

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 5428AA

ORDINANCE COUNCIL SERIES NO.

COUNCIL SPONSOR: MSSRS. TANNER & BELLISARIO

PROVIDED BY: COUNCIL ATTORNEY

RE-INTRODUCED BY: MR. BELLISARIO

SECONDED BY: MR. CANULETTE

ON THE 3 DAY OF SEPTEMBER, 2015.

ORDINANCE TO AMEND AND REENACT CHAPTER 18, ARTICLES III & IV OF THE ST. TAMMANY PARISH CODE OF ORDINANCES, RELATIVE TO THE ST. TAMMANY PARISH PLANNING COMMISSION AND ZONING COMMISSION.

WHEREAS, the St. Tammany Parish Planning Commission is charged with the responsibility of holding the legally required public hearings on behalf of the St. Tammany Parish Government for review of all proposed subdivision plats and amendments to the Parish Subdivision Development Regulations; and

WHEREAS, the St. Tammany Parish Zoning Commission is charged with the responsibility of holding the legally required public hearings on behalf of the St. Tammany Parish Government for all proposed amendments to the Parish Land Use Map and Regulations; and

WHEREAS, the St. Tammany Parish Council deems it appropriate and necessary to amend the rules by which the St. Tammany Parish Planning Commission and Zoning Commission conduct such hearings to assure fair and proper consideration of all petitions which are presented to the Commissions.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Code of Ordinances, Chapter 18, Article III, be amended as follows:

Section 18-036.00 Planning Commission Membership

- a. The membership shall be composed of eleven (11) members.
- b. The Parish President shall have the unilateral and exclusive right to appoint two (2) members. These exclusive appointments by the Parish President do not require action by resolution or ordinance.
- c. The Parish Council, by resolution, shall have the unilateral and exclusive right to appoint nine (9) members.
- d. Any member who fails to appear at two (2) consecutive Planning Commission meetings may be removed by his/her appointing authority. Members may also be removed at any time with or without cause by the appointing authority. A majority vote of the Parish Council membership is required to remove members appointed by the Parish Council.
- e. Any vacancy as specifically to the nine (9) Parish Council appointments shall be unilaterally and exclusively filled by Council resolution within 75 days of notice of the vacancy.
- f. Any vacancy as specifically to the two (2) Parish President appointments shall be filled unilaterally and exclusively by the Parish President within 75 days of notice of the vacancy.
- g. Terms of all Planning Commission members shall be concurrent with the terms of office of the Parish President and Parish Council.
- h. Planning Commission members shall receive a per diem of FIFTY DOLLARS (\$50.00) for each meeting of the commission attended, for a maximum of twenty-four (24) meetings per year.
- i. No member shall seek, qualify for, or hold an elected public office while seated as a Planning Commissioner.
- j. A person newly appointed and serving on the Planning and/or Zoning Commission(s) shall receive at least four (4) hours of training prior to or within one (1) year of appointment. Each year, all Commissioners shall attend a mandatory four hours (4) of continuing education

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training provided by the St. Tammany Parish Department of Development. Should a Commissioner be unable to attend the mandatory training session(s), that Commissioner will not take part in Commission functions until the 4-hour training requirement has been met. Should the Parish sponsored training session not be available, an alternative training session approved by the Director of Development may be substituted. Commissioners newly appointed, and those continuing to serve, on both the Planning Commission and the Zoning Commission are required to obtain a combined total of four hours (4) of training and annual continuing education, respectively.

Section 18-036.01 Chairman and Vice-chairman

- a. At the first regular meeting of each calendar year, the members of the Commission shall elect one of their number as Chairman and one of their number as Vice- Chairman, and the terms shall commence at that meeting.
- b. In the absence of the Chairman, the Vice Chairman shall act as Chair and shall have all the powers of the Chairman.
- c. In the absence of both the Chairman and the Vice Chairman, a quorum may select a ~~an~~ ~~additional~~ member to preside over the meeting.
- d. The Chairman may appoint committees, comprised of no more than five (5) members of the Commission, as well as other persons, to serve the Commission as deemed necessary.
- e. The Chairman may engage in discussion and must vote in the same manner as any other member of the Commission.
- f. The Chairman may suggest motions but may neither make nor second motions.

Section 18-036.02 Secretary

- a. The Director of the Department of Development, or his designated representative, shall serve as the Secretary to the Commission.
- b. The Secretary shall keep the minutes of the proceedings of the Commission, and maintain all records of the Commission meeting, hearings and proceedings. The minutes shall show the vote of each member upon each question, or if absent or failing to vote, indicating that fact. A copy of the minutes and actions of the Commission shall be filed with the Parish Council.
- c. The Secretary shall provide notices of hearings and meetings as may be required by law, and shall prepare all agendas.
- d. The Secretary shall receive, determine the completeness of, and review all applications.
- e. The Secretary shall serve as the point of contact for all applicants, and shall collect and compile information and report recommendations to the Commission. Said recommendation shall be considered and ruled upon by the Commission following the required public hearing.

