

**HOUSING AND HUMAN SERVICES COMMISSION  
CITY OF CHANDLER, ARIZONA**

**BYLAWS**

**I. ORGANIZATION:**

**A. Officers and Staff:**

1. *Election of officers.* The Commission shall elect annually a Chair and a Vice Chair from among the appointed members at the first meeting held in June.
  - a. The term of the Chair and the Vice Chair shall be one (1) year and any member serving as the Chair or the Vice Chair shall be eligible for re-election. No officer elected by the Commission shall serve in the same capacity for more than two (2) consecutive one-year terms.
  - b. The Vice Chair shall act as the Chair in the Chair's absence. In the absence of the Chair and the Vice Chair, the senior member of the Commission, based upon years of membership, shall act as the Chair.
  - c. Any vacancy for the Chair or the Vice Chair as may occur for any reason shall be filled for the remainder of the term from the Commission membership by majority vote of the Commission at the next meeting where the full Commission is present.
  - d. The person serving as the Chair or the Vice Chair may be removed from office at any time by a three-fourths (3/4) majority vote of the full Commission membership.
2. *Duties of the Chair.* The Chair shall preside at all meetings and hearings of the Commission, decide all points of order and procedure, and perform any duties required by law, ordinance, or these bylaws.
  - a. The Chair shall have the right to vote on all matters before the Commission, and shall also have the right to make or second motions in the absence of a motion, or a second, made by another Commission member.
3. *Duties of the Director and staff.* The City of Chandler Director of Neighborhood Resources, or the Director's designee (the "Director"), shall serve the Commission as Secretary. The City of

Chandler Neighborhood Resources Staff shall furnish professional and technical advice to the Commission.

4. *Duties of the City Attorney.* The Chandler City Attorney, or the City Attorney's designee, shall have the responsibility of furnishing such legal advice on all points of order, procedure, or other matters as may be requested from time to time.

B. Members

1. City Code Section 2-6.2 provides for the forfeiture of Commission Member office in certain scenarios including failing to attend three (3) Consecutive regular meetings without excused absences from the Commission

II. MEETINGS:

A. Types of Meetings:

1. *Regular meetings.* The Commission shall meet regularly on the second (2nd) Wednesday of each month at 6:00 p.m. Whenever a regular meeting date falls on the same date as a City-recognized legal holiday, such meeting may either be cancelled or rescheduled by motion and majority vote of the Commission taken at a prior meeting.
2. *Special meetings.* The Commission may hold a special meeting for any purpose that is within the scope of the Commission's power and duties upon the call of the Chair or upon the request of two or more Commission members, provided that such call or request has been communicated to and received by the Director at least forty-eight (48) hours before the time and date of the special meeting.
3. *Study sessions.* The Commission may hold a study session for any purpose that is within the scope of the Commission's power and duties upon the call of the Chair or upon the request of two or more Commission members, provided that such call or request has been communicated to and received by the Director at least forty-eight (48) hours before the time and date of the special meeting. A study session may be held either before or after any regular or special meeting of the Commission upon proper notice being provided. All study sessions shall be limited to the receipt of reports and information from Neighborhood Resources Staff and from other City staff, where applicable. Such reports and information shall concern matters listed in the agenda for the study session. Public testimony is barred.

4. *Executive sessions.* The Commission may hold an executive session closed to the public only for those purposes allowed under the Arizona Open Meeting Law.
5. *Field trips.* The Commission may take field trips for purposes relevant to a public hearing or other matter under consideration. Any such field trip shall be taken as part of a regular or special meeting of the Commission, shall be properly noticed, and shall be open to the general public. A record of the field trip shall be entered into the meeting minutes.

B. Quorum Required.

A majority of the members of the Commission shall constitute a quorum for transacting business or otherwise taking legal action at any Commission meeting. In the absence of a quorum for a scheduled meeting, no action shall be taken except to adjourn the meeting to a later date.

C. Compliance with Open Meeting Law.

1. *Full compliance.* Notwithstanding any other provision of these bylaws, all Commission meetings, of any type, shall, at a minimum, be held in full compliance with the requirements of the Arizona Open Meeting Law (ARS 38-431 *et seq.*), including, without limitation, requirements related to meeting notice, agenda, minutes, and conduct.
2. *Public meetings.* All meetings of the Commission, except executive sessions, shall be open to the public. Members of the public shall be provided an opportunity to comment or otherwise address any item on the agenda for a regular or special meeting of the Commission, but not for a study session.
3. *Notice of meetings.*
  - a. Except as indicated in subparagraph c below, written notice of all Commission meetings shall be given to the members of the Commission and the general public at least twenty-four (24) hours before the time and date of the meeting. Notice to the Commission members shall be given by mailing, hand-delivering, faxing or emailing a copy of the notice to each member of the Commission. Notice to the general public shall be given by posting a copy of the notice at the public place designated by the City of Chandler for such purpose and by giving such additional notice as is reasonable and practicable.

