



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

SPECIAL JOINT WORKSHOP MEETING OF THE JEROME PLANNING AND ZONING COMMISSION AND DESIGN REVIEW BOARD AGENDA

Wednesday, April 29, 2020 TIME: 5:00 pm

**IN ACCORDANCE WITH AN EXECUTIVE ORDER BY GOVERNOR DUCEY, IN-PERSON ATTENDANCE
AT PUBLIC MEETINGS HAS BEEN SUSPENDED UNTIL FURTHER NOTICE.**

WATCH LIVE-STREAMED MEETINGS AT <https://www.facebook.com/TownofJeromeAZ>

**Notice is hereby given pursuant to A.R.S. 38-431.02 that members of the Jerome Planning and Zoning Commission,
Design Review Board and staff will attend by audio/video conference call.**

PUBLIC PARTICIPATION IN THE MEETING THIS MEETING WILL BE HELD BY REMOTE PARTICIPATION ONLY.

Members of the public are encouraged to participate in the meeting via the following options:

1. Zoom Conference
 - a. Computer: <https://us04web.zoom.us/j/9286347943>
 - b. Telephone: 1-669-900-6833 Meeting ID: 928 634 7943
2. Submitting questions and comments:
 - a. If attending by Zoom video conference, click the chat button and enter your name and the agenda item you would like to address.
 - b. Email j.knight@jerome.az.gov (Please submit comments at least one hour prior to the meeting.)
3. View the live stream at <https://www.facebook.com/TownofJeromeAZ>. **Please note that comments submitted via Facebook may not be seen or acknowledged during the meeting itself.**

NOTE: FOR THOSE WITHOUT HOME INTERNET: A drive-up internet hotspot is now available in the parking lot in front of the Jerome Public Library. Bring your device and access the internet while sitting in your car. The network is **Sparklight Yavapai Free WIFI** and no password is required.

1) CALL TO ORDER/ROLL CALL

2) PETITIONS FROM THE PUBLIC — Pursuant to A.R.S. § 38-431.01(H), public comment is permitted on matters not listed on the agenda, but the subject matter must be within the jurisdiction of the commission. All comments are subject to reasonable time, place, and manner restrictions. All petitioners must fill out a request form with their name and subject matter. When recognized by the chair, please step to the podium, state your name, and please observe the three (3)-minute time limit. No petitioners will be recognized without a request. The commission's response to public comments is limited to asking staff to review a matter commented upon, asking that a matter be put on a future agenda, or responding to criticism.

Possible Direction to Staff

3) Approval of Minutes: Minutes of the Regular Jerome Planning and Zoning Commission Meeting of February 12, 2020

Discussion/Possible Action/ Possible Direction to Staff

Continued Items: None

New Business:

4) Select New Officers for the Planning and Zoning Commission (Chair and Vice Chair)

5) Board Training on the following items: Planning 101, Statutory/Regulatory Authority, Town Codes and General Plan, Riggins Rules, Robert's Rules, Open Meeting Law, Conflict of Interest, Bylaws

Discussion/Possible Direction to Staff

Informational Items (Current Event Summaries):

6) Updates of Recent and Upcoming Meetings: John Knight, Zoning Administrator

- a) **Planning and Zoning Commission – May 6, 2020:** No items currently scheduled (meeting will likely be cancelled)
- b) **Design Review Board – May 11, 2020:** UVX Apartments front improvements and sign for new business at 105 Main Street (formerly Cleopatra Hill)
- c) **Council – April 22, 2020:** Community garden
- d) **Council – May 12, 2020:** Ordinance amendment to update Section 509. Signs, and new Telecommunications ordinance
- e) **Council – July 14, 2020:** Ordinance amendments regarding definitions of *boarding house* and *hotel*, possible exemptions for small projects, and misc. updates

7) Adjourn

The undersigned hereby certifies that this notice and agenda was posted at the following locations on or before 6:00 p.m. on _____

- 970 Gulch Road, side of Gulch fire station, exterior posting case
- 600 Clark Street, Jerome Town Hall, exterior posting case
- 120 Main Street, Jerome Post Office, interior posting case

Rosa Cays, Deputy Clerk, Attest

Persons with a disability may request reasonable accommodations such as a sign language interpreter by contacting Town Hall at (928) 634-7943. Requests should be made as early as possible to allow enough time to make arrangements. Anyone needing clarification of an agenda item may call John Knight at (928) 634-7943.



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

REGULAR MEETING OF THE TOWN OF JEROME PLANNING AND ZONING COMMISSION

DATE: Wednesday, February 12, 2020 TIME: 6:00 pm
PLACE: JEROME CIVIC CENTER 600 Clark St., JEROME, ARIZONA 86331

MINUTES

ITEM 1: CALL TO ORDER/ROLL CALL

Chair Lance Schall called the meeting to order at 6:12 p.m.

Roll call was taken by Rosa Cays, Deputy Clerk. Commission members present were Chair Lance Schall, Henry Vincent, Scott Hudson, and Jessamyn Ludwig. Vice Chair Joe Testone was absent.

Also present was John Knight, Zoning Administrator.

6:12 (00:40) ITEM 2: FROM THE PUBLIC – There were no petitions from the public.

6:12 (00:54) ITEM 3: Approval of Minutes: Minutes of the Regular Meeting of January 8, 2020

Motion to Approve the Minutes of January 8, 2020

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hudson			X			
Ludwig		X	X			
Schall	X		X			
Testone					X	
Vincent			X			

Continued Items from Previous Meetings:

6:13 (01:59) ITEM 4: R-2 Rezone

The Town of Jerome proposes to rezone properties from R1-5 to R-2 in and around the vicinity of 10, 18, and 21 North Drive; 884, 886, 888, 894, 896, 898, and 899 Hampshire Avenue; and a vacant lot identified as APN 401-11-002A on Hampshire Avenue.

Discussion/Possible Action – P&Z Reso. 2020-1

John Knight updated the commission members on the item. The rezone was initiated with the P&Z Commission, and the R-2 text amendment is done and approved by Council, but the properties had not been officially plotted, so this is the actual mapping of the R-2 rezone properties.

