

TOWN OF PARADISE VALLEY

**Amendments to Planning Commission, Board of
Adjustment, and Hillside Building Committee
Rules and Procedures**

**Town Council Work Study Meeting
December 6, 2018**



Working Group Discussions

- Council governance discussions led to the need to look at the Rules of Procedure for the Board of Adjustment and Planning Commission; and the creation of rules for the Hillside Building Committee (collectively “Rules”)
- A Town Manager working group was formed to discuss changes to the Rules that would: 1) help the public bodies maintain greater transparency and openness; 2) help the staff, residents/general public, and applicants have greater consistency and predictability; and 3) provide time for a more rigorous and thorough review by the Town staff of submitted materials
- Based on the input of the working group the Town Manager and Town Attorney prepared a list of four areas of suggested changes to the Rules
- These have now been reviewed by Commission, Board and Hillside Comm.
- The next step is to obtain Council input and direction on changes to the Rules



Late Submittal of Materials - Applicants

- The working group suggested that applicants should be required to submit their materials (including electronic materials such as a PowerPoint presentation that the applicant would like to use at the public meeting) sufficiently in advance of the public meeting so that staff and the public have an adequate amount of time to review the materials
 - For the Board, this would be before the first date on which an advertisement for the hearing is published in a newspaper of general circulation
 - For the Commission and Hillside Committee, this would be at least five (5) days prior to the date and time that the Town staff has designated as the date that the agenda packets will be distributed



Late Submittal of Materials - Applicants

- If an applicant felt that the consideration of materials submitted after the Cut-off Date absolutely needed to be placed before the Commission, Board or HBC, then the applicants' public hearing would then need to be automatically continued (and, if applicable, the applicant would have to pay the costs of re-advertising, re-noticing, and/or re-posting the public hearing or meeting date and time)
- Applicant "hand-outs" of materials at the public meeting would not be permitted unless the hand-out is a copy of materials that were already submitted prior to the Cut-off Date
- Similarly, any electronic materials, PowerPoint presentations included, cannot have new or updated slides or graphics



Late Submittals of Materials - General Public

- The working group suggested that submittals or written statements by residents/general public should have to be submitted at least 24 hours prior to the posted public meeting time in order for the staff to be able to assemble and distribute them to the public body prior to the meeting time
- If a resident or member of the general public cannot make a meeting time and has a late submittal, that material may be given to another member of the public who can “present” that material at the public meeting
- Because the material would be handed out at the meeting, the member of the public should also be required to have at least ten (10) copies of the material available for distribution (one for each member of the public body, and one copy for the staff, the applicant, and the minutes-taker)



Late Submittals of Materials - General Public

- Residents/general public present at the meeting may also submit their own written comments at the public meeting, provided that they have at least (10) copies available to distribute
- PowerPoint presentations by residents/general public present unique problems due to the need to load such electronic materials on to the Town computer system and the concomitant shortened public comment times typically allotted to the general public
- The working group suggested that PowerPoint presentations by the general public should not be permitted; provided, however, a member of the general public may hand-out a printed copy of the PowerPoint “slides” that such member of the public desires to present, again requiring at least ten (10) copies of the PowerPoint “slides” submitted for distribution



Speaking Times for “Spokespersons”

- The working group suggested that there be some consistency in the hearing or meeting processes of all of the public bodies for a neighborhood “Spokesperson” appearing at the public meeting
- This would aide applicants and the public on what to expect during public hearing processes conducted for official town business
- Although the current Commission and Board Rules provide that the Chair “may impose reasonable time limits,” this does not guarantee consistent treatment of spokespersons
- When a “spokesperson” is identified, the Rules should have a specified time set aside for a spokesperson - 15 minutes was suggested as this is similar to the typical time allotted for an applicant to present



Speaking Times for “Spokespersons”

- The working group recommended that when a spokesperson for an identified group of residents (such as a HOA officer or an attorney) desires to speak on behalf of that group, a larger amount of time should be allotted by the chair if the public body finds that there are particularly detailed and difficult matters involved in the case before the public body so as to justify additional time for the designated spokesperson
- An additional requirement suggested by the working group was that when a neighborhood group brings forward a spokesperson the members of that group should be required to be present at the meeting
 - This requirement would then allow for the chair to be able to gauge how many residents a spokesperson represents and that the spokesperson will actually be speaking for a larger group, not just on behalf of 1 or 2 people
 - Neighborhood group members who desire to speak individually would be allowed to do such, but would be advised to limit their time and avoid any repetition of matters already addressed by the neighborhood spokesperson



Timing Requirements for Motions to Reconsider

- The working group suggested that the Council itself should clarify Section IV(k) of its Rules so that a request for a motion to reconsider will require that such be placed on the agenda for the next meeting by a specified cut-off date
- This is the current practice, but is not formally stated in the Rules
- Because the Board (and potentially the Commission) have had past requests for motions to reconsider, the working group also felt that the Board should have a place in its rules for a motion to reconsider similar to Section IV(k) of the Council's Rules (and incorporating a time limit)
- Such time limits should be discussed by the Commission and Board to see what will work best, but staff would suggest that the request to reconsider be done within a limited time period (e.g., 15 days for Board) so that staff would have time to notify interested parties of the request and to have a motion to reconsider placed on a future agenda



Next Actions

- Review and provide comment on the proposed changes to the Rules; and identify any additional problems that need to be addressed
- Obtain more input from the Board of Adjustment, Planning Commission, and the Hillside Building Committee
- For consistency, determine whether the Town Code should be modified to provide for Hillside Building Committee to have Rules and for all Rules to be approved by the Council before they take effect
- Additional Questions?



Questions/Comments?

