



Myersville Town Hall
301 Main Street
P.O. Box 295
Myersville, MD 21773

TOWN OF MYERSVILLE
PLANNING COMMISSION

Phone: (301) 293-4281
Fax: (301) 293-3080
Hours 8:00 am – 4:00pm
www.Myersville.org

Commission Bylaws & Procedures

I. Objective

The Myersville Planning Commission Bylaws are established to afford the Myersville Planning Commission, all residents within the Town, and applicants before the Commission, with an efficient, transparent, equitable, and predictable set of rules and procedures. The Commission shall review all matters before it in an impartial and respectful manner, and consider testimony and evidence presented based on the merits contained within the applicable Town of Myersville Code of Ordinances (Town Code). The internal bylaws and procedures governing the Planning Commission are resolved pursuant to §165-126 of Town Code and The Land Use Article, Annotated Code of Maryland. Whenever a conflict arises between the bylaws contained herein and the Town Code, or Annotated Code of Maryland, the presiding laws shall prevail; however, nothing contained herein shall be considered an inseparable clause in the event that one (1) or more sections of the bylaws and procedures is found to be in conflict with the aforementioned codes.

Copies of all proposed and adopted amendments to these bylaws, in addition to the agendas and meeting minutes of the Planning Commission, shall be retained by the Town Planning Office and be made available to the public for inspection. It is the policy of the Commission that all meeting minutes shall be permanently retained on file and all associated material be retained according to the Town of Myersville records retention policy.

II. Definitions

- A. Bylaws** – bylaws adopted by the Myersville Planning Commission as contained herein.
- B. Town Code** – the Code of Ordinances of the Town of Myersville.
- C. Commission** – the Myersville Planning Commission.
- D. Member(s)** – a person appointed by the Mayor and confirmed by the Town Council to serve on the Planning Commission, including the ex-officio member.
- ~~**E. Recognized Organization** – any group that has provided to the Commission all of the following: a copy of its bylaws which must be adopted 60 days prior to the Commission meeting, and a formally executed resolution from their respective board of directors authorizing that person(s) speaking on behalf of the organization for that matter.~~

III. Officers and Member Responsibilities

A. Election of Officers

1. The Commission shall convene annually on its regularly scheduled meeting date in June for the purposes of electing officers from among its members. The positions for election shall be for Chairman and Vice Chair.
2. Planning Office staff shall conduct the election for both offices as the first order of business after the meeting has been called to order and request that a member of the Commission nominate a member other than themselves for the position of Chairman. Any member receiving a nomination must verbally confirm acceptance of the nomination.
3. A majority vote shall elect the Vice Chair. ~~and THE~~ **THE** aforementioned procedures shall **BE FOLLOWED** ~~follow~~ for the election of Vice Chair. No election of officers shall take place at a meeting unless at least four (4) members are present. The Ex-Officio member ~~may participate in all elections of officers but~~ shall not be eligible to serve as an officer concurrent with his elected position.
4. Officers may be removed from their elected positions if a motion of no-confidence is made by any member and approved by a vote of four (4) of five (5) members of the Commission. The motion of no-confidence must contain a cause and justification and be recorded within the meeting minutes. Removal from the office would become effective immediately upon adoption of the motion but shall have no effect on the appointment to, or membership on the Commission.

B. Member Responsibilities

1. It shall be the duty for each member to attend all regular meetings, workshops, special meetings, and site visits as regularly scheduled or as called by the Chairman. Should any member be absent from 25% of any combination of regular meetings, workshops, special meetings, and site visits during any 12-month period, the Commission may recommend to the Mayor and Council that the member be removed from the Commission, unless determined by a majority vote in that there is sufficient excuse for non-attendance.
2. When a member is aware that they will not be able to attend a Commission meeting or event, they shall notify Planning Office staff or **THE** Chairman at their earliest opportunity. Planning Office staff shall retain attendance records for each meeting, special meeting, workshop, **PUBLIC HEARING**, and site visit.
3. In order to be eligible to vote on a matter of business on the agenda that requires an action by the Commission, a member must attend all relevant meetings or review the meeting minutes and all related materials from any meetings from which the member was absent.
4. Each member is responsible for satisfying the Maryland Planning Commissioner Educational Training requirement within six (6) months from appointment in accordance with State Law. The training course may be obtained from the Maryland Department of Planning website or individual

meetings may be arranged with the Planning Office to complete alternate training that would also meet state requirements.

C. Representation of the Commission

1. The Chairman and Commission staff liaison shall represent positions and enforce actions on behalf of the Commission as contained within these bylaws and the Town Code.
2. Members shall not speak on behalf of the Commission as a whole unless specifically authorized to do so.
3. When speaking in public, members shall also indicate that they are speaking as individuals and their comments do not reflect the position of the Commission or the Town.