Chair Lance Schall commented about it being back on the agenda. Mr. Knight reminded him that the last notice was not posted in time and therefore it's still on the table. What is proposed is to rezone from an R1-5 to R-2—the only difference is that R-2 will allow property owners to have duplexes. Now the real issue is the question of the boundary of the rezone. Adjacent property owners are expressing interest in being included in the R-2 rezone, so the P&Z Commission may be asked to expand the boundary at some point. Council sees this as a pilot project and wants to see who converts their property to a duplex in the next year or two.

Mr. Knight also announced that there is now interest from Verde Exploration, which also wants to be included in the R-2 rezone. Mr. Knight received email from the company's attorney, Robert Pecarich (addendum to the agenda packet). He explained the mapping of the property owned by Verde Exploration and Jerome Verde Development Company close to the proposed R-2 zone. Mr. Knight would want to see some sort of conceptual development plan from Verde Exploration before considering their property for the rezone.

Chair Schall doesn't want to add these properties now and start over. If they can come up with a nice plan for affordable housing, then maybe the commission can consider them for future expansion of the zone boundary.

Chair Schall asked if the attorney was indignant. Mr. Knight said he was not indignant and just wants a shot at the rezoning.



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

6:22 (09:36) Resident Richard Johnson expressed interest in knowing where the mining company's properties are. He is hopeful for affordable housing, but it's not guaranteed—it's ultimately up to the property owner. Mr. Johnson supports the idea of duplexes because less resources are consumed when households are combined. He also heard a rumor a couple of years ago that the sewer plant is at 85 percent capacity—true or not, infrastructure also needs to be considered in this decision. Mr. Knight explained to Mr. Johnson the property Mr. Pecharich is wanting to include in the R-2 rezone. He and Richard discussed the map from Mr. Pecharich. Chair Schall thanked Mr. Johnson for his comments.

Henry Vincent stated we should approve the boundary that's in front of the commission now. He does not want to muddy the waters by adding interested parties at this juncture. Mr. Vincent moved to approve the original proposed boundary established in Resolution 2020-1.

Motion to Approve Resolution 2020-1

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hudson			X			
Ludwig			X			
Schall		X	X			
Testone					X	
Vincent	X		X			

New Business:

6:27 (15:30) ITEM 5: Update Planning and Zoning Commission Bylaws

APPLICANT: Town of Jerome
ADDRESS: 215 Second Street

Discussion/Possible Action – [P&Z Reso. 2020-6](#)

Mr. Knight introduced the item. The change of meeting time from 7 to 6 pm is what precipitated the proposed changes. Mr. Knight pointed out the revision regarding gender-neutral pronouns, including one to add on page 6, D(3). He further explained reasons for other proposed changes to the bylaws.

Motion to Approve Resolution 2020-6 with added revision on pg. 6

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hudson		X	X			
Ludwig			X			
Schall	X		X			
Testone					X	
Vincent			X			

Informational Items:

6:30 (19:01) ITEM 6: Zoning Administrator Informational Items

Mr. Knight filled the commission members in on the council meeting and updated them on the approved P&Z resolutions and announced that all applicants who reapplied to be on P&Z, DRB, and BOA were all approved.

Mr. Knight is in the process of deciding on a good date for the joint meeting with P&Z, DRB, and Council.

Mr. Vincent asked what the purpose of the joint meeting was. Mr. Knight explained that it's to make sure all the boards and commissions are essentially in sync. There is a possibility of combining DRB & P&Z. This would require filling less seats.

Mr. Knight is looking at possible training for the boards in March and is talking to the town attorney about this. He will confirm soon. With new volunteers joining the boards, it would be good timing.



TOWN OF JEROME

POST OFFICE BOX 335, JEROME, ARIZONA 86331
(928) 634-7943 FAX (928) 634-0715

For current board members, binders given out at the beginning of their tenure need to be updated with revised bylaws, added ordinances, Robert's Rules, etc.

Other Items:

7:35 (23:38) ITEM 7: Potential items for next P&Z agenda (Wednesday, March 4, 2020)

Discussion/Possible Direction to Staff

There are no items at this time.

ITEM 8: ADJOURN

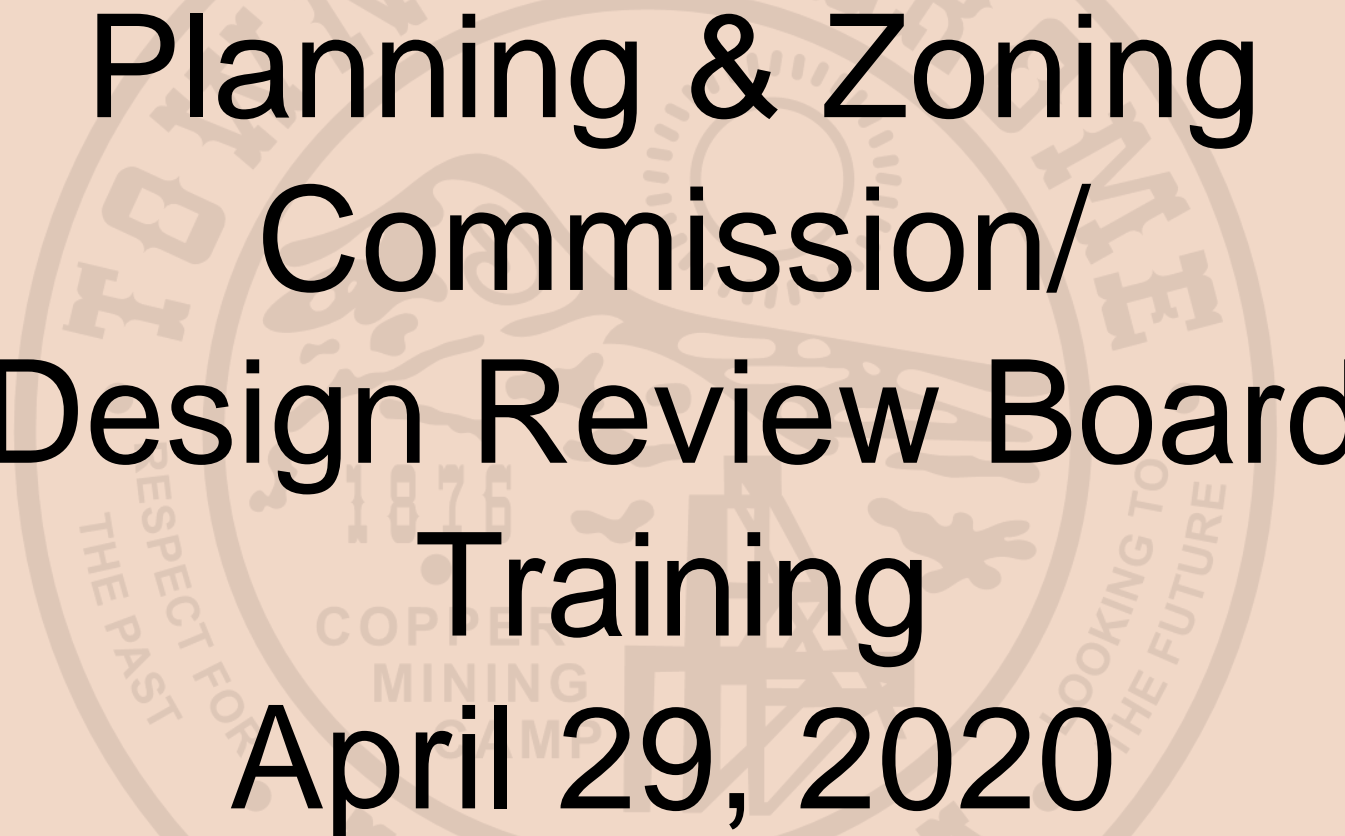
Motion to Adjourn at 6:37 p.m.

