

## **Wells County Plat Committee**

### **Rules of Procedure**

#### **ARTICLE 1: Meeting**

- 1-01** The regular meeting of the Wells County Plat Committee shall be the 1<sup>st</sup> and 3<sup>rd</sup> Thursday of each month. The meeting on the 1<sup>st</sup> Thursday of the month will be at 6:30 P.M. in the conference room in the Wells County Area Plan Commission Office or at such other location as may be defined by the Director of the Wells County Area Plan Commission. The meeting on the 3<sup>rd</sup> Thursday of the month will be at 9:00 A.M. in the conference room in the Area Plan Commission office or at such other location as may be defined by the Director of the Wells County Area Plan Commission. If a quorum of the Wells County Plat Committee as defined by these Rules of Procedure, is not in attendance, then there shall be no regular meeting.
- 1-02** A “majority” of the members of the Wells County Plat Committee shall constitute a quorum; however, no action of the Wells County Plat Committee shall be official unless passed by a “majority” vote of the membership of the Wells County Plat Committee at any meeting.
- 1-03** Decisions or any vote of the Wells County Plat Committee, on a petition or any other request, shall be by show of hands of the members. All members present shall vote on every petition, unless that member disqualifies him or herself or is excused from voting by the president for good cause shown on the record. No member of the Wells County Plat Committee shall participate in the hearing or decision upon any matter, in which he is directly or indirectly interested in a financial sense. In this event, the member shall be disqualified and take no part in the discussion or decision. The act of disqualification shall be entered in the record. An elector may be appointed as a replacement in this particular instance. The president shall not make a motion on a petition; however, he may second a motion on a petition.
- 1-04** The Wells County Plat Committee shall keep minutes of the proceedings at all meetings. Minutes are too kept on file in the office of the Wells County Area Plan Commission and are public record.
- 1-05** The Wells County Plat Committee shall keep minutes of its proceedings showing the vote of each member on each petition presented, or indicating that its member is absent or not voting.
- 1-06** The Wells County Plat Committee shall vote and adopt with or without corrections, the minutes of the previous Wells County Plat Committee meeting and the same be deemed approved when signed by the President and attested by the Secretary.
- 1-07** An elector may be appointed every board member at the beginning of each year to qualify as a substitute. All board members shall only have one elector, which shall be properly informed and trained.

## **ARTICLE 2: Officers and Employees**

- 2-01** The Wells County Plat Committee shall, at its first regular meeting in each year, select from its membership a President and Vice-President. The President shall preside all meetings, and in their absence, Vice-President shall preside until the return of the president at any subsequent meeting.
- 2-02** In the event that both the President and Vice-President are absent from a meeting the Secretary to the Wells County Plat Committee shall serve as presiding officer until a temporary president is elected. The Wells County Plat Committee may elect the Secretary of the Wells County Plat Committee to serve as presiding officer of the meeting in the absence of both the President and Vice-President; however, the Secretary has no voting privileges unless the Secretary is a member of the Wells County Plat Committee.
- 2-03** The Wells County Plat Committee may appoint and prescribe the duties of a secretary from within or without its own membership.
- 2-04** The Wells County Plat Committee shall appoint themselves, a member of the committee, or a member of the Plan Commission staff to give secondary approval to all petitions in accordance with the Wells County Zoning and Subdivision Control Ordinances and applicable Indiana Code.

## **ARTICLE 3: Hearings**

- 3-01** The Wells County Plat Committee shall conduct all hearings with respect to the Wells County Zoning and Subdivision Control Ordinances.
- 3-02** The Wells County Plat Committee shall require filing of the petition to match the standard requirements of the Wells County Plan Commission and the Wells County Zoning and Subdivision Control Ordinances.
- 3-03** It shall be the responsibility of the petitioner to inform all affected persons or interested parties by rules of the Wells County Plat Committee. The Wells County Plat Committee may contact any person who expresses specific interest in the petition by standard mail.
- 3-04** The Petitioner, requesting a Minor Subdivision shall give notice to interested parties as follows:
- (1)** The petitioner shall be responsible for placing a sign after the decision of the Plat Committee as provided by the Wells County Plat Committee and the Wells County Plan Commission office.
  - (2)** The sign shall state the “Wells County Plat Committee”, a brief description, hearing date and time, contact information for the Wells County Plan Commission office, and a posting timeline.
  - (3)** The sign shall be placed in a conspicuous location, and not more that thirty (30) feet from the front lot line on a public right of way midway between the two side lot lines
  - (4)** The Wells County Area Plan Commission Director shall inspect the property to verify the sign has been posted at least ten (10) days prior to the meeting.
  - (5)** The sign shall remain on the property ten (10) days after primary approval by the Plat Committee.
- 3-05** The results of the meeting shall be posted at the office of the Wells County Area Plan Commission the day after the meeting.
- 3-06** The results of the meeting shall be sent via standard mail to the petitioner and to any interested party who has made contact requesting such action prior to meeting with the Wells County Plan Commission Office. The mailing shall be done at the petitioners expense.

- 3-07** The Wells County Plat Committee shall supply Findings of Fact and Ruling for all petitions
- 3-08** A petition which fails to receive an approval by a “majority” of the members present of the Wells County Plat Committee eligible to vote on said petition, shall be determined to have failed. (Quorum shall be present to vote)
- 3-09** A petition which receives an approval by a “majority” of the members present of the Wells County Plat Committee eligible to vote on said petition, shall be determined to have received primary approval. (Quorum shall be present to vote)
- 3-10** A petition may be continued to receive further testimony from the petitioner, objector, or Wells County Plat Committee. The petition shall be continued by a “majority” vote by the members present of the Wells County Plat Committee eligible to vote on said petition. (Quorum shall be present to vote)
- 3-11** A petitioner may request prior to a call for a vote of the Wells County Plat Committee, that the petition be tabled for no more than ninety (90) days. A vote shall be taken within ninety (90) days or the petition shall be deemed denied.

