

**BYLAWS AND RULES OF PROCEDURE
OF
The Village of Duncan Planning Commission**

CHAPTER 1 - BYLAWS

ARTICLE 1 - POWERS AND DUTIES

Section 1 - **AUTHORITY:** The Duncan Planning Commission (hereinafter called the "Commission"), duly established under Chapter 19 of Nebraska Revised Statutes, exists as an advisory commission under the authorities so established in Ordinance No. 08-161 of the Duncan Village Board.

Section 2 - **NAME:** The legal name of the Commission shall be the Village of Duncan Planning and Zoning Commission and commonly known as the Duncan Planning Commission.

Section 3 - **DUTIES:** The duties of the Commission shall be as set forth in the applicable sections of the Nebraska Revised Statutes and in Ordinance No. 08-161 adopted by the Village Board, together with such other responsibilities as may be lawfully assigned to it by the Village Board and shall include the following:

- A. To make, or cause to be made, and recommend adoption of plans for the physical and economic development of the Village;
- B. To consult with or advise public officials and agencies, public utilities, civic organizations, educational institutions and citizens with regard to the adoption and implementation of the Village of Duncan Comprehensive Plan;
- C. To delegate authority to any group or consultant to conduct studies and make surveys for the Commission;
- D. To make recommendations to the Village Board on the adoption, implementation and amendment of the Duncan Comprehensive Plan, the Duncan Zoning Regulations or such other plan or regulation affecting the physical and economic development of the Village;
- E. To make and enter into contracts with public and private entities, with the consent of the Village Board;
- F. To conduct or sponsor special studies for another public body or agency;
- G. To receive gifts, bequests, contributions, grants and re-numeration or reimbursement for studies conducted and expend funds appropriated to it by the Village Board;
- H. Employ agents and employees, with the consent of the Village Board;
- I. Hold and dispose of property;
- J. Summon witnesses, administer oaths and compel the giving of testimony at public hearings.

ARTICLE 2 - COMPOSITION OF THE COMMISSION

Section 1 - **MEMBERSHIP:** The Commission shall consist of five (5) voting members who shall be residents of the Village of Duncan, appointed by the Duncan Village Board, except that a maximum of two (2) members

may be residents of the unincorporated area around the Village over which the Village exercises zoning and subdivision control. An alternate may also be appointed that may become a voting member upon the absence of a regular member.

- Section 2 - **COMPENSATION:** All members of the Commission shall serve without compensation, except for mileage and reasonable expenses in an amount fixed by the Village Board.
- Section 3 - **TERMS OF OFFICE:** The term of each Commission member shall be three (3) years, except that approximately one-third (1/3) of the members of the first Commission shall serve a term of one (1) year, approximately one-third (1/3) shall serve a term of two (2) years, and approximately one-third (1/3) shall serve a term of three (3) years. All members shall hold office until their successors have been appointed.
- Section 4 - **REMOVAL FROM THE COMMISSION:** Any member of the Commission may, after public hearing before the Village Board, be removed as a member of the Commission by the Village Board upon written charges of inefficiency, neglect of duty, malfeasance, or any other good and sufficient cause, as determined by the Village Board.
- Section 5 - **VACANCIES:** Vacancies occurring on the Commission other than through expiration of terms of office shall be filled for the unexpired terms by residents appointed by the Village Board in accordance with Section 1 above.
- Section 6 - **PUBLIC OFFICE:** No member of the Commission shall hold any other public office in Duncan, except that one (1) member of the Commission shall serve on the Village of Duncan Board of Adjustment, if a separate board is designated.

ARTICLE 3 - MEETINGS

- Section 1 - **NUMBER OF MEETINGS:** The Commission shall hold at least one (1) meeting per calendar quarter and such additional meetings at such other times as is necessary to conduct its affairs, responsibilities and duties.
- Section 2 - **RECORDS:** The Commission shall adopt rules for transaction of its business and shall keep a record of its motions, votes of each member on each motion and its other transactions, determinations and findings. The records of the Commission shall be maintained in the Office of the Village Clerk of Duncan and shall be a public record.
- Section 3 - **MEETINGS OPEN TO THE PUBLIC:** All meetings of the Commission shall be open to the public and conducted in accordance with the State of Nebraska Public Meetings and Disclosure laws. Executive sessions of the Commission are prohibited unless such sessions shall deal exclusively with review of performances of Commission employees or discussion of legal actions in which the Commission is a party. No action shall be taken by the Commission during any executive session.