Commissioner	Moved	Second	Aye	Nay	Absent	Abstain
Hudson			X			
Ludwig		X	X			
Schall	X		X			
Testone					X	
Vincent		X	X			

Respectfully submitted by Rosa Cays

Approved: _____ Date: _____
Lance Schall, Planning & Zoning Commission Chair

Attest: _____ Date: _____
Rosa Cays, Deputy Clerk

The background features a large, faint, circular seal of the University of Arizona. The seal contains the text "UNIVERSITY OF ARIZONA" around the top and "THE PAST RESPECT FOR THE FUTURE" around the bottom. In the center, there is a shield with a star and the year "1876". Below the shield, the words "COPPER" and "MINING" are visible.

Planning & Zoning Commission/ Design Review Board Training April 29, 2020

Agenda

- Planning 101
- Statutory/Regulatory Authority
- Town Codes and General Plan
- Riggins Rules
- Robert's Rules
- Open Meeting Law
- Conflict of Interest
- Bylaws

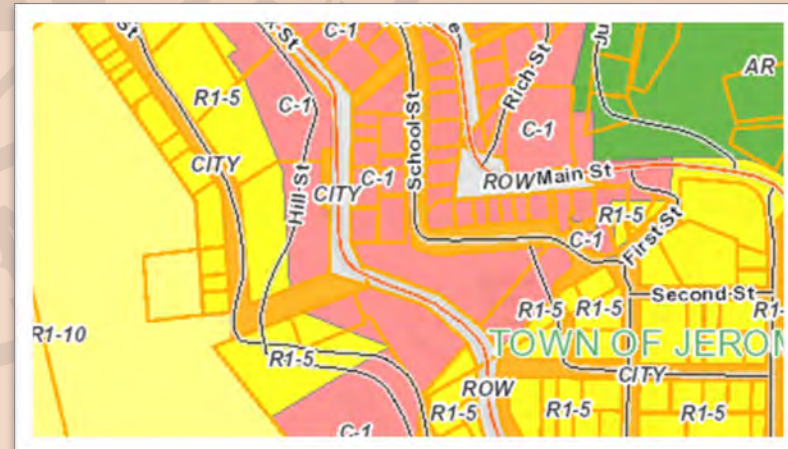


Planning 101



Planning 101

- **US Constitutional Law** – gives “Police Power” to states
- **Police Powers** - the capacity of states to regulate behavior and enforce order within their territory for the betterment of the health, safety, morals, and general welfare of their inhabitants
- **Regulate Private Property** – under Police Power, states have the ability to regulate private property, including land use restrictions
- **First Zoning Regulations** - LA – 1904 & NY – 1916
- **Village of Euclid (1926)** – Supreme Court Case that upheld that Zoning was a legitimate use of Police Power
- Note – Jerome’s Zoning is an example of “Euclidean Zoning”



Agenda

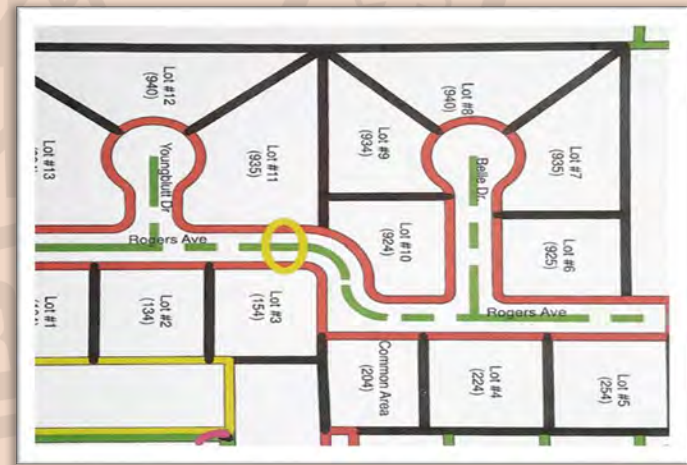
- Planning 101
- **Statutory/Regulatory Authority**
- Town Codes and General Plan
- Riggins Rules
- Robert's Rules
- Open Meeting Law
- Conflict of Interest
- Bylaws

Statutory/Regulatory Authority



Statutory/Regulatory Authority

- Arizona Revised Statutes (A.R.S.)
Title 9 – Cities & Towns – Chapter 4
(Note - Title 11 addresses Counties)
 - Article 6 - §9-461 – Municipal Planning
 - Article 6.1 - §9-462 – Municipal Zoning
 - Article 6.2 - §9-463 – Subdivision Regulations



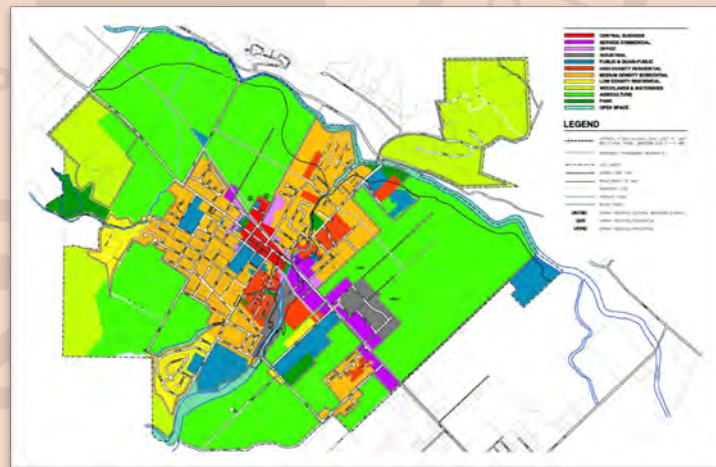
Statutory/Regulatory Authority (cont.)