Section 18-036.03 Planning Staff

The staff of the Departments of Development, Engineering, and Environmental Services shall serve as the support staff of the Commission and may be requested to provide assistance in the performance of the duties of the Commission by the Chairman on behalf of the entire Commission. or upon the request of any member of the Commission. Staff members shall also be designated as needed from the Department of Engineering and the Department of Environmental Services.

Section 18-036.04 Powers and Duties

The Planning Commission shall have the following powers and duties:

- a. To hear, review and propose amendments to the adopted St. Tammany Parish Subdivision Regulatory Ordinance No. 499, as amended;

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- b. To hear, review and approve or disapprove all plats of subdivision, as required in the St. Tammany Parish Subdivision Regulatory Ordinance No. 499, as amended. No plat of a subdivision of land within St. Tammany Parish, or a part thereof, requiring Commission approval shall be filed or recorded until it has been stamped by a licensed land surveyor, approved by the Planning Commission, all regulatory requirements have been completed, and the approval entered in writing on the plat bearing the signatures of the Planning Commission Chairman, Secretary and Director of Engineering. For purposes of expediency and for the convenience of applicants, facsimile (by stamp or machine) or electronic signature of the Planning Commission Chairman, Secretary, and the Director of Engineering, in blue ink only, may be utilized on approved plats upon their respective approvals.

The Planning Commission shall approve or disapprove a final subdivision plat by the third consecutive monthly meeting of the Commission wherein the final subdivision plat has appeared on its agenda; otherwise said plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the Commission upon request.

An applicant may request the Planning Commission to postpone its final subdivision plat review, upon written notice, no later than forty-eight (48) hours before the meeting date. If the Commission grants the applicant a postponement at the meeting, the time constraints for the Commission to approve or disapprove the final subdivision plat shall begin again and follow the same procedures as set forth above.

- c. To adopt a master or comprehensive plan or elements thereof, including graphics, narrative description and policies to guide and accomplish the coordinated, adjusted and harmonious development of St. Tammany Parish;
- d. To make careful and comprehensive surveys and studies of present and future growth of St. Tammany Parish and to make periodic reviews and updates to the master plan or comprehensive plan or portions thereof;
- e. To review and report on any matter referred to it by the Parish President or the Parish Council (i.e. Transportation Improvement Plan, Capital Improvement Program).
- f. To make its special knowledge and expertise as a Commission available, upon reasonable written request to any official, department or board.
- g. To exercise all of the powers and duties conferred by Louisiana Revised Statutes 33:102 through 33:119 inclusive, where applicable, and as may be amended by the La. State Legislature.

Section 18-036.05 St. Tammany Parish Council Authority on Appeal

A. Any person claiming to be aggrieved by a decision of the Parish Planning Commission, except an approval in final subdivision review, may appeal to the Parish Council, through the Parish Department of Development, in written form within ten (10) days following the Commission's hearing. The appeal may be heard by the Parish Council at its next regularly scheduled meeting following the ten-day appeal period. The Parish Council shall have the exclusive right to overturn any Planning Commission decision by a majority vote of the membership of the Parish Council, with the exception of overturning a Planning Commission denial in subdivision review which shall require a 2/3 vote of the membership of the Parish Council.

B. Any person or persons jointly or severally aggrieved by any decision of the Parish Council relative to a Planning Commission appeal may file a petition to the Twenty-Second Judicial District Court in and for the Parish of St. Tammany for the issuance of a writ of certiorari or for other appropriate legal proceedings. The petition shall be filed within thirty days after the decision of the Council becomes final, which shall commence on the day following the effective date of the Council's resolution or, when the adoption of an ordinance is required, the day following the effective date of the ordinance. The actions of the Parish Council shall be subject to review on the grounds of abuse of discretion, unreasonable exercise of police powers, an excessive use of powers granted to the Council, or the denial of the right to due process. However, the right to petition for judicial review shall not be limited to the foregoing grounds.

Section 18-036.06 Quorum and Necessary Vote

- a. No business shall be conducted by the Commission without a quorum being present. Unless otherwise herein specified, a quorum shall consist of eight (8) members (2/3 majority).

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- b. To constitute final action on any matter before it, at minimum, a majority vote of the membership of the Commission is required, unless a larger vote is required by law.

