

Grant County Area Plan Commission*

Rules of Procedure

1. General Statement

The following rules as adopted by the Grant County Area Plan Commission (APC) shall be utilized to conduct all Plan Commission business. These rules shall be used in conjunction with the Grant County, Indiana Areawide Zoning Ordinance, Subdivision Ordinance, Wireless Facilities Ordinance, and IC 36-7-4-100 et.seq.

2. Powers and Composition of the Board

2.1 **Powers.** The powers of the Plan Commission shall be those set forth in IC 36-7-4-405 in conjunction with the Grant County, Indiana, Areawide Zoning Ordinance, Subdivision Ordinance, and Wireless Facilities Ordinance.

2.1.1 **Preparation, Replacement and Amendment of the Comprehensive Plan.** The Plan Commission shall be responsible for preparation and amendment of the Grant County Comprehensive Plan.

2.1.1.1 The comprehensive plan shall promote the public health, safety, morals, convenience, order, or general welfare and efficiency and economy in the process of development.

2.1.1.2 The role of the Plan Commission in preparation and amendment of the comprehensive plan is strictly advisory. Recommendations to the legislative body shall be favorable recommendation, unfavorable recommendation, or no recommendation. Final approval is required by the legislative body of the area affected to be effective within that jurisdiction.

2.1.2 **Preparation, Replacement and Amendment of the Zoning and Subdivision Ordinances.** The Plan Commission shall be responsible for preparation and amendment of the Grant County Areawide Zoning Ordinance.

2.1.2.1 In coordination with preparation or replacement of the Areawide Zoning Ordinance, the Plan Commission shall be responsible for preparation and replacement of official zoning maps for the area of jurisdiction.

2.1.2.2 Proposals to amend the zoning ordinance may be initiated by either the Plan Commission or any participating legislative body.

2.1.2.3 The role of the Plan Commission in preparation and amendment of the Zoning and Subdivision Control Ordinance is strictly advisory. Recommendations to the legislative body shall be favorable recommendation, unfavorable recommendation, or no recommendation. Final approval is required by the legislative body of the area affected to be effective within that jurisdiction.

2.1.2.4 When the Plan Commission recommends a Zoning Ordinance, they shall act in accordance with IC 36-7-4-601(c). When the Plan Commission is considering a proposal for rezoning, they must “pay reasonable regard” to the considerations outlined in IC 36-7-4-603.

2.1.3 **Amendment of Official Zoning Maps.** The Plan Commission shall, when necessary, amend the official zoning maps. The role of the Plan Commission in amendment of the zoning maps is strictly advisory. Recommendations to the legislative body shall be favorable recommendation, unfavorable recommendation, or no recommendation. Final approval is required by the legislative body of the area affected to be effective within that jurisdiction.

When the Plan Commission recommends a change to the zoning maps, they must “pay reasonable regard” to the considerations outlined in IC 36-7-4-603.

2.1.4 **Approval of Subdivision Plats.** The Plan Commission shall have authority of approval of all plats and replats involving land covered by the Subdivision Ordinance.

2.1.4.1 To grant approval of a primary plat, the Plan Commission shall determine that the plat meets all standards prescribed by the Subdivision Ordinance. Under conditions in which the Subdivision Ordinance is proven to cause unnecessary hardship, the Plan Commission may authorize variances from the ordinance, in connection with the consideration of the plat or replat.

2.1.4.2 As a condition of approval of the primary plat, the Plan Commission may specify the manner in which public ways should be laid out, graded and improved; a provision for water, sewage and other utility services; a provision for lot size, number and location; a provision for drainage design; a provision for open space; a provision for a homeowner’s association as necessary; as specified in the Subdivision Ordinance.

2.1.4.3 Public Notice shall be required in any petition for primary plat approval and shall be in accordance with Section 5.6 of these Rules.

