

**HERRIMAN, UTAH**  
**RESOLUTION NO. R12-2023**

**A RESOLUTION AMENDING PLANNING COMMISSION RULES OF  
PROCEDURE AND ETHICAL CONDUCT**

**WHEREAS**, the Herriman City Council ("*Council*") met in regular session on March 22, 2023, to consider, among other things, amending the Planning Commission Rules of Procedure and Ethical Conduct; and

**WHEREAS**, the Herriman City Planning Commission ("*Commission*") met in regular session on January 18, 2023, to review the adopted policies of the Commission; and

**WHEREAS**, upon review of the policies, the Commission requested staff to draft policy amendments that reflect recent administrative and legislative changes approved by the City Council ("*Council*"); and

**WHEREAS**, the Planning Commission met in a regular meeting on March 1, 2023, to consider, among other things, a recommendation to amend the rules of procedure and ethical conduct for the Commission; and

**WHEREAS**, the Planning Commission voted 6-0 on March 1, 2023, to recommend the Council approve amendments to the rules of procedure and ethical conduct for the Commission; and

**WHEREAS**, a copy of the amended rules of procedure and ethical conduct for the Commission is attached hereto.

**NOW, THEREFORE, BE IT RESOLVED** that the attached amended Planning Commission Rules of Procedure and Ethical Conduct as amended by adopted as the rules governing the Commission.

**THIS RESOLUTION**, assigned No. R12-2023 shall take effect immediately upon passage and acceptance as provided herein.


**PASSED AND APPROVED** this 22<sup>nd</sup> day of March 2023.

**HERRIMAN**

By: \_\_\_\_\_

**Lorin Palmer, Mayor**

**ATTEST:**

  
**Jackie Nostrom, MMC**  
City Recorder



## Herriman City

RESOLUTION NUMBER: **R12-2023**

**SHORT TITLE:** RESOLUTION AMENDING PLANNING COMMISSION RULES OF  
PROCEDURE AND ETHICAL CONDUCT

PASSAGE BY THE CITY COUNCIL OF HERRIMAN CITY  
ROLL CALL

NAME	MOTION	SECOND	FOR	AGAINST	OTHER
Lorin Palmer			X		
Jared Henderson			X		
Teddy Hodges			X		
Sherrie Ohrn	X		X		
Steven Shields		X	X		
	TOTALS		5		

This resolution was passed by the City Council of Herriman City, Utah on the 22<sup>nd</sup> day of March, 2023, on a roll call vote as described above.



## **HERRIMAN PLANNING COMMISSION RULES OF PROCEDURE**

These Rules and Procedures (“Rules of Procedure”) shall govern the proceedings of the Herriman Planning Commission (“Commission”). They shall be consistent with applicable provisions of the Utah Code (“Utah Code”) and Herriman Code of Ordinances (“Herriman Ordinances”).

### **I. Authority and Duties**

The Commission shall act on all planning matters that arise within the jurisdiction of Herriman (“City”) as required or permitted by the Utah Code or Herriman Ordinances.

### **II. Membership**

Section 1. Appointment of Members and Participation – Regular and Alternate Members of the Commission (“Members”) shall be appointed as provided in the Herriman Ordinances. Alternate Members may participate as a voting Member of the Commission upon the request of the Chair on a rotation basis when a Regular Member is absent. Alternate Members may fully participate in all matters before the Commission, whether in a voting or non-voting capacity, during all meetings.

Section 2. Rights of Members – All Members, including the Chair, shall be entitled to one vote on all matters properly brought before the Commission for action unless otherwise restricted by Herriman Ordinances or these rules. Proxy votes shall not be permitted, and Members must be present to vote unless otherwise allowed by a duly adopted policy on electronic meetings.

Section 3. Secretary City Staff (i.e., City Recorder or designee) shall serve as secretary of the Planning Commission.

Section 4. Members’ Terms – The terms of Regular and Alternate Members shall be as set forth in the Herriman Ordinances.

Section 5. Training – Within three (3) months of being first appointed, newly appointed Members should meet with City Staff to review, among other things, the Rules of Procedure and the General Plan. All new members shall also be required to attend a Land Use 101 training with the Utah League of Cities and Towns within the first six (6) months of being appointed.

All Members should attend any additional training sessions as scheduled from time to time by City Staff. This shall include a minimum of four (4) hours of training each year, including a minimum of one (1) hour of annual training on the general powers and duties of the Commission in Title 10 of City Code and the Municipal Land Use, Development, and Management Act in State Code. Failure to comply with attending any required training may result in the removal of the Member from the Commission.

Section 6. Attendance – Members shall regularly attend Commission meetings.



Section 7. Member Responsibilities – As a Member of the Commission, each Member shall be responsible to:

1. Read and study the agenda, staff reports, and all attached documents prepared by City Staff so that they are fully informed about each application prior to the scheduled Commission meeting.
2. Act in a courteous and respectful manner to their fellow Members, City Staff, applicants, and the public, during all meetings.
3. Attend Commission meetings, including any joint work meetings, and arrive on time.

