



**CITY OF DUBLIN,**

**Land Use and  
Long Range Planning**  
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## PLANNING REPORT

### PLANNING AND ZONING COMMISSION

MAY 7, 2009

#### SECTION I - CASE INFORMATION:

#### 3. **Planning and Zoning Commission Rules and Regulations** **03-053ADM** **Administrative Request**

Proposal: Modifications and amendments to the Planning and Zoning Commission Rules and Regulations.

Request: Review and recommendation of approval to City Council of the revised Rules and Regulations under the provisions of Code Section 153.232.

Planning Contact: Claudia D. Husak, AICP, Planner II.

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#### **Case Summary**

City Council has instructed each Board and Commission Liaison to work with their respective Board or Commission to review and/or establish Rules and Regulations. Planning has reviewed the Planning and Zoning Commission Rules and Regulations and has made minor changes to them in order to accurately reflect the actual processes and procedures that the Commission and Planning follow and those that are required of the applicants. Planning is suggesting more significant changes to the Ex-Parte portion of the Rules and Regulations.

As directed by City Council, the updates Rules and Regulations should be presented to Council for a vote at the September meeting, where Council will consider the Rules and Regulations of all City Boards and Commissions. The timeline proposed by City Council allows for discussion of the updates proposed by Planning and the incorporation of changes as may be requested by the Commission. Planning recommends that the Commission discuss the changes as proposed by Planning and make a final recommendation to City Council on the proposed revisions to the Rules and Regulations at a future meeting.

#### **Case Background**

The Rules and Regulations of the Dublin Planning and Zoning Commission set out the powers, responsibilities, meeting procedures, and general public review process. It is distributed with every application and provided to the public at every Commission

meeting. The current version of the Rules and Regulations was adopted in 2003. The Commission discussed and reviewed changes to the Rules and Regulations in 2006 and 2007, but the updates did not make it through the formal adoption process largely due to different opinions on changes to Ex-Parte contact. City Council discussed the Commissions' Rules and Regulations in January of 2007 and no decision was reached whether or not changes should be implemented or whether a Council member should be appointed to the Commission.

As part of the formal Board and Commission Training in March of 2009 and the subsequent training of the Staff Liaisons, Council requested that all Boards and Commissions update their Rules and Regulations.

**Proposed Modifications**

Planning has prepared an updated version of the Rules and Regulations that more accurately reflect the processes and procedures of the Planning and Zoning Commission. Changes were also made to the formatting to make the document more user-friendly. The proposed revisions have also been reviewed by the Law Director. Attached are three documents for review, the adopted Rules and Regulations, a strike-through version of the proposed Rules and Regulations (blue underlined texts indicates new language and a strikethrough indicates deleted text) and a clean version of the proposed Rules and Regulations.

**SECTIONS II/III - REVIEW STANDARDS/RECOMMENDATION:**

**Discussion and Direction**

This is an administrative request to update the Commission's Rules and Regulations. The Commission should review the attached documents and discuss with Planning any additional amendments that are desired. Planning will update/amend the document as directed and bring it back to the Commission for a recommendation to City Council.

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## RULES AND REGULATIONS PLANNING AND ZONING COMMISSION DUBLIN, OHIO

- I. POWERS AND DUTIES OF COMMISSION (Dublin City Charter §7.02 Dublin Codified Ordinances Section 153.232)
  - A. Review of preliminary and final plats and recommendations of action to Council. (Administrative)
  - B. Review of amendments to the zoning map, the Zoning Ordinance and recommendation of action to Council. (Legislative)
  - C. Review of development proposals under Section 153.115, Corridor Development District. (Administrative)
  - D. Authorize only such conditional uses as the Planning and Zoning Commission is specifically authorized to pass on by terms of the Zoning Ordinance. (Administrative)
  - E. Initiate inclusion of annex territory in one or more of the Zoning Districts defined in the Zoning Ordinance as amended. (Legislative)
  - F. Review and approve final development plans, development plans amended, and revised, development plans and plan refinements for planned districts. (Administrative)
  - G. Initiate rezoning applications. (Legislative)
  - H. Exceptions to subdivision regulations as provided by Section 152.110 (i.e. variances). (Administrative)
  - I. All other duties as may be provided by the City Charter and City ordinances as amended.

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# ADOPTED PCZ RULES & REGULATIONS

## II. COMMISSION MEMBERS (Dublin City Charter §7.03)

### A. Membership:

1. The Planning and Zoning Commission shall consist of seven electors of the City who shall serve overlapping four-year terms; one of which may be a Council member who shall serve at the pleasure of Council.
2. Expired terms shall be filled by Council pursuant to §7.02 (d) of the Charter.
3. A member of the Commission shall serve for no more than two (2) consecutive full terms unless at least one year has elapsed since at the end of the previous full term.

### B. Officers:

1. At its meeting in April, held after Council appointments, the Commission shall elect a Chair and Vice-Chair. Officers shall be entitled to vote and shall each hold office for one (1) year or until a successor is elected.
2. Should the office of Chair or Vice-Chair become vacant, the Commission shall elect a successor from its membership within the next two regular meetings. The Commission may elect an interim officer, if necessary.
3. The Chair and the Vice-Chair shall serve no more than two consecutive terms in their respective offices unless at least one year has elapsed since their previous full term ended. Nothing in these rules shall deprive the Chair or Vice-Chair of any duties or obligations as a Commission member.

### C. Attendance of Members:

1. Attendance is a responsibility of each member of the Commission. Attendance is encouraged for all members. More than four unexcused absences within one year may result in a member's removal from the Commission by City Council.
2. Each member shall be responsible for notifying the secretary as soon as possible before any Commission meeting if unable to attend.

### D. Resignation:

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The resignation of a member of the Commission shall become effective upon filing with the Clerk of Council.

## III. MEETINGS

### A. Public Meetings:

All those who wish to speak on administrative cases will be sworn-in at the beginning of the meeting.

