
EVANSTON PLAN COMMISSION

**ADMINISTRATIVE
RULES & PROCEDURES**

Adopted 9/15/1993
Revised 6/8/1994
Revised 8/9/1995
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Revised 11/11/2009

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THE EVANSTON PLAN COMMISSION
OF THE CITY OF EVANSTON, ILLINOIS
ADMINISTRATIVE PROCEDURES AND REGULATIONS FOR
MEETINGS AND PUBLIC HEARINGS

ARTICLE I NAME OF THE COMMISSION

The name of this organization shall be "The Evanston Plan Commission of the City of Evanston, Illinois", hereafter referred to as the "Commission".

ARTICLE II AUTHORIZATION

The establishment of this Commission is provided for in Title 2, Chapter 8 of the City Code, and Section 3.1-5 of the Zoning Ordinance, Title 6 of the City Code.

These rules are to be read in conjunction with 65 ILCS, Sections 5/11-13-1, *et seq.* "Zoning" and 5 ILCS, Sections 120/1, *et seq.* "Open Meetings" and Ordinance 15-0-78, "Requiring Disclosure of Ownership Interests of Entities Seeking City Council Approval on Real Estate Matters".

Nothing contained herein shall be construed to give or grant the Plan Commission the power or authority to amend or change the Zoning Ordinance, which authority is reserved to the City Council.

ARTICLE III POWERS AND DUTIES

The Plan Commission shall have the following powers and duties:

- (A) To formulate basic policy for a Comprehensive General Plan, to work with the Planning Division in its preparation, and to recommend such Comprehensive General Plan, or changes therein, to the City Council for adoption.
- (B) To initiate studies, reports and recommendations to the City Council, City Manager, or Officials of other local governmental bodies on matters concerning the present or future development of the City. All studies, reports and recommendations to the City Council, City Manager, or officials of other local governmental bodies on matters concerning the present or future public development or development of the City, which will be acted upon by the City Council, shall first be presented to the Plan Commission to provide them a reasonable opportunity for review and comment.
- (C) To study, review and prepare recommendations on the annual revision of the capital improvement program and on plans and proposals of other departments of the City government which relate to the implementation of the Comprehensive General Plan.
- (D) To review, hold hearings and offer recommendations to the City Council on any zoning matters that involve planning considerations, including, but not limited to, an amendment, planned development and unique use.

- (E) To review the Zoning Ordinance from time to time and make recommendations to the City Council for such changes to the Ordinance as the Commission may determine are appropriate.
- (F) None of the above, without prior approval by the City Council, shall include the power to obligate the City for compensation to any person or organization.
- (G) To carry out the above duties, the Plan Commission shall have the following powers:
 1. To invite the advice and assistance of persons having special knowledge, experience or interest in the needs or problems which are receiving consideration by the Plan Commission. Such advisors may include, among others, officials of an adjoining municipality or of other local governments or other persons not living in the City.
 2. To conduct such public hearings as are required and as it deems necessary to gather information and ideas needed for thorough review of the Comprehensive General Plan or other matters before the Plan Commission for consideration.
 3. To promote the realization of the Comprehensive General Plan and the community objectives it incorporates through public education and other means.
 4. To request from the Planning Division such staff time as may be required to assist the Plan Commission in carrying out its duties.
 5. To request from the City Council such funds as may be necessary for the employment of consulting services or temporary employees deemed necessary for carrying out the duties required by this Chapter.
- (H) The Chair or his/her designee(s) shall act as the spokesperson or representative of the Commission before all City Council, City Council Committees, and other public meetings.

ARTICLE IV MEMBERSHIP

- (A) The Mayor shall appoint nine (9) Evanston citizens to serve as regular members of the Commission, subject to confirmation by the City Council. The Mayor and the director of the Planning Division shall be ex-officio members of the Commission but shall have no vote. The director of the Planning Division shall serve as secretary of the Commission.
- (B) Each regular member of the Commission shall be entitled to one (1) vote.
- (C) All appointed members of the Commission shall serve as such without compensation.
- (D) Appointments of regular members shall be for three (3) years, and they may be reappointed for an additional term. When a vacancy is created by the resignation of a member prior to expiration of that member's term, the member appointed to fill this vacancy shall be appointed to a full term unless otherwise provided by City Ordinance or State Statute.

