

# CITY OF TUCSON, ARIZONA

## RULES OF PROCEDURE of CITIZEN SIGN CODE COMMITTEE

These rules are adopted pursuant to Sections 3-141 through 3-148 of Article XII of Chapter 3 and Section 10A-133 of Article XIII of Chapter 10A of the Tucson Code. Two certified copies of these rules shall be filed with the City Clerk to be kept as permanent public record. Copies of these rules shall be available to the public from the City Clerk's Office or the Sign Code Administrator.

### I. RESPONSIBILITIES & AUTHORITY

- A. *Responsibilities.* The Committee is established to meet and hold hearings and make specific recommendations to Mayor and Council concerning proposed additions, amendments, or deletions to the Sign Code and its enforcement, including but not limited to, enforcement procedures, budgetary and personnel requirements.
- B. *Duties.* The Committee is required to hold public hearings and make written recommendations to the Mayor and Council and the Sign Code Administration of amendments to the Sign Code and such other issues as may be required by the Mayor and Council. The Committee may consider any other matter that pertains or is reasonably related to its duties as described above.
- C. *Authority.* The Committee serves in the capacity of planning commission for the Tucson Sign Code. It derives its authority from and is governed by:
- Tucson City Code, Sec. 3-141 through 3-148, entitled "Tucson Sign Code."
  - Article XIII, Chapter 10A, Community Affairs, of the Tucson Code entitled "Terms and Conditions of Membership on Boards, Committees and Commissions and Filing of Rules."
  - Article XIII, Chapter 10A, Community Affairs, of the Tucson Code entitled "Terms and Conditions of Membership on Boards, Committees and Commissions and Filing of Rules."
  - Arizona Revised Statutes § 9-462 et seq. "Municipal Zoning"
  - Arizona Revised statutes § 38-431 et seq. "Public Meetings and Proceedings"

### II. COMPOSITION

- A. The Citizen Sign Code Committee consists of eleven (11) members who shall serve without compensation.
- B. Subcommittees. The Committee may create such subcommittees as it may from time to time deem necessary or desirable. The members of such committees may be selected either from

among the members of the Committee or residents of the City of Tucson qualified to contribute to the work of the subcommittee or both.

### III. APPOINTMENT AND TERMS

- A. The members of the Mayor and Council shall each appoint one member to the Citizen Sign Code Committee in conformance with Article XIII, Chapter 10A of the Tucson Code.
- B. The City Manager shall appoint four members to the Citizen Sign Code Committee.
- C. The terms of members of the Committee appointed by the Mayor and Council shall be in conformance with Article XIII, Chapter 10A of the Tucson Code. All City Manager appointments shall be for four years.
- D. City employees, elected officials excluded. No member of the Committee may be a City employee or hold a City elective office.

### IV. ADMINISTRATIVE FUNCTIONS

- A. *Election of Officers.* The Committee shall elect a Chair and a Vice-Chair from among its members. The terms of the Chair and Vice-Chair are one (1) year, which shall commence in February of each year. Neither the Chair nor the Vice-Chair may be re-elected for that position for more than two consecutive terms.
  - 1. Chair. The Chair shall:
    - a. preside at all meetings and hearings of the Citizen Sign Code Committee;
    - b. work with the Executive Secretary to set the meeting agendas;
    - c. declare votes;
    - d. sign documents;
    - e. have the power, with the consent of the Committee, to create standing or temporary committees of one or more members and others qualified to contribute to the work of the study committee, as provided under Chapter 10A of the Tucson Code (see Appendix).
  - 2. Vice-Chair. The Vice-Chair shall preside, in the absence of the Chair from any meetings, and perform all the duties incumbent upon the Chair.
  - 3. Temporary Chair. A Temporary Chair shall be elected by the members present at a meeting if the Chair and Vice-Chair are both absent. The Temporary Chair shall have the full powers of the Chair during the absence of the Chair and Vice-Chair.