2.1.4.4 The Plan Commission may grant secondary approval of a plat at a regular monthly meeting.

2.2 Composition of the Plan Commission. The Plan Commission shall consist of thirteen (13) members to be appointed as follows:

2.2.1 Two (2) representatives from each city having a population of less than ten thousand (10,000). Of these two (2) representatives:

2.2.1.1 One (1) is a member of the municipal legislative body appointed by the legislative body; and

2.2.1.2 One (1) is a citizen member appointed by the municipal executive.

2.2.2 One (1) representative from each town having a population of more than two thousand one hundred (2,100), and one (1) representative from each town having a population of two thousand one hundred (2,100) or less that had a representative before January 1, 1979.

2.2.3 Six (6) county representatives as follows:

2.2.3.1 One (1) member appointed by the Grant County Commissioners from its membership;

2.2.3.2 One (1) member appointed by the Grant County Council from its membership;

2.2.3.3 The county superintendent of schools, or if that office does not exist, one (1) representative appointed by the school corporation superintendents within the jurisdiction of the Plan Commission;

2.2.3.4 The Grant County Agricultural Extension Educator;

2.2.3.5 One (1) citizen member who is a resident of the unincorporated area of Grant County appointed by the Grant County Commissioners; and

2.2.3.6 One (1) citizen member who is a resident of the unincorporated area of Grant County appointed by the Grant County Council.

2.3 Executive Committee.

2.3.1 Membership. The Executive Committee shall be comprised of five (5) members of the Area Plan Commission including the President, Vice President, the County Council member, the County Commissioner member and one (1) other elected from the remaining members (who shall be elected annually at the first meeting of the year). The Agricultural Extension Educator member of the Area Plan Commission shall also serve as a non-voting advisory member to the Executive Committee.

3. Officers and Staff

3.1 Election of Officers. At its first regular meeting of each year, the Plan Commission shall elect from its members a President and a Vice-President per IC 36-7-4-303. The election shall be a public process and is to be accomplished as follows:

3.1.1 The currently elected President shall preside over the election process. The process shall begin by hearing comments and discussion by Plan Commission members.

3.1.2 Upon the end of the discussion, the President shall request nominations for the position of President and nominations shall be heard. Upon completion, the President shall request a motion to close nominations.

3.1.3 Election shall be comprised of a *Standard Roll Call* vote. Members may be

present or participate thru electronic communications. Members participating thru electronic communications must be seen & heard per the Electronic Meeting Policy, IC 5-14-1.5-3.5

- 3.1.4 Once the ballots have been tallied and a new President chosen, the current President will step down. The newly appointed President shall then preside over the election of the Vice President using a similar process.
- 3.1.5 The outcome of each vote shall be publicly stated by the President at the meeting and shall be reflected in the minutes of the meeting.
- 3.1.6 If for any reason, such as a tie, the election cannot be completed, the current Chairman will remain in place until such issue or tie can be resolved.

(Approved March 6th, 2023)

3.2 **Duties of Officers.**

- 3.2.1 **Presiding at Meetings.** If present and able, the President shall preside at all meetings and hearings. If the President is absent or unable to preside, the Vice President shall preside. If both are absent or unable to preside, the members present shall appoint a temporary President to preside.
- 3.2.2 In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure or order, unless otherwise directed by a majority of the members in attendance on a motion duly made and passed. The President shall maintain order and decorum, and to that end may order the removal of disorderly, discourteous or disruptive persons.
- 3.2.3 **Contracts, Agreements and Committees.** The President, on behalf of the Plan Commission, shall exercise general supervision over the affairs of the Plan Commission, including the execution of contracts and agreements, the appointment of committees and representatives (except as otherwise provided by statute, ordinance, or these rules), and the signing of all official documents.
- 3.2.4 **Other Responsibilities and Duties of the President and Vice-President.** The President shall have further duties and responsibilities as designated by the Plan Commission or as required by law. He/She may delegate specific duties generally to the Vice-President or may authorize the Vice President to perform specific duties, during his absence from the jurisdiction or in case of his other disability to perform necessary Plan Commission functions in a timely manner. The Vice President shall perform all duties so delegated, and in case of absence or incapacity of the President, on approval by a majority of the Plan Commission, shall perform any or all duties of the President whether or not delegated.

