

# CITY OF BUCKEYE

## PLANNING AND ZONING COMMISSION BYLAWS

This City of Buckeye Planning and Zoning Commission (Commission) is created by the Buckeye City Council pursuant to Arizona Revised Statutes Section 9-461 et. seq. to guide the growth and physical development of the City of Buckeye by promoting and protecting the public health, safety, and welfare. These Bylaws have been adopted by the Commission to ensure continuity of action, uniformity in consideration of development applications, and instruction of new and existing members of the Commission such that the Citizens of Buckeye will be better served in matters coming before the Commission.

### ARTICLE I – MEETINGS

- A. Regular meetings.** Regular meeting shall 1) be held on the second and fourth Tuesday of the month. Meetings shall start at 6:00 PM, M.S.T. and 2) be held in the City Council Chambers at Buckeye City Hall, 530 E. Monroe, Buckeye, Arizona, unless noticed otherwise.
- B. Annual meeting.** The meeting for the election of officers, annual bylaw review, and annual project summary shall be held at the first regular meeting of the calendar year or as soon thereafter as possible.
- C. Special meetings.** As needed, Special Meetings of the Commission may be held at the call of the Chair or by vote of the Commission, upon not less than 24 hours' notice to each Commissioner.
- D. Workshops.** As needed, the Commission may meet for a Workshop prior to, in lieu of, or immediately following the regularly scheduled meeting for the purpose of reviewing the items on that day's agenda or to discuss other educational, legal, or administrative matters. Workshops shall be held in the City Council Executive Conference Room at Buckeye City Hall, 530 E. Monroe, Buckeye, Arizona, unless determined otherwise noticed.
- E.** All meetings and hearings of the Commission shall be open to the public, except that the Commission may hold executive sessions under circumstances as permitted by A.R.S. Section 38-431.03. Written minutes shall be kept of all public meetings, hearings and executive sessions.
- F.** Notices of all meetings shall be given by the Development Services Department (Department). Notices shall be conveyed to each Commissioner at such email address as furnished to the Department by the Commissioner, and shall set forth in outline form matters to come before the Commission at the meeting. Nothing contained herein shall be construed as limiting the ability of any Commissioner to waive any failure of proper notice. Appearance by a Commissioner at a meeting

without objection shall constitute waiver by the Commissioner of any defect in notice.

- G.** A majority of the duly appointed members of the Commission shall constitute a quorum for the transaction of business and a majority vote of the quorum shall be required for any official action. All references herein to a majority of the Commission shall mean a majority of the Commissioners present and voting.
- H.** All Commission members (regular and alternates) shall attend all scheduled meetings unless excused. All Commissioners shall give notice at least twenty-four (24) hours in advance of the scheduled meeting for the absence to be considered excused and to allow time for their alternate to be called for attendance.
- I.** Minutes and records of all findings and determinations shall be kept by the Department. The vote of each Commissioner shall be recorded with each motion and the minutes, records, resolutions, findings and determinations shall be of public record.
- J.** The Commission shall transmit all of its recommendations, decisions, findings, reports, and official actions, regardless of vote, to the Buckeye City Council.
- K.** All votes shall be by voice vote or by roll call.
- L.** All meetings shall be guided by these bylaws. Reference should also be given the City of *Buckeye Rules of Procedures, amended and restated January 3, 2017*, the *2010 Development Code*, as amended, and open meeting law, A.R.S. section 38-431 – 430-09.

## **ARTICLE II – ORGANIZATION**

- A. Chair.** The Chair shall have the following duties: 1) Preside at meetings of the Commission; 2) Call for special meetings; 3) Generally supervise the conduct of the affairs of the Commission; 4) Rule on all procedural questions; and 5) Call for a motion on all matters being considered by the Commission, but only after interested parties and all Commissioners present have had a reasonable opportunity to be heard. The Chair may participate in discussion of and shall vote on all matters. The Chair may limit the number of people permitted to speak on any matter before the Commission and may limit the time allotted to each speaker, provided that such procedure shall nonetheless result in a full and fair hearing on all relevant issues. Any ruling of the Chair may be reversed by a majority of the Commission.