Section 8. Removal Proceedings – Removal from the Commission shall be as set forth in the Herriman Ordinances.

Section 9. Vacancies – A Member may resign at any time by giving written notice of such resignation to the Mayor, Chair, and City Staff. Resignations shall be recorded in the meeting minutes. Any vacancy during a Member's term shall be filled as set forth in Herriman Ordinances.

Section 10. Compensation and Reimbursement – Members shall receive compensation for their services and reimbursement for expenses as determined by City Council.

Section 11. Annual Review – The Mayor and Planning Commission Chair may meet annually with each Member for a performance evaluation.

### **III. Officers**

Section 1. Election of Officers – As the first order of business at the first regularly scheduled Commission meeting held in August, the Commission shall hold elections for the positions of Chair and Vice Chair from among Regular Members by a majority vote of the Members present.

Section 2. Officer Terms – Officers may serve successive terms.

Section 3. Officers Duties

1. The Chair Shall:
  - a. Serve as the Presiding Officer of the Commission
  - b. Implement the Rules of Procedure
  - c. Coordinate with City Staff to provide an agenda for each public meeting and ensure the timely delivery of reports and other relevant information to the Commission for review
  - d. Execute all official documents and letters of the Commission
  - e. Identify and bring before the Commission such policy matters as are within the purview of the Commission
  - f. Attend and participate in joint work meetings with the City Council
2. The Vice-Chair Shall:
  - a. Assist the Chair in all necessary capacities





- b. Assume the duties and responsibilities for the Chair in all instances where the Chair is unavailable or unable to carry out the duties and responsibilities.

3. The Secretary Shall:

- a. Take written minutes, and post all agendas and meeting activities as required by Utah Code. In consultation with City Staff, the Secretary shall create the agenda for each meeting and send the agenda to the Members of the Commission. Additional items may be placed on the business meeting section of the agenda by Members of the Commission or City Staff, as provided below.

Section 4. Chair *pro tempore* – In the absence or incapacity of both the Chair and the Vice Chair for a Commission meeting, the Members present at the meeting shall elect a Chair *pro tempore* to serve as Presiding Officer only for that meeting. Alternate Members shall not serve as Chair *pro tempore*.

#### **IV. Meetings of Members**

Section 1. A Quorum shall consist of a majority of its Members and shall be necessary to conduct any business of the Commission.

Section 2. Adherence to City, State, and Federal Law – Except as provided herein, all meetings shall be generally guided by Robert's Rule of Order-Simplified. With respect to matters of interpretation or applicability of these Rules of Procedure, or the applicability of Robert's Rules of Order-Simplified, a determination by a majority of the Commission in attendance shall control. All meetings shall adhere to the Utah Open Meetings Act and the Government Records Access Management Act.

Section 3. Regular Meetings – Meeting locations shall be publicly noticed and held each month. Annual notice of meeting dates shall be noticed as required by Utah Code. In addition, dates and times of the meeting shall be posted as required by Utah Code.

Section 4. Special Meetings – Special meetings may be called by the Chair or City Staff, with the consent of the Chair, at any time, provided that a preferred seventy-two (72) hour is given to each Member before the meeting is held and notice is given as required by Utah Code. If permissible by Utah Code and Herriman Ordinances, a shorter notice may be considered when the Chair or City Staff determines a special meeting is in the best of the City and its residents. If needed, the Commission may also conduct site visits or field research during a special meeting.

Section 5. Meeting Cancellation – Notice of cancellation of a meeting shall be posted as required by Utah Code. If a meeting is rescheduled, the new meeting time, date, and location shall be posted as required by Utah Code.

#### **V. Subcommittees**

The Chair may create subcommittees as deemed necessary. Members of subcommittees shall be Commission Members.



## **VI. Meeting Notice and Agenda**

Section 1. The Planning Commission, through the City Planning Staff, shall, insofar as practical, mail notices of the first meeting at which a public hearing for a general plan zoning amendment is to be considered to all property owners appearing on the latest plat data received from the Salt Lake County Recorder's Office for lots or parcels located within a 300-foot radius (or larger if deemed necessary by City Staff) of the premises affected by the application. Compliance with this subparagraph shall not be a "condition precedent" for proper legal notice, and no hearing or action taken thereon shall be deemed invalid or illegal because of an error in mailing the notices provided for in this paragraph.

Section 2. Whenever a public hearing is held on any general plan or zoning amendment, or other applicable land use request, notice shall be published in accordance with Utah law and the requirements of the Herriman City Land Development Code.

Section 3. Applicants should submit a completed land use application and all required electronic or physical materials at least twenty-one (21) days before a regularly scheduled public meeting to allow City Staff and the Planning Commission adequate time to process and review the information. However, due to project complexity or administrative requirements, a completed application does not guarantee placement on the next meeting agenda.