- §9-461 – Municipal Planning
 - §9-461.01 – Planning Agency Powers
 - Develop general plan
 - Develop specific plan
 - Review the CIP (Capital Improvement Program)
 - Other duties necessary to fulfill its planning function
 - §9-461.03 – Planning Department
 - Establish planning department
 - Appoint a director of planning
 - Contract with consultants



Statutory/Regulatory Authority (cont.)

- §9-461.05 – General Plan
 - Prepare long-range general plans for the development of the municipality
 - Apply general plan to all parts of the municipality
 - Include Land Use & Circulation Element
 - Designates the distribution/location of land uses
 - Includes density standards
 - Identifies programs to promote infill
 - Establishes location of streets, bicycle routes and other modes of transportation
 - Optional Elements (some required for larger cities)
 - Open Space
 - Recreation
 - Growth
 - Housing
 - Economic
 - Conservation
 - And others...



Statutory/Regulatory Authority (cont.)

- §9-462 – Municipal Planning – Definitions
 - "**Zoning administrator**" - the official responsible for enforcement of the zoning ordinance
 - "**Zoning ordinance**" - a municipal ordinance regulating the use of the land or structures, or both, as provided in this article

Statutory/Regulatory Authority (cont.)

- §9-462.01 – Zoning Regulations & Public Hearings
 - Use of buildings and land
 - Signs
 - Location, height, size, yards, setbacks, etc.
 - Parking
 - Establish Zoning & Historical Districts
 - Requires Public Hearings for certain projects



Statutory/Regulatory Authority (cont.)

- §9-462.02 – Nonconforming
- §9-462.04 – Public hearing procedures
- §9-462.06 – Board of Adjustment
- §9-462.08 – Hearings Officer



Statutory/Regulatory “Quiz”

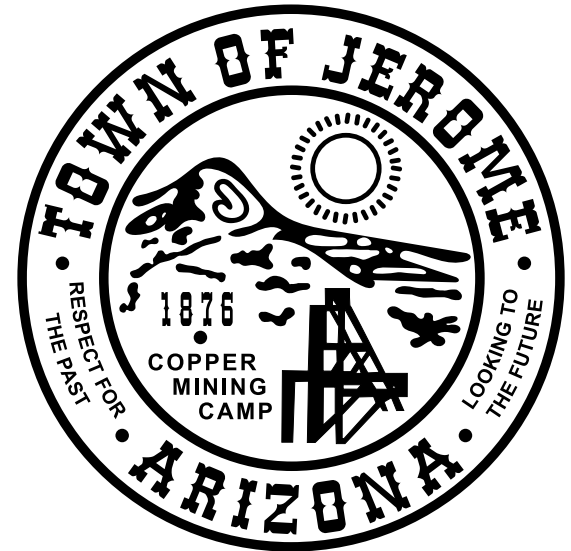
- What is Police Power?
- What is Euclidian Zoning?
- What is a General Plan?
- How does it differ from a Zoning Ordinance?
- What are some key sections in a Zoning Ordinance?

Agenda

- Planning 101
- Statutory/Regulatory Authority
- **Town Codes and General Plan**
- Riggins Rules
- Robert's Rules
- Open Meeting Law
- Conflict of Interest
- Bylaws

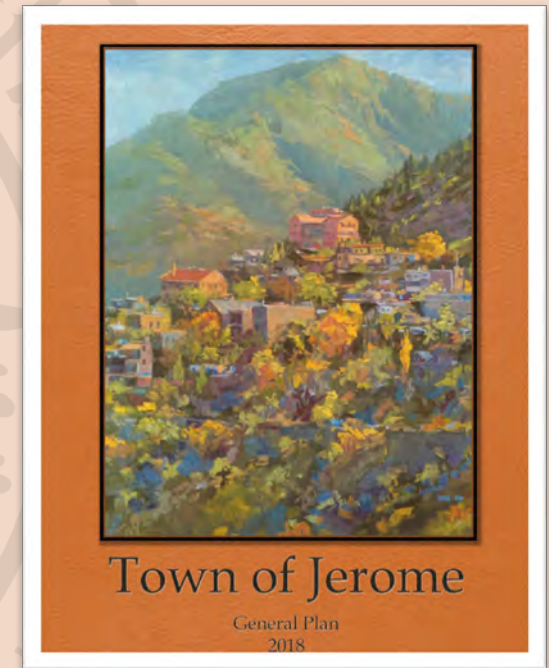
Town Codes and General Plan

- General Plan
- Jerome Town Code
- Jerome Zoning Ordinance
- Jerome Subdivision Code



Town Codes and General Plan

- General Plan – 2018
- Elements & Goals/Policies
 - Background & History
 - Historic Preservation Element
 - Land-Use Element
 - Circulation Element
 - Economic Element
 - Note: Historic Element and Economic Element are optional for Towns under 2500 people



Town Codes - General Plan (Land Use)