- B. *Executive Secretary.* The Executive Secretary to the Committee shall be the Sign Code Administrator or a designee. In the absence of the Executive Secretary from any meeting, a temporary Executive Secretary shall be appointed. The Executive Secretary shall have no voting privileges

The Executive Secretary shall:

1. keep a record of all meetings of the Committee, and of its subcommittees.
2. prepare, with the Chair, meeting agendas;
3. coordinate and distribute meeting materials, including written comments received from the public, prior to the meetings; and
4. prepare such reports and gather such material as may be necessary for the Committee to conduct its business as requested by the Committee.

- C. *City Clerk.* The City Clerk or designee shall be the recording and corresponding secretary to the Committee and shall assist with preparing and providing notices of public hearings.

- D. *Legal Counsel.* The City Attorney or a designated representative shall be the legal counsel for the Committee and its subcommittees.

- E. *Meetings.* The Committee shall hold as many meetings as necessary to conduct its business in a timely manner, except when there are no agenda items. All meetings shall be open to the public and will be conducted in a respectful manner.

- F. *Quorum and Voting.* A majority of the membership constitute a quorum. A simple majority of those members present is required to approve or deny any items before the Committee.

- G. *Call to the Audience.*

1. Any member of the public is allowed to address the Committee on any issue except items scheduled for a public hearing at the meeting. Comments on an item scheduled for public hearing are made during each item's public comment period, if held.
2. Speakers are limited to three-minute presentations.
3. Speakers must state their name, address, whether they work for the City of Tucson, whom they represent, and the subject matter.

4. The Committee may not discuss or take legal action on matters raised during Call to the Audience because these matters are not on the published agenda. The Committee may, at its discretion, request an item be placed on a future agenda.

*H. Decorum and Debate.*

1. When a member desires to speak or make a motion, he or she shall address himself or herself to the Chair, and upon being recognized, address the membership.
  2. No member shall interrupt another, except to call to order or to correct a mistake.
  3. No person shall interrupt proceedings.
- I. *Rules of Procedure for Public Hearings.* The Committee hereby adopts rules of procedure for its hearings. Robert's Rules of Order shall govern actions of the Committee where they are not covered by these Rules and the Regulations of the Sign Code. These rules of procedure may be amended at any regular meeting of the Committee by a majority vote:
1. The following order of proceedings shall be utilized for all public hearings as determined by the Chair:
    - Presentation by staff
    - Questions for staff
    - Chair opens public hearing for public comment and calls for time limits, if applicable
    - Close public hearing
    - Discussion by Committee
    - Motion for recommendation/ 2nd.
    - Further discussion and deliberation
    - Vote
  2. The Chair, with the consent of the Committee, may re-open a public hearing after it has been closed and prior to a vote that establishes a recommendation.
  3. Persons attending Committee public hearings shall remain silent during the proceedings except when called upon by the Chair to address the Committee.
  4. Persons speaking to the Committee at a public hearing shall address the matter under consideration by the Committee in a courteous and respectful manner.
  5. Comments to the Committee should not repeat or duplicate the comments of others who have already spoken

6. The Chair, with the consent of the Committee, may impose time limits on public comments at the beginning of a public hearing when appropriate.

J. *Schedule of Public Hearings.*

1. Requirements. The Committee shall hold at least one (1) public hearing prior to moving items forward to Mayor and Council with a recommendation.
2. Notice of Public Hearings. Notice of the time, place and agenda for public hearings of the Committee shall be posted on the City's web site and in appropriate locations in accordance with the Tucson City Code, Tucson Sign Code and Arizona Revised Statutes § 38-431 et seq.
3. Study Sessions. The purpose of study sessions is to allow the Committee to hear presentations on items prior to their presentation at a public hearing. The Committee is allowed to ask questions and request more information on such items in an effort to better prepare for the public hearing. The Chair, with the consent of the Committee, may allow members of the public to speak at a study session.