D. Duties of Officers

1. Chairman
 - a) Conducts meetings.
 - b) Determines procedures and points of order.
 - c) Calls speakers and compels witnesses and testimony.
 - d) Prepares official records, motions and minutes or directs Vice Chair to do so and transmits copies to the Town Planning Office for retention.
 - e) Compiles and approves meeting and workshop agenda in consultation with Commission staff liaison.
 - f) Calls and schedules ~~workshops and/or special~~ ALL meetings and/or site visits pursuant to adopted bylaws.
 - g) Signs all official Commission documents, approvals, correspondence and prepares position statements and/or letters as approved by the majority of Commission or ~~may direct Commission staff liaison to prepare documents~~ **AUTHORIZES PLANNING OFFICE STAFF OR A COMMISSION MEMBER TO DO SO ON THEIR BEHALF**
 - h) May represent Commission or attend meetings as provided for in adopted bylaws and as approved by majority of Commission.
 - i) May make motions or second motions and may vote in all matters before the Commission.
 - j) May create special committees or task forces for special purposes or study or to facilitate commission business. Chairman shall appoint the members of those committees or task forces and appoint at least one (1) member from the Commission.
 - k) Shall appoint members of the Commission as liaisons to certain committees or task forces created by the Mayor and Council when a

Commission member is requested as part of the committee or task force.

2. Vice Chair

- a) Assist Chairman in conducting meetings and advise on points of procedure.
- b) Assist Chairman in tasks as assigned.
- c) Conducts and chairs meetings in the absence of Chairman.
- d) Call special meetings or workshops in the absence of Chairman.
- e) Make motions or second motions and may vote in all matters before the Commission.
- f) In the event that any of the following circumstances occur, the Vice Chair assumes the position of Chairman for the remainder of the Chairman's elected term:
 - i. vacate the position
 - ii. removed as Chairman on a vote of no-confidence
 - iii. removed by the Mayor and Council
 - iv. is disabled.
- g) Should the aforementioned circumstances occur and result in the elected Vice Chair becoming Chairman, then the position of acting Vice Chair shall be assumed by the Commission member with the most accumulated years of service on the Commission – whether consecutive or not – until an election is held during a regular meeting, or until the remainder of the Vice Chair's elected term has expired.

3. Ex-Officio

- a) Apprise Commission of business before the Mayor and Council.
- b) Apprise Mayor and Council of business before the Commission.
- c) ~~Make motions or second motions and may vote in all matters before the Commission.~~ **THE EX-OFFICIO SHALL NOT BE ELIGIBLE TO VOTE UNLESS A VOTE IS NECESSARY TO BREAK A TIE IN THE VOTE OF THE COMMISSION.**

IV. Meetings.

A. Meetings & Procedures

1. Regular meetings shall be held monthly on fixed date intervals as determined by the Commission. If there is no business before the Commission by the close of business ten (10) days before the scheduled meeting, the Chairman may give notice to the Commission members and the public that the regular meeting shall not be held.
2. The Chairman may call special meetings, workshops or alter the date of regular meetings so long as he or Planning Office staff has given the Commission members and the public at least 48 hours of notice of the date and time of such meeting.
3. A quorum, being required for action to be taken on any business item, shall consist of three (3) Commission members. When a quorum is not present, no matters requiring voting shall be conducted and public hearings shall be

rescheduled. Matters scheduled on the agenda may be discussed by those present so long as no action is taken in the absence of a quorum.