In all administrative hearings, the applicants or the applicants' representative(s) are entitled to cross-examine all witnesses. Such questioning may be limited if, in the judgment of the Chair, the questioning is either irrelevant or inappropriate.

All meetings shall be open to the public per O.R.C. §121. The Commission may meet in executive session in accordance with O.R.C. §121.22 (Sunshine Law).

### B. Regular Meetings:

Regular meetings of the Commission shall be held on the first Thursday of the month in Council Chambers, City Hall, at 6:30 p.m. unless otherwise specified.

### C. Special Meetings:

Special meetings may be held at any time upon call of the Chair, by a majority of the voting members of the Commission or upon request by City Council with at least a twenty-four hour (24) notice (written or personal contact) to each member of the Commission. When necessary to accomplish the work of the Commission, another meeting may be held on the third Thursday of the month at the same place and hour as set forth above, unless otherwise specified. Notice and conduct of all special meetings shall be in accordance with subsection C herein, the Dublin City Charter, Dublin Codified Ordinances and O.R.C. Chapter 121.

### D. Quorum:

A majority of the members of the Commission shall constitute a quorum for the transaction of business (four members).

### E. Parliamentary Procedure:

Robert's Rules of Order, Revised, are hereby adopted for the governments of this Commission, in all cases not otherwise provided for in these rules. Technical violations of these rules or parliamentary procedure provisions shall not invalidate Commission actions.

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## IV. APPLICATIONS (Dublin Codified Ordinances Sections 152 and 153)

- A. Applications shall be submitted to the Planning Director in accordance with the Zoning Code and pursuant to the application schedule maintained by the Development staff.
1. 15-day rule for application amendments/plan submittal. To assure that materials for consideration at an upcoming meeting are available for public review and inspection and are fully reviewed by the staff prior to the public meeting, no supplemental plans, amendments, documentation, or changes to an application shall be accepted less than 15 calendar days prior to the meeting date.
- B. Proposed ordinances and resolutions establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations shall be initiated by the applicant's submittal of a completed application requesting such modification; or by City Council on its own initiative as may be necessary for the public interest.
- C. After introduction before City Council, the proposed ordinance or resolution is placed on the Commission's agenda for such meeting as specified or at the next special or regular meeting called for such purposes.

## V. AGENDA

- A. Staff shall prepare and distribute an agenda to the Commission prior to the meeting listing all applicants, and having staff report and other documents attached. Applications previously tabled and those requiring less time may be scheduled first.
- B. No new agenda items shall be taken up after 10:30 p.m.

## VI. STAFF REPORT

Staff shall prepare a written report for each application appearing on the agenda. The staff report shall be provided to the Commission, the applicant(s), and to residents upon request. Copies of maps, plans, and diagrams, which are part of the staff report provided to Commission members, shall not exceed 11" x 17". The staff report shall also include, as necessary, statements from the Law Director's office, City Engineer, Recreation Services Director, Grounds and Facilities Director, City Forester, and appropriate safety personnel regarding their opinions as to any particular application.

## VII. ATTENDANCE OF APPLICANT

The applicant or their representative shall attend all meetings at which the case is under consideration. The Commission may dismiss, without hearing, an application if the

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applicant or applicant's representative is not present when the matter is called for hearing at the meeting.

## VIII. TABLING AND WITHDRAWAL

Requests to table or withdraw a case, together with the reason for the request, shall be made in writing by the applicant prior to the meeting or by the applicant or his representative at the meeting. Such requests may require approval by a majority of the Commission members in attendance at the meeting. A tabled case shall be rescheduled for the next available meeting, unless otherwise specified.

## IX. MEETING PROCEDURE

- A. The Chair introduces Commission members and staff, gives a brief overview of the meeting procedure, and makes any other comments necessary to the appropriate conduct of the meeting.
- B. At the beginning of the meeting, the Commission shall determine the order in which cases will be heard. Priority will be given to consent cases. The Chair calls each case separately.
- C. Staff presents a verbal report and makes its recommendations. The report should include a statement of the relationship of the application to the Community Plan, and may include visual presentation of site. It should be limited to four minutes in length generally, and not more than 15 minutes for a complex case.
- D. The Commission may ask questions regarding any aspect of the staff presentation, the applicant's presentation or any other aspect of the presentation as it may deem necessary and appropriate.
- E. The applicants and/or applicants' representative(s) next have the opportunity to present their case. This will be limited to 15 minutes, unless extended by the Commission.
- F. Interested citizens may make presentations to the Commission. All persons presenting evidence or speaking before the Commission shall identify themselves by name and address. Unless otherwise modified by the Chair, there will be a five-minute limit for each citizen comment. The Chair has the authority to limit the number of persons making comments on any case.
- G. The applicants or applicants' representatives respond to any issues raised before the Commission.
- H. The Commission may ask questions regarding any aspect of the presentation, and discuss the application.

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- J. At the conclusion of the public comment section of the meeting, the Commissioners will undertake a discussion among the Commissioners.
- J. The Commission votes, by roll call.
- K. The Chair announces the result of the vote and directs the official recording of the decision, together with the reasons for the decision, if not included within the Commission's motion.
- L. The Commission shall, by roll call vote, authorize the Secretary of the Commission to issue a written notice of the Commission's recommendation to the Clerk of Council. Such recommendation shall be submitted to the Clerk of Council as soon as practicable.

## X. RECONSIDERATION

All actions by the Commission shall be final subject to the following provisions. Actions may be reconsidered by the Commission upon its own motion or for good cause shown.

- A. Any member who voted on the prevailing side of a motion may move to reconsider any action of the Commission, provided that such motion must be made no later than the second regular meeting after the original action from which reconsideration is being requested was taken. No motion to reconsider shall be made more than once upon any application. Reconsideration shall be granted by a majority vote of the members in attendance and only upon a showing of new facts or a change in circumstances from the original decision. The reason for granting a reconsideration shall be included within the Commission's decision.