Section 18-036.07 Meetings, Hearings, and Procedures

- a. The regular Planning Commission Meeting shall be held at 6:00 P.M. on the second Tuesday of each month at the St. Tammany Parish Administrative Complex, except where holidays or other conflicts shall require rescheduling.
- b. Special Meetings may be called by the Chairman, or at the request in writing of any six (6) members of the Commission, subject to proper legal notice.
- c. All meetings shall be open to the public and shall be conducted in accordance with State Open Meetings Laws and these Rules of Policy and Procedure.
- d. The Commission shall sit only as a Planning Commission for all Planning applications authorized by St. Tammany Parish Subdivision Regulatory Ordinance No. 499.
- e. If necessary, the Planning Commission and the Zoning Commission may meet on the same day. Separate agendas must be maintained for each Commission. If both meetings are held on the same day, one meeting must adjourn before the second is commenced.
- f. The Agenda for hearings and meetings of the Commission shall be prepared by the Secretary with the approval of the Chair.
- g. Applications for amendments to the Subdivision Regulatory Ordinance No. 499 or developmental reviews under these rules shall not be considered by the Commission unless properly and completely filed for placement on the Agenda with the Secretary, in accordance with the applicable filing procedures of the Department of Development and provisions for public notice and the filing deadlines established therein.
- h. Matters that have arisen subsequent to the established filing deadline may be placed on the next appropriate Commission meeting agenda by the Chairman provided that the request is made to the Secretary prior to the deadline for final legal notice of the meeting and that all other requirements for legal notification have been met.
- i. The agenda shall constitute the fixed order of business for the particular public hearing or meeting.
- j. The Chair, without objection from the Commission, may arrange individual items on the particular Agenda if necessary for the expeditious conduct of business.
- k. Other items of business (discussion items) not requiring action by the Commission may be presented at a meeting and placed on the Agenda under "New Business" by the Chair with a unanimous vote of the Commission members present.
- l. Any person wishing to introduce written materials at the public hearing or meeting shall hand the materials to the Secretary for proper recording and distribution to the Chair and Commission. In order for this information to be introduced and recorded there must be at a minimum twelve (12) copies of each document to be introduced.

The Commission shall review the draft minutes of their meetings as prepared by the Secretary and approve or amend said minutes as is necessary to accurately reflect the actions described. Upon adoption, these minutes become part of the public record. When Commission meetings are audio and/or video recorded, said recordings shall become a part of the meeting minutes reflecting Commission action.

Section 18-036.08 Parliamentary Rules

- a. The latest edition of Robert's Rules of Order is hereby designated as the official Manual of the Commission. If the Manual is in conflict with these Rules of Policy and Procedure, these Rules shall govern.
- b. A Parliamentarian shall be appointed by the Chair.

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- c. The Chair shall be familiar with the contents of the manual and may consult with the Parliamentarian of the Commission and to answer parliamentary inquiries directed to the Chair.

Section 18-036.09 Voting

- a. In the event of a conflict of interest which does not require a resignation in accordance with the State of Louisiana Code of Government Ethics, Louisiana Revised Statutes Title 42, Chapter 15, as amended, the involved Commissioner shall announce the conflict and shall recuse himself from voting on and participating in the discussion of the matter giving rise to the conflict.
- b. Voting by Proxy will not be allowed.

Section 18-036.10 General Rules of Public Participation

- a. Each person who appears at the public hearing or who submits written materials shall provide their name, address, and, if applicable, the name of the organization which they represent.
- b. Prior to the introduction of agenda items, the Chair shall inform the assembly of the order of business at hand and the order of the presentation in consideration of agenda items, and shall instruct the assembly on the appropriate procedures for addressing the Commission.
- c. The following order of presentation will normally be observed at public hearings after the introduction of an agenda item by the Chair.
 - 1. Presentation of staff report and recommendations
 - 2. Comments by applicant and proponents (Ten minutes)
 - 3. Comments by opponents and interested citizens (Ten minutes)
 - 4. Additional comments by applicant and proponents (Five minutes)
 - 5. Additional comments by opponents (Five minutes)
 - 6. Hearing closed
 - 7. Commission questions, discussion, consideration and action, if necessary.
- d. The Commission may extend the public hearing, by majority vote, to accommodate larger crowds or complex cases. Notwithstanding the expiration of time, any person who desires to be heard and who has not previously been recognized, may be accorded the opportunity to be heard once for a period of no more than two minutes at the discretion of the Chair.
- e. Written comments, documents, photographs, plans, drawings, reports, petitions, letters and written argument and questions are encouraged to be submitted to the Commission at or prior to the hearing by delivery to the Secretary.
- f. Members of the audience at public hearings and meetings shall observe the following rules of conduct and decorum while the meeting is in progress:
 - 1. Refrain from talking to other members of the audience in a loud or otherwise disruptive manner.
 - 2. Refrain from initiating private conversations with Commission members, staff or legal counsel.
 - 3. Refrain from approaching the podium unless invited to do so by the Chair.
 - 4. Refrain from engaging in any behavior which is not in keeping with proper and courteous conduct.
 - 5. Refrain from cheers, jeers, applause, or any expressions of approval or disapproval of comments made by any speakers or any actions taken by the Commission.
 - 6. Refrain from discussing matters not on the published agenda, unless the proper procedures have been followed in adding the item to the agenda.
 - 7. Refrain from bringing any objects into the building and auditorium where the planning meeting is to take place in a manner disruptive to the meeting.

The Chair shall take whatever action is necessary to insure that these rules are observed and the meeting proceeds in an orderly fashion.