- B. Vice-Chair.** The Vice-Chair shall perform the duties of the Chair during the absence or disability of the Chair. In the event that both the Chair and Vice-Chair are absent, then the members present shall chose one from among their number to be Chair pro tem of the meeting.
- C.** The Chair and Vice-Chair of the Commission shall be elected annually by the members of the Commission. Any vacancy in the office of the Chair or Vice-Chair of the Commission may be filled by the members of the Commission at any regular, special, or workshop meeting.
- E. Commissioners.** In accordance with the *City of Buckeye Rules of Procedures*, both regular and alternate members are appointed by the City Council. The Commission consists of 6 District Commissioners and an At Large Commissioner.
- F. Alternates.** Alternates shall attend and observe any Commission meeting; however, they shall not participate until such a time as a vacancy has occurred and the alternate has filled such vacancy. An alternate may, however, fill an absence in their district on any given night. Further, at the discretion of the chair, the at large alternate may either fill the at large seat or any other district seat as may be needed.
- G. Council Liaison.** The Council Liaison as appointed by the City Council may be in attendance at any regular, special or work session as appropriate. The role of council liaison is to oversee the meeting on behalf of the Mayor and Council and to recommend appointments and dismissal of Commissioners. Council liaison may be contacted by Commissioners at any time for questions.
- H. Staff Liaison.** Unless otherwise appointed by the Director, the Deputy Planning Director shall be the Staff Liaison in accordance with the *City of Buckeye Rules of Procedures*. The role of staff liaison is to oversee the meeting on behalf of the City Manager as well as to coordinate training and procedure for the commission. Staff liaison may be contacted by Commissioners at any time for questions.
- I. Secretary.** In accordance with Section 7.2.2.k of the *2010 Development Code*, a representative from the City Clerk shall be the Secretary of the Commission. In the secretary's absence, the Staff Liaison or designee shall act as Secretary. The Secretary shall be responsible for meeting notices, agenda creation and distribution, quorum checks, meeting set up, roll call, and keeping a formal record of all meetings.
- J. Legal Counsel.** The City Attorney shall be in attendance upon request at any regular, special or workshop meeting of the Commission. The role of legal counsel is to advise commission and staff of pertinent legal matters.

## **ARTICLE III – ATTENDANCE**

- A.** Any regular or alternate member who has unexcused absences for at least fifty percent (50%) of the regular meetings of the Commission in a given calendar year or three (3) consecutive unexcused absences shall be considered as not fulfilling the obligation assumed by acceptance of the appointment to the Commission. Excused absences shall include family and health-related issues. The decision on whether an absence was excused or unexcused shall ultimately be decided by the Chair of the Commission.
- B.** If a Commission member does not meet the above minimum Commission meeting attendance requirement, the Chair may contact the Commission member to discuss the situation. A majority of the Commission may also direct the Chair to contact any member not attending the required number of meetings regarding his or her attendance.
- C.** If after consultation with that Commission member, attendance does not improve over the next six (6) month period, the Chair will report the matter to the City Council Liaison. The City Council is authorized to remove a Commissioner for cause.

## **ARTICLE IV – ORDER OF BUSINESS**

- A.** Call to order, Pledge of Allegiance, roll call
- B.** Approval of the minutes of the previous meeting
- C.** Consent Agenda (n/a for Workshops)
- D.** Continuance Agenda (n/a for Workshops)
- E.** Regular or Workshop Agenda
- F.** Comments from the public
- G.** Staff liaison summary of current events
- H.** Commissioner summary of current events
- I.** Adjournment

