

CITY OF NEWPORT, RHODE ISLAND
PLANNING BOARD
BY-LAWS FOR THE CONDUCT OF BUSINESS
AS ADOPTED APRIL 5, 2021

Article I

AUTHORIZATION AND DUTIES

The authorization and duties of the Planning Board of the City, which was established by ordinance pursuant to Chapter 847 of the Public Laws of 1940, is reconstituted and appointed pursuant to the provisions set forth in Chapters 22 and 23 of Title 45 of the General Laws, and the Board shall hereafter have all the powers granted to planning boards by Chapter 22 and 23 of Title 45 of the General Laws (RIGL § 45-22-23).

Article II

MISSION

The City of Newport Planning Board is a citizen board that oversees planning efforts in and by the City of Newport and ensures adopted plans benefit the community as a whole and do not disproportionately affect marginalized populations, and that activities are consistent with the adopted plans. Planning is a continuous process and therefore the Board's efforts are continuous. In addition to undertaking any matter it determines to be pertinent, the Board performs timely review of relevant matters as requested by the public. Newport is a cherished place with a proud history of world-class architecture. The Board plays an active role in promoting Newport's sense of place and promoting outstanding design.

Article III

MEETINGS

Section 1. Regular meetings of the Planning Board shall be scheduled at the annual meeting. At such meetings, the Board shall consider all matters properly before it. A meeting may be cancelled or rescheduled provided adequate notice is given to all members. If a meeting is cancelled, that fact and the cause shall be set forth in the minutes of the Board for the next regularly scheduled meeting.

Section 2. The last regular meeting of the year shall be the annual meeting.

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Section 3. Special meetings shall be held at the call of the Chair or on written request of three (3) Board members. Notice of such meetings shall specify the purpose of such a meeting and no other business may be considered except by unanimous consent of the Board.

Section 4. Executive sessions of the Board shall be held only with the concurrence of not less than five (5) members.

Section 5. All meetings shall be conducted in accordance with Robert's Rules of Order, except where such are inconsistent with these By-Laws. All meetings shall be open to the general public except where permitted to be closed under the Rhode Island Open Meetings Law (RIGL § 42-46-1, et seq). All meeting notices shall be posted at the Newport City Hall and the Newport Public Library and must be electronically posted on the Secretary of State's Website and the City of Newport Website no later than 48 hours in advance of the meeting.

Section 6. A quorum shall consist of five (5) Board members and shall be necessary for the transaction of any official business other than adjournment to a subsequent meeting date.

Section 7. It is the official policy and expectation of the Board to have its members attend at least seventy-five (75%) percent of the regular Board meetings. Regular attendance is vital to conduct the business, to ensure a quorum, and to have an informed Board.

Section 8. In addition to required trainings and the substantial knowledge new members must ascertain, Board members are expected to annually attend trainings to stay abridged of planning best practices.

Article IV

OFFICERS

Section 1. The officers of the Planning Board shall consist of a Chair, Vice-Chair, and Secretary.

Section 2. Officers shall be elected annually at the annual meeting. Nominations may be made by any member, with the nominee's consent, and those officers elected shall serve for one (1) year or until their successors shall take office. An officer may be reelected. A candidate for an office of the Board who received the majority vote shall be declared elected.

Section 3. Vacancies in offices shall be filled by regular election at the first regular meeting following the occurrence of the vacancy. Such newly elected officers shall serve the unexpired term until the next annual election.

Section 4. The Chair shall preside at all Board meetings, sign all documents of the Board (except as otherwise specified), prepare all agendas, appoint sub-committees as necessary, swear in all witnesses, and be responsible for conducting all meetings in an orderly manner.

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Section 5. The Vice-Chair shall perform all the duties and assume all the responsibilities of the Chair in their absence, disability or disqualification.

Section 6. The Secretary shall be responsible for keeping accurate records of all Board meetings. The Secretary shall perform all the duties and assume all the responsibilities of the Chair in the absence, disability or disqualification of the Chair and Vice-Chair.

Article V PROCEEDINGS

Section 1. The order of business of all regular and special meetings shall be:

(I) Call to Order

(II) Roll Call & Determination of Quorum

(III) Minutes of Preceding Meetings

(IV) Communications

(V) Business

(VI) Reports

(VII) Adjournment

Section 2. Meetings begin promptly at the time posted and will not last for more than four (4) hours. The Board may take a short break after 1½ to 2 hours to reassess the agenda and their ability to reach the remaining items. The Board may not begin review of a new petition within the last half hour of the meeting; some petitions may therefore not be heard and will be continued to the next regular meeting date.