ARTICLE 4 - OFFICERS AND STAFF

- Section 1 - **COMMISSION OFFICERS:** At its first meeting and annually thereafter, the Commission shall elect, from its membership, a Chairperson, a Vice-Chairperson, and a Secretary, or appoint a person from outside its membership to serve as Secretary to the Commission.
- Section 2 - **DUTIES OF OFFICERS:**
- Chairperson: The Chairperson shall preside over Commission meetings and, on behalf of the Commission, shall exercise general supervision over the affairs of the Commission. The Chairperson shall have the authority to appoint members of the Commission to committees, to determine points of

order and procedure and to sign all official documents and records of the Commission. In the interest of minimizing time delays in hearing petitions, the Chairperson shall also have the authority to establish public hearing dates and have the Village Clerk or Zoning Administrator publish notice for public hearings in connection with any proper petition to the Commission without the consent of the Commission members.

Vice-Chairperson: The Vice-Chairperson shall have the responsibilities and authorities of the Chairperson of the Commission during the absence or disability of the Chairperson. The Vice-Chairperson shall have the authority to act as Chairperson in the event a conflict of an interest by the Chairperson.

Secretary: The Secretary shall be responsible for keeping a complete and accurate record of all Commission proceedings, including keeping of records and minutes and shall certify all official acts of the Commission, including votes of each member on any and all matters for which a vote is required.

ARTICLE 5 - GENERAL RULE

Section 1 - **RULES:** In all matters not otherwise provided for by statute, the applicable Zoning Regulations, or these Bylaws and Rules of Procedure, the most recent edition of Robert's rules of Order available to the Commission, as interpreted by the presiding officer, shall govern the conduct of the Commission's meetings.

CHAPTER 2 - RULES OF PROCEDURE

ARTICLE 1 - COMMISSION MEETINGS

Section 1 - **MEETINGS:** All meetings of the Commission shall be open to the public and conducted in accordance with the State of Nebraska Public Meetings and Disclosure laws. On-site inspections of property involved in petitions before the Commission where no action of any kind is taken by the Commission shall not be considered public meetings.

Regular Meetings: The Commission shall meet at least once per calendar quarter on dates established for such regular meetings by the Commission. In addition, the Commission may hold such additional meetings as is necessary to carry out the responsibilities, duties and affairs of the Commission.

Special Meetings: Special meetings of the Commission may be called at any time by the Chairperson or by any Two (2) of the regular Commission members and notice of such special meetings shall be posted and/or published in accordance with Nebraska law and/or the Village Zoning Regulations.

Any visitation by a quorum of the Commission to any premises for which an application to the Commission has been filed shall constitute a meeting of the Commission and such visitation shall not be conducted unless and until proper notice of such meeting of the Commission is provided. Any member of the Commission, individually or members of the Commission constituting less than a quorum of the Commission may visit any such premises without public notice being provided.

Section 2 - **CANCELLATION OF MEETINGS:** Whenever there is business to be conducted by the Commission or a public hearing has been scheduled and it is ascertained that a quorum of the members is or will not be present or available at any Commission meeting, the Chairperson shall dispense with the meeting by opening the meeting and informing all members, petitioners, news media and all other persons in attendance that a meeting cannot be held. The Chairperson shall inform all in attendance of the date, time and place for a rescheduled meeting. In the event of a lack of quorum, all business scheduled for such meeting shall be automatically continued to the next regular or special meeting.

The Chairperson may also cancel any meeting in the event of a natural disaster, snow emergency or other emergency situation. In the event of such cancellation, the Chairperson or Village Clerk shall notify the news media for announcement of such cancellation.