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Section 18-036.011 Seminars and Retreats

- a. From time to time the Commission may schedule informal study/work sessions designated as seminars or retreats.
- b. Sessions shall be open to the public and the rules of proper notice of commission meetings shall apply.
- c. The only order of business at a session shall be the presentation, familiarization and discussion of the particular agenda study topics.
- d. The Planning staff and/or guest presenters shall moderate the discussions and observe the following order of presentation:
 1. Presentation of study item
 2. Discussion interaction between the Commission members
 3. Public input (if scheduled as part of the seminar)
 4. Concluding remarks
- e. No official action shall be taken by the Commission on items presented at the seminar or retreat.
- f. Public comment at the seminar, if scheduled, shall be limited based upon the topic and agenda. Interested parties are welcome to listen and learn from the presentation and discussion with no participation in the discussion unless scheduled as an agenda item.

Section 18-036.012 Committees

- a. In fulfilling its various charges, the Commission may utilize committees at its discretion.
- b. The Commission may appoint committees, comprised of no more than five (5) Commission members and may include other persons as deemed necessary.
- c. Staff personnel will be made available upon reasonable request to provide any assistance required by the committee.
- d. Committees shall not take any action, which may be construed as an official act of the Commission, but instead may make recommendations for action by the Commission. Committees shall not publically advocate or promote committee recommendations as an official position of the Commission, unless the Commission has first acted on the matter.
- e. Committees shall conduct business by an agenda and keep minutes of all proceedings as a matter of public record.
- f. All Committee meetings shall be open to the public and shall be conducted in accordance with State Open Meetings Laws and these Rules of Policy and Procedure.
- g. Following the first hearing on a matter before the Commission, a “community meeting” may be called by the Chair and have up to five (5) commissioners in attendance. Community meetings are intended for dissemination of information and for promoting dialogue among applicants and persons interested in matters being brought before the Commission only, and shall not be considered a committee of the Commission.

Section 18-036.013 Executive Session

From time to time, the Commission may find it necessary to discuss matters of personnel or litigation pertaining to the business of the Commission and shall enter Executive Session to do so.

Section 18-036.014 Rules of Conduct for Commissioners

- a. Each member of the Commission shall abide by the State of Louisiana Code of Government Ethics, Louisiana Revised Statutes Title 42, Chapter 15, as amended. Each member shall certify in writing that they have read and understand the “Louisiana Code of Governmental Ethics” located on the Louisiana Board of Governmental Ethics (LBGE) website at <http://ethics.la.gov> , prior to being seated as a Planning Commissioner. Each member is responsible to register and

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participate in at least one (1) hour of ethics training annually through the LBGE website at <http://ethics.la.gov/SeminarRegistration/> . Should a Commissioner not complete the ethics training in any calendar year that Commissioner will not take part in Commission functions until the ethics training requirement has been met.

- b. A Commission member shall not meet or communicate in any fashion with any applicant, proponent, opponent or other interested party, excepting members of the Parish Administration, Parish Council and/or the Commission staff, to discuss any matter before the Commission prior to a legal public hearing on that matter. When more than six (6) months have elapsed since the last public hearing on a matter, no commissioner shall meet or communicate in any fashion with any applicant, proponent, opponent or other interested party until a new legal hearing is again held on that matter. Violation of this section may be cause for dismissal of the offending Commission member.
- c. Each member may visit the site in question, but may not have discussions concerning the site or project with any interested party prior to the legal hearing, except as outlined in Section 18-036.014b .
- d. Following the initial required public hearing, the Commission may form a Committee for the expressed purpose of attempting to better understand the issues raised in the review of the Application, in accordance with Section 18-036.012 of these Rules.
- e. Commission members shall not in any way pledge himself or herself to any party on a matter before the Commission, prior to the legal public hearing.
- f. Any Commission member who has knowledge of the fact that he/she will not be able to attend one or more a scheduled meeting(s) or hearing(s), shall notify the Secretary at the earliest possible opportunity, and in any event before 4:00 P.M. on the day of the first missed meeting.
- g. Once a meeting is called to order by the Chair, the Commission members shall take special care to conduct themselves in a professional and courteous manner and remain attentive to the members of the public testifying before the Commission.
- h. Commission members requesting information or clarification relative to an application or business item that is before them for consideration may directly contact the Secretary for assistance.
- i. The Commission may request information or specific actions from the Secretary and such request will be reflected in the minutes.
- j. Each Commissioner will sign an acknowledgment of having received and fully read the rules of conduct prior to serving as member of the commission.

Section 18-036.015 Representation

- a. The Chair shall serve as the official spokesman and representative of the Commission in all matters that have been acted upon by the Commission. The Chair may appoint a member of the Commission to serve as spokesperson or representative. Any member who officially represents or speaks for the Commission shall report to the Commission on any statements made or actions taken while serving in that capacity at its next regularly scheduled meeting.
- b. In the absence of an official spokesman as described above, the Secretary shall act on behalf of the Commission before the Parish Council and shall inform the Council of all final decisions and recommendations, along with supporting records and documentation, rendered by the Commission.
- c. Commission members shall refrain from making statements or taking action which may be identified as or construed to be an official act or position of the Commission.
- d. Commission members shall not publically advocate or promote individual positions or opinions unless the Commission has first acted on the matter.