## XI. EX-PARTE CONTACT

The Commission members should avoid ex-parte contact with the applicant or their representative(s). If any such contacts are made by an applicant, the member should refer the applicant to staff. If the applicant persists in offering information by way of ex-parte conduct, the member should report these contacts at the meeting and may refuse to participate in the deliberation and decision of the case.

## XII. CONFLICT OF INTEREST (Dublin City Charter §10.01)

Any member of the Commission who feels that they have a conflict of interest on any matter that is on the Commission agenda, shall voluntarily excuse himself and refrain from discussions on that application. Commission members are encouraged to seek advice from the City Law Director as may be necessary to determine whether or not a conflict of interest may exist.

## XIII. DISTRIBUTION OF RULES

A copy of these rules shall be provided to each applicant or representative at the time of the filing of an application. Copies of these rules will be made available to the audience

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by placement at the entrance to the hearing room. A summary of the descriptions of the various types of proceedings conducted before the Commission will also be available at the entrance of the hearing room at each meeting.

## XIV. SUSPENSION OF RULES

The Commission, by affirmative vote of a majority of the members in attendance, shall have the authority to suspend or modify its rules and regulations at the meeting for good cause. Further, failure to comply with any of the rules and regulations set forth herein, or technical procedural deficiencies does not invalidate actions taken by this Commission.

Passed by Planning and Zoning Commission on April 8, 1993.

Confirmed and adopted by Council on May 17, 1993.

Amended by the Commission on June 19, 2003.

Confirmed and adopted by Council on July 7, 2003.

# PROPOSED PZC RULES & REGULATIONS

## Clean Version



### RULES AND REGULATIONS PLANNING AND ZONING COMMISSION DUBLIN, OHIO

- I. POWERS AND DUTIES OF COMMISSION (Dublin City Charter §7.02 and §7.03  
Dublin Codified Ordinances Section 153.232)
  - A. Administrative Duties
    1. Review of preliminary and final plats and submission of recommendations of action to Council as specifically authorized by the Chapter 152, Subdivision Code.
    2. Exceptions to subdivision regulations as specifically authorized by the Chapter 152, Subdivision Code.
    3. Review of development proposals within the Corridor Development District as specifically authorized by the Zoning Code.
    4. Authorize conditional uses as specifically authorized by the Zoning Code.
    5. Review and approve final development plans and amended final development plans for Planned Districts as specifically authorized by the Zoning Code.
  - B. Legislative Duties
    1. Review of amendments to the Zoning Code for the rezoning of lands and amendments to text, with recommendations of action to Council.
    2. Initiate inclusion of annexed territory in one (1) or more of the Zoning Districts defined in the Zoning Code.
  - C. Municipal Planning
    1. Review of Community Plan and amendments thereto, and recommendation of action to Council.
    2. Other municipal planning responsibilities as assigned by Council in furtherance of the implementation of the Community Plan.
  - D. All other duties as may be provided by the City Charter and City ordinances as amended, and as directed by Council.

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### II. COMMISSION MEMBERS (Dublin City Charter §7.03)

#### A. Membership

1. The Planning and Zoning Commission shall consist of seven (7) electors of the city who shall serve overlapping four (4) year terms; one of which may be a Council member who shall serve at the pleasure of Council.
2. Expired terms shall be filled by Council pursuant to §7.02 (d) and (e) of the Charter.

#### B. Officers

1. At its meeting in April, or the first meeting as practicable after Council appointments, the Commission shall elect a Chair and Vice-Chair. Officers shall be entitled to vote and shall each hold office for one (1) year or until a successor is elected.
2. Should the office of Chair or Vice-Chair become vacant, the Commission shall elect a successor from its membership within the next two (2) regular meetings. The Commission may elect an interim officer, if necessary, if both the Chair and Vice-Chair are not available for a meeting.

#### C. Attendance of Members

1. Attendance is a responsibility of each member of the Commission. Regular attendance is encouraged for all members. More than four (4) unexcused absences within one (1) year may result in a member's removal from the Commission by City Council.
2. Each member shall be responsible for notifying the Chair and the liaison as soon as possible before any Commission meeting if unable to attend.

#### D. Resignation

Any member intending to resign prior to the expiration of their term shall notify the Clerk of Council in writing. The resignation of a member of the Commission shall become effective upon filing with the Clerk of Council or upon the date requested by the member.

### III. MEETINGS

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### A. Public Meetings

1. All those who wish to speak on administrative cases will be sworn-in at the beginning of the meeting or prior to the case being heard.
2. In all administrative hearings, the applicants or the applicants' representative(s) are entitled to cross-examine all witnesses. Questioning may be limited if, in the judgment of the Chair, the questioning is either irrelevant or inappropriate.
3. All meetings shall be open to the public per O.R.C. §121. The Commission may meet in executive session in accordance with O.R.C. §121.22 (Open Meetings Act).

### B. Regular Meetings

Regular meetings of the Commission shall be held on the first Thursday of the month or as approved on the yearly meeting calendar in Council Chambers, City Hall, at 6:30 p.m. unless otherwise specified. When necessary to accomplish the work of the Commission, another meeting may be held on the Thursday as approved on the yearly meeting calendar at the same place and hour as set forth above, unless otherwise specified.

### C. Special Meetings

Special meetings may be held at any time upon call of the Chair, by a majority of the voting members of the Commission or upon request by City Council with at least a twenty-four (24) hour notice (written or personal contact) to each member of the Commission. Notice and conduct of all special meetings shall be in accordance with subsection C herein, the Dublin City Charter, Dublin Codified Ordinances and O.R.C. Chapter 121.

### D. Quorum

A majority of the members of the Commission shall constitute a quorum for the transaction of business (four [4] members).

### E. Parliamentary Procedure

Robert's Rules of Order, Revised, are to be used as a guide in the governance of this Commission and for all cases not otherwise provided for in these rules. Technical violations of these rules or parliamentary procedure provisions shall not invalidate Commission actions.