ZONES / DISTRICTS	CHARACTERISTICS AND DENSITIES
AR ZONE AGRICULTURAL RESIDENTIAL (MIN LOT AREA 10K SQ FT)	INTENDED TO PROMOTE AND PRESERVE <u>LOW DENSITY</u> RESIDENTIAL DEVELOPMENT AND NON-COMMERCIAL FARMING AND AGRICULTURE. LAND USE IS COMPOSED CHIEFLY OF INDIVIDUAL HOMES, TOGETHER WITH REQUIRED RECREATIONAL, RELIGIOUS AND EDUCATIONAL FACILITIES.
R1-10 ZONE SINGLE FAMILY RESIDENTIAL (MIN LOT AREA 10K SQ FT)	INTENDED TO PROMOTE AND PRESERVE <u>LOW DENSITY</u> RESIDENTIAL DEVELOPMENT. DEVELOPMENT STANDARDS ARE DESIGNED TO PROTECT THE SINGLE FAMILY RESIDENTIAL CHARACTER OF THE DISTRICT. LAND USE IS COMPOSED CHIEFLY OF INDIVIDUAL HOMES, TOGETHER WITH REQUIRED RECREATIONAL, RELIGIOUS AND EDUCATIONAL FACILITIES.
R1-5 ZONE SINGLE FAMILY RESIDENTIAL (MIN LOT AREA 5K SQ FT)	INTENDED TO FULFILL THE NEED FOR <u>MEDIUM DENSITY</u> SINGLE FAMILY RESIDENTIAL DEVELOPMENT. DEVELOPMENT STANDARDS ARE DESIGNED TO PROTECT THE SINGLE FAMILY RESIDENTIAL CHARACTER OF THE DISTRICT. LAND USE IS COMPOSED CHIEFLY OF INDIVIDUAL HOMES, TOGETHER WITH REQUIRED RECREATIONAL, RELIGIOUS AND EDUCATIONAL FACILITIES.
R-2 ZONE MULTIPLE FAMILY RESIDENTIAL (MIN LOT AREA 5K SQ FT)	INTENDED TO FULFILL THE NEED FOR <u>MEDIUM DENSITY</u> SINGLE FAMILY RESIDENTIAL DEVELOPMENT. DEVELOPMENT STANDARDS ARE DESIGNED TO ALLOW MAXIMUM FLEXIBILITY AND VARIETY IN RESIDENTIAL DEVELOPMENT. LAND USE IS COMPOSED CHIEFLY OF INDIVIDUAL AND MULTI-FAMILY HOMES, TOGETHER WITH REQUIRED RECREATIONAL, RELIGIOUS AND EDUCATIONAL FACILITIES.
C-1 ZONE GENERAL COMMERCIAL	INTENDED TO PROVIDE FOR AND ENCOURAGE ORDERLY DEVELOPMENT IN EXISTING AND FUTURE COMMERCIAL AREAS WITHIN THE TOWN. ALLOWS <u>HIGH DENSITY</u> RESIDENTIAL BUILDINGS.
I-1 ZONE LIGHT INDUSTRIAL	INTENDED TO PROVIDE FOR COMMERCIAL, INDUSTRIAL AND MANUFACTURING ACTIVITIES WHILE INSURING THAT THESE ACTIVITIES WILL IN NO MANNER DETRIMENTALLY AFFECT SURROUNDING DISTRICTS. ALLOWS <u>HIGH DENSITY</u> RESIDENTIAL BUILDINGS.

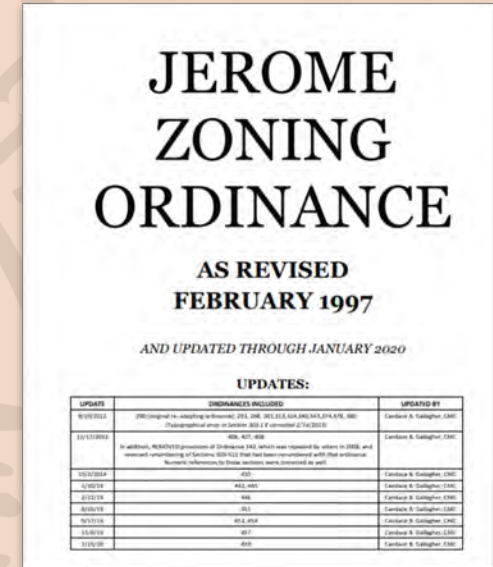
Town Codes – Jerome Town Code

- Mayor & Council
- Police & Fire
- Magistrate (Court)
- Animals
- Building & Safety Codes
- Business (Peddlers & Mobile Vendors)
- Health & Sanitation (Garbage/Litter)
- Sewer, Traffic, Water
- Streets

TOWN CODE	
Town of Jerome, Arizona	
Current through December 2019	
<u>Revisions</u>	
12/9/10	Initial printing
12/15/10	Revision 1: Ordinance 382 + gender corrections (ToC; Chapter 10; Chap. 2 p. 3; Chap. 8 p. 5)
07/29/11	Revision 2: Ordinances 385, 386, 387, & 388 (Chapter 2; Chapter 3; Chapter 5)
8/21/12	Revision 3: Ordinances 394, 395, 396, 397, 398, 399 (Chapter 12; Chapter 13)
12/19/13	Revision 4: Ordinances 400, 401, 402, 403, 404 (ToC; Chapter 2; Chapter 3; Chapter 8; new Chapter 11) (IN ADDITION, space has been reserved for provisions of Ord. 405, which will be referred to voters in the August 2014 primary.)
3/26/15	Revision 5: Ordinances 411, 412, 413, 415 (ToC; Chapter 6; Chapter 10; Chapter 12; Chapter 13) (ALSO removed space previously reserved for Ord. 405, which was defeated by voters.)
6/2/15	Revision 6: Ordinance 416 (Chapter 8)
3/30/17	Revision 7: Ordinances 418, 419, 422, 423, 424, 425, 426, 427, 428 (Chapter 4; Chapter 7; Chapter 10; Chapter 13)
9/20/17	Revision 8: Ordinances 430, 431, 433, 434 (Chapter 3; Chapter 4; Chapter 7)
12/13/17	Revision 9: Ordinance 432 (Chapter 12)
6/20/18	Revision 10: Ordinances 435, 436, 437, 438, 439 (Chapter 1; Chapter 2; Chapter 7; Chapter 18)
9/17/18	Revision 11: Ordinance 440 (Chapter 2)
10/10/18	Revision 12: Ordinance 441 (Chapter 9)
1/30/19	Revision 13: Ordinance 445 (Chapter 5)
2/20/19	Revision 14: Ordinances 447 and 448 (Chapter 2; Chapter 10)
7/16/19	Revision 15: Ordinances 449 and 450 (Chapter 12; Chapter 8)
9/17/19	Revision 16: Ordinance 456 (Chapter 12)
1/15/20	Revision 17: Ordinance 458 (Chapter 12)

Town Codes – Zoning Ordinance

- Updated January 2020
- Originally adopted 1977
- Key Sections:
 - Procedures - CUPs, Site Plan Review, Design Review, etc.
 - Approval Criteria for each procedure
 - Zoning Districts (R1-5, R-10, C-1, etc.)
 - Use Regulations – **Nonconforming**, Signs, Parking, Historic Overlay District
- Note: Zoning Ordinance is part of Town Codes



Town Codes “Quiz”

- What Elements are in the Jerome General Plan?
- When was the GP last updated?
- When was the Zoning Ordinance originally adopted?
- Differences between Town Code and Zoning Ordinance?