- (E) The Chair shall notify the Mayor when a member of the Commission has failed to attend meetings during a consecutive four (4) months, or six (6) times during a consecutive twelve (12) months, unless the Chair shall determine that the failure to attend was for a good cause.

ARTICLE V OFFICERS

- (A) The officers of the Commission shall consist of the Chair, one Vice-Chair and Secretary.
- (B) At its December meeting, the Commission shall select a Chair and one Vice-Chair from among its members to serve for the following calendar year with eligibility for re-election.
- (C) The Chair shall nominate and the Commission shall elect such associate members of the Plan Commission as are deemed necessary to carry out the Commission's duties and responsibilities.

Such associate members shall:

1. Serve one year terms set from January 1 to December 31 with eligibility for re-nomination and re-election for up to a total of three full terms. Those associate members who have completed three or more terms at the time that this amendment to the Administrative Rules and Procedures is adopted shall be eligible for a single additional term. Associate members who have been appointed in the middle of a calendar year shall serve out the rest of the year. A partial year term shall not be counted toward an associate members three -term eligibility.
 2. Be required to complete and submit an Ethics Disclosure Form.
 3. Perform the same duties and assume the same role as regular members, but shall have no vote.
- (D) The Chair shall supervise the affairs of the Commission, shall preside at all Commission meetings and hearings, shall appoint subcommittees as may be necessary to carry out the purpose of the Commission, shall provide for the oath to be administered when required to all witnesses in matters before the Commission, and shall conduct the hearings and meetings of the Commission in an appropriate and expeditious manner. The Chair shall be an ex-officio member of all subcommittees so appointed.
 - (E) The Vice-Chair, in the absence or disability of the Chair, shall perform all duties and exercise all powers of the Chair. In the event that the Chair be unable to complete his/her term, the Vice-Chair shall be named Chair for the remainder of the unexpired term. At the beginning of such an interim period, the Commission shall also elect a new Vice-Chair.
 - (F) The director of the Planning Division shall serve as Secretary of the Commission. The Secretary of the Commission may perform his/her duties through a designee noticed in writing to the Chair of the Commission prior to each meeting of the Commission at which a designee will attend.

The Secretary shall:

1. Be custodian of the active files of the Commission, and keep all records.
2. Conduct the correspondence of the Commission.
3. In the case of zoning matters, inform petitioners when their petition is to be heard, and notify each petitioner to be present at the hearing.
4. Have public notice of public hearings published in a local newspaper as required by law for zoning matters and amendments to the Comprehensive General Plan, and provide such notice as otherwise required hereby.
5. Promptly deliver copies of said public notice to residents in the vicinity of the property in question. Failure to do so shall not prejudice the hearing.
6. Furnish a copy of said notice and a copy of each petition which is to be heard to each Commission member.
7. Promptly prepare an agenda, in consultation with the Chair. The agenda shall be reviewed regularly and monitored to ensure consistency with the policies and priorities of the City Council.
8. Record the names and addresses of all persons appearing before the Commission.
9. Keep records of the Commission's official actions and a verbatim transcript or minutes of all public hearings on zoning matters.
10. Record the vote of each member upon every question, or if absent or failing to vote, indicate that fact.
11. Promptly prepare a prehearing report setting forth the background, alternatives, expected ramifications and staff recommendations on zoning proposals.
12. Be responsible for interpretations of these Rules of Procedures which may be overruled by the Commission by a majority vote.
13. Perform such additional duties as may be requested by the Commission.

- (G) Should the Chair and Vice-Chair both be absent from a meeting of the Commission, or be otherwise ineligible to act upon a matter before the Commission, the remaining regular members of the Commission constituting a quorum shall elect from among their number an interim Chair to preside over the Commission for the duration of such absence or ineligibility.