Section 4. Interested parties should submit written public comments on an agenda item at least seven (7) days before a regularly scheduled public meeting to allow City Staff time to process and review the comments. However, all public hearing comments received by City Staff before the meeting will be forwarded to the Planning Commission for consideration and included in the public record.

## **VII. Procedures**

### **A. Work Meeting**

Section 1. The Commission shall conduct a work meeting as a component of each regularly scheduled meeting. The City Staff, or the Commission, by a majority vote, may adjust the scheduled time as needed. Members of the public may attend such meetings but will not participate unless invited to do so by the Chair. If needed, the Commission may also conduct site visits or field research during a work meeting.

Section 2. The Commission shall review and discuss the meeting agenda; however, Members should refrain from stating a conscious decision on a pending land use application during the work meeting. Additional work meeting items may be added to the agenda by City Staff, the Chair, or Members of the Commission by a majority vote. The Commission may also discuss and render decisions on policy issues and administrative matters that do not require public input. Special presentations, reports, and updates from City Staff that do not require a decision may also be discussed during the work meeting.



## B. Regular Meeting

Section 1. Order – The order of business at the regular meeting shall follow the noticed agenda, which may contain a consent agenda. However, the Chair, with the consent of the Commission, by a majority vote, or upon recommendation of City Staff, may consider amending the agenda order.

Section 2. Decisions – A matter for decision will be placed before the Commission by motion made by any Member present at the meeting. The Chair shall not make motions before the Commission except in the absence of a response from other Members to an invitation by the Chair that a motion on a pending matter would be in order. Any Member may second a motion. Alternates may make motions and second motions only if they are serving as an acting Member of the Commission at the meeting because of the absence of a Regular Member.

Section 3. No Member shall be permitted to vote on any question unless the Member is present when the vote is taken and when the result is announced, and no member shall give their vote to any other person by proxy. A majority vote by the present Members in favor of a motion shall carry the motion.

Section 4. Any member abstaining from a vote may remain seated at the table and participate in the discussion. Reasons for abstention must be stated at the time of the abstention, and such reason shall not be considered a conflict of interest.

Section 5. The Chair, or Vice-Chair in the absence of the Chair, shall vote only in case of a tie on rezone, conditional use, and subdivision matters unless his or her presence at the meeting is required to constitute a quorum in which case he or she shall be a voting member on such matters. The Chair shall vote on all other matters before the Planning Commission.

Section 6. Following a seconded motion, the Chair may ask each Member by name to verbally pronounce their vote, and the Secretary shall record each vote in the written minutes as an “aye” for “yes” and a “nay” for “no.”

Section 7. No Member shall be permitted to change their vote after the decision is announced by the Chair.

## C. Procedures for Applications

### Section 1. Application Public Hearing Procedure

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission
2. Unless altered by the Chair, the order of the procedure at a public hearing on an application shall be:





- a. Presentation of the application by City Staff, including its recommendations and a summary of pertinent written comments and reports concerning the application
- b. The applicant's presentation, not to exceed fifteen (15) minutes
- c. Any group representing the area in which the subject property is located, not to exceed five (5) minutes
- d. Persons other than the applicant in favor of, or not opposed to, or in opposition to, the application, not to exceed three (3) minutes per person
- e. Rebuttal by the applicant as necessary to respond to new issues raised by other parties, not to exceed five (5) minutes
- f. Surrebuttal may be allowed at the discretion of the Chair.

## Section 2. Application Public Hearing Rules

1. Each speaker, before talking, shall give their name and, if desired, their address.
2. Except for requested accommodations for accessibility or interpretation, only one speaker is permitted before the Commission at a time unless otherwise permitted by the Chair.
3. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application and is not a time for debate regarding the applications.
4. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
5. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.
6. No applause or public outbursts shall be permitted.
7. The Chair or City Staff may request police support to remove offending individuals who refuse to abide by these rules.

Section 3. Discussion and Vote – After all the presentations have been made, the Chair shall request or entertain a motion to close the public hearing or agenda item. Members may continue to discuss the application among the Commission. Following this discussion on the application, a motion must be made and seconded, which may include; Approval, Approval with Conditions, Denial, a Recommendation to the Council (as appropriate), or Continuation of the item with or without a future meeting date.

Section 4. Decisions – A decision of the Commission on an application shall be documented in writing by the Secretary and City Staff and shall include reasons for the decision.





## **VIII. Ethics and Conflicts of Interest**

Section 1. Compliance – All Members shall abide by Utah Code and annually complete any necessary volunteer forms, documents, and training.

Section 2. Voting and Recusal – A member of the Commission who has a conflict of interest as defined by Utah Code or Herriman Ordinances shall declare the conflict of interest as required by Utah Code and recuse themselves from the agenda item relating to the conflict of interest. The Chair shall announce the recusal for the record. After declaring a conflict of interest, a Planning Commission member shall leave the room and not participate in the discussion or vote on the matter, nor attempt to use their influence with other Commissioners before, during, or after the meeting.