3.3 **Plan Commission Staff.**

- 3.3.1 The Executive Director shall be the designated executive of the staff. The Director shall be delegated authority to perform administrative acts in all cases except where final action of the Plan Commission is necessary. The Executive Director shall be responsible for the keeping of an accurate record of all Plan Commission proceedings, including the keeping of the records and minutes, the custody and preservation of all papers and documents of the Plan Commission, the maintenance of a current roster and qualification of members, and records of attendance. The Executive Director shall also be responsible for management of all fiscal matters including development of the annual budget for review and approval by the Plan Commission.
- 3.3.2 The Plan Commission shall appoint such additional employees as are necessary to discharge the duties of the Plan Commission and shall fix the compensation of such employees in conformity with salaries and compensation approved by the Grant County Council.
- 3.3.3 The Plan Commission staff shall be responsible for assignment of street addresses to structures and subdivision lots, including the ability to renumber lots and structures as well as rename streets.
- 3.3.4 **Performance Review, Executive Director.** The Plan Commission shall be responsible for adequate and fair performance review of the Executive Director. Evaluation shall be conducted in executive session.
- 3.3.5 **Performance Review, Staff.** The Executive Director shall be responsible for adequate and fair performance review of staff appointed by the Plan Commission. Evaluation shall be submitted to the Plan Commission. The Plan Commission during executive session shall review such evaluation.

4. Meetings

All meetings shall be in accordance with IC 5-14-1.5, et. Seq. the Indiana Open Meeting Law, and amendments thereto.

- 4.1 **Regular Meetings.** Regular meetings of the Plan Commission shall be held on the first Monday of each month, unless otherwise noted by the Plan Commission, as scheduled in a calendar published by staff and approved by the Plan Commission at the final meeting of each year or the first meeting held of the next year if no meeting is held in December.

All meetings shall be held at 7:00 p.m. or directly following the Board of Zoning Appeals meeting, whichever is later. The meetings are held at the Grant County Complex Council Chambers, unless otherwise publicly announced.

- 4.2 **Special Meetings.** Special meetings of the Plan Commission may be called at any time by the President or by two members upon request to the Plan Commission's staff. The staff shall notify the Plan Commission members of such

special meeting at least three (3) days in advance of such meeting. Written notice of a special meeting shall not be required if the time and place of the special meeting has been fixed in a regular meeting of the Plan Commission, provided that all members of the Plan Commission are present at that regular meeting.

- 4.3 **Executive Session.** Executive sessions by the Plan Commission, a meeting from which the public is excluded, may be held where authorized by IC 5-14-1.5-6.
- 4.4 **Cancellation.** If no business is scheduled before the Plan Commission, or if it is apparent that a quorum will not be available, the President may cancel any meeting by giving notice to all members prior to the time set for each meeting. If no quorum is present at the meeting, the President shall cancel the meeting and all items scheduled to be heard shall be rescheduled by the staff.
- 4.5 **Recess.** Any meeting may be recessed from day to day, or to the time of any previously announced regular or special meeting, and such recess to a specified time and place shall not require additional public notice. No new information shall be submitted at a public hearing that has been recessed from a previous day or time.

5. Filing Procedures

5.1 Application.

5.1.1 All petitions not initiated by the Plan Commission shall require application with the Plan Commission staff. Filing deadlines shall be, generally, 14 days prior to each regular meeting, unless otherwise notified by the Plan Commission, as scheduled in a calendar published by staff and approved by the Plan Commission at the final meeting of each year. Incomplete applications will not be accepted.

