

**CITY OF CHANDLER
PLANNING AND ZONING COMMISSION
RULES OF PROCEDURE**

I. ORGANIZATION:

A. Officers and Staff:

- (1) The Planning & Zoning Commission (the "Commission") of the City of Chandler (the "City") shall elect annually a Chairperson ("Chair") and Vice Chairperson ("Vice Chair") from among the appointed members at the first meeting held in May.
 - a) The term of the Chair and of the Vice Chair shall be one (1) year. Any member serving as the Chair or the Vice Chair shall be eligible for reelection to the position for another or additional term.
 - b) The Vice Chair shall act as Chair in the Chair's absence. If both the Chair and the Vice Chair are absent, then the member of the Commission having seniority, based upon years of membership, shall act as Chair.
 - c) Any vacancy for the position of Chair or Vice Chair as may occur for any reason shall be filled for the remainder of the term by a member of the Commission who is elected by a majority of the Commission members at the first meeting following the occurrence of the vacancy at which all members then on the Commission are present.
 - d) The Chair or the Vice Chair may be removed from office at any time by a three-fourths (3/4) majority vote of all of the Commission members.
- (2) 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, local ordinance, or these rules of procedure. 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 member.
- (3) The City's Director of Planning and Development (the "Planning Director"), or the Planning Director's designee, shall serve as Secretary to the Commission. The City's Planning Staff, under direction of the Secretary to the Commission, shall furnish professional and technical

advice to the Commission. Other City staff may furnish professional and technical advice as requested by the Commission or the Secretary to the Commission.

- (4) The Chandler City Attorney, or the City Attorney's designee, shall furnish legal advice on all points of order, procedure, or other matters as may be required or requested from time to time.
- (5) The City Manager shall appoint a recording secretary to the Commission.

II. MEETINGS:

A. Meetings:

- (1) Regular meetings of the Commission shall be held on the first (1st) and third (3rd) Wednesday of each month at 5:30 P.M., unless a majority of the members of the Commission take action at a preceding meeting to cancel any such regular meeting, and provided that at least one such regular meeting is held each month. Whenever a legal holiday is the same day as a meeting, such meeting shall either be cancelled or rescheduled by motion and majority vote of the Commission.
- (2) Regular meetings of the Commission shall be held in the Chandler City Council chambers, unless noticed or advertised differently.
- (3) Special meetings of the Commission for any purpose may be held at the call of the Chair or at the request of two or more Commission members.
- (4) Notice of the date, time and place of any Commission meeting, and a general explanation of each matter to be considered at such meeting, and including a general description of the area affected, shall be given to the members of the Commission and to the general public in accordance with Arizona's open meeting law requirements, and such other requirements as may exist under applicable federal, state or local law, including without limitation any requirements for notice by publication.
- (5) All regular and special meetings of the Commission shall be open to the public. The recording secretary shall keep minutes of the proceedings, showing the vote of each member upon every matter or if a member is absent or fails to vote on a matter, and such other information as may be required by law, and shall keep records of the Commission's examinations and other official actions.
- (6) For any matter under consideration, any person may submit written comments and if attending in person, may speak to the issue upon being

recognized by the Chair and stating his or her name and address and the names of any person on whose behalf the speaker is appearing.

- (7) The Commission, by a single consent motion, may take action on any number of matters where the Commission, Planning Staff, and the applicant for each such matter 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 matter designated for consent action by the Commission. If any member of the Commission or public requests to address any such matter, the Commission shall withdraw the matter from the consent agenda for the purpose of conducting a full public hearing prior to taking action on the matter.

B. Study Session:

- (1) Every regular meeting of the Commission shall be preceded by a study session. Additional study sessions may be held for any purpose at the call of the Chair or at the request of two or more Commission members.
- (2) Notice of the date, time and place of any study session, and a general explanation of each matter to be considered at such study session, and including a general description of the area affected, shall be given to the members of the Commission and to the general public in accordance with Arizona's open meeting law requirements, and such other requirements as may exist under applicable federal, state or local law, including without limitation any requirements for notice by publication.
- (3) All study sessions shall be limited to the receipt of reports and information from Planning 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. The recording secretary shall cause a 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.

C. Executive Sessions:

The Commission may hold executive sessions closed to the public in accordance with applicable law.

D. Quorum:

A majority of the members of the Commission shall constitute a quorum for transacting business at any meeting of the Commission. No action shall be taken at any meeting in the absence of a quorum, except to adjourn the meeting to a subsequent date.

E. Agenda:

An agenda shall be prepared by the Secretary to the Commission for each meeting, study session, and executive session of the Commission. The agenda shall comply with applicable laws regarding open meeting notice requirements.

F. Withdrawal of Request:

An applicant or proponent of a matter may make a request to the Secretary that the matter be withdrawn from consideration of the Commission, but no request shall be withdrawn after posting of hearing notice or legal ad published for notification prior to the public hearing thereon without formal consent of the Commission.