- b. The notice of a meeting shall include a meeting agenda or information on how the public can obtain a copy of the agenda.
  - c. In the event of (i) an actual emergency, (ii) a ratification of a previous action taken by the Commission in violation of the Open Meeting Law, or (iii) where a properly noticed meeting is recessed to a later date, the specific notice requirements provided by the Open Meeting Law for such circumstances shall be followed.
  - d. Where a public hearing is required by law to be conducted with respect to a specific agenda item prior to or concurrent with the legal action to be taken by the Commission, advance notice of the meeting and public hearing shall be given in such manner and in such time as to meet all legal requirements for such matter.
4. *Meeting Agenda.* The Secretary shall prepare an agenda for each Commission meeting, regardless of meeting type. Each agenda shall list the specific matters to be discussed, deliberated, considered or decided at the meeting ("legal action") or on which the Commission will be briefed or receive information from staff.
5. *Meeting minutes or recording.*
- a. Except for study sessions, a recording secretary shall take written minutes of all Commission meeting proceedings showing how the Commission voted on each matter before it, the numerical breakdown of the vote, if a member was absent, abstained from voting or otherwise failed to vote, and such other information as may be required by law, including without limitation the requirement that the minutes or recordings include the name and address of each member of the public making statements or presenting material on a matter before the Commission.
  - b. The recording secretary shall cause a tape or video recording to be made of each study session, which shall include at a minimum such information as is required by law, and shall keep and maintain the recording as part of the Commission's records.

D. Public Participation and Consent Agendas.

- 1. *Public participation.* For any matter under consideration at a regular or special meeting of the Commission, any member of the public may submit written comments and, if attending in person,

may speak to the issue upon being recognized by the Chair. No member of the public shall participate, comment or make any statement during a study session of the Commission.

2. *Consent agendas.* The Commission may, by a single consent motion, approve any number of agenda items where the Commission, Staff, and applicant, if any, are in agreement and where, after call and invitation by the Chair to do so, no member of the Commission or general public wishes to address any particular item designated for consent action by the Commission. Should any member of the Commission or public so request, the Commission shall then withdraw it from the consent agenda for the purpose of public discussion and separate action.

### III. ORDERS OF BUSINESS

#### A. Parliamentary Procedure:

1. The Chair shall call the Commission to order and the Secretary shall record the members present and absent. The Chair may call each matter of business in the order listed on the agenda and shall announce the name of the action, and generally describe the nature of the matter to be discussed, considered and/or decided. Supporting evidence for and against each matter shall be presented to the Commission.
- (2) The Chair shall conduct meetings pursuant to Roberts's Rules of Order unless such rules are suspended by majority vote of the Commission or are in conflict with these bylaws or applicable law. The Chair shall direct questions to the applicant or any person speaking, in order to bring out all relevant facts, circumstances, and conditions affecting the matter being considered, and then call for questions from other members of the Commission and from City Staff.

#### B. Conduct of a Public Hearing:

Where applicable law requires that a public hearing on a matter be conducted prior to the Commission taking legal action on the matter, the hearing shall be conducted at a Commission meeting in accordance with the following guidelines:

1. The hearing need not be conducted according to technical, judicial Rules of Evidence. Any relevant evidence may be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.
2. The Chair may exclude irrelevant or redundant testimony and may

make such other rulings as may be necessary for the orderly conduct of the proceedings, while ensuring basic fairness and a full airing of the issues involved. Evidentiary objections shall be waived unless made timely to the hearing.

3. In order to expedite the conduct of the hearing, the Chair may limit the amount of time that each person may use in addressing the hearing body. The Chair may also limit the speakers or testimony upon a particular issue in order to avoid repetitious and cumulative evidence.
4. At the conclusion of the public hearing, on a matter to be considered by the Commission, the Commission shall discuss, deliberate or otherwise take action on the matter.