4. For the purposes of rules of procedure utilized during regular and special meetings, the Commission hereby adopts the most current edition of *Robert's Rules of Order* by reference as the *de facto* procedural guidelines. Where a conflict arises between *Robert's Rules of Order* and these bylaws, the provisions within the bylaws shall prevail. Failure to strictly adhere to these guidelines shall not invalidate otherwise valid actions of the Commission. Appeals of all points of procedure shall be directed to the Chairman. The Chairman may either consult the Vice Chair for an opinion and/or shall render a final determination.
5. The order of business shall be in accord with the agenda unless a motion is approved by a majority of members present at the beginning of the meeting to add an item of business or revise the order.
6. All meetings, public hearings and workshops conducted by the Commission shall conclude no later than 11:00 PM when commencing at 7:00 PM. No new item of business or deliberation shall begin after 10:45 PM.
7. The Commission retains the right to continue any meeting, public hearing, or workshop to the next regular meeting or workshop date or to a date of its choosing by a majority vote of the Commission members present and voting. Should a public hearing be continued to another date prior to the closing of the record, the public comment period shall be extended, and record held open until that date.
8. All citizens shall have the opportunity to present comments relating to planning, zoning and land use issues at the end of the agenda at all regular meetings. Each speaker may offer comments not to exceed five (5) minutes in length, and the Chairman shall retain the right to limit the amount of time allotted to speakers during public comment.
9. The Commission may vary or suspend any of these meeting procedures or rules of order by a majority vote of the Commission members present and voting when not in conflict with State Law or Town Code. Justification for the variance or suspension must be noted in the motion and recorded in the meeting minutes.
10. Applications, plans, or plats that have been denied by the Commission will not be reconsidered for six (6) months if deemed to be substantially the same application.
11. **WHEN MEMBERS ARE UNABLE TO BE PHYSICALLY PRESENT AT A MEETING OR WORKSHOP, THE USE OF TELECONFERENCE OR VIDEOCONFERENCE FUNCTIONS BY THAT MEMBER TO PARTICIPATE IN DISCUSSION SHALL BE PERMITTED.**
12. **NO VOTES OR DETERMINATIONS SHALL BE MADE DURING A WORKSHOP AND NO PUBLIC COMMENT SHALL BE TAKEN UNLESS DETERMINED BY A MAJORITY OF THE COMMISSION.**

AGENDAS AND NOTICE SHALL BE PREPARED FOR WORKSHOPS.

B. Voting

- ~~1. A tie vote by the Commission shall be interpreted as a failure to approve the motion upon which the vote was taken. Additional motions may then be proposed; however, failure to approve applications, plans, or plats, etc. shall constitute a denial. If a tie vote remains on an advisory matter, the Commission's action shall be deemed as "No Recommendation".~~
2. Any member of the Commission may enter a motion requesting a reconsideration of a previous vote, regardless of whether or not the member was on the prevailing side of a vote. Such reconsideration shall not be permitted after 60 days from the date upon which the motion in question was made.
- ~~3. When members are unable to be physically present at a meeting or workshop, the use of teleconference or videoconference functions by that member to participate in discussion shall be permitted. However, no member shall be permitted to vote upon a matter on the agenda unless physically present. A note indicating the member's participation shall be made in either the minutes or the attendance record, but their participation shall not constitute the status of a member "present and voting" for the purposes of establishing a quorum or when counting votes. Proxy voting shall not be permitted.~~
4. Any member disqualifying or recusing themselves from a vote shall indicate such prior to discussion on the matter before the Commission. Upon indicating a recusal for a matter before the Commission, the member shall then excuse themselves from dais or table for the duration of the discussion, hearing and vote on the item and shall offer no testimony or discussion.

C. Workshops

1. Special meetings shall only be held for the purposes of discussing or voting upon one item of business.
2. Workshops may be held at the call of the Chairman or by a request of a majority of Commission members to review and consider specific matters, not to exceed three (3) items. ~~No votes or determinations shall be made during a workshop and no public comment shall be taken unless determined by a majority of the Commission. Agendas and notice shall be prepared for workshops, but minutes are not required to be taken, so long as the Planning Office staff maintains an attendance record.~~ One (1) fixed monthly date shall be designated in reserve for the Commission to hold a workshop, continue a meeting, or call a special meeting.
3. Joint meetings or workshops between the Commission and either the Mayor and Council or the Board of Appeals may be convened from time to time after consultation between the Chairman and the Mayor or Chairman of the Board

of Appeals. Attendance requirements for members shall apply and the two (2) convening bodies shall establish meeting procedures for each meeting.

D. Requests for Consideration

1. All requests for business items before the Commission must be received in writing or electronic correspondence by the Town Planning Office no later than ten (10) days before the regular Commission meeting. Specific monthly deadlines for receiving requests may be temporarily altered by the Chairman or Town Planning Office when practical without necessitating an amendment to these bylaws.
2. Where an item requiring action by the Commission has specific timeframes or submittal requirements that exceed the requirements within these bylaws, then the requirements within Town Code shall prevail.
3. Items that do not require immediate action and are informational in nature or require only discussion or direction by the Commission shall be forwarded to the Chairman for consideration to be placed on a future meeting or workshop agenda at the Chairman's discretion.

E. Business Conducted Electronically

1. Recognizing the prevalence of electronic forms of media, the Commission desires to enact a consistent policy in utilizing these technologies.
2. No member shall post, disseminate, or discuss information pertaining to pending matters before the Commission via electronic mail or social media applications.
3. No member shall disseminate unauthorized information by said electronic means. Public information may be personally disseminated following the conclusion of the matter before the Commission.
4. Electronic correspondence may be utilized to discuss routine matters before the Commission, disseminate information, documents and reports, and forward incoming correspondence relevant to a matter that has formally been submitted to the Town for consideration so long as the correspondence is not conducted in real-time that would purposely constitute a quorum. Furthermore, members and staff may utilize electronic means of communication to facilitate the business of the Commission and to advise on matters before the Commission. The Commission shall not conduct votes or prejudice themselves on any matters by means of communication.
5. When recommendations from the Commission are required, such recommendations may be made electronically after receiving affirmation by the majority of the existing membership. Such electronic recommendations must be announced during the next regular Commission meeting and noted within those minutes.