5.1.2 A non-refundable filing fee as established by Ordinance shall accompany applications not initiated by the Plan Commission

5.2 Technical Advisory Committee.

5.2.1 The Technical Advisory Committee shall be responsible for review of all petitions for subdivision plat approval or amendment, minor plat, or exclusion. The Technical Advisory Committee shall be comprised of:

5.2.1.1 The Executive Director of the Area Plan Commission,

5.2.1.2 The Grant County Surveyor,

5.2.1.3 The Grant County Highway Superintendent,

5.2.1.4 District Conservationist of the Natural Resource Conservation Service,

5.2.1.5 A representative of the Grant County Health Department,

5.2.1.6 A representative of the municipality in which the subdivision is or will be located, and.

5.2.1.7 Any other representative as deemed necessary for the petition.

5.3 Continuances.

5.3.1 The Executive Committee shall be responsible for review of request for continuance by parties other than the applicant.

5.3.1.1 Requests for continuance by parties other than the applicant shall be submitted in writing to the office of the Plan Commission no later than ten (10) days prior to the public hearing. Upon receipt of such request, the Executive Director shall notify members of the Executive Committee.

5.3.1.2 The Executive Director shall notify the applicant of any requests for continuance.

5.3.1.3 The Executive Committee may grant a properly requested continuance upon determination that good cause has been shown.

5.3.1.4 Unless particularly extreme circumstances are presented, no more than one continuance shall be allowed per application.

5.3.1.5 Continuances granted by the Executive Committee shall require ratification by the Plan Commission at the next regularly scheduled hearing.

5.3.1.6 In the event that a continuance is granted by the Executive Committee, the application shall be heard at the next regularly scheduled hearing following the most immediate regularly scheduled meeting (generally, an extension of thirty days) and all filing deadlines for documents and evidence shall be extended commensurate with the new hearing date.

5.4 Staff Report.

5.4.1 After a thorough examination of information in public record and findings from additional research, staff shall release a report providing analysis of each item placed on the agenda. Such report shall be released in correspondence with the agenda no later than ten (10) calendar days prior to the meeting. The staff report shall include, when appropriate:

5.4.1.1 A docket number, a detailed description of the request, location of the property, size of the property, and the name of the applicant; and

5.4.1.2 Relevant issues for Plan Commission consideration.

5.4.2 Staff shall utilize information provided by service providers, such as schools, fire and police protection, regarding impact upon services.

5.4.3 Additional Information Submitted.

5.4.3.1 Applications shall be complete by the appropriate filing deadline.

5.4.3.2 All parties shall be allowed to submit documents into public record up to no less than two (2) business days prior to the meeting. Documents to be studied and considered by staff for use in the staff report should be submitted no later than ten (10) calendar days prior to the meeting.

5.4.3.3 The term “document” as used in this chapter is to be interpreted in the broadest sense of that term and means the product of any means of recording information, whether by writing or otherwise. A “document” includes, but is not limited to, correspondence, letters, ledger sheets, contracts, negotiable instruments, agreements, memoranda, reports, notes, diaries, logs, calendars, telegraphs, telexes, facsimile transmissions, summaries, invoices, bills, bills of lading, receipts, checks, checkbooks, charts, graphs, drawings, blueprints, diagrams, worksheets, studies, bulletins, notices, instructions, books, manuals, pamphlets, periodicals, journals, logs, indices, photographs, microfiche, microfilm, telephone records, tape recordings, movies, video tapes, computer disks, and other data compilations.

5.4.4 **Items to be Delivered with Staff Report.** Any party may provide support documentation to be delivered to Plan Commission members along with the staff report. To do so, the party must provide sufficient copies to staff for each member of the Plan Commission, one (1) copy for public record, and one (1) copy for legal counsel. Information to be delivered with the staff report should be submitted no less than ten (10) calendar days prior to the meeting.

5.5 **Agenda.**

5.5.1 Staff shall review all applications to be placed on the agenda for completeness and technical and legal compliance with the terms of the Zoning and/or Subdivision Control Ordinance. Upon determination of appropriateness, staff shall assign the application a docket number.

5.5.2 Upon receipt of a docket number, a petition shall be placed on the agenda of the Plan Commission and a date and time set for a public hearing. Cases shall come before the Plan Commission in the regular order of their consecutive docket numbers unless otherwise ordered by the Plan Commission.