ARTICLE VI MEETINGS

- (A) The office of the Commission shall be located in the office of the director of the Planning Division, Community Development Department, 2100 Ridge Avenue, Evanston, Illinois; and the documents pertaining to any matters may be examined at this location by any interested party.

- (B) Meetings shall be held on the second Wednesday of each month at 7:00 P.M., in the Civic Center, 2100 Ridge Avenue, unless such day shall be a legal holiday observed by the City, in which case the regular meeting shall be held on the following Wednesday, and at such other times as the Commission shall decide. Prior to the first meeting of each calendar year, the Commission shall adopt a meeting schedule for the forthcoming year.
- (C) Regular meetings may be canceled by the Chair when there are no matters pending.
- (D) Special meetings may be called at the discretion of the Chair, or upon request of two (2) or more members, provided that notice of said meeting is published as required by law. The Commission shall attempt to schedule meetings and hearings whenever urgent matters cannot be heard at the next regular meeting.
- (E) A transcript or minutes shall be prepared for all Commission meetings. Each such record shall become a part of the permanent record for each meeting.
- (F) All meetings and hearings of the Commission shall be open to the public and subject to the applicable public notice requirements.
- (G) A quorum of the Commission is required for the transaction of any business. A quorum shall consist of five (5) regular members.
- (H) Information concerning any pending matter may be obtained from the Secretary of the Commission.
- (I) Discussion by interested parties of the merits of any pending zoning matter with any Commission member, except under oath at a public hearing, is improper and may be considered prejudicial.
- (J) No member of the Commission who has a financial interest in the property or the affairs of a petitioner or affected owner, or who believes he/she has some other direct conflict of interest, shall participate in discussion, questioning or voting as a Commission member in the matter involving such property or person.
- (K) All meetings and hearings open to the public shall provide time for public comment. To allow for all public comments to be voiced, the following time allotments will be followed:
 - a. The comments of individual citizens shall not exceed five (5) minutes;
 - b. The comments of a group of citizens, such as a neighborhood group, organization, association or similar assemblage of individuals shall not exceed twenty (20) minutes, unless such group has requested from the staff, not less than twenty-four (24) hours prior to the meeting, additional time, in which event the comments of the group shall not exceed thirty (30) minutes.
 - c. All time limits will be subject to the discretion of the Chairperson, as to make reasonable adjustments on a case by case basis to accommodate the requirements of extraordinary situations.

ARTICLE VII COMMITTEES AND SUBCOMMITTEES

- (A) The Commission may establish committees and subcommittees as it deems appropriate.
- (B) Each member and associate member shall, at a minimum, serve on one committee per year.

ARTICLE VIII ORDER OF BUSINESS (NON-HEARINGS)

All meetings of the Commission shall ordinarily proceed as follows:

- (A) Declaration of a quorum, introductory statements, consideration of minutes, communications, announcements and review of new business.
- (B) Call by the Chair for announcement by members present if they must abstain from consideration of any particular matter on the agenda due to a possible conflict of interest. If such abstention(s) results in the loss of a quorum on any matter, the matter shall be postponed to the next regular meeting date.
- (C) Requests for withdrawal or continuances:
 - 1. Any matter may be withdrawn at any time prior to the Commission reaching a recommendation.
 - 2. A request for a continuance will be considered from any petitioner, his/her representative, the City Council or any interested party, and may be granted by the Commission upon showing that he/she will be unable to proceed with his/her evidence at the hearing for good cause.
- (D) Hearing of further testimony and/or discussion on continued matters.
- (E) Hearing of new matters.
- (F) Other unfinished business.
- (G) Other new business.
- (H) Discussion of next agenda.
- (I) Adjournment.

ARTICLE IX FILING PROCEDURES FOR AMENDMENTS, PLANNED DEVELOPMENTS AND UNIQUE USES

- (A) The Commission shall consider text or map amendments, unique uses or planned developments when a petition has been properly proposed. Proposed petitions will be initiated by,
 - 1. Written petitions requesting that the Commission and the City Council consider such application on behalf of (a) any governmental agency; or (b) any person, firm, corporation or organization; or
 - 2. A reference from the Evanston City Council.

