

Planning and Zoning Board Bylaws

The Planning & Zoning Board ("the Board") is established by Section 406 of the Mesa City Charter and Section 2-1-1 of the Mesa City Code. The Board's organization and duties are described in Title 2 - Boards and Commissions, Chapter 1, Planning and Zoning Board, of the Mesa City Code. The Board may adopt rules for the conduct of its business ("the Bylaws").

I. ORGANIZATION

101. Election of Chairperson and Vice-Chair

The Board shall elect a Chairperson (the "Chair") and a Vice-Chairperson (the "Vice-Chair") at the first meeting scheduled after July 1st of each year or more often when Chair or Vice-Chair vacancies occur. The vote shall require the entire seven-member board to be present. If the entire board is not present, the vote will be continued to the next scheduled meeting. A majority vote of the Board is required to elect the Chair and Vice Chair.

102. Duties

The Chair, or when the Chair is vacant for any reason, the Vice-Chair, shall preside at meetings, and decide all points of order or procedure, and may administer oaths and take testimony. The Vice-Chair shall perform all customary duties of the Chair whenever the Chair relinquishes the position, or when the Chair is absent. During the absence of both the Chair and Vice-Chair, the Board shall elect a presiding officer for all meetings. The Chair shall have the right to vote on all matters before the Board, and shall also have the right to make or second motions in the absence of a motion, or a second, made by another member.

103. Vacancy

Vacancies in the office of the Chair or Vice-Chair for any cause shall be filled for the unexpired term by a new election at any regular or special meeting of the Board. Whenever a member of the Board ceases to reside in the City, a vacancy on the Board is created.

104. Removal of Chair or Vice Chair

The Chair or the Vice-Chair may be removed from office at any time by a favorable vote of three-fourths (3/4) of all seven members of the Board.

105. Resignation

Any Board member who resigns before the end of their term shall submit a written resignation to the City Clerk, the Secretary to the Board, and the Chair.

106. Member Attendance

Continued absence of any member from meetings of the Board shall, at the discretion of the City Council, render any such member liable for immediate

removal from office by the Council. Any member absent from three (3) consecutive meetings without being excused shall be considered as having vacated his or her appointment.

107. Limitation of Terms.

Each Board member may serve a maximum of two (2) complete consecutive three-year terms. A Board member may be reappointed after three (3) years have elapsed.

108. Secretary to the Board

The City's Planning Director, or the Planning Director's designee, shall serve as Secretary to the Board. The City's Planning staff, under direction of the Secretary to the Board, shall furnish professional and technical advice to the Board. Other City staff may furnish professional and technical advice as requested by the Board or the Secretary to the Board.

109. Legal Counsel

The City Attorney of the City of Mesa, 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.

110. Committees

The Chair, with a majority approval of the Board, may establish standing committees or subcommittees and appoint Board members to perform work on certain tasks as is necessary.

111. Membership

There shall be seven (7) members who are residents of the City. Any vacancy shall be filled by the Mayor and City Council within a reasonable time after the vacancy occurs, for the unexpired term. Members may serve until their successors are appointed. The members of the Board shall serve without compensation.

112. Limits of Authority.

Board members have powers only in official meetings of the Board, except a Board member may perform specific official duties on behalf of the Board outside an official Board meeting if directed for a specific purpose by an action of the Board. A Board member may not make an official statement on behalf of the Board at any public forum unless directed to do so by a majority vote of the Board.

II. MEETINGS

201. Open Meetings

All meetings of the Board, its committees, and subcommittees shall be conducted in accordance with the provisions of the Arizona Open Meetings Laws (A.R.S. § 38-431 et seq.).

202. Meetings - General

All meetings and hearings of the Board shall be open to the public. Any action calling for a formal vote shall take place only at a public meeting.

203. Regular Meetings

Regular meetings of the Board are held on the second and fourth Wednesday of each month at 4:00 p.m., unless noticed or advertised differently. Any regular meeting may be changed by a majority vote of the Board if holidays or other events make it impractical to meet at the regularly scheduled time and date.

204. Meeting Location

Regular meetings of the Board shall be held in the Mesa City Council chambers, unless noticed or advertised differently.

205. Special Called Meetings and Committee Meetings

A special meeting may be held by the Board at the request of the Chair or a majority of the Board members and such requests shall be submitted to the Secretary to the Board. A special meeting may also be scheduled if a majority of the Board members approve the special meeting at one of their regularly scheduled meetings. The Board members shall be given at least forty-eight (48) hours' notice of the meeting and the Secretary to the Board shall receive forty-eight hours' notice to schedule the meeting and shall follow all state and City notice requirements. The Secretary to the Board may cancel any Special meeting if determined there is no quorum for the meeting.

All meetings of any committee of the Board shall follow the requirements in this Subsection 205.

206. Quorum and Decisions

A quorum is necessary to hold a meeting or study session. A quorum shall consist of at least four (4) members of the Board. No matter shall be considered unless there are at least 4 members present who are eligible and qualified to vote on the matter. A concurring vote of a majority of the Board members present shall be necessary to pass a motion. As an example, if five (5) members are present and eligible to vote, the business of the Board shall be transacted by a vote of at least three (3) members. A member who is disqualified from voting due to a conflict of interest shall not be counted as present for the purposes of this section.

