

**PLANNING AND ZONING COMMISSION
OF MANHATTAN BEACH BYLAWS**

WHEREAS, the City of Manhattan Beach has power to regulate its own procedure and the procedure of the Planning and Zoning Commission pursuant to Minn. Stat. § 412.191, subdivision 2 and Minn. Stat. § 462.354.

NOW THEREFORE, the City Council of Manhattan Beach has determined that the Planning and Zoning Commission's rules of organization and procedure are as follows.

Section 1. Meetings.

Subdivision 1. Regular meetings. Regular meetings of the Planning and Zoning Commission shall be held on the third Tuesday of each calendar month at 6:30 p.m., but only when there is business for the Planning and Zoning Commission to address. There shall be at least one Planning and Zoning Commission, which shall be held in June of each year, regardless of whether there is any business to address. Any regular meeting falling upon a holiday, public election, or political caucus shall be held on the next following business day at the same time and place. The City Clerk shall maintain a schedule of regular meetings. This schedule shall be available for public inspection during regular business hours at the City Clerk's office. All meetings, including special emergency meetings, shall be held in the City Hall.

Subdivision 2. Special meetings. The mayor or any two members of the Planning and Zoning Commission may call a special meeting of the Commission upon a three day written notice to each member of the Planning and Zoning Commission. This notice shall be delivered personally to each member, or left at the member's usual place of residence with some responsible person. Similar written notice shall be mailed at least three days before the meeting date to those who have requested notice of such special meetings. This request must be in writing and be filed with the City Clerk, designating an official address where notice may be mailed. Such request will be valid for one year.

Subdivision 3. Emergency meetings. The mayor or any two Commission members may call an emergency meeting when circumstances require the immediate consideration of a matter by the Commission. Notice may be in writing personally delivered to Commission members or may be in the form of personal telephone communication. Notice must include the date, time, place, and purpose of such a meeting. Where practical, the Clerk shall make an effort to contact news gathering organizations that have filed a request to receive notice of special meetings.

Subdivision 4. Initial meeting. At the mandatory Commission meeting June of each year, the Commission shall do the following:

Appoint necessary officers

Subdivision 5. Public meetings. Except as otherwise provided in the open meeting law, all Commission meetings, including special, emergency, and adjourned meetings and meetings of all Commission committees shall be open to the public.

Section 2. Presiding officer.

Subdivision 1. Who presides. The presiding officer shall be the chairman. In the absence of the chairman, the acting chairman shall preside. In the absence of both, the Planning and Zoning Administrator shall call the meeting to order and shall preside until the Commission members present at the meeting choose one of their number to act temporarily as presiding officer.

Subdivision 2. Procedure. The presiding officer shall preserve order, enforce the rules of procedure herein prescribed and determine without debate, subject to the final decision of the City Council on appeal, all questions of procedure and order, except as otherwise provided by statute or by these rules.

Subdivision 3. Appeals. Any member may appeal to the Commission from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the question involved and the presiding officer may explain his or her ruling, but no other Commission member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present. A majority or tie vote sustains the decision of the chair. When the presiding officer is a member of the Commission, he or she can vote on the appeal.

Subdivision 4. Rights of the chairman as presiding officer. The presiding officer may not make motions nor second motions. The presiding officer may speak on any question except that on demand of any Commission member the presiding officer shall pass the chair to another Commission member to preside temporarily. The chairman as presiding officer can vote on ordinances, resolutions, or a tie vote of the Commission. The chairman as presiding officer may vote on motions if a quorum is needed to conduct a meeting.

Section 3. Minutes.

Subdivision 1. Who keeps. Minutes of each Commission meeting shall be kept by the secretary or the deputy secretary. In the absence of both, the presiding officer shall appoint a secretary pro tem. Ordinances, resolutions, and claims need not be recorded in full in the minutes if they appear in other permanent records of the secretary and can be accurately identified from the description given in the minutes.

Subdivision 2. Approvals. The minutes of each meeting shall be reduced to typewritten form, shall be signed by the secretary and the chairman or a Commission member, and copies shall be delivered to each Commission member as soon as practicable after the meeting. The minutes of each meeting are the official record of what transpired at each meeting, and as such, speakers, topics, and comments made at the public forum of Planning and Zoning Commission meetings shall not be noted or otherwise appear in the minutes, as comments at public forum are not City action and only represent the opinions of the speakers at public forum. However, public forum comments shall be recorded and posted on the City's website as part of the recording of the Planning and Zoning Commission meeting pursuant to Section 3, Subdivision 4 of these Bylaws. At the next regular meeting following delivery of the meeting minutes to each Commission member, approval of the minutes need not be read aloud, but the presiding officer shall call for

any additions, amendments, or corrections. If there is no objection to a proposed addition, amendment, or correction, it may be approved with a majority vote of the Commission. If there is an objection, the Commission shall vote upon the addition, amendment, or correction. The approved minutes will be signed by the presiding officer and Clerk.

