

**RESOLUTION NO. 2018-09**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,  
ARIZONA, APPROVING THE PLANNING AND ZONING COMMISSION'S  
OPERATING RULES AND PROCEDURES.**

WHEREAS, the Planning & Zoning Commission has reviewed and updated their Operating Rules and Procedures and the City Council must approve these revisions.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the Planning & Zoning Commission Operating Rules and Procedures attached hereto are approved by the City Council.


PASSED AND ADOPTED this 10<sup>th</sup> day of April, 2018 by the Mayor and Council of the City of Sedona, Arizona.

  
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Sandra J. Moriarty, Mayor

ATTEST:

  
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Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

  
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Robert L. Pickels, Jr., City Attorney

RESOLUTION NO. 2018-09  
CITY OF SEDONA  
PLANNING AND ZONING COMMISSION

## **OPERATING RULES AND PROCEDURES**

Be it resolved that pursuant to City of Sedona Ordinance 88-6, the Planning and Zoning Commission of the City of Sedona (hereinafter called the Commission) adopts the following amended Operating Rules and Procedures as its by-laws to govern its conduct and function.

### **Article 1: Membership**

- 1.1 Each member of the Commission (Member) shall be selected and shall serve as provided in City of Sedona Ordinance 88-6, Section 2.
- 1.2 Because the participation of all Members is necessary to carry out the duties of the Commission in the best interest of the citizens of Sedona, consistent attendance by the Members is of the utmost importance. For this reason, and pursuant to Section 2(D) of Ordinance 88-6, a member may be removed at any time by the City Council for:
  - 1.2.1 Failure to attend three meetings during a 12-month period or the number of meetings necessary to be efficient in their duties as determined by the City Council; or,
  - 1.2.2 A Member may also be removed by the City Council at any time for inefficiency, neglect of duty or malfeasance.
- 1.3 Removal by City Council may be without the necessity of a hearing or notice and such action shall be final.

### **Article 2: Officers**

- 2.1 A Chair and Vice-Chair shall be elected annually from among the Commission's membership at the first regular meeting in January and at such other times as these offices may become vacant.
- 2.2 The Vice-Chair shall serve in the absence of the Chair. In the absence of both the Chair and Vice-Chair, the Commission shall elect an Acting Chair.

### **Article 3: Chair**

- 3.1 The Chair shall preside at all public hearings and other meetings of the Commission and decide points of order or procedure.
- 3.2 The Chair is a voting member and shall have the right to make and second motions.
- 3.3 The Chair shall work with the Director to coordinate the work of the Commission and shall perform all other duties required by law, ordinance and these Operating Rules and Procedures.

**Article 4: Vice-Chair**

- 4.1 The Vice-Chair shall perform all duties of the Chair in the absence of the Chair.
- 4.2 If the Chair vacates the office before completing his/her term, the Vice-Chair will assume the office and serve the remainder of the term. A new Vice-Chair will then be elected at the next regularly scheduled meeting.

**Article 5: Community Development Director**

- 5.1 The Community Development Director (Director) or his/her designee shall attend all Commission meetings; shall attend to official correspondence of the Commission; shall cause written minutes to be kept of all meetings; shall maintain files of official records, findings and decisions of the Commission and its rules and regulations; shall supervise clerical work and technical preparations necessary to disposition of business before the Commission; and shall perform all other duties required by law, Ordinance and these Operating Rules and Procedures.
- 5.2 The Director shall approve all Commission expenses.

**Article 6: Legal Counsel**

- 6.1 The Commission shall be advised by the City Attorney or his/her designee who shall act as its Legal Counsel. Legal Counsel shall attend unless excused by the Director
- 6.2 The Commission shall act in accordance with opinions of its Legal Counsel regarding points of law.
- 6.3 Except in the case of Executive Sessions, advice of Counsel shall be recorded in the minutes of the meeting before disposition of any question of law or matter requiring legal interpretation or advice.

**Article 7: Other Advisors**

- 7.1 The Commission may request any department head, officer of the City, or any consultant retained by the City to attend any Commission meeting as appropriate.

**Article 8: Creation of Committees**

- 8.1 A Committee of not more than three Members may be created by the Chair , or by a majority vote of the Commission, to study a report on planning and zoning matters and make recommendations to the Commission.
- 8.2 Meetings of committees shall be properly noticed, agendized and appropriate minutes taken.
- 8.3 Any committee shall be formed for a specific time period after which it shall dissolve, unless extended by the Chair or by vote of the Commission.

