

RESOLUTION NO. 2017-01

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,
ARIZONA RATIFYING THAT CERTAIN DOCUMENT FILED WITH THE SEDONA
CITY CLERK AND ENTITLED "SEDONA HISTORIC PRESERVATION COMMISSION
OPERATING RULES AND PROCEDURES".**

WHEREAS, Ordinance No. 97-09 establishes that the Sedona Historic Preservation Commission shall make and publish rules to govern its proceedings subject to ratification by the City Council; and


WHEREAS, from time to time it is necessary to review the Sedona Historic Preservation Commission Operating Rules and Procedures to ensure alignment with state law, City policy, and the Sedona Land Development Code; and

WHEREAS, the Sedona Historic Preservation Commission duly considered the proposed amendments to the Sedona Historic Preservation Commission Operating Rules and Procedures at a meeting held on September 19, 2016 and recommended unanimous approval of said amendments; and

WHEREAS, the Sedona City Council held a meeting on the proposed amendments on January 10, 2017 to consider said amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the amendments to the Sedona Historic Preservation Commission Operating Rules and Procedures as set forth in Exhibit A, attached hereto, are hereby ratified .

PASSED AND ADOPTED this 10th day of January, 2017, by the Mayor and Council of the City of Sedona, Arizona.




Sandra J. Moriarty, Mayor

ATTEST:



Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:



Robert L. Pickels, Jr., City Attorney

Sedona Historic Preservation Commission

Operating Rules and Procedures

Be it resolved that pursuant to City of Sedona Ordinance 97-09, the Historic Preservation Commission of the City of Sedona (hereinafter called HPC) adopts the following Operating Rules and Procedures (hereinafter called "these Rules") as its bylaws to govern its conduct and function.

Articles 1: Conformance to Law

All actions of HPC and its Members shall be in conformance to the laws of the State of Arizona and the City of Sedona. Any conflict which may arise between provisions of these Rules and State or City laws shall be resolved in favor of the State or City law.

Article 2: Membership, Terms and Officers

The selection of members of HPC (hereinafter called Members), their terms and duties, and the officers of HPC, shall be as prescribed in Article 15 of Ordinance 97-09, as it may be amended.

Article 3: Legal Counsel

The HPC may request advice of the City Attorney regarding points of law, and shall act in accordance with that advice. Advice of counsel shall be recorded in the minutes when applicable.

Article 4: Other advisors

The HPC may request any department head, officer of the City, or any consultant retained by the City, to attend any HPC meeting when needed, and to render such advice as may be requested.

Article 5: Meetings

5.1 The HPC shall hold a public meeting a minimum of four (4) times per calendar year. Dates for public meetings shall be noticed according to all legal noticing requirements. Meetings should typically occur on the second Monday of the selected months, commencing at 4:00 pm in a meeting room at Sedona City Hall. Any meeting may be rescheduled by the Chair or by a majority vote of Members providing that legal noticing requirements are met.

5.2 Special meetings may be called by the Chair or by a majority vote of Members, subject to legal requirements. The reason for calling the special meeting shall be stated at the time of the notification.

Exhibit A

5.3 At all HPC meetings, Roberts' Rules of Order (revised) shall be observed, to the extent practical, except where they may conflict with other provisions of these Rules, or with any City ordinance or Arizona statute.

5.4 The HPC may hold work-study sessions, which shall be open to the public but at which the public shall not participate unless specifically requested by the Chair. No formal vote or commitment shall be made at such sessions.

5.5 Any meeting may be recessed and resumed with less than 24 hours notice, if proper notice was given for the original session and if, prior to recessing, notice is publicly given as to the resumption of the meeting pursuant to law.

5.6 At any meeting, the record shall show the names of those present, excused or absent.

5.7 The HPC may approve, conditionally approve, deny or continue any item on its agenda.

Article 6: Procedure for Meeting and Public-Hearing

Meetings and Public Hearings shall be guided by the following format:

1. Staff presentation and recommendation.
2. Questions to staff by Commission.
3. Applicant presentation.
4. Questions to applicant by Commission.
5. Public hearing is opened. Open to questions or comments from public about proposal.
6. Public hearing is closed.
7. Commission deliberation (with additional questions of staff and/or the applicant if necessary).
8. Commission action/decision.
 - a. Discussion of agenda item by Commission.
 - b. Vote on motion.