Section 3. No member of the Board may vote on any matter before the board unless they have attended all meetings concerning that matter, or can ensure that that they have adequately reviewed and understand the record concerning the matter. All members may participate in any meeting to the extent of asking questions regarding the matter at hand. However, once the matter has been closed, only the voting members may discuss the matter at hand or cast a vote.

Section 4. All formal actions of the Board shall be moved and seconded before being voted upon.

Section 5. Each member, except when disqualified, shall be entitled to one (1) vote. Voting shall be by voice, or show of hands if requested by any member. No action shall be taken by the Board, other than adjournment, without the concurring vote of not less than a majority of the members present. When the vote on a question is evenly divided, the question shall be deemed to have been defeated.

Section 6. Permanent and complete records shall be kept of all proceedings, meetings, hearings and recommendations shall be kept permanently in the Department of Planning and Economic Development.

Article VI

PUBLIC COMMENT

Section 1. The Board may solicit public comment on any agenda item, in addition to those required by law, when it is decided that such comment would be in the public interest.

Section 2. The Chair shall preside over public comment and may limit comment as they see fit. A quorum of the Board shall be necessary to conduct public comment.

Article VII

RECUSAL

Section 1. Any member of the Board who is directly or indirectly interested in a personal or financial sense as described in the Rhode Island Code of Ethics and Regulations regarding any matter before the Board shall recuse themselves from that matter. Recusal is defined as a public official or employee declining to participate in a matter because of a potential conflict of interest and leaving the dais, thereby reducing the number of members participating in the review of the matter. Recusal by a member on a matter shall not constitute an absence, provided the member is present for the other agenda items of the meeting.

Section 2. Recusal shall not limit said member, as an interested citizen, from participation in a public hearing or public comment that precedes the decision of the Board upon the matter in which said member has recused. The Chair shall explain this publicly when a Board member who has recused themselves requests to speak. Board members shall disclose publicly if the member has currently engaged or has any current financial relationship to an engineer, architect, or other professional consultant who is appearing before the Board and state whether they can participate and make an objective decision; a Recusal Form shall be submitted in such instances.

Section 3. If an ethical question arises, it shall be sent to the Rhode Island Ethics Commission for review.

Article VIII

VACANCIES

Should any vacancy occur on the Board, immediate notice shall be given to the City Council by the Chair.

Article IX

AMENDMENTS TO THE BY-LAWS

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These By-Laws may be amended at any meeting of the Board by a two-thirds vote of the full membership, provided that notice of the proposed amendment is submitted in writing to each Board member at least five (5) days prior to said meeting.

Article X

REGULATIONS

The Planning Board may adopt regulations from time to time as it deems necessary to effectuate its duties. These regulations shall be adopted in the same manner as amendments to the By-laws.

Section 1. It is the policy of the Planning Board not to hear any petition until the applicant has completed a pre-application meeting with the Director of Planning and Economic Development, or their designee.

Section 2. Every petition before the Planning Board should focus on how the resultant action will improve Newport's sense of place and quality of life. Architects, designers, and critics hold a special role in understanding and facilitating space that enhances place and quality of life and are recommended participants in a petition.

Section 3. All application materials concerning an agenda item must be received by the Administrative Officer at least eight (8) business days prior to the meeting at which the agenda item is scheduled.

Section 4. It is the policy of the Planning Board to permit reasonable cross examination of witnesses during public hearings of subdivisions and demolition approvals. Cross examination by non-attorneys shall be performed through the Chair.

Section 5. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in civil cases in the superior courts of this state shall be followed; but when necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible under those rules may be submitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. The Planning Board shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

Section 6. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the Planning Board's specialized knowledge, but parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Planning Board's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

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Section 7. Demolitions are significant undertakings that may have unanticipated consequences. It is the policy of the Planning Board not to hear a petition for Demolition Approval until such time as the Technical Review Committee has rendered an opinion as to whether or not any municipal resources will be affected by the demolition.

Section 8. Demolition Approval petitions will not be heard until the applicant has provided an estimate of reuse and recycling of demolished material. As a condition of approval, an applicant must provide documentation regarding actual reuse and recycling of demolished material subsequent to demolition.

Section 9. These requirements may be waived for due cause by the Board with a two-thirds vote of the full membership, unless otherwise provided.