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Section 18-036.016 Violation of Rules

Any violation of these rules may be deemed as cause for removal of the offending member by the appointing authority.

Section 18-036.017 Rules of Policy and Procedure Amendments

All Commission Rules of Policy and Procedure are established by ordinance and may only be amended by the Parish Council according to the following applicable procedures:

- a. Proposed amendments may be initiated by any member of the Commission who shall file a written copy of the proposal with the Secretary.
- b. The Secretary shall place the proposed amendment on the Commission agenda for the next available public meeting.
- c. The Commission shall review the proposed amendment, comments from the public, and recommendations from the Secretary and Legal Counsel prior to taking a vote. A two-thirds (2/3) vote of the Commission as a whole (8 votes) is required to recommend an amendment to these rules.
- d. If approved, the Secretary shall forward the amendment to the Parish Council for consideration of an amending ordinance.

BE IT FURTHER ORDAINED that the St. Tammany Parish Code or Ordinances, Chapter 18, Article IV, be amended as follows:

Section 18-051.00 Zoning Commission Membership

- a. The membership shall be composed of eleven (11) members
- b. The Parish President shall have the unilateral and exclusive right to appoint two (2) members. These exclusive appointments by the Parish President do not require action by resolution or ordinance.
- c. The Parish Council, by resolution, shall have the unilateral and exclusive right to appoint nine (9) members.
- d. Any member who fails to appear at two (2) consecutive Zoning Commission meetings may be removed by his/her appointing authority. Members may also be removed at any time, with or without cause, by the appointing authority. A majority vote of the Parish Council membership is required to remove members appointed by the Parish Council.
- e. Any vacancy as specifically to the nine (9) Parish Council appointments shall be unilaterally and exclusively filled by Council resolution within 75 days of notice of the vacancy.
- f. Any vacancy as specifically to the two (2) Parish President appointments shall be filled unilaterally and exclusively by the Parish President within 75 days of notice of the vacancy.
- g. Terms of all Zoning Commission members shall be concurrent with the terms of office of the Parish President and Parish Council.
- h. Zoning Commission members shall receive a per diem of FIFTY DOLLARS (\$50.00) for each meeting of the commission attended, for a maximum of twenty-four (24) meetings per year.
- i. No member shall seek, qualify for, or hold an elected public office while seated as a Zoning Commissioner.

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- j. A person newly appointed and serving on the Zoning and/or Planning Commission(s) shall receive at least four (4) hours of training prior to or within one (1) year of appointment. Each year, all Commissioners shall attend a mandatory four hours (4) of continuing education training provided by the St. Tammany Parish Department of Development. Should a Commissioner be unable to attend the mandatory training session(s), that Commissioner will not take part in Commission functions until the 4-hour training requirement has been met. Should the Parish sponsored training session not be available, an alternative training session approved by the Director of Development may be substituted. Commissioners newly appointed, and those continuing to serve, on both the Planning Commission and the Zoning Commission are required to obtain a combined total of four hours (4) of training and annual continuing education, respectively.

Section 18-051.01 Chairman and Vice-chairman

- a. At the first regular meeting of each calendar year, the members of the Commission shall elect one of their number as Chairman and one of their number as Vice-Chairman, and the terms shall commence at that meeting.
- b. In the absence of the Chairman, the Vice Chairman shall act as Chair and shall have all the powers of the Chairman.
- c. In the absence of both the Chairman and the Vice Chairman, a quorum of the Commission may select a member to preside over the meeting.
- d. The Chairman may appoint committees, comprised of no more than five (5) members of the Commission, as well as other persons, to serve the Commission as deemed necessary.
- e. The Chairman may engage in discussion and must vote in the same manner as any other member of the Commission.
- f. The Chairman may suggest motions but may neither make nor second motions.

Section 18-051.02 Secretary

- a. The Director of the Department of Development, or his designated representative, shall serve as the Secretary to the Commission.
- b. The Secretary shall keep the minutes of the proceedings of the Commission, and maintain all records of the Commission meeting, hearings and proceedings. The minutes shall show the vote of each member upon each question, or if absent or failing to vote, indicating that fact. A copy of the minutes and actions of the Commission shall be filed with the Parish Council.
- c. The Secretary shall provide notices of hearings and meetings as may be required by law, and shall prepare all agendas.
- d. The Secretary shall receive, determine the completeness of, and review all applications.
- e. The Secretary shall serve as the point of contact for all applicants, and shall collect and compile information and report recommendations to the Commission. Said recommendation shall be considered and ruled upon by the Commission following the required public hearing.

Section 18-051.03 Zoning Staff

The staff of the Departments of Development, Engineering and Environmental Services shall serve as the support staff of the Commission and may be requested to provide assistance in the performance of the duties of the Commission by the Chairman on behalf of the entire Commission.