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### IV. APPLICATIONS (Dublin Codified Ordinances Sections 152 and 153)

- A. Applications shall be submitted to the Commission Liaison in accordance with the Zoning Code and the administrative provisions of Land Use and Long Range Planning. To assure that materials for consideration at an upcoming meeting are available for public review and inspection and are fully reviewed by the City prior to the public meeting, no additional or supplemental plans, amendments, documentation, or changes to an application shall be accepted less than fifteen (15) calendar days prior to the meeting date.
- B. Amendments to the text provisions of the Code may be initiated by the City Council, the Planning and Zoning Commission, or by petition of one or more residents or property owners of the city. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the City Council, the Planning and Zoning Commission, or by the owner or owners of property which is the subject of the proposed amendment, or by an individual holding a valid interest in the subject property (purchase agreement or other similar instrument).

### V. AGENDA

- A. Land Use and Long Range Planning shall prepare and distribute an agenda to the Commission prior to the meeting listing all applications pending for the meeting. A copy of the agenda shall also be provided to all applicants.
- B. Applications previously tabled may be scheduled first. The Chair of the Commission may request alteration of the agenda at the meeting. No new agenda items shall be taken up after 10:00 p.m.

### VI. APPLICATION MATERIALS AND REPORT OF LAND USE AND LONG RANGE PLANNING

- A. Prior to the scheduled meeting Land Use and Long Range Planning shall prepare and distribute its Planning Report and other supporting application materials and related documents to the Commission, with a copy for the applicant. A copy shall also be kept on record at the offices of Land Use and Long Range Planning for viewing or duplication by the public.

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- B. The Planning Report shall also include, as necessary, statements from the Law Director's office, Engineering, Parks and Open Space, the Washington Township Fire Department and any other appropriate personnel regarding their opinions, recommendations, and suggested conditions of approval for any particular application.

### VII. ATTENDANCE OF APPLICANT

The applicant or their representative shall attend all meetings at which the case is under consideration. The Commission may table, with or without a hearing, an application if the applicant or applicant's representative is not present when the matter is called at the meeting.

### VIII. TABLING AND WITHDRAWAL

Requests to table or withdraw a case, together with the reason for the request, shall be made in writing by the applicant to Land Use and Long Range Planning prior to the meeting or verbally by the applicant or his/her representative at the meeting. Requests may require approval by a majority of the Commission members in attendance. A tabled case may be rescheduled for the next available meeting, or at such other time as specified by the Commission, or the next available meeting after the reason for the tabling has been resolved, as determined by Land Use and Long Range Planning.

### IX. MEETING PROCEDURE

- A. The Chair calls the meeting to order and introduces administrative agenda items (roll call, Pledge of Allegiance, and other administrative items), gives a brief overview of the meeting procedure, and makes any other comments necessary to the appropriate conduct of the meeting.
- B. At the beginning of the meeting, the Chair may recommend changes to the agenda regarding the order in which cases will be heard, with approval by the Commission. Consent cases will normally be the first considered. The Chair shall call each case separately. Individuals desiring to speak on any application shall be sworn in by the Chair.
- C. Land Use and Long Range Planning presents an overview of the application and states its recommendation. The presentation will generally include such items as the relationship of the application to the Community Plan, visual representations of site, and other supporting material and information. The recommendation of

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Land Use and Long Range Planning is for the information of the Commission only and is not binding on the action of the Planning and Zoning Commission.

- D. The Commission may request any additional clarification or present its questions regarding any aspect of the presentation by Land Use and Long Range Planning.
  - E. The applicants and/or their representative(s) next have the opportunity to present any additional information or clarifications of their case not otherwise covered by the City's presentation. The Commission shall have the right to limit the length of the presentation to a reasonable time. The Commission may ask questions or request clarification of the applicant's presentation or any other aspect of the presentation as it may deem necessary and appropriate.
  - F. Interested citizens may make comments to the Commission. All persons presenting evidence or speaking before the Commission shall identify themselves by name and address. If required by the Chair, there will be a five (5) minute limit for each citizen comment. The Chair has the authority to limit the number of persons making comments on any case or limit the number of times a single person may speak. The Commission may permit applicants or their representatives the opportunity to respond to any issues raised before the Commission by the City or the public.
  - G. The Chair shall then close the public portion of the meeting and the Commission shall begin its deliberation of the matter. The Commission may request any additional information or comment from the City, applicant, or the public.
  - H. The Commission votes, by roll call.
  - I. The Chair announces the result of the vote and directs the official recording of the decision, together with the reasons for the decision, if not included within the Commission's motion.
  - J. Land Use and Long Range Planning shall report the actions of the Planning and Zoning Commission to Council as soon as practicable.
- X. RECONSIDERATION
- A. All actions by the Commission shall be final subject to the provisions of this section. Actions may be reconsidered by the Commission upon its own motion or for good cause shown.
  - B. Any member who voted on the prevailing side of a motion may move to reconsider any action of the Commission, provided that such motion must be

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made no later than the second regular meeting after the original action from which reconsideration is being requested was taken. Only one motion to reconsider shall be made upon any application.

- C. Reconsideration shall be granted by a majority vote of the members in attendance after a determination that there are new facts or a change in circumstances from the original decision which might result in a different result. The reasons for granting reconsideration shall be included within the Commission's decision.

### XI. EX-PARTE CONTACT

- A. Members should not engage in conversations with the property owner, neighbors, the applicant, or with each other except for that which takes place at a scheduled Planning and Zoning Commission meeting. This also applies to other contacts, such as phone calls, chance meetings, or other occasions. If any contact is made by an applicant, the member should refer the applicant to Land Use and Long Range Planning.
- B. If the applicant or other individual persists in offering information by way of ex-parte conduct, the member should report these contacts at the meeting and may refuse to participate in the deliberation and decision of the case. If mailed material is received, Land Use and Long Range Planning should be notified to ensure that all of the members have received the same information. If not, information received individually should be made available to all members.
- C. The intent of these procedures is to ensure that everyone has the same information on which to base a decision.

