

BY-LAWS OF THE SCOTTSDALE PLANNING COMMISSION

2017 JAN 20 AM 9:17

I. ORGANIZATION

101. Chair

The Commission shall be organized as provided in Ordinance #455. The Commission shall, at its first meeting of the calendar year, elect a Chair from among its appointed members. The Chair shall preside at all meetings and hearings of the Commission, decide all points of order or procedure, and perform any duties required by the ordinance or these rules. The Chair shall be eligible for reelection. The Chair may not initiate motions or monopolize the discussions, but shall vote on each issue.

102. Vice Chair

The Commission shall, at its first meeting of the calendar year, elect a Vice Chair from among its appointed members, who shall serve in the absence of the Chair. The Vice Chair shall be eligible for reelection.

103. Vacancy

Vacancies for Chair or Vice Chair created by any cause shall be filled for the unexpired term by a new election. Such election shall take place at the next regularly scheduled meeting of the Commission, and those elected shall not be considered as having served a full term.

104. Secretary

The Secretary to the Commission shall be defined in Ordinance #455. It shall be the duty of the Secretary, or a designated representative, to conduct all official correspondence of the Commission; send out all notices required by the Ordinance or these rules; to perform all the customary duties of the office; and to perform any such clerical duties as shall be reasonably requested by the Chair.

105. Committees

The Commission may recommend to City Council the appointment of such committees as the Commission feels necessary on any subject pertinent to the matters being heard by the Commission. These committees may be empowered to meet with the Planning Department, City Council, City Staff or any other such

official body, and shall make such reports to the Commission as may be requested by a majority vote of the members of the Commission.

II. MEETINGS

201. Regular Meetings

Regular meetings of the Commission, if to be held, shall be held on the second and fourth Wednesday of each month, or as otherwise approved by the Planning Commission.

202. Special Meetings

Special meetings for good cause may be held by the Commission on call by its Chair or by a majority of its members, which call shall be filed with the Secretary, or as may be scheduled by a majority of the members at any previous meeting. The manner of the call shall be noted in the minutes of the special meeting, and at least twenty-four (24) hours' notice of the meeting shall be given to each member. The Secretary shall receive forty-eight (48) hours' notice and shall post meeting notices twenty-four (24) hours before such meeting.

203. Public Hearings and Study Sessions

All hearings and study sessions of the Commission shall be open to the public. Study Sessions of the Commission may be scheduled on the same day as Commission meetings. A Study Session is utilized for administrative matters pertaining to the Commission, for the Staff and Commission members to review Commission meeting agenda items, and for matters that are non-action. Public comments or applicant presentations shall not be permitted during a Study Session. Commission members may ask questions of an applicant or the public, in order to obtain a clarification or relevant information regarding an agenda item. Any action calling for a formal vote shall take place only at a public meeting.

204. Quorum Voting and Tie Votes

A quorum is necessary to hold a meeting or study session. A quorum shall consist of four (4) members of the Commission. If there is a quorum, the business of the Commission shall be transacted by a majority of the members present and eligible to vote, except as provided in Section 401. As an example, and except as provided in Section 401, if five (5) members are present and eligible to vote, the business of the Commission shall be transacted by a vote of

three (3) members. A member who is disqualified from voting due to a conflict of interest or the appearance of impropriety shall not be counted as present for the purposes of this Section. In making its recommendation to the City Council to approve, deny or continue a development application, a tie vote of the members shall be considered a recommendation to deny. In the event of a tie vote, any member that voted in the negative may, in the same meeting, offer a motion to continue the case to a future meeting of the Commission. Absent a conflict of interest or the declaration of an appearance of impropriety, Commission members shall vote on a motion before the Commission.

205. Member Attendance

In the event that a member is unwilling or unable to serve, or if any member is absent or tardy from three (3) consecutive meetings, or four (4) meetings within a six (6) month period, then the Chair shall notify the Mayor or the Mayor's designee so that the consideration of removal and replacement of the member may be scheduled for City Council action.

206. Applicant Attendance

The applicant, or an authorized agent or agents, in any case being heard before the Commission shall be present in person unless the Planning Director or the Chair of the Commission has been notified of the absence, in writing, prior to the public hearing. If the applicant or his authorized agent or agents shall not present such notice and shall not appear before the Commission as regularly scheduled, the application scheduled for hearing may be continued. If the applicant or his authorized agent or agents fail to appear as scheduled three (3) times, such failure may be deemed sufficient cause for recommendation for denial.

207. Conflict of Interest

All members of the Commission shall comply with the State Conflict-of-Interest law, Title 38, Chapter 3, Article 8, Arizona Revised Statutes and the City's Code of Ethical Behavior, Article II, Division 3 of the Scottsdale Revised Code.

208. Reconsiderations

The Commission shall not hear or consider the reconsideration of any decision unless a motion for reconsideration is made prior to adjournment of the meeting

when the decision was made. A motion for reconsideration can only be made by a Commission member on the winning side of the motion to be reconsidered.

209. Applicant Requests

The order of applicant presentations and time limits shall be as follows:

1. Staff presentation.
2. Applicant presentation (up to 10 minutes, unless additional or less time is granted by a majority of the Commission).
3. Commission members' questions of staff and/or applicant.
4. Public comment (three minutes for individual speakers; one additional minute for each additional individual present at the meeting who has contributed their time to a representative speaker, up to 10 minutes.)
5. Applicant response to public comment (up to 10 minutes, unless additional or less time is granted by a majority of the Commission).
6. Staff's response, if needed (5 minutes).
7. Commission member motion.
8. Commission member deliberation of the motion.
9. Commission member vote on the motion.

An applicant may request a continuance.

If a request for a continuance is under consideration, no public comment other than comment regarding the continuance will be taken until after the vote to continue has been taken and the continuance has been denied.

III. OFFICIAL RECORDS

301. Definition

The official records shall include the Zoning Ordinance and the amendments thereto, these rules and procedures, the minutes of the Commission, together with all findings, maps and other official statements.

302. Recording of Vote

The minutes shall show the vote of each member on every question on which the Commission is required to act or, if absent, fails to vote, and any statement any member may wish to make regarding his vote.

303. Retention of Files

All applications and other matters coming before the Commission shall be filed in the City Planning Department office in accordance with that department's general file system. The Secretary shall keep a permanent file of all plats, maps, charts, reports, resolutions, notices, correspondence, or other matters filed with or issued by the Commission. The tape recordings of the public hearings of the Commission shall be retained intact for not less than thirty (30) days after the City Council shall make a final decision in the specific subject on the tape. Original applications shall be retained as long as is required by standard city procedure.

304. Public Records

All of the records of the Commission shall be public records and shall be open to public inspection during customary working hours.

IV. RULES AND AMENDMENTS

401. Amendment Procedure

Amendments to these rules may be made by the Commission upon the affirmative vote of four (4) members, provided any such amendment is submitted in writing at a regular meeting of the Commission, and is noted in the minutes of such meeting. Amendments adopted as above shall become effective at the next regular meeting of the Commission.

Revised 1/2017