

***Discussion Item: MAPC Voting Procedure***

***Bylaws Amendments- For Consideration by Planning Commission on February 8, 2011***

The Metropolitan Planning Commission shall include findings of fact supporting any action upon which it is authorized to act. A clear description of conditions necessary to carry out the spirit and intent of the Jonesboro comprehensive plan or official land use control ordinances shall be included in any MAPC action.

**How are motions presented?**

**1. Obtain the floor.**

- a. Wait until the current speaker is finished.
- b. Address the chairman.
- c. Wait until the Chairman recognizes you.

**2. Make your motion.**

- a. Speak in a clear and concise manner.
- b. Always state a motion in the affirmative (ie. "I motion that we ..." rather than "I motion that we do not ...")
- c. Stay on subject, and do not justify your motion while making it.

**3. Wait for someone to second your motion.**

**4. If another member does not second your motion, **the chairman will call for a second.****

\*It is important to note that no discussion should be had about a motion until it has been made and seconded. If no one seconds your motion it is lost. The item must be either withdrawn by the applicant or tabled by the Planning Commission pending additional information lacking to make a complete decision.

**5. Once your motion is seconded, the chairman or secretary restates the motion:**

- a. The chairman will say “It has been moved and seconded that we ...” This places your motion in front of the membership for consideration.
- b. The membership can then debate your motion, or if no debate is heard, can move directly to a vote.
- c. Once your motion is presented to the chairman it becomes “assembly property” and cannot be changed by you without the consent of the membership.

#### **6. Expanding on your motion.**

- a. This is the time for you to speak in favor of your motion, not while you are presenting it to the chairman.
- b. The mover (maker) of the motion always gets the chance to speak first.
- c. All comments and debate must be directed towards the chairman, not the mover of the motion.
- d. Keep to the time limit for discussion, if one has been established.
- e. Each member gets the opportunity to speak on a motion once, and may not speak upon that motion again until all other members have had a chance to speak on the motion, unless directly called upon by the chairman. This includes the mover of the motion.

#### **7. Putting the motion to the membership (when to vote).**

- a. The chairman asks the assembly “Are you ready to vote on the motion?”
- b. There is no more original discussion to be had on the motion.

#### **c. Motions**

- 1. Motions shall be restated by the Chair before a vote is taken.
- 2. Findings of Fact
- 3. All actions taken in an administrative capacity (including, but not limited to, special use permits, subdivisions, rezonings, annexations, text amendments, site plan review, planned developments, review and submission on land use plans, master street plan, or comprehensive plan amendments, shall include each of the following parts:
- 4. A **finding of fact**, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.

5. Conclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or non-compliance, to standards.
6. The Commission's action; recommendation or position, approval, approval with conditions, or disapproval.

## **8. Voting on a motion**

The method of voting on a motion shall be by Roll Call – The secretary calls the roll and each person answers yes or no as their name is called.

## **9. Abstentions from Participation and Voting**

In order to secure, protect, and preserve the highest level of public trust in the deliberation and decision of the Metropolitan Area Planning Commission, it is incumbent upon each member not only to scrupulously avoid any act which constitutes a conflict of interest established in law, but also to avoid any act which gives the appearance of bias, favoritism, or of interest.

1. A member shall withdraw from all participation, including all formal and informal discussion and voting, in any deliberation of the Planning Commission or its committees or any issue upon declaration of a conflict of interest or upon the assertion that there is a reasonable public presumption that bias, favoritism, or a conflict of interest may exist. Circumstances under which this provision shall be exercised include, but are not limited to, the following:
  - a. If the member has a direct or in-direct financial interest in the outcome of the matter at issue. A direct financial interest shall include, but not be limited to, circumstances in which the member is an applicant, a provider of professional or business service to the applicant, serves on the board of directors, or receives any form of remuneration or benefit from the applicant. In-direct financial interest shall include, but is not limited to, if an immediate family relative or close personal friend has, or is likely to have, a direct financial interest in the outcome of the matter; or
  - b. If the matter at issue involves the member's own official conduct; or
  - c. If participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or

- d. If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.