- (B) A petition shall be in the form set forth in Appendix D of the Zoning Ordinance. If the reclassification of property is proposed, the petition shall be accompanied by a "Disclosure of Ownership Interests" statement as required by Ordinance 15-0-78.
- (C) If a specific development proposal is contemplated, a zoning analysis shall be obtained to determine any and all zoning relief necessary. Said zoning analysis shall be completed by City Staff in no more than thirty (30) days from the submission of a perfected application.
- Prospective petitioners are encouraged to have a pre-petition conference with Planning Division and/or Zoning Division staff prior to submitting the petition for final review and scheduling, in order to improve the likelihood that the petition, if acted upon favorably, would achieve the desired objective, and to become familiar with the procedures that will be followed.
- The petitioner shall provide any other information that may be required by the Commission to aid it in making its recommendation.
- (D) Upon the filing of a completed application, the Secretary shall prepare, within fifteen (15) days, a pre-hearing report and place the matter on the docket for the next available hearing, unless otherwise directed by the Commission. Petitions normally will be assigned for hearing in the order in which they are perfected, unless the Chair of the Commission directs otherwise in order to comply with priorities established by the City Council. Petitions will normally be scheduled for the next available hearing following completion of the pre-hearing report. The agenda shall be established by the Chair, or in consultation with the members, from those matters which have been properly submitted or are pending.
- (E) The Secretary shall assign a docket number when the matter is scheduled for hearing. The docket shall be numbered serially from each March 1, the beginning of the fiscal year of the City, and shall indicate the number and year.

ARTICLE X NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

The Secretary of the Commission shall give due notice of the time, place and subject of every meeting to consider proposed map and text amendments, planned developments, unique uses or changes to the Comprehensive General Plan, not more than thirty (30) days nor less than fifteen (15) days before the meeting by publishing a notice thereof at least once in one or more newspapers published in the City; or if no newspaper is published therein, then in one or more newspapers having a general circulation within the City. The notice shall advise that a copy of the Plan Commission's Rules may be obtained from the Planning Department. A majority of members of the Commission may determine that a matter to be considered for public hearing is of such City-wide importance as to require extraordinary notice.

Extraordinary notice may consist of one or more of the following items to be determined by the Commission with direction given to staff:

1. A press release to the community affairs editors of all local newspapers.
2. Notice to each alderman with a request to notify community groups in their wards.

3. Notice to local access cable television.

Said notice shall describe the subject petitions to be considered. If a matter has not been completed within six (6) months of a meeting or hearing at which testimony was invited and for which notice was published, said notice shall be republished to allow additional testimony. Notice shall advise that persons other than Applicants and other than Persons with a legally-protected interest who live within five hundred feet (500') of a property which is the subject of a zoning map amendment or one thousand feet (1,000') of planned developments or unique uses, who wish to cross-examine witnesses at the hearing must register on a form provided by the City Clerk and filed with that office no later than two (2) business days prior to the hearing. Persons subject to the registration requirement must provide their name and address, and allege some interest beyond that of the general public. Persons who have a legally-protected interest in property within these distances of the subject property need not pre-register.

ARTICLE XI PUBLIC HEARING PROCEDURES

- (A) The Chair shall have the list of documents placed on file read into the record. Proof of lawful notice shall be introduced and made a part of the record. The notice and the petition or reference shall be part of the record. The Chair may waive reading of the published notice. Staff may summarize the proposal at the request of the Chair. Persons having an interest (supporting or opposing) in the petition or reference before the Plan Commission will be asked to enter their names and addresses on a sign-in sheet and indicate whether they wish to ask questions of witnesses or cross-examine witnesses. Persons who wish to cross-examine are "interested persons" for purposes of these Rules.
- (B) A verbatim transcript shall be made by a court reporter.
- (C) If the matter is a petition, the petitioner may appear on his/her own behalf or be represented by his/her own counsel or agent.
- (D) If the petitioner fails to appear, the Chair may entertain a motion to dismiss the matter or to continue it to a date certain.
- (E) If the matter is a reference from the City Council or City Staff, the appropriate Staff Member shall explain the proposal.
- (F) All persons appearing at the hearing shall be given an opportunity to be heard. All witnesses shall be sworn by the court reporter and shall testify under oath. Each person shall state his or her name and address for the record. Witnesses shall testify from the podium.
- (G) Statements made by an Attorney for any party shall not be considered as evidence unless the facts set forth by the Attorney are verified under oath by another witness or unless the Attorney is testifying as a witness.
- (H) Cross-examination of persons giving testimony must be relevant to the matters heard and be confined to the points raised during that person's testimony. Cross-examination is testimony designed to elicit weaknesses, omissions, and misstatements made in direct examination.