Article 7: Quorum and Voting

7.1 A minimum of four Members shall constitute a quorum of the HPC for all meetings and work sessions. If a quorum cannot be obtained, the names of Members present shall be recorded and the meeting shall be rescheduled.

7.2 Any vote may be taken by a voice vote or a show of hands. If the vote is not unanimous, the record shall show how each Member voted.

7.3 A Member may abstain from voting by simply stating his/her reason.

7.4 HPC actions shall be subject to the provisions of Ordinance 97-09 as may be amended.

Exhibit A

Article 8: Agenda

The Chair shall prepare the agenda for each meeting. Any Member, staff, Council member may request items to be agendized. The general public may have items placed on the agenda only through a Commission I member. The Chair shall determine priorities of items requested. The agenda for each meeting shall be posted as required by law.

Article 9: Public Comment

9.1 Each regular HPC meeting agenda shall provide a time for public comment. During this "Public Forum" item, anyone may address the HPC on any subject which is not on the agenda, when recognized by the Chair. Each person will be limited to three minutes.

9.2 To speak on specific agenda items at other times during the meeting, one shall fill out a City-supplied sign-up form. The form shall include the proposed speaker's name, address, phone number, the agenda item he wishes to address, and the name of the group (if any) he represents. This form must be in possession of the Chair. Individuals representing only themselves will be limited to three minutes. A designated representative of a group may have a maximum of five minutes, so long as no other person representing that group will speak. The Chair may waive the time limits if the agenda schedule will allow or if the information presented is of specific interest to the HPC.

9.3 Persons shall be called to the rostrum in the order that their sign-up sheets are received.

9.4 All remarks shall be addressed to the HPC as a body, and not to any Member or other individual.

9.5 No person, other than HPC Members and the person having the floor, shall be permitted to enter into any discussion, either directly or through HPC Members. No questions shall be asked of Members except through the Chair.

Article 10: Conduct of Members

10.1 Conflict of Interest: HPC Members shall abide by the provisions of Arizona Revised Statutes 38-501 to 38-511. When a Member determines that he has a conflict of interest, he shall declare such conflict, refrain from discussion or voting on the matter, and step down from dais until completion of the item.

10.2 Ex-parte contacts:

- a) Whenever any party, individual or person involved with a proposal or item initiates contact with Member regarding proposals or requests, the Member shall refer that party to the Chair.
- b) Whenever an external contact persists in offering or soliciting information regarding proposals or requests, the Member shall report the information,

Exhibit A

identity of the source, and date of the contact to the HPC for inclusion in its official records.

10.3 HPC Members shall not appear to speak before the City Council on HPC matters unless explicitly invited by the Council or directed to do so by the Chair or by a majority of Members.

10.4 No Member shall represent an applicant or appellant before the HPC or the Council on matters related to HPC business.

Article 11: Instruments of HPC action

The instruments by which the HPC shall officially report its work shall include:

11.1 Official notice and agenda of meetings as provided in these Rules and required by law.

11.2 Minutes of meetings as provided in in the City Code.

11.3 Resolutions passed on agenda items.

11.4 Commission reports prepared by the Chair, staff or designated committee chair.

11.5 Other instruments as may be provided in Ordinance 97-09 as may be amended.

Article 12: Amendments

These Rules may be amended at any regular or special meeting by affirmative vote of four or more Members, subject to ratification by the City Council.

Article 13: Severability

These Rules are declared to be severable. If any article or portion thereof is for any reason held to be legally invalid, such holding shall not affect the validity of remaining portions.

ADOPTED AND APPROVED by the Historic Preservation Commission on September 19, 2016

RATIFIED by Resolution of the City Council on January 10, 2017