- G. Field Trips: The Commission may take field trips to view property or for other purposes relevant to a public hearing or other matter under consideration. All Commission field trips shall be taken as part of a regular or special meeting, and all interested persons shall be afforded the opportunity to be present to view the property and hear any reports or comments. A record of the field trips shall be entered into the minutes, so that the record shall indicate that the field trip was taken into consideration as evidence. Nothing herein shall prevent less than a quorum of the Commission, or Commission members individually at their own convenience and expense, from taking field trips to view property that is the subject of an application or other matter being considered.

III. ORDERS OF BUSINESS

A. Parliamentary Procedure:

- (1) The Chair shall call the Commission to order and the recording secretary shall record the members present and absent. The Chair may call each matter of business in the order filed and shall announce the name of the applicant, the location of the property involved, and the nature of their request. A public hearing shall be held at which any supporting documentation and other evidence for and against each matter shall be presented to the Commission and made part of the record.
- (2) The Chair shall conduct meetings under Roberts's Rules of Order unless such rules are suspended by majority vote of the Commission. 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. Hearing Conduct:

- (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.
 - a) 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.
 - b) Any evidence supporting the granting or denial of an application shall be submitted to the Planning Director prior to the public meeting or to the Commission during the public meeting.
- (2) The Commission may continue the hearing up to ninety (90) days on any application or other matter for which the applicant fails to appear unless the applicant has requested in writing that the Commission act without him or her being present at the hearing; provided, however, the Commission may hear those persons requesting to speak in response to the notice of the hearing.
- (3) A member who is absent from any portion of a hearing conducted by the Commission may vote on the matter at the time it is acted upon by the Commission, provided that he has listened to the tape recording made or reviewed the minutes of, any portion of the hearing from which he was absent, and state for the record prior to voting that he deems himself to be familiar with the record. A member who misses only the presentation of the staff report may vote on that matter at the time it is acted upon by the Commission, provided that he states for the record that he has read the staff report and is familiar with it.
- (4) In order to expedite the conduct of the hearing, the Chair may limit the amount of time that a person may use in addressing the Commission. The Chair may also limit the speakers or testimony upon a particular issue in order to avoid repetitious and cumulative evidence.
- (5) The burden of proof of all legal prerequisites to the granting of the relief or action sought shall be upon the party requesting such relief or action.

C. Voting:

- (1) After 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.

- (2) In taking action on any application or other matter, the Commission may recommend that the application be approved, approved subject to such conditions or additional conditions as may be recommended by the Commission, modified to make more restrictive and approved as so modified, or denied.
- (3) 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 readvertising and renote, 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.
- (4) Unless a matter before the Commission is deferred, the Commission members present and voting shall take legal 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, including but not limited to making a recommendation on any application before the Commission for consideration. A Commission meeting shall not be adjourned until each matter before the Commission has been acted upon or deferred.
- (5) A member shall disqualify himself or herself and abstain from voting whenever he or she has, or may have, a conflict of interest in the case under consideration, as described and provided by the Arizona Revised Statutes (ARS 38-501, et. seq.).
- (6) Each member attending shall be entitled to one (1) vote. The minutes of the proceedings shall indicate the vote of each member on every matter acted upon, and shall indicate any absence or failure to vote. No members shall be excused from voting except on matters involving the consideration of his own official conduct, or such matters as referred to in Section III.C.(5) of these bylaws.
- (7) 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 stated in the staff report on file in the matter.

D. Recommendation to City Council: The Secretary to the Commission shall forward in writing the recommendations and findings of the Commission on an

application to the Chandler City Council within forty-five (45) days of the meeting at which the Commission took action on the matter.

IV. OFFICIAL RECORDS:

- A. Retention of Files: The official records of the Commission shall include these rules and regulations, minutes 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 Chandler City Council by the Secretary to the Commission, and any proposed resolutions or ordinances related to a matter presented to the Commission, and any written materials submitted to the Planning Director by the 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 office of the Planning Director. Minutes of the meetings of the Commission shall also be maintained on file with the Chandler City Clerk. All such official records shall constitute public records and available for public inspection during customary office hours, except for any Executive Session minutes or other confidential communications or documents under applicable law. Original papers of all applications and other matters shall be retained for not less than five (5) years after date of application. Thereafter, such matters may be microfilmed, along with other special matters as the Secretary to the Commission deems essential, for permanent recording.
- B. Recording of Meetings by Third Parties: All public meetings of the Commission may be recorded by electronic device. Any person desiring to have a meeting recorded by an electronic device or by stenographic reporter, at his or her expense, may do so, provided that he or she consults the Commission's recording secretary to arrange facilities for such recording prior to the commencement of the meeting, and does not disrupt or otherwise actively interfere with the conduct of the meeting.

V. AMENDMENTS:

These Rules of Procedure 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 said meeting. Such amendment shall be subject to ratification by the City Council and, if so approved, shall become effective at the next meeting of the Commission following Council ratification.