5.5.3 An agenda for a regular meeting, including executive session, shall be released by staff ten (10) calendar days prior to the meeting. However, upon approval by the Executive Director and the President, the agenda of the meeting may be amended no less than five (5) calendar days prior to the hearing.

5.6 **Public Notice.** In all petitions not initiated by the Plan Commission, a legal notice of the public hearing shall be prepared by the Area Plan Office and advertised in the newspaper(s) of the petitioner’s choice ten (10) calendar days

prior to the hearing. The petitioner shall assume the cost of said notice and one (1) copy of an affidavit from the publisher shall be submitted to the Plan Commission prior to the public hearing.

5.6.1 The Area Plan Office shall serve notice to owners of property directly adjacent to the property in question, including property across a public right-of-way or municipal boundary. Such notification will be by mail and shall be postmarked not less than ten (10) calendar days prior to the public hearing.

5.6.2 Notice shall include the following:

5.6.2.1 substance of the petition;

5.6.2.2 general location of the property by common address, acreage, section and township;

5.6.2.3 name of the person or agency initiating the petition;

5.6.2.4 time, date, and place of the hearing;

5.6.2.5 statement that the petition is on file in the Grant County Area Plan Office;

5.6.2.6 statement that the interested parties may offer an oral opinion at the hearing or may file written comments concerning the petition no less than two (2) business days prior to the hearing; and

5.6.2.7 any other information which may be required by law to be contained in such notice.

5.7 **Limit to Public Record.**

5.7.1 **Limits, generally.** While applications shall be complete by the appropriate filing deadline, additional information shall be allowed into public record up to no less than two (2) business days prior to the meeting. No information will be accepted into public record beyond two (2) business days prior to the meeting.

6. **Conduct of Meetings**

6.1 **Robert's Rules of Order.** Unless otherwise provided for in these Rules of Procedure, all meetings shall be conducted according to Robert's Rules of Order, as revised.

6.2 **Quorum.** The majority of the members of the Plan Commission shall constitute a quorum. No action of the Plan Commission, however, will be official unless authorized by the affirmative vote of the majority of the entire membership of the Plan Commission.

6.3 **Minutes and Records.**

6.3.1 The Plan Commission shall keep minutes of all regular and special meetings. Recorded minutes shall state the date, time, and place of each

meeting; reflect the business conducted; and show names of all Plan Commission members and staff present, indicating the late arrival or early departure of these personnel. Minutes shall include the vote of each member present and voting on every question, whether or not a final decision is rendered. Should any member(s) be disqualified from participating and voting on any application, an alternate may be placed by the appointing body to fulfill the duties of the disqualified member. The minutes of each meeting shall be amended, if necessary, and approved at the next regular meeting, or if such is not practicable, as soon thereafter as is possible. The approved minutes shall become official when signed by the President or acting President and the Executive Director. Copies of the minutes of the previous meeting shall be submitted to Plan Commission members along with the agenda and staff report no less than ten (10) calendar days prior to the meeting.

- 6.3.2 All information entered into the record is considered an agreement by the petitioner or his/her representative with the Plan Commission. The petitioner is responsible for any agreements or conditions made as part of the record. The agreements or conditions are not required to be part of the motion if they are part of the record. The petitioner will be held liable if the agreement or condition is not fulfilled to the satisfaction of the Plan Commission.
 - 6.3.2.1 The petitioner may submit an appeal to the legislative body, for the jurisdiction in which the affected property is located, for any agreements or conditions entered into record, but not part of a motion.
 - 6.3.2.1a The appeal must be filed with the Plan Commission on an application form supplied to the Plan Commission with the required fee.
 - 6.3.2.1b The appeal must be at an advertised public hearing before the appropriate legislative body at one of their regularly scheduled meetings.
 - 6.3.2.1b1 The meeting must be advertised in a suitable newspaper ten days before the meeting and all adjacent property owners must be notified ten days before the meeting (all information will then be forwarded to the legislative body).
- 6.3.3 The Plan Commission may tape record the proceedings of each meeting to substantiate and clarify the official minutes.
- 6.3.4 The Plan Commission shall keep all material relevant to each agenda item in public record including, but not limited to, required documents from the petitioner and his and his or her supporters or by remonstrators at the public hearing; if applicable, completed Findings of Fact forms; and any correspondence received by the Plan Commission pertinent to the item.

