CITY OF TUCSON, ARIZONA

RULES OF PROCEDURE OF THE PLANNING COMMISSION

Prepared by the Department of Urban Planning & Design
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ATTACHMENT A

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APPENDIX A 10

CITY OF TUCSON, ARIZONA

RULES OF PROCEDURE OF THE PLANNING COMMISSION

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These rules and regulations are adopted pursuant to Sec. 5.1.5.2, Article V of Chapter 23, Land Use Code, of the Tucson Code. Three 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 Department of Urban Planning & Design.

I. RESPONSIBILITIES & AUTHORITY

A. *Responsibilities.* The Planning Commission is established to advise the Mayor and Council and the Department of Urban Planning & Design on the adoption of long-range plans, policies, specific plans, and regulations that affect land use and development.

B. *Duties.* The Planning Commission is required to hold public hearings and make written recommendations (findings) to the Mayor and Council and the Department of Urban Planning & Design on adoptions of and amendments to the City's General Plan, specific plans and text of the Land Use Code (LUC), and such other issues as may be required by the Mayor and Council. The Planning Commission may consider any other matter that pertains or is reasonably related to its duties as described above.

C. *Authority.* The Planning Commission serves in the capacity of planning commission as provided in Arizona Revised Statute § 9-461.02. The City of Tucson Planning Commission derives its authority from and is governed by (see Appendix):

- Land Use Code Sec. 5.1.5, entitled, "Planning Commission."
- Land Use Code Sec. 5.4.2, entitled, "Planning Commission Legislative Procedure."
- 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 § 9-461 et seq. " Municipal Planning"
- Arizona Revised Statutes § 9-462 et seq. "Municipal Zoning"
- Arizona Revised statutes § 38-431 et seq. "Public Meetings and Proceedings"

* * *

II. COMPOSITION

The Planning Commission consists of thirteen (13) members, as provided below.

A. *Appointments.* Each member of the City Council appoints two (2) members, both of whom must be residents of the city and at least one of whom must be a resident of the Council Member's ward. The Mayor appoints one (1) member who must be a resident of the city. Should an appointment not be made within thirty (30) days of when the position becomes available, the appointment can be made by a majority vote of the Mayor and Council. All members of the Commission serve without compensation.

B. *Qualifications.* Members of the Planning Commission are appointed on the basis of their interest in the city and its future development, particularly as demonstrated by active participation in community affairs directly related to planning issues. No member shall hold any city, county or state elective office or be a permanent employee of the City while appointed to the Commission.

C. *Terms and Removal from Office.* The term of appointment and removal of a member of the Planning Commission shall be in accordance with Tucson Code, Chapter 10A, Article XIII (see Appendix).

* * *

III. ADMINISTRATIVE FUNCTIONS

A. *Election of Officers.* The Planning Commission 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 successive terms.

1. Chair. The Chair shall:
   a. preside at all meetings and hearings of the Planning Commission;
   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 Planning Commission, to create standing or temporary committees of one or more members and others qualified to contribute to the work of the special 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 Commission shall be the Director of the City's Department of Urban Planning & Design 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 Commission, and of its committees, at the Department of Urban Planning & Design;
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 Planning Commission to conduct its business as requested by the Planning Commission.

C. *City Clerk.* The City Clerk or designee shall be the recording and corresponding secretary to the Planning Commission 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 Planning Commission and its committees.

E. *Meetings and Hearings.* The Planning Commission shall hold at least one (1) meeting per month but may 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.* Seven (7) members of the Planning Commission present at a meeting constitute a quorum. A simple majority of those members present is required to approve or deny any items before the Commission, except those requiring a recommendation to the Mayor and Council (see IV.G. Motions and IV.K. Planning Commission Recommendations).

G. *Records.* The Department of Urban Planning and Design shall keep public records of the Planning Commission's public hearings, findings, and recommendations.

H. *Rules of Procedure.* The Planning Commission shall adopt rules of procedure necessary to carry out its functions.

1. The rules of procedure may be amended at any regular meeting of the Commission by a majority vote of the entire membership.
2. Any provision of these rules that is amended or superceded by a subsequent amendment to the Land Use Code, the Development Compliance Code or the Tucson Code, shall be automatically be amended to conform to the subsequent code provision.

3. Copies of such rules shall be available to the public through the Department of Urban Planning & Design and the City Clerk's Office.
4. Robert's Rules of Order may be followed in all cases not in conflict with these rules or superior rules (e.g. Ordinance, Statutes, City Charter, Arizona Constitution).