K. *Executive Sessions.* The purpose of executive sessions is to obtain legal advice on matters. Such meetings are confidential, closed to the public and must be noticed in accordance with State law. Executive sessions can be held the same night as a regularly scheduled meeting.

L. *Informational Presentations.* The Executive Secretary may bring before the Committee informational items that are appropriate to the furtherance of the Committee's duties.

M. *Motions.* A motion is a proposal for some type of action made by one member, seconded on by another, and then voted on by the full Commission. The name of the members making and seconding a motion shall be recorded in the minutes of the meeting.

1. Main Motions. The most common motions are the main motion - the first motion made and seconded.
2. Substitute Motions. Substitute motions are made by another Committee member after a main motion has been made and seconded, but before a vote on the main motion has been taken. When substitute motions are made, they must be voted on first before a vote can be taken on the main motion. If the substitute motion is passed, the main motion is dropped.
3. Friendly Amendments. Friendly amendments to motions are requests to amend a

motion. They can be proposed by a Committee member after a main motion has been made and seconded, but must be accepted/approved by the committee member whose motion they want to amend and the seconder of that motion.

4. Making Motions. There are six steps to processing motions. In instances where there are substitute motions, these six steps must be followed on the secondary motions before the main motion can be voted on.
  - a. A Member makes a motion.
  - b. Another Member seconds the motion. This Member does not have to agree with the motion; they only have to agree that it should be discussed.
  - c. The Chair may restate or have the motion restated, formally placing it before the Committee.
  - d. Debate/discussion ensues.
  - e. The Chairperson asks for a vote on the motion.
  - f. The Chairperson announces the result of the vote.

*N. Participation by the Public/City Staff.*

1. All interested parties may submit their comments and expressions of any issues or concerns regarding a matter prior to a public hearing by submitting them to the Sign Code Administrator, who shall forward the comments to the Committee at the public hearing.
2. Opportunities for public participation include the Call to the Audience and the open comment period during public hearings.

*O. Committee Recommendations.* As provided by the Sign Code, the Committee shall hold public hearings on adoptions of and amendments to the Sign Code, and upon agreement by a majority of its members, shall forward a recommendation regarding each to the Mayor and Council.

1. Timeframe. A public hearing may be continued by the Committee for up to ninety (90) days from the date it is opened. A recommendation shall be made within forty-five (45) days of the close of the hearing(s), or after ninety (90) days from the opening of the public hearing if no recommendation is made.
2. Content. The Committee advises the Mayor and Council concerning proposals to adopt or amend amendments to the City's Sign Code.
3. Forwarding to Mayor and Council with a Recommendation for Consideration and Action. If the Committee fails to issue a recommendation, the Chair shall forward a

recommendation that the matter be considered and acted upon by the Mayor and Council.

- P. *Conflict of Interest.* Any member of the Committee who has a conflict of interest as provided by law related to any matter before the Commission shall refrain from participating in the meeting, shall so publicly indicate, shall step down and leave the hearing room, and shall abstain from all proceedings, deliberations and voting on the matter.
- Q. *Recording Minutes of Meetings / Legal Action Reports.* As required by Arizona Revised Statute § 38-431.01, meeting minutes and legal action reports will be posted for every meeting of the full Committee.
1. Legal Action Reports. A summary of the legal actions taken at a Committee meeting will be posted on the City's website and with the City Clerk's Office within three (3) working days of the meeting.
  2. Meeting Minutes. The objective of the meeting minutes is to maintain a complete factual record of motions, findings of fact and actions taken by the Planning Commission. Minutes shall include at least the following:
    - date, time, and place
    - members' attendance
    - general description of matters considered
    - an accurate description of all legal actions proposed, discussed or taken, and the names of members who propose each motion, and
    - names of persons making statements or presenting material to the public body and a brief description of the presented material.
  3. Responsibilities. The City Clerk or designee shall act as recording secretary and will prepare the legal action reports and meeting minutes. Tape recordings of the meetings will be available through the Clerk's Office in conformance with State law.