Section 3. Ex Parte Communications – No member of the Commission shall have any ex parte discussion regarding any administrative or legislative land use application pending before the Commission.

1. Ex parte communication means any communication, including but not limited to electronic or social media communication, with interested parties of an administrative or legislative land use application pending before the Commission prior to the Commission reaching a final decision.
2. An administrative land use application means any application whereby Utah Code or Herriman Ordinances recognizes the Commission as the final decision-maker.
3. A legislative land use application means any application whereby Utah Code or Herriman Ordinances recognize the City Council as the final decision-maker and is regulatory in nature or when adopting or amending a general plan and related elements.

## **IX. Amendments and Adoption**

### **A. Adoption and Amendment Procedure**

These Rules of Procedure must be reviewed and approved by the City Council before they become effective and may be amended upon approval by the Council.

# **HERRIMAN CITY PLANNING COMMISSION**

## **RULES OF ETHICAL CONDUCT**

### **I. Conflict of Interest**

A Planning Commissioner to whom some private benefit may come as the result of a Planning Commission action should not participate in that same action. Furthermore, all Members of the Planning Commission shall ensure compliance with the following rules of ethical conduct:

- A. The private benefit may be direct or indirect; create a material or personal gain; or provide an advantage to relations, friends, or groups and associations that hold some share of a person's loyalty. However, membership in a group or organization shall not be considered a conflict of interest as to Planning Commission action concerning such group or association unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter.
- B. A Planning Commissioner experiencing, in his or her opinion, a conflict of interest should declare his or her interest publicly, abstain from voting on the action, and excuse themselves from the room during consideration of the action. They should not discuss the matter privately with any other Commissioner. The vote of the Planning Commissioner experiencing a conflict of interest who fails to disqualify themselves shall be disallowed.
- C. A conflict of interest may exist under these rules, although a Planning Commissioner may not believe they have an actual conflict; therefore, a Planning Commissioner who has any question as to whether a conflict of interest exists under these rules should raise the matter with the other Planning Commissioners and the City Attorney so that a determination may be made as to whether a conflict of interest exists.
- D. No planning official should engage in any transaction in which he or she has a financial interest, direct or indirect, with the agency or jurisdiction that they serve unless the transaction is disclosed publicly and determined to be lawful.
- E. The Planning Commission recommends that the City Council, in making appointments to the Planning Commission, not attempt to exclude whole categories or associations of business, professional, or other persons in anticipation of conflict of interest problems. The service of competent people of good character need not be sacrificed. Their withdrawal from participation in planning matters is necessary only in those specific cases in which a conflict of interest arises.

### **II. Gifts and Favors**

Gifts, favors, or advantages must not be accepted if offered because the receiver holds a position of public responsibility.

- A. The value of a gift or advantage and the relation of the giver to public business should be considered in determining acceptability. Small gifts that come in the form of business

lunches, calendars, or office bric-a-brac are often, but not always, acceptable. In cases of doubt, refuse. In cases of marginal doubt, refuse.

### III. Treatment of Information

It is important to discriminate between planning information that belongs to the public and planning information that does not.

- A. Reports and official records of a public planning agency must be open on an equal basis to all inquiries. Planning advice should not be furnished to some unless it is available to all.
- B. Information on private affairs that is learned in the course of performing planning duties must be treated in confidence. Private affairs become public affairs when an official action—such as a change in zone classification or approval of a plan—is requested with respect to them. Only then is a disclosure of relevant information proper.
- C. Information contained in studies that are in progress in a planning agency should not be divulged except in accordance with established agency policies on the release of its studies. A public planning agency is not required to do its thinking out loud in public.
- D. Prearranged private meetings between a Planning Commissioner and applicants, their agents, or other interested parties are prohibited. Partisan information on any application received by a Planning Commissioner, whether by mail, telephone, or other communication, should be made part of the public record.

### IV. Political Activity

Membership in a political party and contributions to its finances or activities are matters of individual decision that should neither be required of, nor prohibited to, Planning Commissioners.

- A. The extent of participation in political activities should be governed by professional judgment as well as limited by an applicable civil service law or regulation.
- B. The powers of Planning Commissioners must not be exercised, nor their duties performed, in any way that will create special advantages for a political party. The special position of a Planning Commissioner should not be used to obtain contributions or support for a political party and should not be used to obtain partisan favors.
- C. Partisan debate of a community's planning program and the consideration of planning in a party's platform is proper. Planning officials should, however, give all political parties equal access to information.



## HERRIMAN PLANNING COMMISSION RULES OF PROCEDURE

These Rules and Procedures ("Rules of Procedure") shall govern the proceedings of the Herriman Planning Commission ("Commission") ~~and. They~~ shall be consistent with applicable provisions of the Utah Code ("Utah Code") and Herriman Code of Ordinances ~~2017~~ ("Herriman Ordinances").