### XII. CONFLICT OF INTEREST (Dublin City Charter §10.01)

- A. Any member of the Commission who feels that they have a conflict of interest on any matter that is on the Commission agenda, shall voluntarily excuse himself and refrain from discussions on that application. Commission members are encouraged to seek advice from the City Law Director as may be necessary to determine whether a conflict of interest may exist.
- B. Conflict of Interest Procedure: Once it is determined that a conflict of interest exists, the following procedure shall be used:

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1. After being recognized by the Chair, the member will note he/she will not be participating or voting on the application due to a conflict of interest. This will be followed by a brief description of the nature of the conflict. The explanation should be detailed enough to make clear the nature of the conflict, such as, "The applicant is related to me." No vote or discussion by the other members is necessary.
2. The member shall then be excused by the Chair and leave the room. Once the matter is concluded, the member may rejoin the meeting.

### XIII. DISTRIBUTION OF RULES

Upon request, a copy of these rules shall be provided to each applicant or representative at the time of the filing of an application or to anyone requesting a copy. Copies of these rules will be made available at the meeting. A summary of the descriptions of the various types of proceedings conducted before the Commission will also be available at each meeting.

### XIV. SUSPENSION OF RULES

The Commission, by affirmative vote of a majority of the members in attendance, shall have the authority to suspend or modify its rules and regulations at the meeting for good cause. Further, failure to comply with any of the rules and regulations set forth herein, or technical procedural deficiencies does not invalidate actions taken by this Commission.

Passed by Planning and Zoning Commission on April 8, 1993.  
Confirmed and adopted by Council on May 17, 1993.  
Amended by the Commission on June 19, 2003.  
Confirmed and adopted by Council on July 7, 2003.  
Amended by the Commission on \_\_\_\_\_  
Confirmed and adopted by Council on \_\_\_\_\_

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## Strike-Through Version



### RULES AND REGULATIONS PLANNING AND ZONING COMMISSION DUBLIN, OHIO

I. POWERS AND DUTIES OF COMMISSION (Dublin City Charter §7.02 and §7.032  
Dublin Codified Ordinances Section 153.232)

A. Administrative Duties

1. Review of preliminary and final plats and ~~submission of~~ recommendations of action to Council ~~as specifically authorized by the Chapter 152, Subdivision Code.~~ (Administrative)
2. Exceptions to subdivision regulations as specifically authorized by the Chapter 152, Subdivision Code.
3. Review of development proposals within the Corridor Development District as specifically authorized by the Zoning Code.
4. Authorize conditional uses as specifically authorized by the Zoning Code.
5. Review and approve final development plans and amended final development plans for Planned Districts as specifically authorized by the Zoning Code.

B. Legislative Duties

1. Review of amendments to the ~~Zoning Code for the rezoning of lands and amendments to text, with zoning map, the Zoning Ordinance and~~ recommendations of action to Council.

(Legislative)

~~C. Review of development proposals under Section 153.115, Corridor Development District. (Administrative)~~

~~D. Authorize only such conditional uses as the Planning and Zoning Commission is specifically authorized to pass on by terms of the Zoning Ordinance. (Administrative)~~

- E. ~~2. Initiate inclusion of annexed territory in one (1) or more of the Zoning Districts defined in the Zoning Code Ordinance as amended. (Legislative)~~

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### CF. Municipal Planning

1. Review of Community Plan and amendments thereto, and recommendation of action to Council.
2. Other municipal planning responsibilities as assigned by Council in furtherance of the implementation of the Community Plan.

D. ~~Review and approve final development plans, and amended final development plans amended, and revised, development plans and plan refinements for planned Planned districts~~ Districts. (Administrative)

~~G.~~ ~~Initiate rezoning applications.~~ (Legislative)

~~A.~~ ~~Exceptions to subdivision regulations as provided by Section 152.110 (i.e. variances).~~ (Administrative)

~~F.~~ ~~All other duties as may be provided by the City Charter and City ordinances as amended,~~ and as directed by Council.

## II. COMMISSION MEMBERS (Dublin City Charter §7.03)

### A. Membership:

1. The Planning and Zoning Commission shall consist of seven (7) electors of the city who shall serve overlapping four (4)-year terms; one of which may be a Council member who shall serve at the pleasure of Council.
2. Expired terms shall be filled by Council pursuant to §7.02 (d) and (e) of the Charter.
- ~~3.~~ ~~A member of the Commission shall serve for no more than two (2) consecutive full terms unless at least one (1) year has elapsed since at the end of the previous full term.~~

### B. Officers:

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1. At its meeting in April, or the first meeting as practicable ~~held~~ after Council appointments, the Commission shall elect a Chair and Vice-Chair. Officers shall be entitled to vote and shall each hold office for one (1) year or until a successor is elected.
2. Should the office of Chair or Vice-Chair become vacant, the Commission shall elect a successor from its membership within the next two (2) regular meetings. The Commission may elect an interim officer, if necessary, if both the Chair and Vice-Chair are not available for a meeting.
3. ~~The Chair and the Vice-Chair shall serve no more than two (2) consecutive terms in their respective offices unless at least one (1) year has elapsed since their previous full term ended. Nothing in these rules shall deprive the Chair or Vice-Chair of any duties or obligations as a Commission member.~~

### C.      Attendance of Members:

1. Attendance is a responsibility of each member of the Commission. Regular aAttendance is encouraged for all members. ~~More than four (4)~~ unexcused absences within one (1) year may result in a member's removal from the Commission by City Council.
2. Each member shall be responsible for notifying the ~~secretary~~ Chair and the liaison as soon as possible -before any Commission meeting if unable to attend.

### D.      Resignation:

Any member intending to resign prior to the expiration of their term shall notify the Clerk of Council in writing. The resignation of a member of the Commission shall become effective upon filing with the Clerk of Council or upon the date requested by the member.