A Commission work session may be conducted without a quorum present, provided that no official action of any type shall be taken during such work session.

Section 3 - **QUORUM:** Three (3) voting members of the Commission shall constitute a quorum of the Commission. No official business shall be transacted nor shall any public hearing be opened or conducted at any Commission meeting unless a quorum is present.

Section 4 - **VOTING:** No action of the Commission shall be official unless such action is authorized at a regular or special meeting by a majority vote of the entire membership of the Commission. The minimum vote necessary for any action is thus three (3) concurring votes. All votes of the Commission shall be voice votes or roll call votes duly recorded as to the vote cast by each member.

Voting Required: Except in the case of a conflict of interest, as specified in Section 5 herein, all voting members of the Commission present at each meeting of the Commission shall vote on each matter for which a public hearing is held. An abstention from voting for any other reason shall be the same as casting a negative vote.

Absentee Voting: Absentee or proxy voting by any Commission member is prohibited. Members must be present to on any matter before the Commission. In the event a member is absent for a part of public hearing, such member's eligibility to vote on the matter under consideration at such public hearing shall be determined by the Chairperson.

Section 5 - **CONFLICT OF INTEREST:** A Commission member shall not participate in the discussion of any matter before the Commission in which he/she has a direct or indirect ownership or financial interest nor shall such member vote on deciding such matter. A member shall declare, for the record, that he/she has such a conflict of interest prior to the discussion of any issue in which a conflict of interest exists and such member shall refrain from any discussion of the matter. Questions as to whether such a conflict of interest exists shall be determined by the Chairperson. When there is uncertainty as to the applicability of this Section, the member involved shall abstain from any discussion or vote on such matter. In all cases, the Secretary shall enter into the minutes of the Commission the fact that a member (by name) declared or was declared by the Chairperson, to have a conflict of interest and abstained from all discussion and voting on the matter in which the conflict of interest exists.

Nothing in this Section shall prevent a member of the Commission from presenting a petition before the Commission on his/her own behalf, but members of the Commission shall not appear before the Commission representing or on the behalf of others.

Section 6 - **EX PARTE COMMUNICATION:** Any Commission member who wishes to visit the premises for which an application to the Commission has been submitted may do so provided that any Commission member who has any communication with an applicant after said applicant has filed an application with the Commission shall, prior to any discussion of the application at public hearing, publicly indicate that such communication occurred and shall indicate the items discussed in such communication.

Section 7 - **ORDER OF BUSINESS:** The order of business at meetings of the Commission shall be as listed below, provided that such order of business may be changed by the Chairperson upon the consent of a majority of those members present.

1. Roll Call
2. Approval of Agenda
3. Approval of Minutes
4. Communications
5. Public Hearings (including any public hearings continued from prior meetings)
6. Old Business
7. New Business
8. Reports and Recommendations
9. Adjournment

ARTICLE 2 - PUBLIC NOTICE AND HEARINGS

Section 1 - **APPLICATION:** Each petition to the Commission shall be on an application from prescribed by the Commission and shall be accompanied by such information and exhibits as is specified on such application form together with payment of any applicable fees. Any communication purporting to be a petition that is not on the prescribed application form or does not contain all information requested on such form shall be considered incomplete and shall not be considered at public hearing and no fee shall be accepted.

Section 2 - **ELIGIBLE APPLICANTS:** The owners of property included in any petition to the Commission must consent to the filing of the application of the petition with the Commission. Such consent shall be evidenced by each owner's signature on said application or a letter of consent signed by such owner(s) or by signature of a person having power of attorney for such owner(s). In the case of property which is being purchased under a land contract, the signatures of both the seller and the buyer or their duly authorized representative shall be required.

Section 3 - **NOTICE OF PUBLIC HEARING:** Public notice of any petition filed with the Commission which requires action of the Commission at public hearing shall be given in accordance with the requirements of the Zoning or Subdivision Ordinances of the Village of Duncan, whichever is applicable. Proof of such publication of each public hearing notice shall be obtained by the Commission and maintained in the records of the Commission.