### I. Authority and Duties

The Commission shall act on all planning matters that arise within the jurisdiction of Herriman ("City") as required or permitted by the Utah Code ~~and/or~~ Herriman Ordinances.

### II. Membership

Section 1. Appointment of Members and Participation— Regular and ~~alternative~~ Alternate Members of the Commission ("Members") shall be appointed as provided in the Herriman Ordinances. ~~Alternative Alternate~~ Members may participate as a voting Member of the Commission upon the request of the Chair on a rotation basis when a ~~regular~~ Regular Member is absent ~~and the term Members shall also include any alternative Member who is thus participating.~~ Alternate Members may fully participate in all matters before the Commission, whether in a voting or non-voting capacity, during all meetings.

Section 2. Rights of Members— All Members, including the Chair, shall be entitled to one vote on all matters properly brought before the Commission for action unless otherwise restricted by Herriman Ordinances or these rules. Proxy votes shall not be permitted, and Members must be present to vote unless otherwise allowed by a duly adopted policy on electronic meetings.

Section 3. Secretary - City Staff (i.e., City Recorder or designee) shall serve as secretary of the Planning Commission.

Section 4. Members' Terms— The terms of ~~regular~~ Regular and ~~alternate~~ Alternate Members shall be as set forth in the Herriman Ordinances.

Section 5. Training – Within three (3) months of being first appointed, newly appointed Members should meet with City Staff to review, among other things, the Rules of Procedure and the General Plan. All new members shall also be required to attend a Land Use 101 training with the Utah League of Cities and Towns within the first ~~six~~ (6) months of being appointed.

All Members should attend any additional training sessions as scheduled from time to time by City Staff. This ~~should~~ shall include a minimum of four (4) hours of training each year, including a minimum of one (1) hour of annual training on the general powers and duties of the Commission in Title 10 of City Code and the Municipal Land Use, Development, and Management Act in State Code. Failure to comply with attending any required training may result in the removal of the Member from the Commission.

Section 6. Attendance – Members shall regularly attend Commission meetings.





Section 7. Member Responsibilities – As a Member of the Commission, each ~~member~~ Member shall be responsible to:

1. Read and study the agenda, staff reports, and all attached documents prepared by City Staff so that they are fully informed about each application prior to the scheduled Commission meeting.
2. Act in a courteous and respectful manner to their fellow Members, City Staff, applicants, and the public, during all meetings.
3. Attend Commission meetings, including any joint work meetings, and arrive on time.

Section 8. Removal Proceedings – Removal from the Commission shall be as set forth in the Herriman Ordinances.

Section 9. Vacancies – A Member may resign at any time by giving written notice of such resignation to the Mayor, Chair, and City Staff. Resignations shall be recorded in the meeting minutes. Any vacancy during a Member's term shall be filled as set forth in Herriman Ordinances.

Section 10. Compensation and Reimbursement – Members shall receive compensation for their services and reimbursement for expenses as determined by City Council.

Section 11. Annual Review – The Mayor and Planning Commission Chair may meet annually with each Member for a performance evaluation.

### **III. Officers**

Section 1. Election of Officers – As the first order of business at the first regularly scheduled Commission meeting held in August, the Commission shall hold elections for the positions of Chair and Vice Chair from among ~~regular~~ Regular Members by a majority vote of the Members<sup>2</sup> present.

Section 2. Officer Terms – Officers may serve successive terms.

Section 3. Officers Duties

1. The Chair Shall:
  - a. Serve as the Presiding Officer of the Commission
  - b. Implement the Rules of Procedure
  - c. Coordinate with ~~the Supporting Agency staff~~ City Staff to provide an agenda for each public meeting, and ensure the timely delivery of reports and other relevant information to the Commission for review
  - d. Execute all official documents and letters of the Commission
  - e. Identify and bring before the Commission such policy matters as are within the purview of the Commission
  - f. ~~Conduct Attend and participate in~~ joint work meetings with the City Council
2. The ~~Vice~~ Vice-Chair Shall:
  - a. Assist the Chair in all necessary capacities



- b. Assume the duties and responsibilities for the Chair in all instances where the Chair is ~~not-un~~available or unable to carry out the duties and responsibilities.

3. The Secretary Shall:

- a. Take written minutes, and post all agendas and meeting activities as required by Utah Code. ~~The Secretary in consultation with the Chair shall create the agenda for each meeting and shall~~ In consultation with City Staff, the Secretary shall create the agenda for each meeting and send ~~an-the~~ agenda to the Members of the Commission. Additional items may be placed on the business meeting section of the agenda by Members of the Commission or City Staff, as provided below.

