

**BYLAWS OF THE PLANNING AND ZONING COMMISSION
CITY OF BULLHEAD CITY, ARIZONA**

SCOPE

These Bylaws are adopted as rules of procedure by the City of Bullhead City Planning and Zoning Commission (“Commission”) to ensure continuity of action, uniformity in the consideration of applications and for the guidance of new members to the Commission to the end that the citizens of the City of Bullhead City (“City”) will be well served in matters coming before the Commission.

I. ORGANIZATION

101. MEMBERSHIP

The Commission will consist of a maximum of seven members appointed by the City Council. Individual terms are for two (2) years.

102. ELECTION OF CHAIRMAN AND VICE CHAIRMAN

The Commission, in accordance with Chapter 2.64 of the City Code will, as the first order of business at the first regular meeting scheduled of each fiscal year, elect a Chairman (“Chair”) and a Vice-Chairman (“Vice-Chair”) from among its appointed members, unless postponed to a later meeting. Their terms shall be for the succeeding fiscal year, and they are eligible for re-election.

103. CHAIR

The Chair presides at all meetings and hearings of the Commission, decides all points of order or procedure and performs any duties required by law, ordinance or these Bylaws. The Chair shall vote and participate in discussion of these motions. The Chair may confer with the staff liaison to the Commission regarding: A. placing matters on the agenda and/or agenda items; B. scheduling special reports; C. discussion of current matters under consideration; and D. discussion of future matters to be considered.

104. VICE-CHAIR

The Vice-Chair serves in the absence of the Chair or if the Chair resigns.

105. VACANCY AND REMOVAL

A. Vacancies in the office of 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 Commission. Vacancies occurring in the membership of the Commission through the resignation or removal of any of its appointed members will be filled by the City Council at any regular or special meeting of the City Council.

- B. The Commission, may by a majority vote, request that the City Council replace any member who has exhibited conduct which includes, but is not limited to: incompetence; willful inattention to duties; grossly discourteous treatment of the public, staff or other Commission members or members of the City Council; willful violation of city ordinances or state law; attendance at any meeting of the Commission while impaired by drugs or alcohol; conviction of a felony or any criminal offense involving truth, theft, or moral turpitude; or any other conduct unbecoming a member of the Commission. In addition, the members of the Commission may, by a majority vote, request that the City Council replace any member whom they consider as otherwise not fulfilling the obligations assumed by acceptance of appointment to the Commission. The City Council may also remove any member of the Board in accordance with Chapter 2.44 of the City Code.

106. STAFF REPRESENTATION

Staff who will attend all meetings of the Commission are: A. staff liaison to the Commission or representative; B. City Engineer or representative; C. City Attorney or representative; and D. recording secretary.

107. STAFF SUPPORT

- A. Staff's duties and obligations to the Commission include:
1. Preparation, posting, and distribution of agendas and Commission member information packets usually not less than seven (7) calendar days prior to Commission meetings.
 2. Preparation of agendas from items generated by staff or as requested by the Commission in a previous meeting.
 3. Recordation of meeting minutes and provision of transcripts for review by the Commission prior to the next meeting.
 4. Presentation of agenda items generated by staff.
 5. Preparation of the Commission's recommendations in writing for the City Council.

6. Arrangement of, as necessary, for the Commission's designated representative to appear before the City Council to explain an action, particularly when the Commission's recommendation differs from staff's.
- B. Staff will also provide further information for any matter under consideration requested by a Commission member and distribute the same to all other Commission members.

108. LEGAL COUNSEL

The designated representative of the City Attorney's office will be in attendance at any regular or special meeting of the Commission. Advice from the City Attorney may be received and entered in the minutes before disposition of any question of law or matter pertaining to legal interpretation or advice. The Commission may receive legal advice in executive session as to any matter pending consideration on the agenda.

II. MEETINGS

201. COMPLIANCE WITH ARIZONA STATE OPEN MEETINGS LAW

All regular meetings, special meetings, and emergency meetings of the Commission shall comply with the Arizona Open Meeting Law as set forth under A.R.S. § 38-431 *et seq.*

202. REGULAR MEETINGS

Regular meetings of the Commission are held on the first Thursday of each month at 5:30 p.m. in City Council Chambers at 1255 Marina Blvd., unless public notice is made of another meeting place or time. If there are no items for Commission consideration no meeting will be held and staff may issue a notice that a meeting will not take place. The meeting date or time may be changed if a quorum cannot be present for the regularly scheduled meeting. If a regular date falls on a holiday, the meeting will be held the following Thursday or on another meeting day as approved by a majority vote of the Commission.

203. SPECIAL MEETINGS

- A. A special meeting of the Commission may called by the Chair upon condition that written notice is provided to all Commission members and staff no sooner than seven (7) days prior to the special meeting.
- B. A special meeting of the Commission may also be called upon the written request of three (3) Commission members directed to the Chair and staff. Written notice of the special meeting shall be provided to all Commission members and staff no sooner than seven (7) days after receipt of the written request.

- C. The Chair may schedule emergency meetings in compliance with the open meeting law.

204. SITE VISITS

In order to carry out its duties, the Commission is permitted to visit, as a group or individually, the site of a matter scheduled to come before the Commission. However, if four (4) or more members travel to or meet at the site(s) together, the visit will be deemed a meeting and must be in compliance with the open meeting law. It is recommended that members not travel to or meet at site(s) together unless staff has been notified and had reasonable opportunity to ensure compliance with open meeting law requirements.

