

WESTERLY PLANNING BOARD

RULES OF PROCEDURE

DECEMBER 7, 2021

1. **Rules Not Provided.** For all questions of order and procedure not provided for in these rules, the Westerly Planning Board (hereinafter referred to as the "Board") hereby chooses to follow the most current edition of *Robert's Rules of Order* to conduct its meetings.
2. **Review of Rules of Procedure.** The Board shall review the rules described herein once each year in September. This review will allow for modification of these rules to ensure the continued successful operation of the Board.
3. **Membership.** The Board shall consist of seven (7) members and one (1) alternate member. Each member, including the alternate member, shall be appointed by the Westerly Town Council as provided by Chapter 5, Article V, Section 5-19 of the Westerly Code of Ordinances.
4. **Election of Officers.** The Board shall organize once each year in September and shall elect a Chairman, Vice Chairman, and Secretary from among its membership. The Assistant Solicitor for Planning and Zoning shall conduct an election for Chairman, after which the Chairman shall conduct elections for Vice Chairman and Secretary.
5. **Regular Meetings.** The regular monthly meeting of the Board shall be held on the third Tuesday of each month, at 6:00 P.M. local time, except when voted by the Board to take place at an alternate time or day.
6. **Schedule of Regular Meetings.** A list of all regular meetings scheduled for each calendar year shall be filed with the Town Clerk and the Rhode Island Secretary of State on or before January first of the calendar year.
7. **Open Meetings.** All meetings of the Board, including special meetings, emergency meetings, and workshop meetings, shall be properly noticed and open to the public in compliance with Chapter 42-46 of the Rhode Island General Laws. All matters shall come before the Board at an open, duly convened meeting. All meeting notices of the Board

are to be posted in the Planning Office at least 48 hours, excluding weekend and State holidays, in advance of the scheduled meeting and in accordance with the Rhode Island Open Meetings Laws.

8. **Calling of Meetings.** Special meetings, emergency meetings, and workshop meetings may be held at any time upon the call of the Chairman or upon the request of any three (3) Board members in writing, provided proper notice is given.
9. **Review of Minutes.** The Secretary shall review meeting minutes prior to submission to the Board for approval. In the event the Secretary is not able or available to review meeting minutes prior to submission to the Board for approval, the Vice Chairman shall stand in for this purpose.
10. **Filing of Minutes.** All meeting minutes shall be filed with the Town Clerk and the Rhode Island Secretary of State upon approval, in compliance with Chapter 42-46 of the Rhode Island General Laws. All meeting minutes not approved within thirty-five (35) days shall be marked "unofficial" and filed with the Town Clerk and the Rhode Island Secretary of State.
11. **Absences.** Any member who knows that they will be absent from a Board meeting shall notify the Administrative Officer at the earliest possible time.
12. **Quorums.** A quorum of the Board shall consist of not less than four (4) members including the alternate member. In cases where a quorum is not present, the majority of the members present may only take action to adjourn the meeting until such time and day a quorum can be present. A decision by the Board to approve or deny any advisory opinion, comprehensive permit, land development, development plan review, resolution, or subdivision application shall require the affirmative vote of not less than four (4) members. In the event a member elects to abstain from voting leaving less than the required four (4) voting members, the alternate member shall participate in the vote. All other decisions by the Board shall be by majority vote of those members present including the alternate member.

13. **Presiding Officer.** The Chairman, and in his/her/their absence, the Vice Chairman, and in the absence of both, the Secretary, shall preside at all meetings of the Board. In the event of the absence or the disability of the Chairman, Vice Chairman, and Secretary, the senior member of those members present shall preside. The Chairman shall clearly state and put to vote all motions. When a voice vote is not unanimous, a poll vote of each member shall be conducted.
14. **Rights to Vote.** The Chairman or presiding officer shall note for the record all members present and/or the recusal of any member at the opening of all public informational meetings and public hearings. At the continuation of any such informational meeting or hearing, the Chairman shall also note for the record those Board members present. Only those Board members present at all informational meetings and hearings, and continuations thereof, or members who have reviewed the minutes from all informational meetings and hearings, shall be eligible to vote upon completion of the informational meeting or hearing. Members that were not present but reviewed the minutes from all information meetings and hearings must state on the record that they have done so.
15. **Recusals.** No member of the Board shall vote on any proposition through which the member, directly or indirectly, could benefit financially or otherwise as governed by the Rhode Island Code of Ethics in Government and Regulations. In the event a Board member recuses himself/herself/their self from the review of an agenda item, the alternate member shall be eligible to vote on the matter. Any Board member with a need to recuse himself/herself/their self shall notify the Administrative Officer as early as possible in the event the Administrative Officer must arrange for attendance of the alternate member to sit for the recused member. A Board member who has recused himself/herself/their self shall state the reason(s) for his/her/their recusal and present and submit a copy of a completed Statement of Conflict of Interest to the Administrative Officer for local record maintenance and submission to the State of Rhode Island Ethics Commission. The Board member shall leave the Board's area and shall have all the rights of any citizen to address the Board but must do so from the floor; however, the Board

member shall not conduct themselves in any manner which causes an appearance of impropriety when recused and exercising their rights as a citizen.