## III. MEETINGS

### A.      Public Meetings:

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1. All those who wish to speak on administrative cases will be sworn-in at the beginning of the meeting or prior to the case being heard.
2. In all administrative hearings, the applicants or the applicants' representative(s) are entitled to cross-examine all witnesses. ~~Such~~ Questioning may be limited if, in the judgment of the Chair, the questioning is either irrelevant or inappropriate.
3. All meetings shall be open to the public per O.R.C. §121. The Commission may meet in executive session in accordance with O.R.C. §121.22 (~~Sunshine Law~~Open Meetings Act).

### B. Regular Meetings:

Regular meetings of the Commission shall be held on the first Thursday of the month or as approved on the yearly meeting calendar in Council Chambers, City Hall, at 6:30 p.m. unless otherwise specified. When necessary to accomplish the work of the Commission, another meeting may be held on the Thursday as approved on the yearly meeting calendar at the same place and hour as set forth above, unless otherwise specified.

### C. Special Meetings:

Special meetings may be held at any time upon call of the Chair, by a majority of the voting members of the Commission or upon request by City Council with at least a twenty-four ~~hour~~ (24) hour notice (written or personal contact) to each member of the Commission. ~~When necessary to accomplish the work of the Commission, another meeting may be held on the third Thursday of the month at the same place and hour as set forth above, unless otherwise specified.~~ Notice and conduct of all special meetings shall be in accordance with subsection C herein, the Dublin City Charter, Dublin Codified Ordinances and O.R.C. Chapter 121.

### D. Quorum:

A majority of the members of the Commission shall constitute a quorum for the transaction of business (four [4] members).

### E. Parliamentary Procedure:

Robert's Rules of Order, Revised, are to be used as a guide in the governance ~~hereby adopted for the governments~~ of this Commission and for, ~~in~~ all cases not

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otherwise provided for in these rules. -Technical violations of these rules or parliamentary procedure provisions shall not invalidate -Commission actions.

#### IV. APPLICATIONS (Dublin Codified Ordinances Sections 152 and 153)

~~A.A.~~ Applications shall be submitted to the ~~Planning Director~~ Commission Liaison in accordance with the Zoning Code and the administrative provisions of application submission requirements and pursuant to the ~~application schedule maintained by the Development staff~~ Land Use and Long Range Planning.

1. ~~15-day rule for application amendments/plan submittal.~~ To assure that materials for consideration at an upcoming meeting are available for public review and inspection and are fully reviewed by the ~~staff~~ City prior to the public meeting, no additional or supplemental plans, amendments, documentation, or changes to an application shall be accepted less than fifteen (15) calendar days prior to the meeting date.

B. Amendments to the text provisions of this Code may be initiated by the City Council, the Planning and Zoning Commission, or by petition of one or more residents or property owners of the city. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the City Council, the Planning and Zoning Commission, or by the owner or owners of property which is the subject of the proposed amendment, or by an individual holding a valid interest in the subject property (purchase agreement or other similar instrument). ~~Proposed ordinances and resolutions establishing, amending, revising, changing or repealing zoning classifications, districts, uses or regulations shall be initiated by the applicant's submittal of a completed application requesting such modification; or by City Council on its own initiative as may be necessary for the public interest.~~

C. ~~After introduction before City Council, the proposed ordinance or resolution is placed on the Commission's agenda for such meeting as specified or at the next special or regular meeting called for such purposes.~~

#### V. AGENDA

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- A. ~~Staff~~ Land Use and Long Range Planning shall prepare and distribute an agenda to the Commission prior to the ~~meeting~~ listing all applications pending for the meeting. ~~Applicants~~ A copy of the agenda shall also be provided to all applicants. ~~, and with the~~ having staff planning report and other documents attached. Applications previously tabled and those requiring less time may be scheduled first.
- ~~2.b~~B. Applications previously tabled may be scheduled first. The Chair of the Commission may request alteration of the agenda at the meeting. No new agenda items shall be taken up after 10:030 p.m.

### VI. APPLICATION MATERIALS AND STAFF REPORT OF LAND USE AND LONG RANGE PLANNING

- A. Prior to the scheduled meeting Land Use and Long Range Planning shall prepare and distribute its Planning Report and other supporting application materials and related documents to the Commission, with a copy for the applicant. A copy shall also be kept on record at the offices of Land Use and Long Range Planning for viewing or duplication by the public.
- B. Staff ~~The Case Manager~~ shall prepare a written report for each application appearing on the agenda. The staff report shall be provided to the Commission, the applicant(s), and to residents upon request. ~~Copies of maps, plans, and diagrams, which are part of the staff report provided to Commission members, shall not exceed 11" x 17". Large plans may be requested from Land Use and Long Range Planning.~~ The Planning Rstaff report shall also include, as necessary, statements from the Law Director's office, City Engineering, Parks and Open Space, the Washington Township Fire Department and, Recreation Services Director, Grounds and Facilities Director, City Forester, and any other appropriate safety personnel regarding their opinions, recommendations, and suggested conditions of approval for as to any particular application.

### VII. ATTENDANCE OF APPLICANT

The applicant or their representative shall attend all meetings at which the case is under consideration. ~~The Commission may dismiss~~ table, with or without a hearing, an application if the applicant or applicant's representative is not present when the matter is called ~~for hearing~~ at the meeting.

### VIII. TABLING AND WITHDRAWAL

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Requests to table or withdraw a case, together with the reason for the request, shall be made in writing by the applicant to Land Use and Long Range Planning prior to the meeting or verbally by the applicant or his/her representative at the meeting. ~~Such~~ Requests may require approval by a majority of the Commission members in attendance at the meeting. A tabled case may shall be rescheduled for the next available meeting, or at such other time as unless otherwise specified by the Commission, or the next available meeting after the reason for the tabling has been resolved, as determined by Land Use and Long Range Planning.