Agenda

- Planning 101
- Statutory/Regulatory Authority
- Town Codes and General Plan
- **Riggins Rules**
- Robert's Rules
- Open Meeting Law
- Conflict of Interest
- Bylaws

Riggins Rules

- Conduct for Boards and Commissions
- Adopted by Town of Jerome in 2013
- General Guidelines for Board Behavior



Riggins Rules (cont.)

- Attendance - expected to attend all meetings/functions
- Create a good impression on public
- Be on time – better yet, be early!
- Dress appropriately
- Don't mingle w/friends/applicants/objectors before or after the meeting
- Note: Gives appearance that the decision has already been made
- Don't discuss a case privately with other Board members
- Don't offer opinions and/or advice to applicants, public, or other Board members before a hearing/meeting
- Do your homework – read report & visit site
- Note – Bylaws also require Board Members to study materials and visit the site



Riggins Rules (cont.)

- Don't indicate how you intend to vote during the hearing, comments, or staff presentation (wait until chair calls for motion, and discussion)
- Behave like an impartial “judge” until it's time to vote (avoid indicating support/opposition by questions, body language or comments)
- Recuse yourself if you have a direct or indirect (or potential) conflict of interest
- Rotate seats to avoid appearance of “cliques”
- Be polite, attentive and impartial (don't interrupt a presenter)



Riggins Rules (cont.)

- Allow only 1 person at a time at the podium
- Require all presenters/commenters to speak at the podium (not from the audience)
- Note: Allowing people to speak from the audience is a BAD precedence – conversations can't be heard on tape and the Chair risks losing control of the meeting
- Don't interrogate the presenter – all questions go through chair
- Don't use first names to address presenters (appearance of a “buddy-buddy” deal)
- Refer to chair as “Mr./Ms. Chair” or “Chair Jones”
- Don't criticize presenters – even if they deserve it!
- Don't argue (or debate) w/presenters
- Don't try to resolve neighborhood squabbles, don't be vindictive, don't be a hero or a benefactor

Riggins Rules (cont.)

- Give a reason for why your motion is for approval or denial
- Don't take staff recommendations lightly!
- Lean "heavily" on staff for clarifications, assistance, or questions
- Direct technical questions to staff
- Note: If you try to answer a technical question and get it wrong, then staff will have to jump in to correct you
- Don't try to "toss the applicant a bone" by granting something less than what was requested
- Do vote by roll call – especially important for controversial matters (audio can't pick up who voted yes or no)
- Don't show displeasure or elation after the vote
- Do some "soul searching" if you find yourself consistently in "left field"
- Don't select a chair and vice chair simply based on seniority – not all members have the skills to be the chair

Riggins Rules “Quiz”

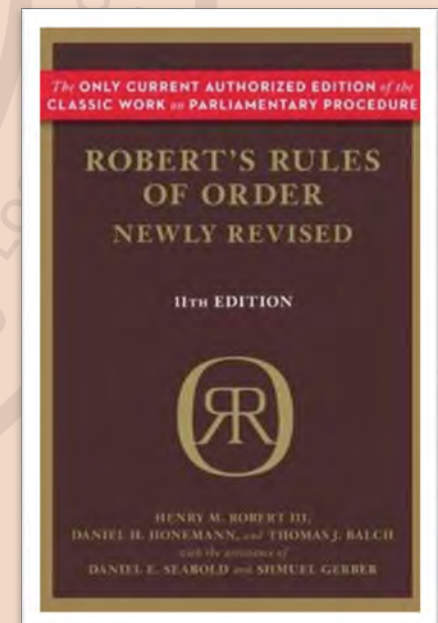
- What’s the “most important” rule?
- Should you visit the site?
- Is it OK to visit/meet with the applicant?
- Can you communicate with other Board members about a project on the agenda?
- When should you recuse yourself and step down from dais?

Agenda

- Planning 101
- Statutory/Regulatory Authority
- Town Codes and General Plan
- Riggins Rules
- **Robert's Rules**
- Open Meeting Law
- Conflict of Interest
- Bylaws

Robert's Rules

- Originally published in 1876 and last revised in 2011
- Rules for “Parliamentary Procedure”
- Parliamentary procedure is the body of rules, ethics and customs governing meetings, boards and other legislative bodies (Council, P&Z, DRB, BOA, Special Meetings, Appointed Committees, etc.)
- Procedures
 - Motions & Voting
 - Amendments
 - Continuances
 - Introducing New Business
 - Points of Order
 - And much more!



Robert's Rules (cont.)

- Refer to Robert's Rules "Cheat Sheet"
- Motions & Voting
 - Who can make a Motion?
 - **Main Motion** - After recognition by chair "I move that _____" (raise hand or otherwise be recognized by chair)
 - **Second** - Another member must second the motion or motion "dies" (simply state, "I second the motion") – speak up and be clear if seconding motion
 - Chair must recognize Motion – Chair states "There's been a motion by Mr. Smith and a second by Ms. Jones (Chair may ask to have motion restated if unclear)"
 - Chair asks for "debate" or questions on the motion
 - **Amendments** - Members may request an amendment to the motion, but it must be accepted by the member that made the original motion and must again be seconded –
 - **Voting** - Chair calls for a vote – if the motion dies, the chair may call for a new motion
 - **Table/Continue** - Members may also continue (aka "table") the item to a specific date or simply table the item indefinitely
 - **Denial** - Members may make a motion to deny – must be accompanied by findings and a reason for denial!

Robert's Rules (cont.)