## ARTICLE V – MATTERS PENDING BEFORE THE COMMISSION

- A.** Every matter on which the Commission is authorized or required to act, brought before the Commission by any person, official, organization, or agency shall be presented through the Development Services Department. Such presentation may include a written report.
- B. Consent Agenda.** A consent agenda may be prepared for those cases that do not require a public hearing. All items on the consent agenda may be approved by one motion without debate. An item may be removed from the consent agenda prior to the approval at the request of any member of the Commission present at the meeting, by staff, or if requested by the applicant or the public. Items removed from the consent agenda shall be considered on the regular agenda as a non hearing item.
- C. Continuance Agenda.** A continuance agenda may be prepared for items that are recommended for continuance by staff with concurrence from the applicant. These items will not have a hearing at this time but shall be moved for continuance either indefinitely or to a date certain after a brief presentation from the staff.
- D. Regular Agenda.** A regular agenda may be prepared for items that are either unfinished business or new business. Unfinished Business is for consideration of any matters continued from a previous meeting and New Business constitutes a public hearing on any new matter. Regular agenda items will receive a complete presentation from staff and a full public hearing.
- E. Comments from the Public.** Any member of the public may address the Commission at this time. Prior to speaking, a speaker card must be filled out and presented to the Chair via the Secretary.
- F. Staff liaison summary of current events.** The staff liaison or designee will present a summary of current events or as otherwise listed on the agenda. There shall be no discussion, deliberation, proposals or legal action taken related to this item.
- G. Commissioner summary of current events.** Any Commissioner or alternate present a summary of current events but there shall be no discussion, deliberation, proposals, or legal action taken related to this item.
- H. Reconsideration.** A decision of the Commission may be brought up for reconsideration or rehearing only if 1) There was a substantial procedural error in the original proceeding; or 2) The Commission acted without jurisdiction in the original proceeding; or 3) The original decision was based upon fraud or

misrepresentation. A motion to reconsider a previous decision may be made only by a Commission member who voted on the prevailing side. Any person (other than a Commissioner) seeking reconsideration must file a request with the City Clerk, together with materials supporting one or more of the criteria listed within 8 business days of the original decision. The Commission, by majority vote, may hold a rehearing if the request meets the requirements. A rehearing shall be noticed and conducted in the same manner as the original proceedings before the Commission.

## **ARTICLE VI – PUBLIC HEARINGS**

- A.** When a matter is set for a hearing on a given day and so advertised, the matter may be heard and disposed of on the records before the Commission whether or not anyone in favor of or in opposition to the application appears at the hearing.
- B.** Each matter shall be heard in the following order:
1. The Chair will call the item number and read the notice of hearing.
  2. A staff member of the Development Services Department will summarize the case and Commissioners may ask questions.
  3. The applicant or its representative may speak in support of its application and Commissioners may ask questions.
  4. Other persons in favor of the application may be heard.
  5. Those opposed to the application may be heard.
  6. The applicant may be heard in rebuttal.
  7. After discussion with the Commission, the chair may then call for a vote on the item. The Commission may vote to approve, deny or continue.
- C.** The concurring vote of a majority of the quorum of the Commission present shall be required for the adoption of any motion. The vote of each member present on each motion shall be recorded with the motion. If a quorum of the Commission votes in accordance with the staff report recommendation, it shall be presumed that the reason for the vote is consistent with the staff report. If a quorum of the Commission votes against the staff report recommendation, then the Commission as a whole shall list their reason or reasons for said vote.

## **ARTICLE VII – CONFLICT OF INTEREST**

- A.** Any member of the Commission who has a substantial interest as defined in A.R.S. Section 38-503 in the outcome of any matter brought before the Commission shall make known that interest and the minutes of that meeting shall record that the member made such fact known. The member shall refrain from voting or in any way participating in the matter.
- B.** Any member who feels that for personal reasons the member should not participate in any matter before the Commission, the member may refrain from voting or participating in that matter without stating his reasons for doing so, if it is not a matter covered in Paragraph A. above.
- C.** Additional information for this topic can be obtained in the *City of Buckeye Rules of Procedures* and the *2010 Development Code*.

## **ARTICLE VIII – ETHICS**

Commission members should be familiar with and refer to the *City of Buckeye Rules of Procedures* and the *American Planning Association Statement of Ethical Principles in Planning*.

## **ARTICLE IX – AMENDMENT OF BYLAWS**

These Bylaws or any part thereof, may be amended at the meeting of the Commission after notice has been given to all members of the Commission and a copy of the proposed amendment set with notice, provided that it shall require the concurring vote of a majority of the quorum to make any amendment or change in these Bylaws, as amended.