Subdivision 3. Publication. The Clerk shall post on the City's website the official minutes within 30 days of a regular or special meeting. A summary of the action on public hearing notices, resolutions, ordinances, and other official proceedings shall be posted on the City's website and/or official newspaper as required by law. If the Commission does not meet more than once every 30 days, the publication does not need to occur until ten days after the Commission has approved the minutes.

Subdivision 4. Recording of Minutes. The secretary shall record each Commission meeting by using the City's recording device. The secretary shall record the entire meeting, including the comments made at the public forum portions of the meeting. However, to ensure that it is clear that the views expressed by each speaker at public forum are that person's opinion and is not the City's opinion or position, at the beginning of public forum and before any individuals are allowed to speak, the Presiding Officer will note for the record that views expressed at public forum are the opinion of each speaker and are not the City's position on any topics discussed therein.

The Clerk shall post the entire recording of each Commission meeting on the City's website so that the public can access and listen to each Commission meeting, unless there are profane or inappropriate comments that would be illegal or improper to publish. The City reserves the right to refuse to post recordings that contain profane or otherwise inappropriate communications. If any Commission member feels that it is inappropriate to post a recording on the City's website, that Commission member shall make an appropriate motion to not publish the recording, and that motion shall be voted on and shall be approved or denied by a majority vote of the Commission members present. The Clerk will post the recordings of the meetings within ten days from the date of the meeting. The Clerk shall also keep a recording of each Commission meeting at City Hall. If a meeting recording cannot be posted on the City's website due to its content, it will be available at City Hall for persons to review at their own risk.

The Clerk shall use her best efforts to ensure that the City's recording device is properly maintained, is used appropriately, and that the City takes reasonable efforts, actions, and precautions to ensure that the recording system is maintained in good working order and that it clearly and accurately records the Commission meetings. However, the City may not be able to prevent the recording system from failing, as the City cannot reasonably prevent occasional technical or mechanical problems from arising or from electronic problems from occurring. The City shall have no liability to anyone if the recording system fails to record a Planning and Zoning Commission meeting due to any technical failing or problems.

Section 4. Order of business.

Subdivision 1. Order established. Each meeting of the Commission shall convene at the time and place appointed. Commission business shall be conducted in the following order:

- 1) Call to order
- 2) Pledge of Allegiance
- 3) Roll call
- 4) Additions or Deletions to Agenda
- 5) Public hearings
- 6) Approval of minutes
- 7) Petitions, requests, and communications
- 8) Staff Report
- 9) Open forum
- 10) Old business
- 11) New Business
- 12) Adjournment

Subdivision 2. Varying order. The order of business may be varied by the presiding officer, but all public hearings shall be held at the time specified in the notice of the hearing.

Subdivision 3. Agenda. The chairman and Planning and Zoning Administrator shall prepare an agenda of business for each regular Commission meeting and file a copy in the office of the Clerk not later than 5 days before the meeting. If the Planning and Zoning Administrator and chairman have a disagreement about preparing the agenda or in deciding which issues shall be on the agenda, then the chairman shall have the final authority in preparing the agenda. The agenda shall be prepared in accordance with the order of business and copies shall be delivered to each Commission member and shall be posted to the City's website as far in advance of the meeting as time for preparation will permit. No item of business shall be considered unless it appears on the agenda for the meeting or is approved for addition to the agenda by a majority vote of the Commission members present.

The agenda may be amended, with items being added or deleted from the agenda, only upon majority vote of the Commission members present.

Residents or non-residents who own real property within the City of Manhattan Beach (hereinafter "residents or non-resident property owners") may request to have matters placed on the agenda and to be heard on such matters by the Commission. Residents and non-resident property owners must make all such requests to add matters to the agenda and to be heard by the Commission in regards to those matters at least ten calendar days before the Commission meeting they are seeking to have their matter heard on. All such requests must be in writing, addressed to the Commission, and all such requests shall identify the topic or topics to be placed on the agenda, and shall include any and all written materials that the resident or non-resident property owner wishes to present to the Commission. Any resident's or non-resident property owner's request to place a matter on the agenda for consideration by the Commission that is not made at least ten calendar days before the upcoming Commission meeting shall be heard at the following Commission meeting, unless the person requesting to place the matter on the agenda subsequently requests to remove that matter from the agenda. These same rules shall apply to governmental agencies or bona-fide, legally organized environmental organizations, except that if a governmental agency or environmental organization wishes to place a matter on the agenda