All records shall be kept in the office of the Grant County Area Plan Commission and shall be a matter of public record, open for inspection during business hours.

- 6.4 **Representation of Applicant.** The petitioner, petitioner's attorney or their representative must be present in order for a public hearing to be held as scheduled. However, written appearances by those augmenting the presentation, as well as by those either supporting or remonstrating against it will only be accepted prior to the public hearing. Failure of the petitioner or their representative to appear will result in the petition being tabled and rescheduled for the next meeting. Public announcement of this change at the originally scheduled meeting will be deemed sufficient notice to all parties.
- 6.5 **Order of Business.** The order of business on the agenda for each regular meeting shall be as follows:
- 6.5.1 Call to Order
 - 6.5.2 Roll Call
 - 6.5.3 Approval of Minutes and Finding of Fact
 - 6.5.4 Public Hearing, Old Business
 - 6.5.5 Public Hearing, New Business
 - 6.5.6 Reports, Resolutions, Communications, and General Discussion
 - 6.5.7 Adjournment
- 6.6 **Public Hearing.**
- 6.6.1 **Opening the Hearing.** The President shall call the docket number of the item scheduled for public hearing and declare the hearing open. The President shall explain the order of testimony for the public hearing and remind those wishing to speak to state their name, address, and comments for the record. The President may ask for the number of persons planning to speak on behalf of the applicant or in opposition, as well as the amount of time expected to be necessary for purposes of considering suspension, or amendment of the time limitations specified in Rules 6.6.3, 6.6.4, and 6.6.5.
 - 6.6.2 **Background and Comments by Staff.** Staff shall present initial findings publicly to the Plan Commission, including information provided in the staff report, as necessary.
 - 6.6.3 Presentation by Petitioner.
 - 6.6.3.1 Petitioner(s) and persons appearing in support of the applicant shall have **fifteen (15) minutes** for the presentation of evidence, statements, and argument in support of the matter being considered.

6.6.3.2 The Plan Commission may seek clarification on any issue raised by the petitioner. The Plan Commission shall not penalize the petitioner for time required clarifying requests.

6.6.4 Presentation by Opposition.

6.6.4.1 Opposition shall have **twenty-five (25) minutes** for the presentation of evidence, statements, and argument in opposition to the matter being considered.

6.6.4.2 The Plan Commission may seek clarification on any issue raised by opposition. The Plan Commission shall not penalize opposition for time required clarifying requests.

6.6.5 **Rebuttal by Petitioner.** Petitioner(s) shall have **ten (10) minutes** for rebuttal, which shall only include evidence, statements and arguments in rebuttal of remonstrator's evidence and APC comments.

6.6.6 **Closing the Hearing.** Upon completion of rebuttal, the President shall declare the public hearing officially closed and invite the Plan Commission to initiate discussion of the petition. Public comment without solicitation by the Plan Commission is not permitted after the public hearing is closed.

6.6.7 **Motion.** Upon conclusion of initial discussion, the President shall call for a motion. Any motion that is made and seconded is open for further Plan Commission discussion. Each motion that has received a second shall be voted upon, with the vote of each member recorded in the meeting minutes.

6.6.8 Plan Commission members shall be granted adequate opportunity to examine petitioner(s) and opposition and question any evidence, statement, or argument in the interest of a fair and efficient hearing.

6.6.9 **Waiver of Amendment of the Time Limits.** Time limits may be suspended or amended and new time limits established only upon consent of the President. It is understood that such deviation from the time prescriptions in Rules 6.6.3, 6.6.4, and 6.6.5, is to be granted only in extraordinary circumstances and will not be routinely permitted.

