

Plan Commission General Duties & Conduct Information

Plan Committees are not able to do their job just in one sitting at a meeting. As with anything else, you need to prepare for the meeting prior to the meeting, and you should be prepared to spend time as needed to make the proper decisions.

1. Duties

Your job is to efficiently obtain sufficient facts pertinent to the subject at hand so as to enable you to make an informed, rational, and justifiable decision. This is a large part of “due process”

- (a) efficiently: don't waste your time, the applicants, or the publics. Be prepared prior to the meeting by reading submitted material, formulating questions ahead of time, reading your ordinance.
- (b) obtain: ask questions, request information.
- (b) sufficient: ask pertinent questions so that you have the answers you want. If you do not get an answer to a question, ask it again.
- (c) pertinent: facts and information need to pertain to the subject, not mere speculation, personal opinion, or irrelevant information.
- (d) subject at hand: don't get into a side discussion of other matters.
- (e) informed, rational, and justifiable decision: a decision which is based upon facts presented at the meeting on the record, are noted in the record, and are therefore justifiable.

2. Conduct at the meeting.

Your duty at the meeting is to conduct yourselves in a professional manner balancing the need to obtain information with the need to be efficient and to stick to the matter at hand.

- (a) Start your meeting on time.
- (b) Introduce yourselves to the audience – not everybody knows who you are.
- (c) Have established rules of procedure for conduct at meeting, order of appearances, etc. Once established – stick to it.
- (d) Announce the rules of procedure prior to the start of the meeting.
- (e) If you are the chairman, keep to the agenda and keep people on track. Allow committee to ask questions until they are satisfied they have appropriate facts. Allow testimony from the public as reasonable as possible – BUT – do not let discussion occur between the public and applicant. Require all questions to be made to the Committee.
- (f) professional: use the third person form of address, i.e., Mr. And Ms, etc, not “joe said”, etc.

3. Making Decisions

The Commission is tasked with the decision making process, although in most instances, your actions are going to be advisory to the Town Board. Rest assured that not all of your decisions are going to be approved intact by the Town Board – get over it, it's not personal. Do your job in the best manner possible, and you will find more of your decisions being accepted.

In some instances your decisions may be too loaded with conditions and the Board does not understand them. Either remove some conditions, or be able to explain them to the Board.

Your decisions must be based upon facts entered into the record. In other words, it must be noted in the minutes, or as a submitted document which is referenced in the minutes. If you do not do this, your decision can be considered arbitrary and capricious. The general rule of thumb is "is this decision one which would generally be reached by someone else reading the facts that were presented."

Failure to approve does not mean an item is denied. It is only a motion to approve which has failed. In order to make a denial, a motion must be made to deny and that motion must pass.

4. General Discussion Items

- (a) know what the agenda item is – a zoning change, variance, etc.
- (b) know what your options are for approval, conditions or no conditions, advisory to County or not, and how to adjourn or delay an item, etc.
- (c) save denial for major issue, otherwise reasonably approve with conditions to keep the process moving.
- (d) when making a conditional approval, make the conditions clear and as specific as possible. A vague condition does nothing but frustrate you as well as the public and applicant. The word "should" is meaningless.

To say "needs to submit" may also be meaningless because there is no guarantee the submittal is what you want, nor does it require any approval on your part.

Conditions need to be reasonably related to the subject up for approval.

- (e) don't rely on the applicants attorney – their job is to represent their client, not the Town. Find out from the Board under what circumstances you are allowed to contact the Town Attorney, and how. If need be, request the Town Board to obtain answers to specific legal questions.
- (f) attend my monthly "Chairmans meetings". If you can't and you have questions, call me.
- (g) Your job is not to always say yes, sometimes you do have to say no. Again base it upon the record.
- (h) your job is not always to agree with the audience. Sometimes you need to have the courage to go against "public opinion", or at least the personal opinions being expressed in the room at the time.

When you hear testimony such as "everyone knows that he/she/they", etc – look out.

- (i) don't try to interpret the County ordinance – that is my job. If you give out the wrong info, people get angry and you inheret liability.
- (j) Know your own ordinance. Call me with questions ahead of time.
- (k) know what my schedule is for scheduling your meetings. Have an established schedule for applications, etc. make it available to the public.
- (l) if you have a personal interest in an item, abstain. Announce that you are going to do so and remove yourself from the table during the discussion and vote.
- (m) none of you will have a staff person available as does the County. Divide some of the taske up amongst yourselves on a rotating basis. One can look at your plan, another can look at the ordinance, etc. Rotate the duties so all get acquainted with the issues at hand.
- (n) It will take several years for you to get comfortable with these issues. I do it daily – you don't. that doesn't make me any better than you, just more profficient because I do it more frequently.

I still have to look things up also, and I don't always "assume" correctly.

Source: Bob Braun, Winnebago County Zoning Administrator

Filed: forms/general/Town Proc and Reqts/PI Comm Duies & Conduct Gen Info
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