

## **Wells County Area Plan Commission**

### **Rules of Procedure**

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

- 1-01** The regular meeting of the Wells County Area Plan Commission shall be the first Thursday of each month at 7:30 PM in the conference room in the lower level of the Courthouse Annex or at such other location as may be defined by the Director of the Wells County Area Plan Commission in published notice. If a quorum of the Wells County Area Plan Commission, as defined by these Rules of Procedure, is not in attendance, then there shall be no regular meeting.
- 1-02** Special meetings may be called as provided by I.C. 36-7-4-307 and all amendments thereto.
- 1-03** A “majority” of the members of the Wells County Area Plan Commission shall constitute a quorum, however, no action of the Wells County Area Plan Commission shall be official unless passed by “majority” vote of the membership of the Wells County Area Plan Commission and are public record.
- 1-04** The Wells County Area Plan Commission shall keep minutes of the proceedings at all meetings. Minutes are to be kept on file in the office of the Wells County Area Plan Commission and are public record.
- 1-05** Decisions or any vote of the Wells County Area Plan Commission, 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 in the record. No member of the Wells County Area Plan Commission shall participate in the hearing or decision upon any matter, other than the preparation and enactment of an overall or comprehensive plan, which he is directly or indirectly interested in a financial sense. The act of disqualification shall be entered into 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.
- 1-06** The Wells County Area Plan Commission 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.
- 1-07** The Wells County Area Plan Commission shall vote and adopt with or without corrections, the minutes of the previous Wells County Area Plan Commission meeting, and the same be deemed approved when signed by the president and attested to by the secretary.
- 1-08** An elector may be appointed by 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: Hearing**

- 2-01** The Wells County Area Plan Commission shall, at its first regular meeting in each year, select from its membership a president and Vice-President. The president shall preside at all regular or special meetings, and in his absence, the Vice-President shall preside until the return of the president at any subsequent or regular meeting.
- 2-02** In the event that both the president and Vice-President are absent from a meeting the secretary to the Wells County Area Plan Commission shall serve as presiding officer until a temporary president is elected. The Wells County Area Plan Commission may elect the secretary of the Wells County Area Plan Commission 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 he is a member of the Wells County Area Plan Commission.

- 2-03** The Wells County Area Plan Commission may appoint and prescribe the duties of a secretary from within or without its own membership.
- 2-04** The Wells County Area Plan Commission may make contracts for temporary services and professional counsel.

### **ARTICLE 3: Hearings**

- 3-01** The Wells County Area Plan Commission shall conduct all hearings with respect to any discussion required by the Wells County Zoning and Subdivision Control Ordinances or by Indiana Law.
- 3-02** Any petitioner seeking to amend, adopt, appeal, or the approval of any of the items in paragraph one (1) shall file a petition with the Wells County Area Plan Commission on a form provided by the Wells County Plan Commission. After proper public notice the Wells County Area Plan Commission shall designate a time and place for the public hearing. All publication costs with respect to all petitions before the Wells County Area Plan Commission, costs of notices, and the costs of all investigations or hearings with respect of applications shall be borne by the applicant.
- 3-03** When the request for a petition of any of the items in paragraph one (1) is made on the initiative of persons other than the Wells County Area Plan Commission, the petitioning person or group shall stand the cost of publication and notice to interested parties.
- 3-04** It shall be the responsibility of the applicant or petitioner to inform all affected persons or interested persons as prescribed by rule of the Wells County Area Plan Commission. The Wells County Area Plan Commission will, by rule, make available to all applicants the definition of interested parties and may, prior to formally voting on any petition before it, upon "majority" vote of the members present, designate such other interested parties as the Wells County Area Plan Commission deems necessary. In the event that the Wells County Area Plan Commission shall designate additional interested parties at any time prior to voting on a matter before the Wells County Area Plan Commission, The Wells County Area Plan Commission shall afford the applicant or petitioner such additional time as is necessary to respond to any evidence raised by the interested parties.
- 3-05** The petitioner, requesting to amend, adopt, appeal or approval of any of the items in paragraph one (1) shall give notice to interested parties as follows:
- (1)** In addition to the public notice the Wells County Area Plan Commission shall require the petitioner to post upon the premises, for which a petition is filed, a sign, as provided by the Wells County Area Plan Commission, stating the time and place of the hearing, brief description of the petition, and the phone number of where further information may be obtained.
  - (2)** The sign shall be placed in a conspicuous location along the front lot line on a public right-of-way midway between the two side lot lines.
  - (3)** All such signs shall be provided for by the Wells County Area Plan Commission for such public notice, with applicant responsible for such costs.
  - (4)** The Wells County Area Plan Director shall require the petitioner to show proof of the sign having been posted not less than (10) days prior to the scheduled meeting for such hearings for Rezoning, Major Subdivisions, Development Plans, CAFOs, and Appeals.
- 3-06** When the public hearing is on an amendment to the Wells County Zoning Ordinance or Subdivision Control Ordinance, amendment to the Wells County Zone Map, approval of a Development Plan, or approval of a Subdivision, due and proper notice shall be given according to the provisions of Public Law 178, Acts or 1979 and any amendments thereto.
- 3-07** To comply with the requirements of publication, a copy of the proof of publication shall be provided to the Wells County Area Plan Commission. The proof of publication shall be attached to

the petition and be made a part of the permanent records of the Wells County Area Plan Commission.