If record owner(s) of property included in any petition to come before the Commission are non-residents of the Village, a written notice of such public hearing shall be mailed by first class mail to the last known address of such owner(s) at least ten (10) calendar days prior to such public hearing. Determination of the last known address of such owner(s) shall be derived from the records of the Platte County Treasurer.

Section 4 - **CONTENTS OF NOTICE OF PUBLIC HEARING:** Any notice of public hearing required by the Village Zoning Regulations or Subdivision Regulations shall contain, at a minimum, the following information:

- A. A statement explaining the type of petition filed with the Commission;
- B. The general location of the land included in such petition by address or other sufficiently identifiable geographic description regarding the location of such property;
- C. The legal description of the property included in the petition;

- D. The time, place and location of the public hearing to be conducted by the Commission;
- E. A statement that the application associated with such petition may be examined in the Office of the Village Zoning Administrator or Village Clerk prior to the public hearing;
- F. A statement that all interested parties may offer oral comments at the public hearing and/or may file written comments with the Commission concerning the petition and that such comments shall be considered by the Commission, provided such written comments are received by the Commission prior to the public hearing date; and
- G. Any other statement as may be required by law.

Section 5 -

CONDUCT OF PUBLIC HEARINGS: The Commission shall utilize an agenda prepared by the Zoning Administrator to determine the order of business at each meeting. Public hearings on petitions submitted to the Commission shall be heard in the order that applications for such petitions were received and in accordance with the Order of Business prescribed in these Rules of Procedure, except that the Order of Business may be changed by the Chairperson, upon the consenting vote of those Commission members present. Each public hearing shall be conducted in accordance with the following procedure:

- A. The Chairperson shall request proof of notification of public hearing from the Zoning Administrator. In the event such public hearing notice was not published, the Chairperson shall continue such public hearing to the specified date, time and place and shall instruct the Zoning Administrator to publish such notice, including the revised date, time and place of such public hearing.
- B. The Chairperson shall request verification from the Zoning Administrator that the application for the petition to be heard at public hearing is complete in all respects, as required by the applicable application form(s) and with regard to any application submission requirements set forth in the applicable Village Zoning Regulations or Subdivision Regulations, whichever is applicable. If such application is incomplete, such petition shall be automatically continued to the next meeting of the Commission and the Chairperson shall state the date, time and place of such next meeting and shall issue instructions to the petitioner that the application must be completed prior to the next Commission meeting or the petition shall be removed from consideration by the Commission until such time as it is complete.
- C. The Chairperson shall make a determination that the petitioner, his/her attorney or other authorized representative is present and desires to proceed with the public hearing or if the petitioner, his/her attorney or other authorized representative would like a continuance of the hearing or would like to withdraw the petition. If the petitioner, his/her attorney or other authorized representative is not present, such petition shall be automatically placed at the bottom of the Order of Business. If the petitioner, his/her attorney or other authorized representative is still not present when the public hearing for this petition is called again, such petition shall be automatically continued to the next meeting of the Commission, as determined by the Chairperson, and all persons present shall be verbally notified of the date, time and place of such continued public hearing by the Chairperson.
- D. If the public hearing is to proceed, the Chairperson shall call for a motion to open the public hearing and the Commission shall hear testimony in the following order:
 - 1. Presentation of the petition request by the petitioner or his/her attorney or other authorized representative;

2. Presentation of comments or recommendations by the Zoning Administrator or other technical staff, agency, or consultant serving the Commission, or from which the Commission has sought input or advice;
3. Reading of any written communications or comments received by the Commission regarding the petition;
4. Comments and questions by members of the Commission;
5. Comments and questions by any members of the public either in support of or in opposition to the petition;
6. Rebuttals or final statement by the petitioner or his/her attorney or other authorized representative.