### IX. MEETING PROCEDURE

- A. The Chair calls the meeting to order and introduces administrative agenda items (roll call, Pledge of Allegiance, and other administrative items), introduces ~~Commission members and staff,~~ gives a brief overview of the meeting procedure, and makes any other comments necessary to the appropriate conduct of the meeting.
- B. At the beginning of the meeting, the Chair may recommend changes to the agenda regarding the order in which cases will be heard, with approval by the ~~Commission shall determine the order in which cases will be heard.~~ Priority will ~~be given to~~ Consent cases will normally be the first considered. The Chair shall call each case separately. Individuals desiring to speak on any application shall be sworn in by the Chair.
- C. Land Use and Long Range Staff Planning presents an overview of a verbal report the application and states makes its recommendations. The report presentation will generally should include such items as a statement of the relationship of the application to the Community Plan, and may include visual representations of site, and other supporting material and information. The recommendation of Land Use and Long Range Planning is for the information of the Commission only and is not binding on the action of the Planning and Zoning Commission. ~~It should be limited to four minutes in length generally, and not more than 15 minutes for a complex case.~~
- D. The Commission may request any additional clarification or present its ~~may ask~~ questions regarding any aspect of the staff Planning presentation by Land Use and Long Range Planning, ~~the applicant's presentation or any other aspect of the presentation as it may deem necessary and appropriate.~~
- E. The applicants and/or ~~applicants'~~ their representative(s) next have the opportunity to present any additional information or clarifications of their case not otherwise

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covered by the City's presentation. The Commission shall have the right to limit the length of the presentation to a reasonable time. This will be limited to 15 minutes, unless extended by the Commission. The Commission may ask questions or request clarification of the applicant's presentation or any other aspect of the presentation as it may deem necessary and appropriate.

- F. Interested citizens may make comments presentations to the Commission. All persons presenting evidence or speaking before the Commission shall identify themselves by name and address. If required by the ~~Unless otherwise modified by the Chair,~~ there will be a five (5) -minute limit for each citizen comment. The Chair has the authority to limit the number of persons making comments on any case or limit the number of times a single person may speak. The Commission may permit applicants or their representatives the opportunity to respond to any issues raised before the Commission by the City or the public.
- G. The Chair shall then close the public portion of the meeting and the Commission shall begin its deliberation of the matter. The Commission may request any additional information or comment from the City, applicant, or the public. ~~The applicants or applicants' representatives respond to any issues raised before the Commission.~~
- H. ~~The Commission may ask questions regarding any aspect of the presentation, and discuss the application.~~
- B. ~~At the conclusion of the public comment section of the meeting, the Commissioners will undertake a discussion among the Commissioners.~~
- ~~JH.~~ The Commission votes, by roll call.
- ~~IK.~~ The Chair announces the result of the vote and directs the official recording of the decision, together with the reasons for the decision, if not included within the Commission's motion.
- ~~JL.~~ Land Use and Long Range Planning ~~The Commission shall~~ report the actions of the Planning and Zoning Commission to Council, by roll call vote, ~~authorize the Secretary of the Commission to issue a written notice of the Commission's Commission's recommendation to the Clerk of Council. Such recommendation shall be submitted to the Clerk of Council as soon as practicable.~~

## X. RECONSIDERATION

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- A. All actions by the Commission shall be final subject to the following provisions of this section. Actions may be reconsidered by the Commission upon its own motion or for good cause shown.
- BA. Any member who voted on the prevailing side of a motion may move to reconsider any action of the Commission, provided that such motion must be made no later than the second regular meeting after the original action from which reconsideration is being requested was taken. Only one ~~No~~ motion to reconsider shall be made ~~more than once~~ upon any application.
- C. Reconsideration shall be granted by a majority vote of the members in attendance after a determination that there are ~~and only upon a showing of new facts or a change in circumstances from the original decision~~ which might result in a different result. ~~– The reasons for granting a reconsideration~~ reconsideration shall be included within the Commission's decision.

### XI. EX-PARTE CONTACT

- A. ~~The Commission members should avoid ex parte contact with the applicant or their representative(s). Members should not engage in conversations with the property owner, neighbors, the applicant, or with each other except for that which takes place at a scheduled Planning and Zoning Commission meeting. This also applies to other contacts, such as phone calls, chance meetings, or other occasions. If any contact is made by an applicant, the member should refer the applicant to Land Use and Long Range Planning.~~
- B. If the applicant or other individual persists in offering information by way of ex-parte conduct, the member should report these contacts at the meeting and may refuse to participate in the deliberation and decision of the case. If mailed material is received, Land Use and Long Range Planning should be notified to ensure that all of the members have received the same information. If not, information received individually should be made available to all members.
- C. The intent of these procedures is to ensure that everyone has the same information on which to base a decision. If any such contacts are made by an applicant, the member should refer the applicant to staff. If the applicant persists in offering information by way of ex-parte conduct, the member should report these contacts at the meeting and may refuse to participate in the deliberation and decision of the case.

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### XII. CONFLICT OF INTEREST (Dublin City Charter §10.01)

A. Any member of the Commission who feels that they have a conflict of interest on any matter that is on the Commission agenda, shall voluntarily excuse himself and refrain from discussions on that application. Commission members are encouraged to seek advice from the City Law Director as may be necessary to determine whether ~~or not~~ a conflict of interest may exist.

B. Conflict of Interest Procedure: Once it is determined that a conflict of interest exists, the following procedure shall be used:

1. After being recognized by the Chair, the member will note he/she will not be participating or voting on the application due to a conflict of interest. This will be followed by a brief description of the nature of the conflict. The explanation should be detailed enough to make clear the nature of the conflict, such as, "The applicant is related to me." No vote or discussion by the other members is necessary.

2. The member shall then be excused by the Chair and leave the room. Once the matter is concluded, the member may rejoin the meeting.

### XIII. DISTRIBUTION OF RULES

Upon request, a copy of these rules shall be provided to each applicant or representative at the time of the filing of an application or to anyone requesting a copy. -Copies of these rules will be made available at the meeting ~~to the audience by placement at the entrance to the hearing room.~~ A summary of the descriptions of the various types of proceedings conducted before the Commission will also be available ~~at the entrance of the hearing room~~ at each meeting.