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Section 18-051.04 Powers and Duties

The Zoning Commission shall have the following powers and duties:

- a. To hear, review and propose amendments to the adopted St. Tammany Parish Unified Development Code, as amended;
- b. To adopt a comprehensive plan designed to promote health and the general welfare, and to encourage the most appropriate use of land throughout the Parish.
- c. To make careful and comprehensive surveys and studies of present and future land use in St. Tammany Parish and to make recommendations, periodic reviews and updates to the Parish Zoning Map, or portions thereof;
- d. To review and report on any matter referred to it by the Parish President or the Parish Council. (i.e. Transportation Improvement Plan, Capital Improvement Program). A report shall be issued no later than the second zoning commission meeting after the first publication of the agenda containing said matter provided that any required legal notification to the affected property owner has occurred.(Ord. C.S. No. 15-3316, adopted 05/07/2015)
- e. To make its special knowledge and expertise as a Commission available, upon reasonable written request to any official, department or board.
- f. To exercise all of the powers and duties conferred by Louisiana Revised Statutes Title 33, Chapter 14, where applicable, and as may be amended by the La. State Legislature.

Section 18-051.05 Review of Zoning Decisions

- a. Any person claiming to be aggrieved by a decision of the Parish Zoning Commission may appeal to the Parish Council, through the Parish Department of Development, in written form within ten (10) days following the Commission's hearing. The appeal may be heard by the Parish Council at its next regularly scheduled meeting following the ten-day appeal period. The Parish Council shall have the exclusive right to overturn any Zoning Commission decision by a majority vote of the membership of the Parish Council.
- b. Any person or persons jointly or severally aggrieved by any decision of the Parish Council relative to a request for amendment, supplement, or change to the regulations, restrictions, zoning district, land use category, or boundaries may file a petition to the Twenty-Second Judicial District Court in and for the Parish of St. Tammany for the issuance of a writ of certiorari or for other appropriate legal proceedings. The petition shall be filed within thirty (30) days after the decision of the Council becomes final, which shall commence on the day following the effective date of the Council's resolution or, when the adoption of an ordinance is required, the day following the effective date of the ordinance. The actions of the Parish Council shall be subject to review on the grounds of abuse of discretion, unreasonable exercise of police powers, an excessive use of powers granted to the Council, or the denial of the right of due process. However, the right to petition for judicial review shall not be limited to the foregoing grounds.

Section 18-051.06 Quorum and Necessary Vote

- a. No business shall be conducted by the Commission without a quorum being present. Unless otherwise herein specified, a quorum shall consist of eight (8) members (2/3 majority).
- b. To constitute final action on any matter before it, at minimum, a majority vote of the membership of the Commission is required, unless a larger vote is required by law.

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Section 18-051.07 Meetings, Hearings, and Procedures

- a. The regular Zoning Commission Meeting shall be held at 6:00 P.M. on the first Tuesday of each month at the St. Tammany Parish Administrative Complex, except where holidays or other conflicts shall require rescheduling.
- b. Special Meetings may be called by the Chairman, or at the request in writing of any six (6) members of the Commission, subject to proper legal notice.
- c. All meetings shall be open to the public and shall be conducted in accordance with State Open Meetings Laws and these Rules of Policy and Procedure.
- d. The Commission shall sit only as the Zoning Commission for all Zoning applications authorized by the St. Tammany Parish Unified Development Code.
- e. If necessary, the Zoning Commission and the Planning Commission may meet on the same day. Separate agendas must be maintained for each Commission. If both meetings are held on the same day, one meeting must adjourn before the second is commenced.
- f. The Agenda for hearings and meetings of the Commission shall be prepared by the Secretary with the approval of the Chair.
- g. Applications for amendments to the Unified Development Code under these rules shall not be considered by the Commission unless properly and completely filed for placement on the Agenda with the Secretary, in accordance with the applicable filing procedures of the Department of Development and provisions for public notice and the filing deadlines established therein.
- h. Matters that have arisen subsequent to the established filing deadline may be placed on the next appropriate Commission meeting agenda by the Chairman provided that the request is made to the Secretary prior to the deadline for final legal notice of the meeting and that all other requirements for legal notification have been met.
- i. The agenda shall constitute the fixed order of business for the particular public hearing or meeting.
- j. The Chair, without objection from the Commission, may arrange individual items on the particular Agenda if necessary for the expeditious conduct of business.
- k. Other items of business (discussion items) not requiring action by the Commission may be presented at a meeting and placed on the Agenda under "New Business" by the Chair with a unanimous vote of the Commission members present.
- l. Any person wishing to introduce written materials at the public hearing or meeting shall hand the materials to the Secretary for proper recording and distribution to the Chair and Commission. In order for this information to be introduced and recorded there must be at a minimum twelve (12) copies of each document to be introduced.
- m. The Commission shall review the draft minutes of their meetings as prepared by the Secretary and approve or amend said minutes as is necessary to accurately reflect the actions described. Upon adoption, these minutes become part of the public record. When Commission meetings are audio and/or video recorded, said recordings shall become a part of the minutes reflecting Commission action.