Section 4. Chair *pro tempore* – In the absence or incapacity of both the Chair and the Vice Chair for a Commission meeting, the Members present at the meeting shall elect a Chair *pro tempore* to serve as Presiding Officer only for that meeting. Alternate Members shall not serve as Chair *pro tempore*.

#### IV. Meetings of Members

Section 1. A Quorum shall consist of a majority of its Members and shall be necessary to conduct any business of the Commission.

Section 2. Adherence to City, State, and Federal Law – Except as provided herein, all meetings shall be generally guided by Robert's Rule of Order-Simplified.- With respect to matters of interpretation or applicability of these Rules of Procedure, or ~~the~~ applicability of ~~the~~ Robert's Rules of Order-Simplified, a determination by a majority of the Commission in attendance shall control.- All meetings shall adhere to the Utah Open Meetings Act, and the Government Records Access Management Act.

Section 3. Regular Meetings – Meeting locations shall be publicly noticed and held each month. Annual notice of meeting dates shall be noticed as required by Utah Code. In addition, dates and times of the meeting shall be posted as required by Utah Code.

Section 4. Special Meetings – Special meetings may be called by the Chair or City Staff, with the consent of the Chair, at any time, provided that a preferred seventy-two (72) hour is given to each Member before the meeting is held and notice is given as required by Utah Code. If permissible by Utah Code and Herriman Ordinances, a shorter notice may be considered when the Chair or City Staff determines a special meeting is in the best of the City and its residents. If needed, the Commission may also conduct site visits or field research during a special meeting.

Section 5. Meeting Cancellation – Notice of cancellation of a meeting shall be posted as required by Utah Code. If a meeting is rescheduled, the new meeting time, date, and location shall be posted as required by Utah Code.

#### V. Subcommittees

The Chair may create subcommittees as deemed necessary. Members of subcommittees shall be Commission Members.





## VI. Meeting Notice and Agenda

Section 1. The Planning Commission, through the City Planning Staff, shall, insofar as practical, mail notices of the first meeting at which ~~an application for a conditional use or the first a~~ public hearing for a ~~general plan subdivision or~~ zoning amendment is to be considered to all property owners appearing on the latest plat ~~data received from in~~ the Salt Lake County Recorder's Office ~~for lots or parcels located~~ within a 300-foot radius ~~(or larger if deemed necessary by City Staff)~~ of the premises affected by the application. Compliance with this subparagraph shall not be a "condition precedent" ~~to for~~ proper legal notice, and no hearing or action taken thereon shall be deemed invalid or illegal because of ~~the failure to an error in~~ mailing the notices provided for in this paragraph.

Section 2. Whenever a public hearing is held on any ~~subdivision ordinance change or~~ general plan ~~or zoning~~ amendment, ~~or other applicable land use request application~~, notice shall be published in accordance with Utah law and the requirements of the Herriman City Land Use ~~Regulations~~ Development Code.

~~Section 3. Applicants or interested parties should submit written materials on the Thursday by noon, prior to the scheduled meeting to allow the Planning Commission adequate time to review the materials.~~

Section 3. Applicants should submit a completed land use application and all required electronic or physical materials at least twenty-one (21) days before a regularly scheduled public meeting to allow City Staff and the Planning Commission adequate time to process and review the information. However, due to project complexity or administrative requirements, a completed application does not guarantee placement on the next meeting agenda.

Section 4. Interested parties should submit written public comments on an agenda item at least seven (7) days before a regularly scheduled public meeting to allow City Staff time to process and review the comments. However, all public hearing comments received by City Staff before the meeting will be forwarded to the Planning Commission for consideration and included in the public record.

## VII. Procedures

### A. ~~Business-Work~~ Meeting

Section 1. The Commission shall conduct a ~~business-work~~ meeting as a component of each regularly scheduled meeting. The City Staff, or the Commission, by a majority vote, may adjust the scheduled time as needed. Members of the public may attend such meetings, but will not participate unless invited to do so by the Chair. ~~If needed, the Commission may also conduct site visits or field research during a work meeting.~~

Section 2.- The Commission shall review and discuss the meeting agenda; however, Members should refrain from stating a conscious decision on a pending land use application during the work meeting, correct, and approve of the minutes from the previous meeting. Additional work meeting items may be added to the ~~business meeting section of the~~ agenda by City Staff, the Chair, or Members of the Commission, by a majority vote. The Commission may also discuss and render decisions on policy issues and administrative matters that do not require public input.



Special presentations, reports, and updates from ~~the~~ City Staff that do not require a decision may also be ~~made discussed during the work meeting. During a business meeting, there shall be no discussion of an application, request, or approval scheduled for the regular meeting.~~

#### B. Regular Meeting Procedures

Section 1. Order – The order of business at the regular meeting shall follow the noticed agenda, ~~which may contain a consent agenda. The However, the~~ Chair, with the consent of the Commission, by a majority vote, or upon recommendation of City Staff, may consider ~~amending matters out of~~ the agenda order.