207. Permitted Attendance by Other Means of Communication

Any Board member may participate in a Board meeting by any means of communication by which all Board members, staff and the public participating may communicate with each other simultaneously. Any Board member participating in a meeting by such method shall be considered present in person at the meeting.

208. Conflict of Interest

Board members shall abide by the provisions of Arizona Revised Statutes A.R.S. §§ 38-501 et seq., Mesa City Charter and judicial decisions pertaining to conflict of interest.

209. Conduct of Business

The Board shall conduct its business in compliance with the Mesa City Charter, Mesa City Code, City of Mesa Ethics Handbook, these Bylaws, and all other applicable State and Federal regulations.

210. Items on the Agenda

Items on the Agenda may be taken out of order at the discretion of the Chair. Any item may be continued by a majority vote of the Board members present.

211. Agenda Items

The Secretary to the Board will place items on the regular study session and public hearing agendas. Only the Secretary to the Board can schedule items for a public hearing and consideration. A Board member may request through the Chair or by the written request of three (3) members of the Board to the Secretary to the Board that an item be placed on a future study session agenda.

212. Hearing Procedure

- 1) The Chair will call the number of the application and the name of the applicant. Board members with a conflict of interest will declare the conflict and excuse themselves from participation.
- 2) Staff will state the location of the property under consideration, present a report and state the recommendation of the Staff.
- 3) The applicant or authorized representative may present any information or testimony he/she believes pertinent to the application.
- 4) 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.

- 5) Public Comment. The Chair will call for statements from persons in support. Those appearing may either stand and be counted or make statements giving reasons for the support. Those attending in opposition may then stand and to be counted or make statements giving reasons for their opposition. At the recognition by the Chair, Board members may direct questions at the speaker.
- 6) After the public comment period, the applicant or the applicant's representative shall have an opportunity to respond to the public comments or present a closing statement.
- 7) The Chair or presiding officer may establish time limits for individual testimony and may require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals. Time limits shall be enforced unless the Chair or Board decides otherwise.
- 8) After the Chair closes the public hearing, the Board shall discuss, deliberate or otherwise take action on a matter. After a motion has been made and seconded by a Board member, the Chair will not recognize applicants or persons in support or opposition for further comment. During this time a Board member may request the Chair to call an applicant or person in support or opposition for further questions; however, no member shall debate or argue an issue with the applicant or person in interest. The Board may recommend approval, approval with conditions, denial or continuance on any matter.
- 9) Voting shall be by voice vote or electronic ballot on the call of the Chair. Each Board member shall vote "yes" or "no", or if abstaining shall so indicate. The Chair may elect to take a roll call vote before or after a voice vote, and each Board member shall answer the roll call by voting "yes" or "no", or if abstaining shall so indicate.
- 10) The Chair will announce the decision of the Board, and will not recognize further discussion of the application from the floor other than to answer questions regarding the Board's decision and subsequent transmission of recommendations to the appropriate body.
- 11) The Board may take action on an application for which the applicant fails to appear (including deferring the item) and may hear those persons appearing in response to the notice of hearing.
- 12) The Board may, by motion, continue the public hearing to a fixed date, time and place or may continue the item to an undetermined date and provide notice of the continued hearing as set forth in Section 11-67-5

of the Mesa Zoning Ordinance. The Board may also defer action on any application whenever it concludes that additional evidence is needed or that alternate solutions need further study.

- 13) A Board member may request a review of any past action of the Board in order to study the effects of the Board's recommendation.
- 14) Records of any action taken by the Board will be taken by the Secretary to the Board and forwarded to the City Council.
- 15) The Board, by a single consent motion, may take action on any number of matters where the Board, Planning Staff, and the applicant for each such matter are in agreement and where, after call and invitation by the Chair to do so, and no member of the Board or general public wishes to address any particular matter designated for consent action by the Board. If any Board member or public requests to address any such matter, the Board shall withdraw the matter from the consent agenda for the purpose of conducting a full public hearing prior to taking action on the matter.

213. Study Sessions

- 1) Every regular meeting of the Board may be preceded by a study session. Additional study sessions may be held at the call of the Chair or at the request of three or more Board 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 Board 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 on the agenda for the study session. Consideration for any public testimony will be at the discretion of the Chair of the Board.

214. Withdrawal of Request

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

III. AMENDMENTS

401. Amendment Procedure

Amendments to the Bylaws may be proposed by any member of the Board, and Secretary to the Board shall place the proposed amendment on a future study session agenda. Adoption of the proposed amendment requires an affirmative vote of a majority of the Board. Amendments so adopted shall become effective at the next regular meeting of the Board and posted on the City's website.

402. Filing and Distribution

Copies of the Bylaws and any amendments thereto shall be distributed to the members of the Board and City Council. The Secretary to the Board shall maintain a file of the original copies of the Bylaws and any subsequent amendments.

IV. ADOPTION

These procedures and by-laws were adopted by the PLANNING AND ZONING BOARD at its regular meeting held on this ## day of #####, 2020.