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Section 18-051.08 Parliamentary Rules

- a. The latest edition of Robert's Rules of Order is hereby designated as the official Manual of the Commission. If the Manual is in conflict with these Rules of Policy and Procedure, these Rules shall govern.
- b. A Parliamentarian shall be appointed by the Chair.
- c. The Chair shall be familiar with the contents of the manual and may consult with the Parliamentarian of the Commission and to answer parliamentary inquiries directed to the Chair.

Section 18-051.09 Voting

- a. In the event of a conflict of interest which does not require a resignation in accordance with the State of Louisiana Code of Government Ethics, Louisiana Revised Statutes Title 42, Chapter 15, as amended, the involved Commissioner shall announce the conflict and shall recuse himself from voting on and participating in the discussion of the matter giving rise to the conflict.
- b. Voting by Proxy will not be allowed.

Section 18-051.10 General Rules of Public Participation

- a. Each person who appears at the public hearing or who submits written materials shall provide their name, address, and, if applicable, the name of the organization which they represent.
- b. Prior to the introduction of agenda items, the Chair shall inform the assembly of the order of business at hand and the order of the presentation in consideration of agenda items, and shall instruct the assembly on the appropriate procedures for addressing the Commission.
- c. The following order of presentation will normally be observed at public hearings after the introduction of an agenda item by the Chair.
 1. Presentation of staff report and recommendations
 2. Comments by applicant and proponents (Ten minutes)
 3. Comments by opponents and interested citizens (Ten minutes)
 4. Additional comments by applicant and proponents (Five minutes)
 5. Additional comments by opponents (Five minutes)
 6. Hearing closed
 7. Commission questions, discussion, consideration and action, if necessary.

The Commission may extend the public hearing, by majority vote, to accommodate larger crowds or complex cases. Notwithstanding the expiration of time, any person who desires to be heard and who has not previously been recognized, may be accorded the opportunity to be heard once for a period of no more than two minutes at the discretion of the Chair.

- d. Written comments, documents, photographs, plans, drawings, reports, petitions, letters and written argument and questions are encouraged to be submitted to the Commission at or prior to the hearing by delivery to the Secretary.
- e. Members of the audience at public hearings and meetings shall observe the following rules of conduct and decorum while the meeting is in progress;
 1. Refrain from talking to other members of the audience in a loud or otherwise disruptive manner.
 2. Refrain from initiating private conversations with Commission members, staff or legal counsel.

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3. Refrain from approaching the podium unless invited to do so by the Chair.
4. Refrain from engaging in any behavior which is not in keeping with proper and courteous conduct.
5. Refrain from cheers, jeers, applause, or any expressions of approval or disapproval of comments made by any speakers or any actions taken by the Commission.
6. Refrain from discussing matters not on the published agenda, unless the proper procedures have been followed in adding the item to the agenda.
7. Refrain from bringing any objects into the building and auditorium where the zoning meeting is to take place in a manner disruptive to the meeting.

The Chair shall take whatever action is necessary to insure that these rules are observed and the meeting proceeds in an orderly fashion.

Section 18-051.11 Seminars and Retreats

- a. From time to time the Commission may schedule informal study/work sessions designated as seminars or retreats.
- b. Sessions shall be open to the public and the rules of proper notice of Commission meetings shall apply.
- c. The only order of business at a session shall be the presentation, familiarization and discussion of the particular agenda study topic.
- d. The Zoning staff and/or guest presenters shall moderate the discussions and observe the following order of presentation:
 1. Presentation of study item
 2. Discussion interaction between the Commission members
 3. Public input (if scheduled as part of the seminar)
 4. Concluding remarks
- e. No official action shall be taken by the Commission on items presented at the seminar or retreat.
- f. Public comment at the seminar, if scheduled, shall be limited based upon the topic and agenda. Interested parties are welcome to listen and learn from the presentation and discussion with no participation in the discussion unless scheduled as an agenda item.

Section 18-051.12 Committees

- a. In fulfilling its various charges, the Commission may utilize committees at its discretion.
- b. The Commission may appoint committees, comprised of no more than five (5) Commission members and may include other persons as deemed necessary.
- c. Staff personnel will be made available upon reasonable request to provide any assistance required by the committee.
- d. Committees shall not take any action, which may be construed as an official act of the Commission, but instead may make recommendations for action by the Commission. Committees shall not publically advocate or promote committee recommendations as an official position of the Commission, unless the Commission has first acted on the matter.
- e. Committees shall conduct business by an agenda and keep minutes of all proceedings as a matter of public record.
- f. All Committee meetings shall be open to the public and shall be conducted in accordance with State Open Meetings Laws and these Rules of Policy and Procedure.

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- g. Following the first hearing on a matter before the Commission, a “community meeting” may be called by the Chair and have up to five (5) commissioners in attendance. Community meetings are intended for dissemination of information and for promoting dialogue among applicants and persons interested in matters being brought before the Commission only, and shall not be considered a committee of the Commission.