- (I) A person may testify on behalf of another person, group, or an organization, only if the person submits written authorization to do so at or prior to the hearing.
- (J) A petitioner or objector or his or her agent or Attorney may submit a petition favoring or opposing the proposal. Such petition shall contain only a brief statement of the position of the persons favoring or opposing the proposal, their printed names, addresses and signatures. No petition will be admitted into evidence unless the submitter testifies that he or she collected all signatures on the petition and that each person signing the petition did so in the presence of the person submitting the petition.
- (K) The chair may impose reasonable limitations on the taking of evidence, testimony, or any examination of witnesses, taking into consideration:
1. The nature of the case.
 2. The complexity of the issues.
 3. Whether the person who wishes to cross-examine has some special interest beyond that of the general public.
 4. Whether the witness possesses special expertise.
 5. Whether the testimony reflects a matter of taste or personal opinion or concerns a disputed issue of fact.
 6. The degree to which the witness' testimony relates to the factors to be considered in approving or denying the proposal.
 7. Such other factors appropriate for the hearing.
- (L) The Chair shall chair the public hearing and may disallow any testimony in accordance with the Rules. The Chair may be overruled by a majority of the Commission present and voting.
- (M) The Chair shall have the right to cause removal from the hearing of any person who is disorderly or contemptuous.
- (N) The city shall be an interested party in every public hearing, but need not appear.
- (O) Testimony shall ordinarily be presented in the following order, except that the Commission members may question witnesses at any time. The Applicant and persons who have a legally-protected interest in property within the five hundred-foot (500') or one thousand-foot (1,000') distance of the subject property, as applicable, shall have the right to cross-examine at the hearing without the pre-registration provided for in Article X.3.
1. Staff report, if any.
 2. The Plan Commission will first hear, testimony, or evidence from the Applicants or their Attorneys and/or witnesses.
 3. The Plan Commission will then hear testimony, or evidence from persons in support of the Applicants.

4. After the Applicants, their witnesses, and persons supporting the Applicants have completed their presentation, the Chair will allow cross-examination by Persons with a legally-protected interest of the Applicants, their witnesses, and persons supporting the Applicants. This includes questions from persons opposing the request of the Applicants. No statements are to be made at this time.
5. The Plan Commission will then hear testimony, or evidence from all persons opposing the request of the Applicants.
6. Persons with a legally-protected interest in property within five hundred feet (500') in the case of amendments and within one thousand feet (1,000') in the case of unique uses and planned developments, in each direction of the subject property, exclusive of public roads, streets, alleys and other public ways, who wish to object shall, upon request, be granted one continuance for the purpose of presenting evidence to rebut testimony given by the Applicant. Such continuance shall be by public announcement to a date certain. Such request shall be made following presentation of the Applicant's evidence.
7. After opposing testimony has concluded, Applicants may cross-examine all persons who have testified in opposition to the Applicants.
8. The Applicants may rebut evidence of persons opposing the request of the Applicants.
9. Re-examination by Persons with a legally-protected interest of the Applicants' rebuttal witnesses and questions from persons opposing the request of the Applicants may be allowed.
10. Additional testimony or evidence may be allowed consistent with the Rules. The Applicant and Persons with a legally-protected interest in property within the applicable five hundred-foot (500') or one thousand-foot (1,000') distances may present closing arguments.
11. Staff report, if any.
12. Cross-examination by Applicant and Interested Persons and persons opposing the request of the Applicant may ask questions of staff presenter(s).
13. Summary closing by Petitioner.
14. Summary closing by Interested Persons.
15. Rebuttal / closing by Petitioner.
16. Testimony and evidence which is cumulative, repetitious, harassing, argumentative or irrelevant to the case being heard will be disallowed.
17. A person may not testify both as a member of a group and as an individual.
18. The Plan Commission's decision shall be in writing and contain its recommendation based upon the record.