**Article 9: Meetings**

- 9.1 All meetings shall be held in full compliance with the provisions of Arizona Open Meeting Law, the Commission's Handbook, the Commission's Operating Rules and Procedures and any other applicable regulation or provision.
- 9.2 Regular meetings of the Commission shall be scheduled on the first and third Tuesday of each month at 5:30 p.m. or at a time set in advance so as to ensure reasonable public notice and participation.
- 9.3 Such meetings shall be held in the City Council Chambers or at such place as the Commission may otherwise direct on its notices.
- 9.4 Work sessions may be held on the first and third Tuesday of each month at 3:30 pm or at a time set in advance so as to ensure reasonable public notice. Such meetings shall be held in the City Council Chambers or at such place as the Commission may otherwise direction its notices. Work sessions are intended to address Commission questions, comments, and requests for additional information.
- 9.5 Special meetings may be called by the Chair, the Director or by three or more Members, subject to legal requirements. The reason(s) for calling any special meeting shall be stated at the time of notification.
- 9.6 At regular and special meetings of the Commission, Robert's Rules of Order (revised) shall, to the extent practical, be observed except where they may conflict with other provisions of the Commission's Operating Rules and Procedures, or with any City ordinance, provision or Arizona statute.
- 9.7 All meetings and hearings of the Commission shall be open to the public; except that the Commission may hold executive sessions for the purposes and under the conditions set forth in ARS §38-431.03 and Amendments thereto.
- 9.8 The Commission may approve, conditionally approve, deny or continue any item on its agenda. In the event an applicant is not present, the Commission may or may not decide to continue the item until the applicant is present.
- 9.9 A Commission meeting may be continued to a time and place certain by a vote of the Commission.
- 9.10 Any requests for continuance received after legal notice for public hearing has been given shall be acted on by the Commission at the noticed hearing. Any request for continuance received by staff less than five business days prior to the noticed hearing date shall not be approved by the Commission unless extenuating circumstances are found to exist.
- 9.11 The Director, in consultation with the Chair, may cancel the meeting due to a lack of substantive agenda items to be addressed, meeting location scheduling conflicts, emergency conditions, inclement weather, or other acts of nature beyond the City's control.
- 9.12 The Commission may table an agenda item until a later date to enable additional public comment to be heard, a site visit, or for other good cause by an affirmative vote of a majority of the Members present.

**Article 10: Quorum and Voting**

- 10.1 A majority of the current membership of the Commission shall constitute a quorum and a quorum shall be required to conduct business of the Commission. If a quorum cannot be obtained, the names of members present shall be recorded and the meeting shall be rescheduled.
- 10.2 Any vote may be taken by a voice vote and a show of hands. If the vote is not unanimous, a roll call vote shall be taken.
- 10.3 No Member present may abstain from voting unless a conflict of interest exists according to Arizona Revised Statutes §38-501 to 38-511.
- 10.4 Any motion for approval which fails to carry shall be considered a denial of the proposal. However, any action may be reconsidered if a motion to reconsider, made by a member who voted in the affirmative, is passed. Any motion for denial which fails to carry shall not be considered an approval of the proposal. When a motion for denial fails, a positive motion or a motion for approval must be made and considered for any official action. Official actions shall be accomplished only by an affirmative vote of a majority of members present unless otherwise specified.

**Article 11: Agenda**

- 11.1 All agendas shall be prepared by the Director for each meeting of the Commission.
- 11.2 If a Member wants to place an item on the agenda for discussion, it must be related to the powers and duties of the Commission. The Member shall contact the Director for consultation with the Director and the Chair. In consultation with the Chair, the Director will determine if the item is appropriate for Commission discussion.
- 11.3 During the course of any meeting, the Chair may change the order of agenda items to avoid inconvenience or delays to the public.
- 11.4 The agenda for each regular and special meeting, except for executive sessions and work sessions, shall consist of the following:

- Call to order, pledge of allegiance, roll call
- Approval of minutes of previous meeting(s)
- Announcements & Summary of Current Events by Commissioners & Staff
- Agenda items
- Future meeting dates
- Adjournment

**Article 12: Public Comment**

- 12.1 The public is encouraged to submit written statements for the record; such statements shall be kept with the minutes of the meeting at which time they are received.