6.6.10 **Posting of Procedures.** A copy of Sections 6.6 and 6.7 of these Rules shall be available to the public at each meeting.

6.7 **Conduct.**

6.7.1 **Identification.** All persons wishing to be heard on any matter in a public hearing must stand before the Plan Commission and provide their names and addresses for the record. When necessary, the APC may allow or require sign-up sheets.

- 6.7.2 **Commentary Addressed to the Plan Commission.** All commentary at a public hearing shall be addressed to the Plan Commission through its President. Such commentary will not be permitted between opposing parties without the consent of the President, nor will commentary addressed to any specific member of the Plan Commission, staff, or their counsel be permitted without the explicit consent of the President.
- 6.7.3 **Authority of the President.** The President shall have the authority to prohibit repetitious and irrelevant testimony and shall have the authority to limit the length of testimony by each speaker as deemed appropriate to a fair and efficient public hearing.
- 6.7.4 **Orderly Conduct.** Every person appearing before the Plan Commission shall abide by the order and direction of the President. Discourteous, disorderly or contemptuous conduct shall not be tolerated, and the President may take such action as is deemed necessary to prevent such conduct.
- 6.8 **Final Disposition of Cases.**
 - 6.8.1 All decisions of the Plan Commission on the matters heard in public hearings shall be by record vote. The vote of each member shall be a matter of public record.
 - 6.8.2 A majority of the entire membership of the Plan Commission is required to take official action on a petition. In the event that a vote on an application before the Plan Commission results in a tie vote or does not receive a majority of the entire membership, a “no decision” vote will be declared.
 - 6.8.3 The final disposition of cases requiring Area Plan Commission approval shall include the action taken, together with any modification, specification, or limitation included in the action.
 - 6.8.4 The disposition of cases requiring final approval from the Grant County Commissioners shall be in the form of a recommendation given to that body. Within ten (10) calendar days of the recommendation, the Executive Director shall provide the Grant County Commissioners with a letter of transmittal, informing County Commissioners of the action of the Area Plan Commission and reasons for such action.
 - 6.8.5 Approved subdivision plats shall require the signature of the President and Executive Director prior to being recorded with the Office of the Recorder.
 - 6.8.6 An application withdrawn by the applicant shall not be placed in the agenda for consideration within a period of six (6) months following the date of withdrawal from the agenda of the Plan Commission.

- 6.8.7 A specific application, which has been adversely decided to the petitioner, shall not be placed on the agenda for consideration for a period of one (1) year following the date of the adverse decision issued by the Plan Commission.

7. Conduct of the Plan Commission Members

- 7.1 No member of the Plan Commission shall represent applicants or appellants on matters that the Plan Commission is to make determinations.
- 7.2 **Conflict of Interest.** No member of the Plan Commission shall participate in any case in which he/she has financial or personal interest in the property or action concerned, or will be directly affected by the decision, or believes he/she has any other conflict of interest as defined by applicable law. No member of the staff of the Plan Commission or of any agency serving the Plan Commission shall prepare or present arguments or reports, or attempt to influence decisions of the Plan Commission, in any case in which he/she has similar interest.
- 7.2.1 **Relationships Constituting a Conflict of Interest.** Relationships to persons either actual or legal as follows:
- 7.2.1.1 Any relationship or kinship, whether by blood or affinity.
 - 7.2.1.2 Any appointment as a legal guardian.
 - 7.2.1.3 Any appointment as a trustee.
 - 7.2.1.4 Any appointment as administrator of an estate.
 - 7.2.1.5 Any appointment as agent.
 - 7.2.1.6 Any appointment as broker.
 - 7.2.1.7 Any appointment on retainer, whether or not service was provided.
 - 7.2.1.8 Any consultantship.
 - 7.2.1.9 Any employer-employee relationship.
 - 7.2.1.10 Any option to purchase, preliminary sales agreement, or sales agreement for real property.
 - 7.2.1.11 Any contract for goods and services.
- 7.2.2 Relationship to real property as follows:
- 7.2.2.1 Any interest in real property enjoyed by a member of the Plan Commission or any of the adverse third parties, lying near or otherwise affected by the decision of the Plan Commission.
- 7.2.3 **Notification of Conflict of Interest.** Upon suspicion of any potential conflict of interest in any case to come before the Plan Commission, the Plan Commission member shall notify the President, acting President or

counsel of the situation. Upon suspicion of a potential conflict by the President, he/she shall notify the Vice President or counsel.