- (P) At the conclusion of evidentiary portion of the hearing, no further testimony or evidence will be taken, unless the Chair continues the hearing to a date certain for the purpose of taking further testimony or evidence. The Plan Commission may, after all evidence and testimony, have concluded, among other actions, deliberate upon the evidence presented or continue the hearing to a date certain.
- (Q) Any member absent from all or a portion of a public hearing who certifies that he or she has read the transcript on any given matter may vote upon any question before the Plan Commission with respect to such matter. If there is not a majority of a quorum present in agreement, then the case passes from the Plan Commission to the Planning and Development Committee without a recommendation). A case shall not be continued to allow absent members to vote.
- (R) Plan Commission Members may ask questions of witnesses during their deliberations to clarify their testimony.
- (S) Full Members shall be entitled to one (1) vote. Associate Members shall have no (0) vote.

ARTICLE XII DISMISSALS OF ZONING PETITIONS

- (A) If a petition is dismissed, the applicant will be furnished written notice by the Secretary of such dismissal.
- (B) The petitioner shall have seven (7) working days from the date of notice of dismissal to apply for reinstatement of the matter. In such cases, the petitioner must file a written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chair for good cause shown and upon payment of the fee designated by Ordinance.
- (C) In all matters reinstated in the above described manner, the matter will be docketed and republished.

ARTICLE XIII RECOMMENDATIONS ON AMENDMENTS, UNIQUE USES, AND PLANNED DEVELOPMENTS

- (A) All deliberations of the Commission shall be conducted, and all motions, votes, actions, decisions or recommendations shall be made, at a meeting open to the public.
- (B) All decisions or recommendations shall be by a motion, made and seconded, and recorded with a ~~role~~-roll call vote. If conditions are imposed such conditions shall be included in the motion. A recommendation to grant or deny any petition shall be supported by findings of fact specifying the reasons therefor.
- (C) A concurring majority vote of a majority of the members present shall be necessary to make a recommendation in any matter before the Commission. As provided in Rule VI(G), at least five (5) members must be present for a quorum.
- (D) Only members who have a conflict of interest may abstain from voting.
- (E) Adoption of a report by the Commission is solely for the purpose of attesting that the report accurately reflects the recommendation of the majority, and the voting

record. Votes for adoption of any report by members who voted against the prevailing motion(s) shall not be construed as a change in position.

- (F) Minority reports may be prepared by Plan Commission regular members not in agreement with a majority vote on matters decided by the Plan Commission with the following guidelines:
 - 1. The regular member(s) voting in the minority shall notify the Chair and the Vice-Chair of their intent to submit a minority report within five (5) calendar days following the close of the hearing.
 - 2. The minority report shall be completed and submitted to the Chair and the Vice-Chair within fifteen (15) calendar days after the close of the hearing. The minority report shall be submitted to the City Council along with the full report of the Plan Commission's action regarding the case in question.
- (G) The transcript or minutes of the matter shall be acknowledged as to the accuracy by the transcribing Secretary, and shall be a part of the public record of the Commission.
- (H) The Commission's report of the recommendation shall be provided to petitioner and the City Council promptly.

ARTICLE XIV COMPREHENSIVE GENERAL PLAN

Provisions regarding the Comprehensive General Plan are contained in Title 2, Chapter 8, Section 2-8-8 of the Municipal Code.

ARTICLE XV AMENDMENTS OF RULES

- (A) These rules may be amended by an affirmative vote of five (5) members of the Commission.