I. *Subcommittees.* The Planning Commission may create such special subcommittees as it may deem necessary or desirable as provided under Chapter 10A of the Tucson Code (see Appendix). The members of such subcommittees shall be selected from among the members of the Planning Commission and may include other persons qualified to contribute to the work of the special committee as non-voting members. Subcommittees shall conform to notice and recording provisions in Sections IV.B. Notice of Meetings and Public Hearings, IV.G. Motions and IV.K. Recording Minutes of Meetings/ Legal Action Reports.

No standing or temporary committees shall have the power to commit the Commission to the endorsement of any plan or program without its submission to the body of the Commission.

* * *

IV. LEGISLATIVE PROCEDURES

The legislative procedures that apply to the Planning Commission, including the application, staff review, notice and public hearing procedures are established in the Land Use Code in Sec. 5.4.1 and 5.4.2 (see Appendix).

The following rules establish the Planning Commission's meetings and procedures to carry out these functions.

A. *Agenda.* An agenda shall be prepared for each regular meeting.
   1. Responsibility. The Chair, working with the Executive Secretary or designee, shall set the agenda.
   2. Content. Each regular meeting agenda shall consist of the following order of business (items may be taken out of order at the meeting or public hearing at the discretion of the Chair):
      1. Call to Order
      2. Roll Call
      3. Approval of Minutes
      4. Public Hearings
      5. Study Sessions
      6. Other Business
      7. Call to Audience
      8. Adjournment.
   3. Adding Items. Items can be added to the agenda by the Chair or by vote of the Commission.

B. *Notice of Meetings and Public Hearings.* Notice of the time, place and agenda for the meetings and public hearings of the Planning Commission shall be posted on the City's web site and in appropriate locations in accordance with the Land Use Code Sections 5.4.1 and 5.4.2., and Arizona Revised Statutes § 38-431 et seq. (see Appendix).

C. *Study Sessions.* The purpose of study sessions is to allow the Planning Commission to hear presentations on items prior to their presentation at a public hearing. The Commission 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 Commission, may allow members of the public to speak at a study session.

D. *Public Hearings.*

1. Requirements. The Planning Commission shall hold at least one (1) public hearing prior to moving items forward to Mayor and Council with a recommendation. For the re-adoption of, or a major amendment to, the General Plan, the Planning Commission shall hold at least two (2) public hearings, each in a different location within the city and shall provide additional consultation and public notice.
2. Procedure. The following procedure shall be utilized for all public hearings as determined by the Chair:

    1. Presentation by staff and, as applicable, applicant.
    2. Questions for staff and/or applicant, as applicable.
    3. Chair opens public hearing for public comment.
    4. Applicant rebuttal, if requested.
    5. Close public hearing.
    6. Discussion by Planning Commission, as applicable.
    7. Motion for recommendation / 2nd.
    8. Further discussion and deliberation.
    9. Vote.

    a. The Chair, with the consent of the Planning Commission, may re-open a public hearing after it has been closed and prior to a vote that establishes a recommendation.

    b. Persons attending Planning Commission meetings and hearings shall remain silent during the proceedings except when called upon by the Chair to address the Commission.

    c. Persons speaking to the Planning Commission shall address the matter under consideration by the Commission in a courteous and respectful manner.

    d. Comments to the Commission should not repeat or duplicate the comments of others who have already spoken.

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

3. Copies of Exhibits for Public Record. For any oversized exhibit in the course of a presentation, a copy of the exhibit reduced to 8 ½ x 11 inches (standard letter size) shall be provided to the Executive Secretary.

E. *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.

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

G. *Motions.* A motion is a proposal for some type of action made by one Commissioner, 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 Commissioner 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 Commissioners after a main motion has been made and seconded, but must be accepted/approved by the Commissioner 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.
    1. A Commissioner makes a motion.
    2. Another Commissioner seconds the motion. This Commissioner does not have to agree with the motion, they only have to agree that it should be discussed.
    3. The Chair may restate or have the motion restated, formally placing it before the Commission.
    4. Debate/discussion ensues.
    5. The Chairperson asks for a vote on the motion.
    6. The Chairperson announces the result of the vote.

Except for recommendations to the Mayor and Council as provided in IV.K. Planning Commission Recommendations below, a vote by a majority of the members present shall approve a motion.

H. *Call to the Audience.*

1. Any member of the public is allowed to address the Planning Commission 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.
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 Planning Commission 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 Planning Commission may, at its discretion, request an item be placed on a future agenda.

