City of Benson
City Council Communication

Regular Meeting **May 9, 2016**

To: Mayor and Council Agenda Item # 6

From: Brad Hamilton

Subject:

Discussion and possible action regarding adoption of the revised Planning & Zoning Commission Bylaws

Discussion:

On February 15, 2005, the Planning & Zoning Commission adopted bylaws for the Commission to follow. Those bylaws, which were followed by the Commission for 10 years, weren't recognized by City Council until November 23, 2015.

Upon the recommendation of the City Attorney, those 2005 bylaws were revised to clarify several issues, including the number of members required for a quorum and records retention policy. These revised bylaws were approved by the Planning & Zoning Commission in March 2016. The revised bylaws are hereby submitted to City Council for approval.

Staff Recommendation:

Approval of the Planning & Zoning Commission 2016 bylaws as recommended by the Planning & Zoning Commission on March 5, 2016

City of Benson
Planning and Zoning Commission Bylaws
2016

Approved by City Attorney 2/15/2016
Recommended by P&Z Commission 3/5/2016
Adopted by City Council

PREAMBLE

The Planning and Zoning Commission is organized:

1) To assist in preparing the General Plan and annual review thereof;
2) To assist in preparing of development tools;
3) To review, hold public hearings and make recommendations on development proposals, boundary changes and land use ordinances.

ARTICLE I - ORGANIZATION

Section 1.01 Organization

The Planning and Zoning Commission consists of seven (7) members. Those members must be City of Benson residents, and are appointed by the City Council.

Section 1.02 Term of Office

Members are appointed for a three (3) year term commencing August 1 of a calendar year. Members are eligible for reappointment. If a member cannot fulfill a term, the City Council will appoint a successor for the remainder of the term.

Section 1.03 Bylaws

The Commission shall draft, subject to Mayor and Council approval, bylaws for its governance that are consistent with Arizona law and the Benson City Code. If these Bylaws conflict with Arizona law or the Benson City Code, then Arizona law and the Benson City Code take precedent.

ARTICLE II - OFFICERS, ELECTIONS, DUTIES AND STAFF

Section 2.01 Officers, Election and Duties

The Commission shall annually elect a Chairperson and Vice Chairperson from among the members. This election shall be held at the first meeting, where a quorum is present.

The Chairperson and Vice Chairperson term shall be for one (1) year. Any vacancy for Chairperson or Vice Chairperson shall be filled from the Commission membership by a majority vote at the next meeting where a quorum is present; the successor will serve for the remainder of the term. The Chairperson and Vice Chairperson shall be eligible for reelection.

The Vice Chairperson shall act as Chairperson when the Chairperson is absent. If both the Chairperson and Vice Chairperson are absent, the Chairperson shall be the most senior member, based on length of service.

The Chairperson or the Vice Chairperson may be removed from office at any time by a three-fourths (3/4) vote of the members.

Section 2.02 Staff

City of Benson staff will assist the Commission. This assistance will include providing technical, professional, and legal advice and opinions. Staff will also be present at meetings to act as Clerk. The City Attorney, or a designated representative shall provide legal advice, as requested, on all points of order, procedures or other business conducted by the Commission.

ARTICLE III - MEETINGS

Section 3.01 Regular and Special Meetings

Regular meetings will be held on the first Tuesday of the month at 7:00pm in the Council Chambers unless advertised differently. Staff, the Chairperson or a majority of the members may hold a special meeting on a different date, place or time provided notice can be adequately posted in accordance with Arizona Law and a quorum of members can attend.

Meetings shall be held in accordance with Arizona Law. Attendees may submit written comments to the members. Attendees can verbally address members during the Call to the Public, if any, in accordance with Arizona Law.

Meeting Minutes, showing how each member voted, shall be filed with the City Clerk.

Section 3.02 Work Sessions

Work Sessions may be called by Staff, the Chairperson or a majority of the members. Work Sessions may be held before, during or after any regularly scheduled meeting or on a non-regularly scheduled meeting date provided notice can be adequately posted in accordance with Arizona Law and a quorum of members can attend.

Section 3.03 Executive Sessions

The Commission may hold an executive session at any meeting in accordance with Arizona Law.

Section 3.04 Meetings and Hearings

Written notice of meetings shall be provided to members and the public in accordance with Arizona Law.

Materials for discussion items shall be timely delivered to members for study.

An applicant at a meeting can appear in person, , by authorized agent, or their retained attorney.

Section 3.05 Attendance

A member shall not be absent from more than three (3) consecutive meetings, whether regular or special. The Mayor and Council may remove and replace a member that is absent from three (3) consecutive meetings.

