Session, 1 V.S.A. § 313). All meetings shall include a reasonable opportunity for the public to express its opinion on matters before the commission.

F. Remote Participation – Members may attend meetings remotely, subject to certain requirements in 1 VSA § 312 (a)(2).

G. Agenda—The chairperson shall be responsible for preparing a tentative agenda for planning commission meetings. The agenda may be modified by action of the commission.

Agenda shall be posted 48 hours prior to a regular meeting and 24 hours prior to a special meeting on the Town website, municipal building and two other designated public locations.

H. Quorum— A quorum must be present to hold a meeting. A quorum is defined as a majority of the currently assigned members (e.g., if there are only 7 assigned members, 4 are needed for a quorum). No official action of the commission may be taken without a quorum present.

I. Voting—An affirmative vote of the majority of the seats on the planning commission is required to approve or amend any part of the Town Plan or to amend these bylaws (JPC is a 9 member commission, therefore affirmative votes are required from 5 members to for these two actions).

Other actions or motions placed before the planning commission may be adopted by a majority vote of the members present and voting, as long as a quorum is present.

Voting shall be by voice vote; a roll call vote shall be required if requested by any commission member or directed by the chairperson, or as required by Vermont's OML. Except in the case of conflict of interest, all planning commission members, including the chairperson, may vote on all matters. Ex officio members are non-voting (24 VSA §4322).

J. Public Records—All meetings, minutes, records, documents, correspondence and other materials of the planning commission shall be open to public inspection in accordance with Vermont's OML and the Freedom of Information Act, except as may otherwise be provided by law.

SECTION 3: Duties of the Planning Commission

The planning commission shall perform the following duties:

- A.** Prepare, review and update the Town Plan as a long range planning guide for the Town.
- B.** Prepare an annual written report to the township board of the planning commission's operations and the status of planning activities.
- C.** Perform other duties and responsibilities or respond as requested by the Selectboard.

SECTION 4: Absences, Removals, Resignations and Vacancies

- A.** Members are expected to attend all Planning Commission meetings, to the extent practical. Members shall notify the Chair or other member when they intend to be absent from a meeting.
- B.** Members may be removed at any time by unanimous vote of the Selectboard (23 VSA §4323).
- C.** A member may resign from the planning commission by sending a letter of resignation to the

Chair and Selectboard.

- D. Vacancies shall be filled by the Selectboard. Successors shall serve out the unexpired term of the member being replaced (23 VSA §4323).

SECTION 5: Conflict of Interest

Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office.

Conflict of interest is defined as, and a planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations and voting on a request, when:

1. An immediate family member is involved in any request for which the planning commission is asked to make a decision. "Immediate family member" is defined as a spouse, mother, father, sister, brother, son, or daughter, including an adopted child.
2. The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association.
3. The planning commission member owns or has a financial interest in neighboring property. For the purpose of this section, a neighboring property shall include any property immediately adjoining the property involved in the request.
4. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.

SECTION 6: Amendments

These bylaws may be amended at any properly warned meeting by a vote of the majority of the membership of the planning commission, provided such amendment is not in conflict with Vermont's OML or other statutes.

Adopted by the Johnson Planning Commission on 26 July 2021.