

CITY OF NEWPORT, RHODE ISLAND
PLANNING BOARD
BY-LAWS FOR THE CONDUCT OF BUSINESS
AS ADOPTED MARCH 7, 2016

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

MEETINGS

Section 1. Regular meetings of the Planning Board shall be held on the first Monday of each month at 6:30 p.m. At such meetings the Board shall consider all matters properly before it. A regular meeting may be cancelled or rescheduled provided adequate notice is given to all members. If a regular 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. 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. All members of the Board shall be given to each member not less than 48 hours in advance of the meeting.

Section 3. Executive sessions of the Board shall be held only with the concurrence of not less than five (5) members.

Section 4. 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 5. The planning board shall consist of nine (9) members, all of whom shall be nominated by the mayor and elected by the city council for no more than two (2) full consecutive terms of three (3) years

each. 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 6. It is the official policy and expectation of the Board to have its members attend at least seventy-five (75%) percent of the scheduled Board meetings. Regular attendance is vital to conduct the business, to ensure a quorum, and to have an informed Board.

Article III

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 first regular meeting in January which shall be known as 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. A candidate for an office of the Board who received the majority vote shall be declared elected. 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 3. The Chair shall preside at all Board meetings, sign all documents of the Board, prepare all agendas, appoint sub-committees as necessary and be responsible for conducting all meetings in an orderly manner.

Section 4. The Vice-Chair shall perform all the duties and assume all the responsibilities of the Chair in his/her absence, disability or disqualification.

Section 5. The Secretary shall be responsible for: keeping accurate records of all Board meetings The Board will approve minutes. The Secretary shall if necessary assume the duties and responsibilities of the Chair in the absence, disability or disqualification of the Chair and Vice-Chair.

Section 6. All approved final plans and plats for subdivisions shall be signed by either the Chair or Secretary of the Planning Board, with the date of approval and attesting to the approval by the Planning Board. All approved administrative subdivisions shall be signed by the Administrative Officer of the Planning Board, with date of approval. The Administrative Officer shall report the action to the Planning Board at its next regular meeting so that it may be entered into the record.

Article IV

PROCEEDINGS

Section 1. All meetings shall be conducted in accordance with Robert's Rules of Order, except where such are inconsistent with these By-Laws. Unless otherwise determined by the Chair, the order of business of all regular and special meetings be:

(A) Call to Order

(B) Roll Call & Determination of Quorum

(C) Minutes of Preceding Meetings

(D) Public Hearings

(E) Communications

(F) Old Business

(G) New Business

(H) Reports

(I) Adjournment

Section 2. 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 3. All formal actions of the Board shall be moved and seconded before being voted upon. Permanent and complete records shall be kept of all proceedings, meetings, hearings and recommendations shall be kept permanently in the Department of Zoning and Inspections - Planning Division.

Article V

PUBLIC HEARINGS

Section 1. The Board may hold public hearings, in addition to those required by law, when it is decided that such hearings would be in the public interest. The Board shall give notice specifying the time and place of such hearing by publication of such notice in a newspaper of general circulation within the city at least twice a week for three (3) successive weeks prior to the date of hearing.

Section 2. The Chair shall preside at all public hearings. In the event of his absence, inability or disqualification the Vice-Chair or a duly appointed Board member shall act as presiding officer. A quorum of the Board shall be necessary to conduct hearings.

Section 3. Only those members present and sitting as hearing officers at a public hearing called by the Planning Board shall vote on the adoption, rejection or modification of the question presented to the public hearing.

Section 4. At each hearing before the Board from which there is the right of appeal, a competent stenographer shall take the evidence. A copy of the transcript may be ordered from the stenographer.

Article VI

RECUSAL POLICY

Section 1. No member of the Board shall participate in the hearing or decision of the Board upon any matter in which that member is directly or indirectly interested in a personal or financial sense as described in the Rhode Island Code of Ethics and Regulations. Recusal is defined as a public official or employee declining to participate in a matter because of a potential conflict of interest. However, such recusal shall not limit said member as an interested citizen, from participation in the discussion, which precedes the decision of the Board upon any matter in which that member has a personal or financial interest; the Chair shall explain this publicly when a Board member who has recused himself or herself requests to speak. Board members shall disclose publicly if the member has currently engaged or has any financial relationship to an engineer, architect or other professional consultant who is appearing before the Board and state whether he or she can participate and make an objective decision; a Recusal Form shall be submitted in such instances. If an ethical question arises, it shall be sent to the Rhode Island Ethics Commission for review.

Section 2. No member of the planning board may vote on any matter before the board unless they have attended all hearings or meetings concerning that matter. All members may participate at in any hearing or 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.

Article VII

VACANCIES

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

Article VIII

AMENDMENTS TO THE BY-LAWS

These By-Laws may be amended at the annual 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.