- 3-08** After discussion and after findings of fact have been established and presented, any vote on the approval of a petition or other request before the Wells County Area Plan Commission which fails to receive approval of the “majority” of the members present of the Area Plan Commission eligible to vote on said petition, shall be determined to have failed.
- 3-09** The Wells County Area Plan Commission may, at the request of the Commission, itself, an objector or petitioner, upon motion, and by “majority” vote of the members present, on the record, continue a petition until a subsequent meeting. A petition so continued may receive further testimony from the petitioner, objectors or the Commission. Notice shall be given at the meeting has been continued with respect to the petition under discussion and the time and place of any subsequent meeting or meetings, on the record or as stated in Article 1.
- 3-10** Petitioner may request prior to a call for a vote of the Wells County Area Plan Commission, 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 and subject to Article 7 of the Rules of Procedure.
- 3-11** All notices required by Ordinance, State or Federal Law shall be on a form as prescribed, by rule, of the Wells County Area Plan Commission. The Director shall certify the petitioner, prior to any action on any application, that all legal notices have been satisfied before the Wells County Area Plan Commission may hear the petition.

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

- 4-01** The Wells County Area Plan Commission shall hear all matters publicly and shall hear the matters 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 place on the docket of the Wells County Area Plan Commission. The docket numbers shall include the year that the petition was filed with the Wells County Area Plan Commission.
- 4-02** Each petition shall be designated as the petition type designated by the Wells County Zoning and Subdivision Control Ordinance.
- 4-03** As soon as the Director certifies to the Wells County Plan Commission that the application is complete, the office of the Wells County Area 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 regular meetings shall be as follows:
- (1) Call to Order
  - (2) Roll Call
  - (3) Approval of Minutes of Previous Meetings
  - (4) Old Business
  - (5) New Business
  - (6) Communication, Bills, and Expenditures
  - (7) Directors Comments
  - (8) Attorneys Comments
  - (9) Adjournment
- 5-02** The Wells County Area Plan Commission may adjourn discussion, deliberation, or hearings on particular complex and lengthy petitions before it discusses other matters on the agenda to alleviate congestion upon the docket and other matters before the Wells County Area Plan Commission. This adjournment will occur by “majority” vote of the membership on the record.

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

- 6-01** At a public hearing before the Wells County Area Plan Commission, the petitioner shall first present the facts and arguments in support of the case. Comments and questions from the Wells County Area Plan Commission members may be interjected during the presentation for clarification of the subject matter. Comments from organized groups, committees, and individuals regarding the merits of the case shall then follow. Comments from those in opposition shall then be heard. The petitioner shall then receive reasonable time for rebuttal. There shall be not time for a rebuttal to a rebuttal. All questions and comments shall be directed to the President; however, the President shall at his discretion 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 public hearing. After the public hearing is formally closed, the Wells County Area Plan Commission 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 Area Plan Commission 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 re-advertised if the Wells County Area Plan Commission 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 Area Plan Commission shall abide by the order and discretion of the President. When in the opinion of the President any action that disrupts the hearing, discourtesy, disorderly or contemptuous conduct shall be regarded as a breach of privileges of the Wells County Area Plan Commission and shall be dealt with as the Wells County Area Plan Commission directs.
- 6-04** The Wells County Area Plan Commission, at its discretion, may continue or postpone the hearing of any case on an affirmative vote of a “majority” of the Wells County Area Plan Commission.
- 6-05** Prior to the hearing being formally closed by the Wells County Area Plan Commission, any 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 record. The Wells County Area Plan Commission 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 with 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 Area Plan Commission.

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

- 7-01** The final disposition of any rezoning petition shall be in the form of a recommendation to the appropriate legislative body setting forth the findings-of-fact and determination of the Wells County Area Plan Commission, together with any commitments made as a condition of approval.
- 7-02** The final disposition of Primary Approval of a Subdivision Plat or a Developments Plan shall be a final action.
- 7-03** The Wells County Area Plan Commission may dismiss a case for lack of prosecution or lack jurisdiction. When a petitioner has failed to appear at two consecutive regular scheduled meetings the case shall be dismissed for lack of prosecution.
- 7-04** A petitioner may not withdraw or ask for a petition to be tabled after a vote has been called for by the President.

- 7-05** 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.
- 7-06** 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: Committees**

- 8-01** The following committees may be appointed by the Wells County Area Plan Commission:
- (1) Plat Committee
  - (2) Budget and Finance Committee
  - (3) Ad Hoc Committees as may be needed from time to time
- 8-02** The Standing Committee shall be appointed for a one-year term. The President shall fill vacancies as soon as practical.

**ARTICLE 9: Amendments**

- 9-01** Amendments to these rules of procedure may be made by the Wells County Area Plan Commission at any regular or special meeting upon the affirmative vote of a “majority” of the membership of the Wells County Area Plan Commission. 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.
- 9-02** Rules of Procedure of the Wells County Area Plan Commission of Wells County, IN approved by the affirmative vote of eleven members of said Wells County Area Plan Commission at the regular meeting of the Wells County Area Plan Commission held on the \_\_\_\_ day of \_\_\_\_\_.

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WCAPC - President

Attest:

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WCAPC - Secretary