Section 2. Decisions – A matter for decision will be placed before the Commission by motion made by any Member present at the meeting. The Chair shall not make motions before the Commission except in the absence of a response from other Members to an invitation by the Chair that a motion on a pending matter would be in order. Any Member may second a motion. Alternates may make motions and second motions only if they are serving as an acting Member of the Commission at the meeting because of the absence of a ~~regular~~ Regular Member.

Section 3. ~~No Member shall be permitted to vote on any question unless the Member is present when the vote is taken and when the result is announced, and no member shall give their vote to any other person by proxy. A majority vote by the present Members in favor of a motion shall carry the motion. A majority vote by the present Members in favor of a motion shall carry the motion. No member of the Commission shall be permitted to vote on any question unless the member shall be present when the vote is taken and when the result is announced. No member shall give his/her proxy to any other person.~~

Section 4. Any member abstaining from a vote may remain seated at the table and participate in the discussion. ~~Reasons for abstention must be stated at the time of the abstention, and such reason shall not be considered a conflict of interest.~~

Section 5. The Chair, or Vice-Chair in the absence of the Chair, shall vote only in case of a tie on rezoning, conditional use, and subdivision matters unless his ~~or~~ her presence at the meeting is required to constitute a quorum in which case he ~~or~~ she shall be a voting member on such matters. ~~The Chair shall be a voting member vote~~ on all other matters before the Planning Commission.

Section 6. Following a seconded motion, the Chair may ask each Member by name to verbally pronounce their ~~name and~~ vote, and the Secretary shall record each ~~individual~~ vote in the written minutes as an “aye” for “yes” ~~and a~~ or “nay” for “no.”

Section 7. No ~~M~~member shall be permitted to change ~~his/her~~ their vote after the decision is announced by the Chair.

#### C. Procedures for Applications

##### Section 1. Application Public Hearing Procedure

1. Any person or entity may appear in person or be represented by an authorized agent at any meeting of the Commission





2. Unless altered by the Chair, the order of the procedure at a public hearing on an application shall be:

- a. Presentation of the application by City Staff, including its recommendations and a summary of pertinent written comments and reports concerning the application
- b. The applicant's presentation, not to exceed fifteen (15) minutes
- c. Any group representing the area in which the subject property is located, not to exceed five (5) minutes
- d. Persons other than the applicant in favor of, or not opposed to, or in opposition to, the application, not to exceed three (3) minutes per person
- e. Rebuttal by the applicant as necessary to respond to new issues raised by other parties, not to exceed five (5) minutes
- f. Surrebuttal may be allowed at the discretion of the Chair.

#### Section 2. Application Public Hearing Rules

1. Each speaker, before talking, shall give his ~~their~~ name and ~~if desired his, if desired,~~ their address.
2. Except for requested accommodations for accessibility or interpretation, Only one speaker is permitted before the Commission at a time unless otherwise permitted by the Chair.
3. The discussion must be confined to essential points stated in the application bearing on the desirability or undesirability of the application and is not a time for debate regarding the applications.
4. The Chair may cease any presentation or information that has already been presented and acknowledge that it has been noted in the public record.
5. No personal attacks shall be indulged in by either side, and such action shall be sufficient cause for stopping the speaker from proceeding.
6. No applause or public outbursts shall be permitted.
7. The Chair or City Staff may request police support to remove offending individuals who refuse to abide by these rules.

Section 3. Discussion and Vote – After all the presentations have been made, the Chair ~~may~~ shall request or entertain a motion to close the public hearing or agenda item. Members may continue to discuss the application among the Commission. Following this discussion on the application, a motion must be made and seconded, which may include; Approval, Approval with Conditions, Denial, a Recommendation to the Council (as appropriate), or Continuation of the item with or without a future meeting date.



Section 4. Decisions – A decision of the Commission on an application shall be documented in writing by the Secretary and City Staff and shall include reasons for the decision.

### **VIII. Ethics and Conflicts of Interest**

Section 1. Compliance -All Members shall abide by Utah Code and, annually complete any necessary volunteer forms, documents, and training.

Section 2. Voting and Recusal – A member of the Commission who has a conflict of interest as defined by Utah Code ~~and/or~~ Herriman Ordinances shall declare the conflict of interest as required by Utah Code and recuse themselves from the agenda item relating to the conflict of interest. The Chair shall announce the recusal for the record. After declaring a conflict of interest, a Planning Commission member shall leave the room and not participate in the discussion ~~and/or~~ vote on the matter, nor attempt to use ~~his/her~~ their influence with other Commissioners before, during, or after the meeting.

Section 3.- Ex Parte Communications – No member of the Commission shall have any ex parte discussion regarding any administrative or legislative land use application ~~or re-zone application~~ pending before the Commission.