I. *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.

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

1. All interested parties my submit their comments and expressions of any issues or concerns regarding an application prior to a public hearing by submitting them to the Planning Commission in care of the Department of Urban Planning & Design Director. The Director shall forward the comments to the Planning Commission, or submit them to the Planning Commission at the public hearing.
2. Opportunities for public participation include the Call to the Audience (IV.H. Call to the Audience) and the open comment period during public hearings (IV.D. Public Hearings).

K. *Planning Commission Recommendations.* As provided by the Land Use Code (LUC), the Planning Commission shall hold public hearings on adoptions of and amendments to, the City's General Plan, specific plans and text of the LUC, and such other issues as may be required by the Mayor and Council, and upon agreement by seven (7) of its members and shall forward a recommendation regarding each to the Mayor and Council.

1. Timeframe. A public hearing may be continued by the Planning Commission 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 Planning Commission advises the Mayor and Council regarding the adoptions of and amendments to the City's General Plan, specific plans and Land Use Code text through the recommendations it forwards to them. The Planning Commission may, and for specific plans shall, provide reasons supporting their recommendations or "findings".

A Commissioner can include as part of a motion the specific reasons upon which the motion is based, which will be reflected in the written recommendation. If no specific reasons are stated at the time a motion is made, or in the course of the discussion on the motion, the written recommendation shall summarize the reason for the action taken by the Planning Commission by incorporating information from staff reports, presentations, public hearing comments, and discussion by the Commission.

3. Forwarding to Mayor and Council with a Recommendation for Consideration and Action. The Planning Commission can issue a recommendation to the Mayor and Council for either approval or denial if the recommendation receives seven (7) or more votes and meets the timeframe listed in IV.K.1. Timeframe. The Chair shall forward the recommendation within forty-five (45) days of the closing of the public hearing.

   If the Planning Commission fails to issue a recommendation for approval or denial that meets these criteria, the Chair shall forward a recommendation that the matter to be considered and acted upon by the Mayor and Council. For specific plan amendments, the recommendation shall include a summarized explanation of the reasons discussed by the Commissioners for voting for or against the motion for a recommendation.

4. Redevelopment Plans. For redevelopment plans, the Planning Commission reviews the plan for compliance with the General Plan and any applicable specific plans at a public meeting or a public hearing. The Planning Commission shall forward a recommendation to Mayor and Council within thirty (30) days from the date of its receipt of the plans for review. If no recommendation is forwarded within thirty (30) days, the Chair shall forward a recommendation for consideration and action to the Mayor and Council on the redevelopment plan as provided in Rule IV.I.3. Forwarding to Mayor and Council with a Recommendation for Consideration and Action.

L. *Conflict of Interest*. Any member of the Commission 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.

M. *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 Planning Commission.

1. Legal Action Reports. A summary of the legal actions taken at a Commission 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.

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ADOPTED: February 12, 1975

AMENDED AS OF: February 19, 1975; September 1, 1976; August 3, 1977; December 1, 1982; February 5, 1992; June 2, 1993; Revised - December 11, 1997; Revised May 2, 2007.

APPENDIX A

Guiding Legislation

The Planning Commission serves in the capacity of planning commission as provided in Arizona Revised Statutes § 9-461.02. The City of Tucson Planning Commission derives its authority from and is governed by the following:

Tucson Code

Chapter 23, "Land Use Code"

Accessible online via <www.tucsonaz.gov/planning/codes/luc/> or through the City Clerk's Office web site <www.tucsonaz.gov/clerks/>.

- Section 5.1.5, entitled, "Planning Commission."
- Section 5.4.2, entitled, "Planning Commission Legislative Procedure."

Chapter 10A, "Community Affairs"

Accessible online via <www.tucsonaz.gov/clerks/> or via Municode.com at <www.municode.com/resources/gateway.asp?pid=11294&sid=3>.

- Article XIII, entitled, "Terms and Conditions of Membership on Boards, Committees and Commissions and Filing of Rules."

Arizona Revised Statutes

Accessible online via <www.azleg.gov/ArizonaRevisedStatutes.asp>.

Title 9. "Cities and Towns"

- Section 9-461 et seq. " Municipal Planning"
- Section 9-462 et seq. "Municipal Zoning"

Title 38. "Public Officers and Employees"

- Section 38-431 et seq. "Public Meetings and Proceedings"

Copies of the legislation can be obtained as a supplement to the Planning Commission's "Rules of Procedure" from:

City of Tucson Urban Planning & Design Department
<www.tucsonaz.gov/planning/news/planningcommission>
(520) 791-4505

– OR –

City of Tucson City Clerk's Office
<www.tucsonaz.gov/clerks/boards.php?board=38>
(520) 791-4213