C. Voting:

1. *Majority vote.* A majority vote of those Commission members present and voting at a meeting shall be required to take legal action.
2. *One member, one vote.* Each member attending a meeting shall be entitled to one (1) vote on any matter presented to the Commission at such meeting. No member shall be excused from voting, except on a matter involving the consideration of the member's own official conduct or in which the member has a conflict of interest.
3. *Conflict of interest.* A member who has a conflict of interest, as described and provided by the Arizona Revised Statutes (ARS 38-501, et. seq.), in a matter under consideration by the Commission shall (a) make known that conflict in the official records of the Commission and (b) refrain from voting upon or participating in any manner on the matter. In addition to conflicts which are monetary or property related, members are encouraged to declare a conflict in the cases where there is an appearance of self-interest in a subject matter that comes before the Commission.
4. In taking action on any application or other matter, the Commission may recommend that the application be: (i) approved; (ii) approved subject to such conditions or additional conditions as may be recommended by the Commission; (iii) modified to make more restrictive and approved as so modified; (iv) or denied.
5. The Commission may defer action on any matter when it concludes that additional time for further study or input is necessary. A matter may be deferred either through a motion to continue the matter to a date certain or through a motion to table the matter. The motion

must be approved by a majority vote of the Commission members present and voting. If the matter is tabled, any public hearing shall be subject to the requirements of re-advertising and re-notice, as if a new application were being considered, and shall require a majority vote of the Commission members present and voting to remove the matter from the table.

6. Unless a matter before the Commission is deferred, the Commission members present and voting shall take action on each matter before it at a meeting. A majority vote of those Commission members present and voting shall be required to take action on any matter before it. A Commission meeting shall not be adjourned until each matter before the Commission has been acted upon or deferred. Unless otherwise authorized by the City Council, all actions taken by the Commission shall constitute recommendations to be forwarded to the City Council.
7. A motion to approve or in favor of a matter or an application -- regardless of whether or not the approval includes conditions or modification from the initial application -- shall require the affirmative vote of not less than a majority of the Commission members present and voting for passage. The failure of a motion to approve to receive the requisite number of votes required for passage shall be deemed a denial of the matter or application. If no motion is made, or the motion to approve dies for lack of a second, it shall be deemed a denial of the matter or application. If a motion to deny a matter or application fails to receive the favorable vote of a majority of the Commissions members needed for passage, it shall not be deemed to constitute approval of the matter or application. Nothing herein shall prevent any member from making a subsequent motion on any matter where a prior motion did not pass by a majority vote of all members present.
8. If a motion to approve a matter or application passes, then the motion, unless otherwise particularly specified, shall be deemed to include the adoption of all proposed findings as may be stated in the staff report on file in the matter.

C. Recommendation to City Council:

The Secretary to the Commission shall forward promptly to the City Council in writing the recommendations and findings of the Commission on all matters or applications considered and acted upon by the Commission.

IV. OFFICIAL RECORDS:

A. Retention of files:

The official records of the Commission shall include these bylaws, minutes or recordings of all meetings, any applications, staff reports presented to the Commission, written recommendations and findings of the Commission as prepared by and forwarded to the City Council by the Secretary to the Commission, any proposed resolutions or ordinances related to matters presented to the Commission, and any written materials submitted to the Director by an applicant or any member of the public concerning a matter considered by the Commission. The recording secretary shall keep and maintain all such official records on file in the offices of the Director. Minutes of meetings of the Commission, when approved by the Commission, also shall be maintained on file with the Chandler City Clerk. All such official records shall constitute public records and shall be available for public inspection during customary office hours, except for any Executive Session minutes or other confidential communications or documents protected from public disclosure under applicable law. The retention of all documents will be retained in accordance with the City's Records Retention Policy as described by the City Clerk's Office.

B. Recording of Meetings by Third Parties:

All public meetings of the Commission may be recorded by a person in attendance by means of a tape recorder, camera or other means of sonic reproduction ("electronic device"), provided that there is no active interference with the conduct of the meeting. Any person desiring to have a meeting recorded by electronic device or by a stenographic reporter may do so, at the person's own expense, provided that the person has consulted the Commission's recording secretary of the Commission's Secretary to arrange facilities for such recording prior to the commencement of the meeting, and provided such person does not disrupt or otherwise actively interfere with the conduct of the Commission meeting.

V. AMENDMENTS:

These bylaws may be amended by majority vote at any meeting of the Commission provided that notice of said proposed amendment is given to each member in writing at least five (5) days prior to the time and date of the meeting. Such amendment shall be subject to ratification by the City Council and, if so approved, shall become effective at the next regular meeting of the Commission following Council ratification.

APPROVED AS TO FORM:

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City Attorney

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Date