1. Ex parte communication means any communication, including but not limited to electronic or social media communication, with interested parties of an administrative or legislative land use application ~~or re-zone application~~ pending before the Commission prior to the Commission reaching a final decision.
2. An administrative land use application means any ~~land-use~~ application where-by Utah Code or Herriman Ordinances recognizes the Commission ~~is-as~~ the final decision-maker.
3. A ~~re-zone~~ legislative land use application means any ~~land-use~~ application where-by Utah Code or Herriman Ordinances recognize the City Council ~~is-as~~ the final decision-maker and is regulatory in nature or when adopting or amending a general plan and related elements.

### **IX. Amendments and Adoption**

#### A. Adoption and Amendment Procedure

These Rules of Procedure must be reviewed and approved by the City Council before they become effective and may be amended upon approval by the Council.

Approved by the Council this \_\_\_\_\_ day of March 2023.

HERRIMAN

\_\_\_\_\_  
Mayor Lorin Palmer

ATTEST:

\_\_\_\_\_  
Jackie Nostrum, City Recorder

**Attachment C**  
**Planning Commission Rules of Ethical Conduct Amendments**

## HERRIMAN CITY PLANNING COMMISSION

### RULES OF ETHICAL CONDUCT

#### I. Conflict of Interest

A Planning Commissioner to whom some private benefit may come as the result of a Planning Commission action ~~should not participate in~~~~should not be a participant in the~~~~that same~~ action. Furthermore, all Members of the Planning Commission shall ensure compliance with the following rules of ethical conduct:

- A. The private benefit may be direct or indirect; create a material or personal gain; or provide an advantage to relations, friends, or ~~to~~ groups and associations ~~which that~~ hold some share of a person's loyalty. However, membership ~~itself~~ in a group or organization shall not be considered a conflict of interest as to Planning Commission action concerning such group or association unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter.
- B. A Planning Commissioner experiencing, in his or ~~her~~ opinion, a conflict of interest, should declare his or ~~her~~ interest publicly, abstain from voting on the action, and excuse themselves from the room during consideration of the action. They should not discuss the matter privately with any other Commissioner. The vote of the Planning Commissioner experiencing a conflict of interest who fails to disqualify themselves shall be disallowed.
- C. A conflict of interest may exist under these rules, although a Planning Commissioner may not believe ~~he has~~they have an actual conflict; therefore, a Planning Commissioner who has any question as to whether a conflict of interest exists under these rules should raise the matter with the other Planning Commissioners and the City Attorney ~~in order~~so that a determination may be made as to whether a conflict of interest exists.
- D. No planning official should engage in any transaction in which he or she has a financial interest, direct or indirect, with the agency or jurisdiction that ~~he serves~~they serve unless the transaction is disclosed publicly and determined to be lawful.
- E. The Planning Commission recommends that the City Council, in making appointments to the Planning Commission, not attempt to exclude whole categories or associations of business, professional, or other persons in anticipation of conflict of interest problems. The service of competent people of good character need not be sacrificed. Their withdrawal from participation in planning matters is necessary only in those specific cases in which a conflict of interest arises.

#### II. Gifts and Favors

Gifts, favors, or advantages must not be accepted if ~~they are~~ offered because the receiver holds a position of public responsibility.

- A. The value of a gift or advantage and the relation of the giver to public business should be considered in determining acceptability. Small gifts that come in ~~a~~the form of business



lunches, calendars, or office bric-a-brac are often, but not always, acceptable. In cases of doubt, refuse. In cases of marginal doubt, refuse.

### III. Treatment of Information

It is important to discriminate between planning information that belongs to the public and planning information that does not.

- A. Reports and official records of a public planning agency must be open on an equal basis to all inquiries. Planning advice should not be furnished to some unless it is available to all.
- B. Information ~~of~~on private affairs that is learned in the course of performing planning duties must be treated in confidence. Private affairs become public affairs when an official action -- such as a change in zone classification or approval of a plan -- is requested with respect to them. Only then is a disclosure of relevant information proper.
- C. Information contained in studies that are in progress in a planning agency should not be divulged except in accordance with established agency policies on the release of its studies. A public planning agency is not required to do its thinking out loud in public.
- D. Prearranged private meetings between a Planning Commissioner and applicants, their agents, or other interested parties are prohibited. Partisan information on any application received by a Planning Commissioner, whether by mail, telephone, or other communication, should be made part of the public record.

### IV. Political Activity

Membership in a political party and contributions to its finances or activities are matters of individual decision that should neither be required of, nor prohibited to, Planning Commissioners.

- A. The extent of participation in political activities should be governed by professional judgment as well as limited by an applicable civil service law or regulation.
- B. The powers of Planning Commissioners must not be exercised, nor their duties performed, in any way that will create special advantages for a political party. The special position of a Planning Commissioner should not be used to obtain contributions or support for a political party and should not be used to obtain partisan favors.
- C. Partisan debate of a community's planning program, and the consideration of planning in a party's platform is proper. Planning officials should, however, give all political parties equal access to information.