F. After all public comments have been heard, the Chairperson shall call for a motion to close the public hearing and shall call for a motion for action on the petition. Additional public comment shall not be permitted after the closing of the public hearing, except at the discretion of the Chairperson. Commission members may discuss the petition prior to any motion in order to clarify the issues pertaining to such petition. Any motion which is made and seconded is open for discussion by the Commission members only, unless the Chairperson specifically invites additional comments by the petitioner or the public. The Chairperson shall have the authority to limit discussion by the Commission or the public if such discussion is repetitious or irrelevant.

Section 6 - **VOTING:** Action on any matter requiring a public hearing by the Commission must be made through passage of a motion. Failure of a motion due to lack of second or due to lack of the minimum required majority voting in favor or the motion shall not constitute any action by the Commission. Each motion on any matter requiring a public hearing shall be decided by a roll call vote of all members present, except for any abstention due to a legitimate conflict of interest by one or more Commission members. In the event one or more Commission members have a conflict of interest and thus must abstain from voting, the motion must be decided by a majority of the total Commission membership (3 votes). If a sufficient number of Commission members are not present after any abstentions, action on the petition shall be continued to the next meeting of the Commission, as determined by the Chairperson and the Chairperson shall verbally indicate to all persons present at the public hearing the date, time and place of such meeting. The votes cast by each member of the Commission shall be recorded in the minutes of the Commission.

Section 7 - **RULES OF CONDUCT:** The following rules of conduct shall apply to and at all public hearings conducted by the Commission:

- A. **Representation:** A petitioner may appear in person, by agent or attorney and may present any supporting witnesses, evidence, statements and arguments in support of the petition. Persons in support of or in opposition to the petition may appear in person, by agent or attorney and may present witnesses, evidence, statements and arguments in favor of or in opposition to the petition. Any person interested in any petition before the Commission shall have the right to be heard and such persons shall not be required to enter any written statement at the public hearing. A Commission member and the Zoning Administrator may represent their own petition, but shall not under any circumstances represent others before the Commission.
- B. **Commission Participation:** Commission members shall be provided adequate opportunity to examine witnesses and question any evidence, statements and arguments presented in the interest of a fair and complete hearing.

- C. Comments Addressed to the Chairperson: All comments by the petitioner, his/her agent or attorney or the members of the public present at any public hearing shall be addressed to the Commission through the Chairperson. Comments and arguments between the petitioner, his/her agent or attorney and other persons in attendance at the public hearing shall be prohibited by the Chairperson.
- D. Authority of the Chairperson: The Chairperson shall have the authority to prohibit repetitious or irrelevant testimony and comments and shall have the authority to limit the length of testimony by each person to a length of time deemed appropriate for a fair and complete hearing.
- E. Orderly Conduct: Every person appearing before the Commission shall abide by the order and direction of the Chairperson. Discourteous, disorderly, or contemptuous conduct shall not be permitted by the Chairperson and the Chairperson shall have the authority to have any person guilty of such conduct removed from the hearing room.

ARTICLE 3 - DISPOSITION OF PETITIONS

- Section 1 - **MOTIONS:** The final disposition of any petition duly filed and brought before the Commission shall be in the form of a motion, properly seconded and adopted. Said motion shall specifically set forth one of the following forms of dispositions:
- Section 2 - **DISMISSAL:** A petition may be dismissed from consideration by the Commission in accordance with the following situations:
 - A. Dismissal of Petitions: The Commission may dismiss a petition after one (1) continuance if the petitioner or his/her authorized representative fails to appear to present the petition or if such petition has been improperly or incompletely filed and has not been modified after original consideration by the Commission.
 - B. Lack of Jurisdiction: The Commission shall dismiss a petition if it finds that it has no authority of jurisdiction over the matter contained in the petition.
- Section 3 - **WITHDRAWAL OF PETITIONS:** A petition filed with the Commission may be withdrawn from consideration in accordance with the following situations and limitations:
 - A. Withdrawal without Prejudice: Any petition may be withdrawn without prejudice, provided a written or verbal request from the petitioner or his/her agent or attorney is received by the Commission at any time prior to any motion by the Commission for action on said petition.
 - B. Withdrawal Not Permitted: No petition may be withdrawn after a motion has been made and seconded and a vote of the Commission has been ordered by the Chairperson.
- Section 4 - **AMENDMENT OF PETITIONS:** No petition shall be amended during any public hearing to increase the land area involved in the petition or to substantially change the petition without re-filing of a revised petition with re-notification of the public and notice of public hearing. Determination of whether a proposed amendment constitutes a substantial change shall be made by the Chairperson. Any petition may be amended to decrease the land area involved or to allow minor changes in the petition without such re-filing and re-notification.
- Section 5 - **CONTINUANCE OF PETITIONS:** A petition filed with the Commission for consideration at public hearing may be continued to the next meeting of the Commission in accordance with the following:

- A. Request by Petitioner: A petitioner or his/her agent or attorney may request a continuance of a petition, either verbally or in writing at any time prior to action on a motion of the Commission regarding such petition. After one continuance, unless the petitioner intends to completely withdraw the petition, the petitioner shall be required to show good and sufficient cause for such continuance and it shall be within the Commission's authority to grant or deny the continuance request.
- B. Motion by the Commission: Any member of the Commission may at any time move to continue a petition before the Commission. Such a motion when duly seconded and approved by a vote of the Commission shall continue the petition to a date, time and place specified in the motion. The Commission may include in such motion, such specific instructions for re-notification of the public and publishing of a public hearing notice if the Commission determines such would be in the best interest of a fair and complete public hearing. If such re-notification is required, the petitioner shall not pay any additional fees unless the reason for the continuance was due to a lack of information or other incompleteness of the petitioner's application.
- C. Automatic Continuance: In the event that the Commission cannot achieve a quorum or a minimum of three (3) concurring votes on any motions to approve or deny a petition, such vote shall be declared indecisive and the petition shall be automatically continued to the next meeting of the Commission. When declaring an indecisive vote and a continuance of the petition, the Chairperson shall state the date, time and location of the next Commission meeting at which the petition will be considered by the Commission. No petition shall be continued more than two (2) consecutive times. If, upon a third consecutive consideration, the Commission cannot achieve a minimum of three (3) concurring votes on any motion to act on the petition, it shall forward the petition to the Village Board with a report stating that the Commission was unable to arrive at a recommendation regarding the petition and that the Village Board shall decide on the petition without a recommendation by the Commission.
- D. Improper Notice: If the Chairperson shall find that proper notice of the public hearing has not been given, the Chairperson shall automatically continue the public hearing to the next meeting of the Commission and the Chairperson shall instruct the Zoning Administrator to publish proper notice of the public hearing in accordance with the requirements of the Village Zoning Regulations or Subdivision Regulations, whichever is applicable. The Chairperson shall also state the date, time and location of the next Commission meeting at which the affected petition shall be heard.

Section 6 - **APPROVAL OF PETITIONS:** If the Commission approves any motion to amend or modify the Village Comprehensive Plan or to amend or modify any text of the Zoning Regulations or Subdivision Regulations or to approve a conditional use permit, it may attach any conditions to its recommendations to the Village Board as is appropriate to such amendment, modification, or permit. If the Commission approves any motion regarding a rezoning (change of zoning district boundaries on the Official Zoning District Map) such motion shall be without any conditions. In either case, the Chairperson of the Commission shall immediately sign a written recommendation for such amendment or modification and the Zoning Administrator shall forward such recommendation with findings of fact to the Village Board for its consideration.

Section 7 - **DISAPPROVAL OF PETITIONS:** If the Commission approves a motion to deny any amendment or modification to the Village Comprehensive Plan or to amend or modify the text of the Zoning Regulations, the Official Zoning District Map, or the text of the Subdivision Regulations, or a conditional use permit, the Chairperson shall immediately sign a written recommendation of disapproval of such amendment, modification or petition and the Zoning Administrator shall forward such recommendation with findings of fact to the Village Board for its consideration.