F. Testimony, Public Comment & Public Hearing Procedures

1. In accordance with Maryland Court of Special Appeals decision, *Heard vs. Foxshire Associates* (2002), all witnesses shall be sworn in when testifying

before the Commission on those matters decided on the evidence in the record. Testimony must be addressed to the Chairman and must be directly pertinent to the application, relevant Codes, and testimony provided by witnesses. The Chairman shall retain the right to limit or dismiss testimony or evidence that is considered spurious, leading, personally injurious, unsubstantiated, repeating or does not abide by the provisions contained within this Article.

2. The ordinary order of public hearings and time limits for testimony shall be as follows:
 - a. Chairman's statement and overview of procedures.
 - b. Staff report and recommendation.
 - c. Reading of agency comments.
 - d. Testimony by the applicant or the applicant's agent or attorney.
 - e. Public comment.
 - f. The Chairman may allow reasonable cross-examination of witnesses at a time and in a manner considered reasonable by the Chairman under the circumstances.
 - g. Applicant's Rebuttal.

V. Ethics, Conflict of interest and Lobbying

A. Ethics Compliance

1. Commission members are generally subject to the provisions of the Frederick County Ethics Ordinance, as amended from time to time, except those provisions requiring the filing of an annual financial disclosure form.
2. In the event that any other ethics policy is adopted by the Commission or ethics and lobbying ordinance adopted hereafter by the Myersville Mayor and Council, the provisions of these policies and/or ordinances shall supersede the provisions of the Frederick County Ethics Ordinance as it applies to the Commission.

B. Conflicts of Interest

1. No Commission member shall vote on a matter in which they have a personal involvement or the appearance of a conflict of interest or as otherwise specified in the County's Ethics Ordinance.
2. When voting upon matters in which a Commission member maintains a personal, professional, familiar or financial relationship with an applicant, and/or the Commission member has had verbal, written or electronic contact with the applicant or citizen submitting comments or testimony on any matter before the Commission, then the Commission member shall state for the record that such relationship exists, or contact has occurred prior to voting upon the matter in question.

C. Legal Counsel

1. Members are encouraged to consult the Town Attorney or staff as to the propriety of their voting on any matter which may involve a conflict of interest.

VI. Role of Advisers, Staff & Consultants

A. Compliance with § 165-127

1. The Commission shall be governed by and comply with §165-127. “Staff and consultants; expenditures.” of the Town Code. ~~The Commission may through staff make provisions necessary to undertake any study or research it sees fit to execute its duties and responsibilities so long as a formal request for expenditures is made to the Mayor and Council.~~

B. Staff Liaison

1. Planning Office staff or designee of the Planning Office shall serve as the formal staff liaison and advisor to the Commission. The staff liaison shall also serve as the primary contact for all communications between Commission members, staff, applicants, and residents.
- ~~2. The Zoning Administrator may assist the Commission and be present at meetings on zoning-related matters upon the direction of the Planning Office or request by the Chairman.~~
3. The Planning Office shall administer and execute matters of policy on behalf of the Commission. When there are significant changes proposed to matters of Commission policy, the Planning Office staff shall present the proposal to the Commission for resolution at its regular meetings.

C. Refraining from Administration

1. Commission members take no part in the daily routine of administration of regulations and research of matters of fact; although they do participate in site visits, assist in research of policy or text amendments and discussions pertaining to matters of significance to be considered at Commission meetings.

VII. Amendments to Bylaws

A. Initiation

1. Amendments to these bylaws may be initiated by any member of the Commission during a regular meeting.
2. No permanent amendment shall be voted upon during the meeting in which it is introduced.

B. Notice

1. Notice of the proposed amendment(S) and its scheduled date for consideration shall be posted either at Town Hall or on the Town’s official website for at least 10 days.

C. Consideration

1. Consideration of any proposed amendment shall require a public hearing **AND** must be discussed and voted upon in public session.

D. Adoption

1. Adoption of any proposed amendment shall require a majority vote.
2. Amendments shall become effective one day following the date of adoption.

E. Suspension

1. No part of Article VII of these bylaws shall prevent the Commission from suspending standard meeting procedures or points of order contained within Article IV as provided within that article.