### XIV. SUSPENSION OF RULES

The Commission, by affirmative vote of a majority of the members in attendance, shall have the authority to suspend or modify its rules and regulations at the meeting for good cause. Further, failure to comply with any of the rules and regulations set forth herein, or technical procedural deficiencies does not invalidate actions taken by this Commission.

Passed by Planning and Zoning Commission on April 8, 1993.

Confirmed and adopted by Council on May 17, 1993.

Amended by the Commission on June 19, 2003.

Confirmed and adopted by Council on July 7, 2003.

Amended by the Commission on

Confirmed and adopted by Council on

**03-053ADM**  
Administrative Request  
PZC Rules and Regulations

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**5. Administrative Request 03-053ADM – Amendments to Planning and Zoning Commission Rules and Regulations**

Mr. Gerber said the lengthy November minutes reflected that Commission had an in-depth discussion, and he thought they were clear as to what they were trying to do. He said the Commission had changed a lot over the last six years. He said the Courts are looking at these bodies to determine if they are fair and he thought that was what they were trying to do by limiting discussion as it related to quasi-judicial cases. He asked if Council was aware of that and what is Council's concern with what they decided.

Mr. Langworthy said he thought Council was aware of it. He said he thought the issue really becomes one largely of philosophy, rather than procedure. He said the philosophy generally becomes what a legislator may view themselves, in fact the way they are required to view themselves when they are elected. He said that meant that they are essentially required to be open to their constituency through that entire period when they are acting in the guise of a legislator. Mr. Langworthy said obviously, the Commissioners' perspective as appointed officials is completely different and they do not have the 24/7 aura like elected people. He said they are only Planning Commissioners when they are actually sitting as a Planning Commission. He said it was an inconsistency in the two roles that is built into the system, so it is not that one is wrong, and one is right.

Mr. Gerber said he thought they were trying to balance the two in their previous recommendation because with things that do not fall into that quasi-judicial prevue, they were keeping the rule the same so residents in particular could talk to the Commissioners. He said he thought the reason they have been able to support the appeals and the like is because they have dealt fairly with everyone, and they have kept discussions with the interested parties to a minimum.

Mr. Langworthy said he did not think anyone would dispute that. He again said it was largely an issue of philosophy. He said he had a long discussion with a Council member about this subject, and the longer they talked, the more evident it became to him that he was trying to defend a philosophical position, as were they, which meant neither one of them was wrong. He said the Commission's dilemma is that whatever way this is done, neither one is wrong. He said it was a question of how they felt individually as a Commissioner. He said they could have a philosophy that says: 'I do need to be open to these ex-parte contacts because that is the way I feel philosophically or ethically. Mr. Langworthy said perhaps the current Commission membership does not feel that way, but there could be a member that feels they do need to be open.

Mr. Langworthy said he would be even stricter than the Commission's current policy. He said he would forget quasi-judicial or administrative only and cut-off all contact except during a meeting. He said it was not right for him to impose his view on the Commissioners.

Mr. Gerber said none of the Commissioners want to be rude to someone who calls for information. He said he had always encouraged people to show up for the meetings, and if they can not, recommend that they send an e-mail to Planning. However, he said he felt very uncomfortable talking about the merits of a case with them since there were six other Commissioners he needed to articulate exact what the person had to say in a way to help everyone else with their decision-making.

Ms. Jones said she valued the input from the community, but she wanted to make sure it was in the right context. She said she was willing to spend the time that would be necessary to

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communicate with residents, but she preferred a letter or for them to come to a meeting where all the Commissioners can hear the comments, and there are witnesses, and there is a record of it. She said she would never want to shut their door to a resident, but she wanted to make sure that it was fair and in the proper context.

Mr. Saneholtz said he believed there was a lot of danger in allowing rumor, and people that might in fact be attempting to infringe upon the process itself. When they know that they are all potentially susceptible to that, he thought there was a risk of undermining the Commissioners' confidence in each other that they should all have the same level of information.

Mr. Langworthy said he expressed to Council that the principle behind this says that anyone who has to make a decision, has to make that decision on the same basis as all the other decision-makers, and the only way that can be guaranteed is for all the decision-makers to receive all the information in the same way, at the same time, in the same context. He said he thought there was no disagreement about that. However, he thought the problem may be the rigidity in the policy - what would happen if one of the Commissioners really felt that they needed to be open to citizen comment. Mr. Gerber said the Commission had cases similar to that and it has been tough for members from time to time.

Mr. Langworthy said he was trying to fashion a compromise between the Commission and Council by seeing if there was a way to make the policy from the Commission's perspective that Commissioners are not required to take any contacts from anyone. If a Commissioner makes a decision to only receive contact at meetings that was fine. If it was an unavoidable circumstance there needs to be a process and there also needs to be a process for future members who have a philosophical vent to do it, regardless of the rules. He said if that is done, there needs to be the context to say if they do that, it is okay, but this is what has to be done in its place.

Mr. Langworthy suggested a procedure to follow would be to require a report of who made the contact, in what context, when was the contact made, by whom, and what was said. He said each contact, individually must be reported for a clear and careful record. Mr. Saneholtz said this would all be required in the spirit of adequate and full disclosure of all factual information to the best of the Commissioners' abilities so that they all can be as informed as each other about any particular issue. He said that was a logical and sensible policy. Mr. Langworthy said a Commissioner should also have the option of saying they do not want to take those contacts.

Mr. Gerber said there was the balance that the Court required which was that the Commission is fair and impartial.

Mr. Saneholtz said they wore two hats, depending upon the type of case, legislative or quasi-judicial and he had not understood where the confusion comes into it. He said when they are in a quasi-judicial setting, the next setting is going to be a full court review, that if he were the judge in looking at a situation where it had come from a quasi-judicial setting that was in the context and setting with sets of rules that were comparable to their own, he would then respect the integrity of the decision made to a higher degree than one that came out of a back room or with the perception that perhaps there were no rules and it was perhaps subject to manipulation.

Mr. Langworthy said the judge is not supposed to substitute his judgment for yours – he is supposed to defer to your judgment in the first instance until it gets to the point where the