- **Withdrawing** – Permission to withdraw a Motion
- **Previous Question** – move to stop debate and request vote on the motion
- **Limit Debate** – e.g., move to limit discussion to 2 minutes per speaker
- **Point of Privilege** – having trouble hearing
- **Point of Order** – agenda/rules not being followed (people speaking/debating from audience)
- **Point of Information** – question about the facts
- **Recess** – take a break
- **Adjournment**

Robert's Rules “Quiz”

- What is parliamentary procedure?
- Who can make a motion?
- Who can second a motion?
- Can the chair make a motion?
- How can a motion be amended?
- How do you address a problem like someone trying to “testify” from the audience?

Agenda

- Planning 101
- Statutory/Regulatory Authority
- Town Codes and General Plan
- Riggins Rules
- Robert's Rules
- **Open Meeting Law**
- Conflict of Interest
- Bylaws

Open Meeting Law (OML)

- Provided by the Arizona Ombudsman – Citizen's Aide (2019 edition)



Open Meeting Law (OML)

A.R.S. § 38-431.09(A) - It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided. Toward this end, any person or entity charged with the interpretation of this article shall construe any provision of this article in favor of open and public meetings.

Open Meeting Law (cont.)

- Recordings
- Definitions
- Meetings Open to the Public
- Notices
- Executive Sessions
- Violations of open meeting law
- Pitfalls

Open Meeting Law - Recordings

- § 32-4801. Public meetings; digital recordings; posting; definition
 - Provide digital recordings (except for e-sessions)
 - Post recordings of the meeting on website (no later than five days after the meeting)
 - Post decision on website (no later than five days after the meeting)
- Note: Most cities post recordings immediately then follow up with written minutes when they are approved by the Board. Some jurisdictions post “simple minutes” immediately after the meeting which only document the votes until the formal minutes are posted. Is this something we should do for Jerome?

Open Meeting Law - Definitions

- Definitions – § 38-431
 - **Meeting:** gathering, in person or through technological devices, of a quorum of a **Public Body**
 - Includes:
 - One-way electronic communication by **one** member concerning a matter likely to come before the board
 - Note that this includes all electronic communications (e-mail, phone, Skype, IM, Snapchat, FB, etc.)
 - Does **not** include one-way communication between staff and Board member/s
 - **Public Body:** includes all boards, commissions, committees, subcommittees, ad-hoc committees, etc. appointed by the Council
 - Note: Does **not** include committees appointed by and reporting directly to staff

Open Meeting Law – Open to the Public

- § 38-431.01. **Meetings shall be open to the public**
 - A. All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting.
 - B. All bodies shall provide written minutes or a recording of all the meetings
 - B.4. Minutes to include a record of the names of the person that made and seconded the motions, how each member voted, names of the persons who made statements or presented material to the public body
 - H. A Public Body may make an open call to the public
- Note: Whenever there's a question about whether a meeting should be open to the public, it's best to treat it as a public meeting – requires posting an agenda and allowing public to attend

Open Meeting Law - Notices

- § 38-431.02. **Notice of Meetings**
- A.4(a) Website Posting – state on the website where all public notices will be posted both physical and electronic locations
- C. Notice shall be provided at least 24 hours in advance of a meeting
- Note: Jerome's goal is to post agendas approximately a week before the meeting and staff report "packets" at least three (3) days before a meeting
- G. & H. Notice shall include an agenda of matters to be discussed – only matters listed on the agenda may be considered
- K. Current Events – the Administrator may provide a summary of Current Events, provided it's listed on the agenda – no discussion or decision may be made on the Current Events

Open Meeting Law – Executive Sessions

- § 38-431.03. Executive sessions (or E-sessions)
- E-sessions may only be held for specific purposes - some common examples:
 - Consideration of employment or personnel matters
 - Negotiations for sale or lease of public property
 - Consultation for legal advice
 - E-session minutes are kept confidential
- Note: E-sessions are rare for DRB and P&Z but common for Council
- Note: The “Chair” for an e-session is the Town Attorney (not the Board chair or staff member)
- Note: The public is not allowed to attend e-sessions, and materials/information from e-sessions cannot be shared with public

Open Meeting Law - Violations

- **§ 38-431.06. Investigations; written investigative demands**
- County Attorney required to investigate written complaints
- 1. Issue written investigative demands to any person.
- 2. Administer an oath or affirmation to any person for testimony.
- 3. Examine under oath any person in connection with the investigation of the alleged violation of this article.
- 4. Examine by means of inspecting, studying or copying any account, book, computer, document, minutes, paper, recording or record.
- 5. Require any person to file on prescribed forms a statement or report in writing and under oath of all the facts and circumstances requested by the attorney general or county attorney.

Open Meeting Law - Violations

- **§ 38-431.06. Penalties**
- The court may impose a civil penalty not to exceed five hundred dollars for the second offense and not to exceed two thousand five hundred dollars for the third and subsequent offenses.
- A public body shall not expend public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers (with some exceptions)
- Note: Both staff and Board members are personally liable for violations of the OML

Open Meeting Law - Pitfalls

- E-mail (or text) communications with more than one other member (do not hit “reply all”)
- Serial Meeting – member 1 communicates to member 2, who then communicates to member 3 ...
- Using electronic devices between members at a public meeting
- Note: Don't text, pass notes or whisper to adjacent Board members during meeting
- Staff may not share the position of various board members w/other board members
- Publicly stating a position on an issue before a meeting (meetings with public/applicants, posts on Facebook, statements in media, etc. – with some exceptions)
- Electronic communications are public records and can be subpoenaed
- Note: Consider how your text message will be viewed in court blown up in **GIANT LETTERS!** (e.g., Ambassador Sondland's text messages re: Trump Impeachment)

SOCIAL OR COMMUNITY EVENTS

(NOTE: THE FOLLOWING SLIDES COURTESY OF SIMS MACKIN LTD.)

IF MORE THAN A QUORUM WILL BE PRESENT AT A FUNCTION, OUTING, ETC., A **BEST PRACTICE** IS TO POST A "COURTESY AGENDA" ANNOUNCING:

- THE EVENT;
- A QUORUM MAY BE PRESENT; AND
- A STATEMENT THAT NO BUSINESS OF THE COMMISSION WILL BE DISCUSSED AND NO ACTION WILL BE TAKEN.

A COURTESY AGENDA IS NOT REQUIRED.