Section 18-051.13 Executive Session

From time to time, the Commission may find it necessary to discuss matters of personnel or litigation pertaining to the business of the Commission and shall enter Executive Session to do so.

Section 18-051.14 Rules Of Conduct For Commissioners

- a. Each member of the Commission shall abide by the State of Louisiana Code of Government Ethics, Louisiana Revised Statutes Title 42, Chapter 15, as amended. Each member shall certify in writing that they have read and understand the “Louisiana Code of Governmental Ethics” located on the Louisiana Board of Governmental Ethics (LBGE) website at <http://ethics.la.gov>, prior to being seated as a Zoning Commissioner. Each member is responsible to register and participate in at least one (1) hour of ethics training annually through the LBGE website at <http://ethics.la.gov/SeminarRegistration/>. Should a Commissioner not complete the ethics training in any calendar year, that Commissioner will not take part in Commission functions until the ethics training requirement has been met.
- b. A Commission member shall not meet or communicate in any fashion with any applicant, proponent, opponent or other interested party, excepting members of the Parish Administration, Parish Council and/or the Commission staff, to discuss any matter before the Commission prior to a legal public hearing on that matter. When more than six (6) months have elapsed since the last public hearing on a matter, no commissioner shall meet or communicate in any fashion with any applicant, proponent, opponent or other interested party until a new legal hearing is again held on that matter. Violation of this section may be cause for dismissal of the offending Commission member.
- c. Each member may visit the site in question, but may not have discussions concerning the site or project with any interested party prior to the legal hearing, except as outlined in Section 18-051.14b.
- d. Following the initial required public hearing, the Commission may form a Committee for the expressed purpose of attempting to better understand the issues raised in the review of the Application, in accordance with Section 18-051.12 of these Rules.
- e. Commission members shall not in any way pledge himself or herself to any party on a matter before the Commission, prior to the legal public hearing.
- f. Any Commission member who has knowledge of the fact that he/she will not be able to attend a scheduled meeting or hearing, shall notify the Secretary at the earliest possible opportunity, and in any event before 4:00 P.M. on the day of the meeting.
- g. Once a meeting is called to order by the Chair, the Commission members shall take special care to conduct themselves in a professional and courteous manner and remain attentive to the members of the public testifying before the Commission.
- h. Commission members requesting information or clarification relative to an application or business item that is before them for consideration may directly contact the Secretary for assistance.
- i. The Commission may request information or specific actions from the Secretary and such requests will be reflected in the minutes.

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- j. Each Commissioner will sign an acknowledgment of having received and fully read the rules of conduct prior to serving as member of the commission.

Section 18-051.15 Representation

- a. The Chair shall serve as the official spokesman and representative of the Commission in all matters that have been acted upon by the Commission. The Chair may appoint a member of the Commission to serve as spokesperson or representative. Any member who officially represents or speaks for the Commission shall report to the Commission on any statements made or actions taken while serving in that capacity at its next regularly scheduled meeting.
- b. In the absence of an official spokesman as described above, the Secretary shall act on behalf of the Commission before the Parish Council and shall inform the Council of all final decisions and recommendations, along with supporting records and documentation, rendered by the Commission.
- c. Commission members shall refrain from making statements or taking action which may be identified as or construed to be an official act or position of the Commission.
- d. Commission members shall not publically advocate or promote individual positions or opinions unless the Commission has first acted on the matter.

Section 18-051.16 Violation Of Rules

Any violation of these rules may be deemed as cause for removal of the offending member by the appointing authority.

Section 18-051.017 Rules of Policy and Procedure Amendments

All Commission Rules of Policy and Procedure are established by ordinance and may only be amended by the Parish Council according to the following applicable procedures:

- a. Proposed amendments may be initiated by any member of the Commission who shall file a written copy of the proposal with the Secretary.
- b. The Secretary shall place the proposed amendment on the Commission agenda for the next available public meeting.
- c. The Commission shall review the proposed amendment, comments from the public, and recommendations from the Secretary and Legal Counsel prior to taking a vote. A two-thirds (2/3) vote of the Commission as a whole (8 votes) is required to recommend an amendment to these rules.
- d. If approved, the Secretary shall forward the amendment to the Parish Council for consideration of an amending ordinance.

BE IT FURTHER ORDAINED that any and all Rules of and for the Parish Planning Commission and Zoning Commission previously established or adopted are hereby repealed.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon final adoption.

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____.

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ORDINANCE CALENDAR NO. _____

ORDINANCE COUNCIL SERIES NO. _____

ABSENT:

THIS ORDINANCE WAS DECLARED ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____ 2015; AND BECOMES ORDINANCE COUNCIL SERIES NO. 15-_____.

, COUNCIL CHAIRMAN

ATTEST:

, COUNCIL CLERK

, PARISH PRESIDENT

Published introduction: _____, 2015

Published adoption on: _____, 2015

Delivered to Parish President: _____, 2015 @ _____

Returned to Council Clerk: _____, 2015 @ _____