for consideration by the Commission, then the governmental agency or environmental organization's request must be made at least five calendar days before the Commission meeting it is seeking to have its matter heard on. A resident, non-resident, governmental agency, or environmental organization may be heard once on a matter that the resident, non-resident, governmental agency, or environmental organization wishes to present to the Commission as a matter of right. A resident's, non-resident's, governmental agency's, or environmental organization's request to have the same matter reviewed again, or to be heard again on the same matter, at upcoming Commission meetings shall be listed on the agenda as a requested agenda amendment. That request to amend the agenda to allow a resident, non-resident, governmental agency, or environmental organization to present a matter for a second or subsequent time shall be voted on at the Commission meeting as a request to amend the agenda, and shall be approved or denied by a majority vote of the Commission members present. A resident, non-resident, governmental agency, or environmental organization does not have an absolute right to be heard more than once on a matter the a resident, non-resident, governmental agency, or environmental organization has placed on the agenda, and will only be heard a second or subsequent time if the Commission votes to amend the agenda to allow that person or entity to be heard again. The Presiding Officer may set a reasonable time limit of at least three minutes for residents, non-residents, governmental agencies, or environmental organizations to present issues that citizens have properly requested to be placed on the agenda.

Subdivision 4. Agenda materials. The secretary shall see that at least one copy of printed materials relating to agenda items is available to the public in the meeting room while the Commission considers their subject matter. The agenda item shall not be considered unless this provision is complied with. This section does not apply to materials that are classified as other than public under the Minnesota Government Data Practices Act or materials from closed meetings.

Section 5. Quorum and voting.

Subdivision 1. Quorum. At all Commission meetings a majority of the Commission members shall constitute a quorum for the transaction of business. In the absence of a quorum of the commission members, the council liaison to the commission may become a voting member to achieve a quorum.

Subdivision 2. Voting. The votes of the members on any question may be taken in any manner, which signifies the intention of the individual members, and the votes of the members on any action taken shall be recorded in the minutes. If any member is present but does not vote, the minutes, as to that member's name, shall be recorded as an abstention.

Subdivision 3. Votes required. A majority vote of all members of the Commission shall be necessary for approval of any ordinance unless a larger number is required by statute. Except as otherwise provided by statute, a majority vote of a quorum shall prevail in all other cases.

Section 6. Ordinances, resolutions, motions, petitions, and communications.

Subdivision 1. Readings. Every proposed ordinance and resolution shall be presented in writing. An ordinance or resolution need not be read in full unless a member of the Commission requests such a reading.

Subd. 2. Signing and submission to City Council. Every proposed ordinance and resolution recommended by the Commission shall be signed by the chairman, attested by the Planning and Zoning Administrator, and submitted by the Clerk to the City Council for their review and consideration.

Subd. 3. Motions, petitions, and communications. Every motion shall be stated in full before the presiding officer submits it to a vote and shall be recorded in the minutes. Every petition or other communication addressed to the Commission shall be in writing and shall be read in full upon presentation to the Commission unless the Commission dispenses with the reading. Each petition or other communication shall be recorded in the minutes by title and filed with the minutes in the office of the Clerk.

Subdivision 4. Communication with City Attorney. The Presiding Officer shall be primarily responsible for consulting with the City Attorney about legal matters affecting the City. If other Commission members, residents, non-residents, or other persons, agencies, or entities need to contact the City Attorney, then the person, agency, or entity wishing to contact the City Attorney will request to have that matter placed on the Commission's agenda in accordance with Section 4, Subdivision Three of these bylaws, and the Commission shall take appropriate action on that request.


Section 7. Suspension or amendments of rules.

These rules may be suspended or amended only by a two-thirds vote of the members present and voting, subject to city council approval

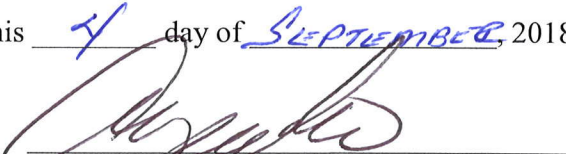
Section 8. Appointment, Removal, and Term of Commission members.

The City Council shall appoint Commission members who appear to have a genuine interest in serving on the Commission, who do not currently have any personal matters pending before the Committee, and who agree to follow all laws, ordinances, and rules, and who agree to uphold all of the duties inherent in serving as a Commission member. The Commission shall consist of five members, and the council liaison shall also be a non-voting Commission member, unless a quorum is not achieved by regular commission members. Then the council liaison may become a voting member.

Passed by the City Council of Manhattan Beach this 4 day of SEPTEMBER 2018.



Mayor



Clerk