IS IT A MEETING?

(1) IS THERE A QUORUM GATHERING?

(2) ARE YOU DISCUSSING, PROPOSING OR TAKING LEGAL ACTION?

IS THE MATTER BEING DISCUSSED, DELIBERATED OR PROPOSED
SOMETHING THAT COULD RESULT IN FINAL ACTION BY THE COMMISSION?

IS THE MATTER WITHIN YOUR SCOPE OF WORK OR PURPOSE AS A
PUBLIC BODY STEMMING FROM THE CONSTITUTION AND STATE AND
LOCAL LAWS?

IF YES TO 1 & 2 = OML APPLIES

IS IT A MEETING IF?

- THREE OR MORE MEMBERS DISCUSS A COMMISSION MATTER BY PHONE?
 - YES
- TWO COMMISSIONERS ARE IN PERSON BUT DISCUSSING A COMMISSION MATTER WITH TWO OTHER COMMISSIONERS ON THE PHONE?
 - YES.
- AT LEAST THREE COMMISSIONERS ARE ON AN EMAIL DISCUSSING A COMMISSION ISSUE?
 - YES.
- THREE COMMISSIONERS AT A SOCIAL EVENT DISCUSSING MATTERS UNRELATED TO THE COMMISSION (NOT LEGAL ACTION).
 - No.
- TWO COMMISSIONERS ARE ON THE PHONE DISCUSSING A COMMISSION MATTER?
 - NO, BUT PROCEED CAREFULLY...

IS IT A MEETING IF?

- ONE OF THE TWO COMMISSIONERS ON THE PHONE TEXTS A THIRD MEMBER ABOUT THE DISCUSSION?
 - YES.
- TWO COMMISSIONERS DISCUSS BOARD BUSINESS VIA EMAIL WITH ALL FIVE COMMISSIONERS COPIED ON THE EMAIL?
 - YES.
- TWO COMMISSIONERS DISCUSS COMMISSION ISSUES VIA EMAIL AND ASK A STAFF MEMBER TO FORWARD THE DISCUSSION TO A THIRD MEMBER?
 - YES.

IS IT A MEETING IF?

- A MEMBER OF THE PUBLIC EMAILS THE COMMISSION AND THERE ARE NO FURTHER EMAILS AMONG MEMBERS OF THE COMMISSION?
 - **No.**
- A COMMISSIONER REQUESTS INFORMATION FROM STAFF FOR SPECIFIC INFORMATION AND THE OTHER COMMISSIONERS ARE COPIED ON THE E-MAIL?
 - **No.**
- THE STAFF MEMBER REPLIES TO THE FULL COMMISSION?
 - **No**, *UNLESS THE STAFF MEMBER IS COMMUNICATING OPINIONS OF OTHER COMMISSIONERS TO CIRCUMVENT THE LAW.*
- COMMISSIONERS REPLY-ALL TO A STAFF COMMUNICATION AND ASK FOR MORE INFORMATION?
 - **No**, *AS LONG AS THERE IS NO DISCUSSION, DELIBERATION, OR PROPOSED ACTION.* **NOTE – BEST TO REPLY ONLY TO STAFF.**

WHO CAN I TALK TO?

OTHER COMMISSIONERS IF:

- THERE IS LESS THAN A QUORUM AND NO EFFORT TO CIRCUMVENT THE LAW BY SPLINTERING THE QUORUM. (NOTE: BE CAREFUL OF THE "SERIAL MEETING")
- NOT DISCUSSING MATTERS COMING BEFORE THE COMMISSION (NO LEGAL ACTION).

STAFF, INCLUDING TOWN ATTORNEY

CONSTITUENTS (MAY COPY THE FULL COMMISSION ON RESPONSES – BE CAREFUL THAT NO ONE HITS "REPLY ALL" AND BEGINS A DISCUSSION)

MEDIA

Open Meeting Law “Quiz”

- Who does OML apply to?
- Who is liable for OML violations?
- How are meetings posted/noticed to public?
- What are some common “pitfalls”?

Agenda

- Planning 101
- Statutory/Regulatory Authority
- Town Codes and General Plan
- Riggins Rules
- Robert's Rules
- Open Meeting Law
- **Conflict of Interest**
- Bylaws

Conflict of Interest - § 38-503

- A. Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.
- B. Any public officer or employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

Conflict of Interest – What to do

- Refrain from voting, participating or influencing the decision
- Make the conflict of interest known in the official record
- Step down from Dais and leave the room
- Appearance of conflict may be enough to warrant stepping down – err on the side of caution
- If you're not sure, ask your staff to forward a request to Town Attorney
- Only the individual member can make a decision on whether they have a conflict of interest (not the staff or the chair)

Conflict of Interest – prohibited acts

- Representing another person for compensation before the Board
- Using Board position to secure any valuable thing or valuable benefit to member
- Receiving or agreeing to receive directly or indirectly compensation on a matter before the Board
- Accepting gifts, meals, tickets or other compensation could be a conflict of interest

Conflict of Interest “Quiz”

- What constitutes a “conflict”?
- Who is liable for a violation?
- What type of compensation can be collected by Board members?
- Who should you ask if you have a potential conflict?

Agenda

- Planning 101
- Statutory/Regulatory Authority
- Town Codes and General Plan
- Riggins Rules
- Robert's Rules
- Open Meeting Law
- Conflict of Interest
- Bylaws

Bylaws

- DRB and P&Z have similar bylaws
- Bylaws provide “rules” and guidelines for how the Boards operate
- Election of Chair and Vice Chair – once per year
- Zoning Administrator designated as Board representative
- Sets regular meeting date and time
- Limits speakers to three (3) minutes
- Provisions for removal of Board members for absences or non-performance of duties
- Establishes Quorum size of three (3)

Bylaws (cont.)

- Allows procedure for field trips
- Establishes the Boards operate under parliamentary procedure (Robert's Rules)
- Establishes procedures for hearing conduct
- Establishes voting procedures
- References conflict-of-interest procedures
- Requires Board members to study packets and visit sites
- Requires decisions be documented and findings stated by resolution
- Requires minutes and audio recordings

Bylaws “Quiz”

- How often is the chair/vice chair position voted on?
- Who is designated as the Board’s representative?
- What is a quorum?
- What is the time limit on public testimony?