16. **Respect for Speakers.** Any Board member or member of municipal staff, including the Administrative Officer, or any citizen participating in public comment shall address the Chairman or presiding officer, be recognized to speak, and shall not be interrupted while speaking except by a call to order, or for the correction of a mistake, or to yield to another Board member. No member shall speak more than once on the same issue until all other members desiring to speak thereon shall have done so.
17. **Respect for Board Members.** Any person addressing the Board shall do so in a respectful and courteous manner, as determined by the Chairman or presiding officer. Any member of the Board may interrupt speakers for the purpose of asking a question, obtaining information, or for the correction of a mistake. Persons addressing the Board shall not interrupt any Board member while the Board member is speaking or while the Board is discussing the issue at hand. No individual shall speak more than once on the same issue until all other participants desiring to speak thereon shall have done so.
18. **Order of Business.** The order of business at each meeting shall be as follows, unless scheduled otherwise by the Administrative Officer or Chairman:
 - A. Call to Order
 - B. Roll Call and Attendance
 - C. Approval of Minutes
 - D. Changes to the Agenda
 - E. Old Business
 - F. New Business
 - G. Administrative Officer's Report
 - H. Assistant Solicitor for Planning and Zoning's Report
 - I. Confirmation of Quorum for Next Meeting
 - J. Adjournment

19. **Changes to the Agenda & Re-ordering of Business.** The order of business, or any agenda item to be addressed by the Board within the order of business, may be addressed during Changes to the Agenda.

20. **Submission of Applications and Materials.** Applications and all supporting materials shall be submitted in accordance with the applicable checklist and the administrative procedures established by the Office of Planning. All supporting materials intended for review and consideration by the Board, must be received by the Administrative Officer before 1:00pm (EST/EDT) on the submission date posted at the Office of Planning. All materials, submitted before this deadline, including that which is offered by applicants and/or on behalf of applicants, Town staff, third parties, and/or the general public, will be included in the packets prepared by the Administrative Officer and delivered to the Board members.

Those submitting materials to the Office of Planning in reference to agenda items shall initially provide one (1) hard copy of each document, unless otherwise specified by the Administrative Officer. Upon certification of an application as complete, an applicant shall submit the number of hard copies required by the applicable submission checklist, or as specified by the Administrative Officer. All applications and supporting materials shall be submitted in electronic format, upon the request of the Administrative Officer and in accordance with his/her/their instructions. Exceptions to this rule shall only be made by written request to the Administrative Officer, for good cause shown, and must be approved by the Chairman and Vice Chairman in writing. Acceptance of materials for review does not imply approval or consent to any proposal contained therein.

Additional materials may be submitted during a public meeting, at the discretion of the Planning Board; however, submission of additional materials during a public meeting may result in continuance of review to the next regular meeting.

21. **Distribution of Applications and Materials.** At least seven (7) days prior to the next scheduled meeting, the Administrative Officer shall arrange for the electronic delivery to all Board members an agenda and supporting materials for the scheduled meeting.

Paper copies will be provided when requested. The Administrative Officer shall make available to the applicants, at the same time that the materials are distributed to the members of the Board, any materials submitted to the Office of Planning by the general public, the written recommendation from the Administrative Officer, and material submitted by other Town Departments, Divisions, and Offices, including material submitted by third parties conducting reviews on behalf of the Town in reference to the application, as requested by the applicant.

22. **Communication of Decisions and Recording.** All decision documents resulting from Planning Board action shall be signed by the Chairman of the Board, or another officer in his/her/their place, if the Chairman is unavailable for signature. All correspondence to the Town Council shall be signed by the Chairman of the Board and at least one (1) additional officer. Decisions shall be recorded and posted in accordance with instructions contained in the Town Code or the RI General Laws.
23. **Administrative Officer's Report.** The Administrative Officer shall report to the Board at each regular meeting all administrative actions taken since the preceding regular meeting, including administrative subdivision, final plan, and development plan approvals.
24. **Capital Improvement Program (CIP) Recommendation.** Each year in December, the Board will review the Town Manager's capital budget and Capital Improvement Program (CIP) for the following four years. In preparation for its response to the Town Manager, the Board in October each year will review which projects in previous years' CIPs have been completed, and how those projects fulfill the Comprehensive Plan's Goals, Policies, and Actions. The Town Manager will provide the next year's capital improvement plans to the Board in November, and the Board will make a written recommendation of how those plans meet the goals of the Comprehensive Plan in accordance with the budget schedule.
25. **Annual Report.** Per Article V of the Westerly Town Code, Section 5-21F, the Board shall prepare an annual report summarizing the work of the preceding year and

recommending plans for future development of the Town not less than 30 days prior to the anniversary date of initial organization of the Board. The date of initial organization of the Board is August 11, 1970. This report shall be directed to the Town Manager and Town Council. Thereafter, a copy of this report shall be forwarded to the Director of the State Department of Administration. This report shall be compiled in June and published in July, and shall summarize the work completed during the fiscal year.