#### **ARTICLE 4: Docket**

- 4-01** The Wells County Plat Committee shall hear all petitions and shall hear the petitions in the manner in which they are filed with the office of the Wells County Area Plan Commission and the same petition shall be serially numbered by the year and placed on the docket of the Wells County Plat Committee. The docket numbers shall include the year that the petition was filed with the Wells County Plat Committee.
- 4-02** Each petition shall be designated as a Sell Off, Combine, Addition, or any other petition prescribed by the Wells County Zoning or Subdivision Control Ordinance.
- 4-03** As soon as the Director certifies to the Wells County Plat Committee that the application is complete, the office of the Wells County Plan Commission shall designate a hearing date for the petition or application and the same shall be heard in the order that the petitions appear on the docket; however, the President shall at his discretion and with a viable reason may alter the agenda.

#### **ARTICLE 5: Order of Business**

- 5-01** The order of business at the meeting shall be as follows:
  - (1)** Call To Order
  - (2)** Roll Call
  - (3)** Approval of Minutes of the Previous Meetings
  - (4)** Old Business
  - (5)** New Business
  - (6)** Board Comments
  - (7)** Miscellaneous Business
  - (8)** Adjournment
- 5-02** The Wells County Plat Committee may adjourn discussion, deliberation, or hearings on particular complex and lengthy petitions before it discusses other matter on the agenda to alleviate congestion upon the docket and other matters before the Wells County Plat Committee. This adjournment will occur by “majority” vote of the membership on the record. (Quorum shall be present to vote)

## **ARTICLE 6: Conduct of Hearings**

- 6-01** At a hearing before the Wells County Plat Committee, the petitioner shall first present the facts and arguments in support of the case. Comments and questions from the Wells County Plat Committee members may be interjected during the presentation for clarification of the subject matter. Comments from those in opposition shall then be heard. The petitioner shall receive reasonable time to for rebuttal. There shall be no time for a rebuttal to a rebuttal. All comments and questions shall be directed to the President; however, the President may permit the petitioner to answer the question. To maintain orderly procedure, each side should proceed without interruption by the other side. The President, after all comments have been heard and when, in his opinion, further constructive comments will be to no avail, shall close the hearing. After the hearing is formally closed, the Wells County Plat Committee should consider the petition at which time staff recommendation can be made.
- 6-02** In the presentation of a case, the burden shall be upon the petitioner to supply all information, including charts, diagrams, and other exhibits for a clear understanding of the problem. The Wells County Plat Committee may continue the hearing when in its judgment the petitioner has not provided sufficient evidence on which to make a determination. A continued hearing need not be readvertised if the Wells County Plat Committee advises those in attendance further testimony will be heard and states the day and time of the hearing.
- 6-03** Every person appearing before the Wells County Plat Committee shall abide by the order and discretion of President. When in the opinion of the President any action that disrupts the hearing, discourtesy, disorderly, contemptuous conduct shall be regarded as a breach of privileges of the Wells County Plat Committee and shall be dealt with as the Wells County Plat Committee directs.
- 6-04** The Wells County Plat Committee, at its discretion, may continue or postpone the hearing of any case on an affirmative vote of a “majority” of the Wells County Plat Committee.
- 6-05** Prior to the hearing being formally closed by the Wells County Plat Committee and all evidence may be submitted, whether by oral, written, or other permitted testimony on the record. Written testimony can be submitted without being read into the record. The Wells County Plat Committee may, on its own, initiate investigations and submit written reports, testimony, and evidence into the record prior to the hearing being formally closed. The closing of the hearing for taking of evidence is within the sound discretion of the President. Additional evidence may be taken after the hearing is formally closed, upon motion made by any member of the Board and upon a majority vote of the Wells County Plat Committee.

## **ARTICLE 7: Final Disposition of Cases**

- 7-01** The final disposition of Primary Approval of a Minor Subdivision, Combine, Addition, or other petition required by the Wells County Zoning and Subdivision Control Ordinance shall be final action.
- 7-02** The Wells County Plat Committee may dismiss a case lack of prosecution or lack of jurisdiction. When a petitioner has failed to appear at two consecutive regularly scheduled meetings the case shall be dismissed for lack of prosecution.
- 7-03** A petitioner may not withdraw or ask for a petition to be tabled after a vote has been called for by the President.

- 7-04** A petition, which has been withdrawn by the petitioner, shall not be again placed on the agenda for consideration within a period of twelve (12) months after the date of withdrawal, unless the President considers it a significant change.
- 7-05** A petition, which has been subject to an official vote, shall not again be placed on the agenda for consideration for twelve (12) months after the date of the decision previously rendered, unless the President considers it a significant change.

**ARTICLE 8: Amendments**

- 8-01** Amendments to these rules of procedure may be made by the Wells County Plat Committee at any meeting upon the affirmation vote of a “majority” of the membership of the Wells County Plat Committee. The suspension of any rule may be ordered at any meeting by a unanimous vote of those members in attendance, provided that said members in attendance constitute a quorum as defined by these Rules of Procedures.
- 8-02** Rules of Procedure of the Wells County Plat Committee of Wells County, Indiana, approved by the affirmation vote five (5) members of said Wells County Plat Committee at the regular meeting of the Wells County Plat Committee held the \_\_\_\_ day of May 2008.

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WCPC - President

Attest:

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WCPC - Secretary