205. QUORUM AND VOTING

Four members constitute a quorum. The affirmative vote of four (4) members is required for passage of any matter before the Commission. The minutes of the meetings shall reflect a "yes" or "no" as cast on a particular measure and reflect the vote of each member present. A member may abstain from voting only upon a declaration that the member has a conflict of interest as defined in Section 207, in which case the member shall take no part in the deliberation or vote on the matter in question and take the actions as outlined in Section 207 below.

A Commission member shall not vote to approve minutes from a meeting at which the member was not in attendance.

206. ATTENDANCE

The established dates of meetings permit Commission members to schedule personal business appointments not to conflict with Commission meetings. Members should notify staff in advance of anticipated absence from meetings. If a member misses more than three (3) meetings over a twelve (12) month period without valid cause, that member's seat on the Commission may be considered vacant as determined by a majority vote of the Commission and filled pursuant to Section 105 above.

207. CONFLICT OF INTEREST

- A. Any Commission member having a "substantial interest" in the outcome of any matter before the Commission under Arizona's "conflict of interest" laws (A.R.S. § 38-501 *et seq.*) shall declare the conflict in writing on a form provided by the City Clerk and not participate as a Commission member in the discussion, deliberation, or decision on the matter.
- B. No Commission member shall initiate, discuss, negotiate, secure, draft, or create any contract on behalf of the City if the Commission member is an employee, agent or consultant to another party of the contract. If a Commission member believes a

conflict of interest exists the member may request and receive a written opinion from the City Attorney regarding the member's participation with that particular issue.

208. ORDER OF BUSINESS

- A. The order of business will be as follows:
 - 1. Call to order.
 - 2. Roll call by the recording secretary.
 - 3. Pledge of allegiance.
 - 4. Presentations.
 - 5. Call to the public.
 - 6. Approval of minutes of previous meeting(s).
 - 7. Requests for postponement or withdrawal of items.
 - 8. Hearing of items.
 - 9. Reports by Commission members or department staff.
 - 10. Commissioner comments on current events.
 - 11. Discussion to identify and approve future agenda items.
 - 12. Adjournment.

- B. The Chair may alter the order of business for convenience or necessity.

209. HEARING OF APPLICATIONS

- A. The Chair will call the number of the application, the name of the applicant, the location of the land under consideration, open the application for public hearing if required, and ask for recommendations of staff. Commission members may address questions to the staff through the Chair or directly with the approval of the Chair.

- B. The applicant or legal representative may present any information or testimony they believe pertinent to the application. There shall not be a limit on the amount of time for the presentation by the applicant or legal representative. However, the Commission may ask the applicant to continue the request to the next regularly scheduled meeting in order to allow time to adequately review the submittal. Commission members may address questions to the applicant through the Chair or directly with the approval of the Chair.

- C. The Chair will call for statements from property owners in favor of and opposed to the application. Those making statements may either stand and be counted or make statements giving reasons for their position. Persons speaking are limited to five (5) minutes each. Commission members may address questions to property owners through the Chair or directly with the approval of the Chair.

- D. After the public hearing has been closed and a motion has been made by a Commission member, the Chair will not recognize applicants or opposition for comment. However, during discussion of any motion pending vote, a member may request the Chair to call on an applicant or opponent for further questions.

- E. The Chair will announce the decision of the Commission. The Chair will not recognize further discussion of the application from the floor other than to answer questions regarding the Commission's decision. In the same meeting in which a matter has been voted upon, or in the next succeeding meeting if properly agendized, a member who voted with the prevailing side may make a motion to reconsider the item which may be seconded by any member. If the motion passes the item may be reconsidered.

210. APPEALS

Decisions by the Commission as to conditional use permits and sign packages are appealable to the City Council upon written notice within fifteen (15) days of the Commission's decision. After fifteen days the decision becomes final. Decisions as to requests for rezoning are recommendations to and subject to City Council approval. Any other actions are final or subject to appeal as provided by law.

III. AMENDMENTS

301. AMENDMENT PROCEDURE

Amendments to these Bylaws may be made by the Commission upon the affirmative vote of four (4) members, provided the amendment is proposed at a regular meeting of the Commission and recorded in the minutes of the meeting. Amendments so adopted become effective at the next regular meeting of the Commission following City Council approval.

302. ANNUAL REVIEW

Staff shall schedule an annual review of these Bylaws at or in close proximity to the first regular meeting of each fiscal year.

303. FILING AND DISTRIBUTION

Copies of these Bylaws and any amendments will be distributed to the members of the Commission and to the Mayor and members of the City Council. The secretary shall maintain a file of the original copies of these Bylaws and any subsequent amendments.

304. EFFECTIVE DATE

Upon approval of these Bylaws by the City Council, all prior Bylaws are rescinded in their entirety and replaced with the foregoing.

Charles Dewald 8-29-11 Howard D. Brassfield 9-1-11
Charles Dewald, Chair Date Howard D. Brassfield, Vice Chair Date

ATTEST:

Susan Stein
Susan Stein, City Clerk (SEAL)

APPROVED AS FORM:

Garnet K. Emery
Garnet K. Emery, City Attorney

Date approved by Commission: 8-4-2011

Date approved by City Council: 8-16-2011