ARTICLE 4 - COMMITTEES

- Section 1 - **AUTHORITY:** The Chairperson of the Commission shall have the authority to appoint any standing or temporary committee to facilitate the work of the Commission or to advise the full Commission on any matter. Such committees shall be comprised of Commission members and may include such other persons appropriate to the task(s) of the committee. The Chairperson of the Commission, when making such committee appointments shall designate a chairperson of the committee being created. The Chairperson of the Commission shall be an ex-officio member of any committee appointed.
- Section 2 - **STANDING COMMITTEE:** An Executive Committee, consisting of the Chairperson, the Vice-Chairperson and the immediate past Chairperson, shall be authorized to act on behalf of the Commission on matters of the Commission, except those matters where final disposition requires the action of the full Commission. The Chairperson of the Commission shall serve as the Chairperson of the Executive Committee. If the immediate past Chairperson of the Commission is no longer a member of the Commission, the Chairperson shall appoint an additional member from among the remaining members of the Commission.
- Section 3 - **COMMITTEE MEETINGS:** All Committees, established by the Commission, shall meet when appropriate and all committee meetings shall be open to the public, provided however, that public notice of committee meetings, unless the committee consists of a quorum of the Commission, shall not be required.

ARTICLE 5 - COMMISSION RECORDS

- Section 1 - **RESPONSIBILITY:** It shall be the duty of the Commission to maintain all its records and files, including official minutes of the Commission. The Chairperson shall designate/appoint the Zoning Administrator or such other Village official to keep and maintain such records and files. All records of the Commission shall be a public record and open to public inspection.
- Section 2 - **MINUTES:** The Secretary of the Commission shall prepare an accurate record of all public hearings and official actions of the Commission and the minutes representing such record shall be made available to the public within ten (10) days following any meeting of the Commission. Such minutes shall not, however, become official minutes of the Commission until approved by the Commission at its next meeting. The Commission shall have the authority to require modifications to such minutes prior to approval to create a more accurate or detailed record of the Commission's actions. Upon approval of the minutes by the Commission, copies shall be made available to any interested party.
- Section 3 - **AUDIO OR VIDEO TAPE RECORDINGS:** The Secretary of the Commission may make taped or other mechanical recordings of the Commission's proceedings. Such recordings, if made, shall remain on file in the office of the Zoning Administrator at least until the official minutes for which the Commission's proceedings were recorded have been prepared and approved by the Commission.
- Such recordings shall not be removed from the office of the Zoning Administrator by any person other than by order of a court of competent jurisdiction. Interested persons may listen and/or watch such recordings in the office of the Zoning Administrator and may transcribe any information on such recordings.
- Section 4 - **PETITION APPLICATIONS AND FILES:** A file shall be maintained for each application filed with the Commission. Such files shall contain, at a minimum, the completed application form, the proof of public notice and such other supporting materials and exhibits pertaining to such application submitted by the petitioner or any other person, together with a copy of the section of the Commission's official minutes which indicate the Commission's action regarding the application and its recommendation to the Village Board.

ARTICLE 6 - AMENDMENTS OF SUSPENSION OF BYLAWS AND RULES OF PROCEDURE

Section 1 - **AMENDMENTS:** These Bylaws and Rules of Procedure may be amended by the Commission at any meeting of the Commission upon the affirmative vote of three (3) members of the Commission, provided however, that the proposed amendment(s) shall have been presented in writing to the full Commission at the previous meeting of the Commission.

Section 2 - **SUSPENSION:** The suspension of any rule or procedure set forth herein may be authorized by the Commission at any meeting of the Commission upon the affirmative vote of three (3) Commission members, provided however, that no rule or procedure which is required to comply with the Village Zoning Regulations, the Village Subdivision Regulations or Nebraska law shall be suspended.

ARTICLE 7 - SEPARABILITY

If any section, clause, provision, or portion of these Bylaws and Rules of Procedure shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section, clause, provision or portion of these Bylaws and Rules of Procedure.

ARTICLE 8 - CERTIFICATE OF ADOPTION

The foregoing Bylaws and Rules of Procedure of the Village of Duncan Planning Commission are hereby adopted by affirmative vote of the Commission on this 13th day of November, 2008.

Signature of Chairperson

Attest by Secretary