- 12.2 Any person present at a Commission meeting, other than a work session or executive session, may address the Commission on any matter before the Commission upon being recognized by the Chair.
- 12.3 Persons shall not address the Commission on any agenda item or present evidence without first having filled out an information card and presented same to the Director.
- 12.4 Time limits and other restrictions may be imposed by the Chairperson after review of the agenda and an estimate of the duration of the meeting.
- 12.5 The Chair may require that comments be pertinent and non-repetitive, and that decorum be maintained.

#### **Article 13: Minutes and Records**

- 13.1 The Director or his/her designee shall keep official written minutes of all meetings and maintain an audio recording of all meetings in accordance with State laws.
- 13.2 The minutes shall show the vote of each Member on every Commission action, or if a Member fails to vote shall so indicate and show the reason for such failure to vote.
- 13.3 Members shall advise the Director or his/her designee of any changes or corrections in the minutes, so they can be recorded before the meeting. Simple errors in spelling, punctuation, etc. may be corrected at any time as long as no change in meaning or substance is involved.
- 13.4 Other official records, including Commission findings, decisions and other official actions, shall also be maintained by the Director as required by state law.

#### **Article 14: Conduct of Members**

- 14.1 Commission Members shall follow the provisions of the Arizona Open Meeting Law, the general Commission handbook, and the Planning and Zoning Commission's handbook as well as the Commission's Operating Rules and Procedures and any other applicable regulation or provision.
- 14.2 Conflict of Interest: Commission 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 the dais until completion of the item.
- 14.3 Conflict of Office: If a Member has been elected or appointed to another public office, and a conflict of office emerges in the Commission's deliberation of specific matters, the member shall declare such conflict for the record. The Member may then participate in discussions of the matter but shall abstain from voting on the matter.
- 14.4 Ex-parte contacts: (a) Whenever any party initiates contact with a Member regarding a filed application, the Member shall refer that party to the staff. (b) Whenever an external contact persists in offering information, the Member shall report the information, identity of the source, and date of the contact to the Commission for inclusion in its formal record. (c) Written information transmitted to a Member shall be forwarded directly to the staff for review and incorporation into its report. (d) Members

may seek information from the Director, the Legal Counsel, or staff prior to a meeting, but no Member shall discuss any application with any other party prior to the hearing or express any bias, prejudice, or individual opinion on proper judgment of the application prior to its hearing and determination.

- 14.5 Appearance before Council: Members shall not appear to speak before the City Council on Commission matters unless explicitly invited by the Council, or directed by a majority vote of members, to do so.
- 14.6 Representation by Members: No Member shall represent an applicant or an appellant before the Commission or the Council on matters related to Commission business.

#### **Article 15: Hearing of Applications**

Public hearings shall be guided by the following format:

- a. Staff presentation and recommendation.
- b. Questions to staff by Commission.
- c. Applicant presentation.
- d. Questions to the Applicant by Commission.
- e. Open to comments from the public regarding that agenda item.
- f. Close public participation.
- g. Discussion and additional questions by Commission.
- h. Open for a motion.
- i. Discussion of motion by Commission.
- j. Vote on motion.

#### **Article 16: Instruments of Commission Action**

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

- 16.1 Official notice of meetings as provided by these Operating Rules and Procedures and required by Arizona Law.
- 16.2 Agenda of meetings as described in the Commission's Operating Rules and Procedures and required by Arizona Law.
- 16.3 Staff reports prepared by the Director.
- 16.4 Minutes of meetings as described in Arizona Law.
- 16.5 Resolutions or other official actions approving or denying an Agenda items.

#### **Article 17: Amendments**

The Commission or the Director may recommend to City Council amendments to these Operating Rules and Procedures at any regular or special meeting by a majority vote of its Members. If, following presentation discussion of proposed amendments to these Operating Rules and Procedures, the Commission declines to make an affirmative recommendation to City

Council, the Director may nonetheless forward those amendments to City Council for consideration. Recommended amendments are subject to final approval by the City Council.

**Article 18: Severability**

These Operating Rules and Procedures 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: P&Z Commission – Sept. 6, 1988 – By CC – R1988-36, 1988  
Revised: R1989-32, November 1, 1989  
Revised: R1991-05, February 20, 1991  
Revised: R2018-18, April 10, 2018