Section 3.06 Quorum

Four or more members shall constitute a quorum for transacting business at any regular or special meeting or work session. No action shall be taken at any regular or special meeting or work session in the absence of a quorum except to adjourn the meeting.

Section 3.07 Agendas

City staff or the Chairperson shall prepare an agenda for every regular or special meeting or work session. The agenda shall include all business matters to be discussed and considered for action. Agenda items may be added by the City staff, the Chairperson, or by agreement of two members. The Chairperson can withdraw an agenda item, but that decision can be overruled a majority vote of the quorum then present. An agenda item can also be removed by majority vote of the quorum then present.

Section 3.08 Site Inspections

Members may travel to view property, or for any purpose relevant in their sole discretion to matters that are, or will come, before them, including public hearing discussion items. These trips do not have to be taken during a regular or special meeting or work session. Members can take these trips individually or as a group. Group trips must comply with Arizona Law.

ARTICLE IV - ORDER OF BUSINESS

Section 4.01 Parliamentary Procedure

The Chairperson shall call the meeting to order and the staff clerk shall record the members present and absent. The Chairperson shall call each order of business as sequenced on the agenda, unless the Chairperson decides in his or her sole discretion to call matters in a different order. Discussion of each agenda item shall ensue. The Chairperson shall conduct meetings under standard Robert's Rules and Parliamentary Procedures.

Section 4.02 Hearings

Hearings need not be conform to judicial evidentiary rules. The Chairperson may make such rulings as necessary for the orderly conduct of proceedings while ensuring basic fairness and a full disclosure of the issues involved. Any evidence that the Chairperson in his or her sole discretion determines is relevant may be considered; the Chairperson may exclude evidence that in his or her sole discretion is irrelevant or redundant. Untimely evidentiary objections constitute waiver.

Witnesses shall not ordinarily be sworn in unless a specific request is made and the Chairperson grants that request before o taking that witnesses' testimony. The Chairperson may unilaterally, or after a request of a majority of the quorum, or after advice from the City Attorney, require all witnesses be sworn in before testifying in a particular matter. Witnesses may be sworn in as a group.

A member absent from any portion of a Commission hearing may vote on the matter at the time it is acted upon by the Commission, provided that the member has listened to a recording made or has reviewed the minutes of the portion of the hearing from which the member was absent. The member must state for the record before voting that he or she made himself/herself familiar with the history of the hearing.

The Chairperson may limit the amount the time a person may use in addressing the Commission. The Chairperson may also limit the speakers, testimony or evidence upon a particular issue to avoid repetitious or redundant evidence.

The party requesting relief or action has the burden of proof of all legal requirements thereon.

Section 4.03 Voting

After all evidence has been submitted to the Commission, each case shall be discussed, considered and acted upon. By majority vote of the quorum, the Commission may table an item and defer action until a later date when the Commission concludes that additional time for study or input is necessary. If continued, the public hearing shall be properly noticed per Arizona Law.

A majority vote of the quorum passes an action. If a motion in favor of the matter fails to receive a majority vote of the quorum, it shall be entered into the minutes as a denial of the matter.

A member shall be excused from voting on matters involving the consideration of his or her own personal or official conduct, business interests, or property, or in which he or she declares the appearance of or an actual conflict of interest. A member may also abstain from voting on any matter by affirmatively declaring such, or by not voting affirmatively or negatively. A member that declares he or she may have the appearance of or an actual conflict of interest shall leave the dais after the agenda item is announced and before any discussion of that item. An abstention shall neither count as an "aye" or "nay" vote. For public policy purposes, members will not address the Commission from off the dais as a public citizen, unless the member has an item on the agenda about that member's property, business interest, or conduct.

Each member present is entitled to one vote. The minutes of the proceedings shall indicate the vote of each member on every matter acted upon or shall indicate an abstention or absence.

A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all actions recommend in the staff report.

Section 4.03 Recommendations to City Council
City staff will advise the Mayor and Council in writing of the Commission's findings and actions.

ARTICLE V - OFFICIAL RECORDS
Section 5.01 Retention of Files
The official Commission record shall be the approved meeting minutes and adopted documents. Records shall be kept on file with the City and be available to public viewing during business hours. Other documents pertaining to matters considered and acted upon, such as reports, evidence, photos, etc., shall be retained according to the City's Policy and Arizona law.

Section 5.02 Recording of Meetings
Any meeting of the Commission may be recorded by electronic device. Copies of the recording are available from the City. Recordings will be maintained disposed of according to City Policy and Arizona Law.

ARTICLE VI - AMENDMENTS
Section 6.01 Amendments
These bylaws may be amended from time to time by the Commission, subject to Mayor and Council approval.