When a member has reasonable doubt to whether a conflict exists, the member shall seek legal advice from legal counsel for the Plan Commission. The Plan Commission shall make determination as to whether a conflict of interest exists as a whole.

A majority of the members present, excluding the member being discussed, shall be required to make a decision. The outcome of such decision shall be publicly stated by the President at the meeting and shall be reflected in the minutes of the meeting.

- 7.3 **Disqualification.** A member may disqualify himself/herself from voting in the instance that the applicant, his agent, or any other party has influenced the vote of the member on his appeal or application, other than in the public hearing.
- 7.4 **Ex Parte Contacts.** Although not encouraged, members of the Plan Commission may have contact with the applicant, his agent or any other party regarding an application prior to a public hearing. However, each member is encouraged to exercise due care in responding to and reporting any external contacts related to matters pending or yet to be presented to the Plan Commission.
 - 7.4.1 Whenever a person who is not a member of the Plan Commission, staff, or counsel initiates contact with a Plan Commission member, it is suggested the member refer that person to staff and suggest presentation of the information for inclusion in Plan Commission deliberations.
 - 7.4.2 Whenever an external contact persists in offering information, the member may report the information and identify the source and date of the contact to the full Plan Commission for inclusion in its formal record. Where the informant is unwilling to have the information reported, the member is encouraged to refuse further contact and report the incident to the Plan Commission, along with a full disclosure of the content of the contact and any comments or stated positions.
 - 7.4.3 Written information transmitted to a Plan Commission member should be forwarded directly to staff for review and incorporation into its report.
- 7.5 **Expressions of Bias, Prejudice, or Individual Opinion.** Plan Commission members may seek information from other members, counsel to the Plan Commission or staff prior to the public meeting, but no member shall express any bias, prejudice, or individual opinion on proper judgment of the case prior to its hearing and determination.
- 7.6 **Presence to Vote.** No Plan Commission member shall vote on any matter deciding an application or appeal requiring a public hearing, except after attending the public hearing on the application or appeal.
- 7.7 **Absence.** Failure to attend three consecutive regular meetings, or three of any

seven consecutive meetings, without the recorded consent of the President; or Vice President; or Executive Director: shall be construed as the member's official resignation from the Grant County Area Plan Commission by absence. The appointing authority shall be notified of the vacancy for just cause.

8. Suspension and Amendment

- 8.1 **Suspension.** The Plan Commission shall have the right to suspend these rules or any portion thereof, except where otherwise controlled by State Statute, Grant County, Indiana Areawide Zoning Ordinance or Grant County, Indiana Subdivision Ordinance, at any meeting, upon the majority approval of all members present.
- 8.2 **Amendment.** The Plan Commission shall have the right to amend these rules or any portion thereof at any regular or special meeting, provided that the amendment(s) are approved by a majority of the Plan Commission.
- 8.3 Should any court of any jurisdiction declare these rules to be in part null or void, such ruling shall not affect the remainder of these rules, and they shall stay in full force and effect as if the omitted portion did not exist.

WHEREFORE, the Rules of Procedure of the Grant County Area Plan Commission, Grant County, Indiana, are approved by the affirmative vote of all members of the Plan Commission in attendance at the regularly scheduled meeting. These Rules of Procedure are to become effective immediately and their formal adoption and implementation shall be considered revocation of any prior Rules of Procedure and amendments thereto.

APPROVED BY:

_____ Date: _____
John Bonham, President

ATTEST:

Steve Niblick, Executive Director

*This is draft version of Rules and Procedures. For an official signature copy, see the Area Plan Office.