

1 When recorded, return to:
2 Paradise Valley Town Attorney
3 6401 East Lincoln Drive
4 Paradise Valley, Arizona 85253
5
6

7 **RESOLUTION NUMBER 2020-11**
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9

10 **A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE**
11 **TOWN OF PARADISE VALLEY, ARIZONA, AUTHORIZING**
12 **CHANGES TO THE RULES AND PROCEDURES FOR THE**
13 **HILLSIDE BUILDING COMMITTEE**
14

15 **NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL**
16 **OF THE TOWN OF PARADISE VALLEY, ARIZONA AS FOLLOWS:**

17 WHEREAS, the Town Council desires that certain public bodies of the Town, that
18 is, the Planning Commission, Board of Adjustment and Hillside Building Committee, have
19 rules of procedure that are similar so that Town residents, applicants, and the general public
20 would have an expectation of similar rules in their dealings with each of the Town's public
21 bodies; and

22 WHEREAS, the Hillside Building Committee has not adopted or had any rules of
23 procedure to guide the meetings of the Hillside Building Committee and the Town Council
24 desires that a set of Rules of Procedure for the Hillside Committee are approved and
25 adopted by the Town Council; and

26 WHEREAS, such Rules of Procedure will address issues that have been problematic
27 for the Hillside Committee in the past, such as: 1) the late submittal of materials by
28 applicants or residents/general public; 2) surprise submittals of documents or electronic
29 materials on the day of a Hillside Building Committee meeting; 3) lack of clarity on allotted
30 speaking times for "spokespersons" for residents or neighborhood groups; and 4) clarity on
31 timing requirements and agenda setting requirements for motions to reconsider a motion or
32 action from a prior meeting; and

1 WHEREAS, adoption of uniform rules for each public body and addressing needed
2 changes will help staff, residents/general public, applicants, and the public bodies maintain
3 greater transparency, predictability, and openness as well as providing for a more rigorous
4 and thorough review of submitted materials by the Town staff and ensuring that all parties
5 have sufficient time to review materials submitted for public review prior to scheduled
6 Hillside Building Committee meetings.

7 NOW THEREFORE, BE IT RESOLVED that:

8 1. Pursuant to the provisions of Town Code §2-5-6.D the Town Council hereby
9 approves and adopts the Rules of Procedure for the Hillside Building Committee of the town
10 of Paradise Valley, in the form of Exhibit A attached hereto and incorporated herein by this
11 reference.

12 2. This Resolution shall take effect thirty (30) days after its adoption.

13 PASSED AND ADOPTED by the Mayor and Council of the TOWN OF
14 PARADISE VALLEY, Arizona, this _____ day of _____, 2020.

15
16
17
18
19 _____
20 Jerry Bien-Willner, Mayor

21 ATTEST:

22
23
24 _____
25 Duncan Miller, Town Clerk
26
27
28

29 APPROVED AS TO FORM:

30
31
32 _____
33 Andrew M. Miller, Town Attorney
34

“Exhibit A”

**TOWN OF PARADISE VALLEY
Hillside Building Committee (“HBC”)
Rules of Procedure**

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Requirements for Application

A. Who may apply?

The owner or agent.

B. Requirements for application:

Completed application form (and any other information or documents relevant to the application).

Review Process

The HBC application and review process shall be in accordance with Article 22 of the Town of Zoning Ordinance and Chapter 5 of the Town Code.

Scheduling and Advertising of Meeting

- A. Once a completed application is submitted, the application fee is paid, and the application is reviewed and deemed complete by staff, the application will be scheduled for the next available HBC meeting.
- B. Applicants will 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) before the first date on which notices of the HBC meeting are sent to the public (the "Cut-off Date"). This will generally be at least fifteen days before the HBC's meeting date. Materials submitted after the Cut-off Date and time shall not be distributed to the HBC and would not be considered at the public meeting on the applicant's matter. If the applicant believes that the consideration of materials submitted after the Cut-off Date need to be placed before the HBC, then the applicants' public meeting date shall then be continued to another suitable date and the applicant shall pay the costs of re-noticing and/or re-posting a public meeting. Applicants who have missed the Cut-off Date shall not distribute materials at the public meeting (each a "Hand-out") unless the Hand-out is a copy of materials that were already submitted prior to the Cut-off Date. The Community Development Director may make an exception to allow for a late submittal if it doesn't substantially change but may enhance the clarity of what was previously submitted or is de minimis in nature. Any electronic materials submitted by an applicant, including PowerPoint presentations, shall remain the same as those presented prior to the Cut-off Date and may not contain any new or updated slides or graphics. Submittals or written statements by the general public shall be submitted at least twenty-four (24) hours prior to the posted public meeting time in order for the staff to be able to assemble and distribute them to the HBC prior to the meeting time. If a resident or member of the general public cannot make a public meeting date and time and has a late submittal of material, including an email ("Late Public Submittal Material"), the Late Public Submittal Material may

be given to another member of the public who can present that Late Public Submittal Material at the public meeting. Because the Late Public Submittal Material will be first presented at the public meeting, the member of the public shall also be required to have at least ten (10) copies of the Late Public Submittal Material available for distribution (one for each HBC Member, and one copy for the staff, the applicant, and the minutes-taker). Residents and/or the general public may also submit their own written materials or comments at the public meeting, provided that they have at least (10) copies available to distribute. PowerPoint presentations by the general public shall 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, provided that at least ten (10) copies of the PowerPoint "slides" are submitted for distribution.

C. A meeting on an application shall be held only after:

1. All properties owners located within a specified mailing radius of the subject property (as defined by the Town Zoning Ordinance) have been provided with notice by mail of the scheduled meeting date.
2. The property has been posted, identifying the day and time of the scheduled meeting.

Chair and Acting Chair

- A. The Chair of the HBC shall preside at all HBC meetings.
- B. In the absence of the Chair, the members present at any meeting shall elect a member to be Acting Chair, and such Acting Chair shall exercise all powers and prerogatives of the Chair until such time as the Chair is present.

Procedure for HBC Meetings

- A. All meetings of the HBC shall be held at the Paradise Valley Town Hall, 6401 East Lincoln Drive, or other location selected by the Chair.
- B. Time for meetings:
- I. Regular Meetings:
The HBC shall hold regular meetings as needed on the second Wednesday of each month at 8:00 a.m., except that when the date set for a regular meeting is a legal holiday for the Town of Paradise Valley the regular meetings shall be held on the next following Wednesday. The HBC Chair may schedule a meeting to a different day or time due to inability to obtain a quorum.

2. Special Meetings:

Special meetings of the HBC may be called at any time by the Chair, provided that each member personally receives notice of such meeting, in person, by telephone, or in writing, at least forty-eight (48) hours prior to such meeting.

C. Quorum Requirements:

A quorum of the HBC is three (3) members.

D. Decisions and Actions by Majority Vote:

1. All decisions and actions of the HBC shall be by an affirmative vote of a majority of those members present and voting.
2. The vote or abstention from voting, of every individual member, on all matters voted upon, shall be recorded in the minutes of the meeting by the HBC Secretary. A member shall vote "yes", "no", or expressly abstain from voting.
3. No member who is present at a meeting of the HBC shall abstain from voting unless:
 - a. the member was not present for all or a portion of the meeting on the subject to be voted upon, or
 - b. the member has a conflict of interest as provided by law, or
 - c. because of certain facts, the member cannot fairly and impartially consider and vote on the subject because of his personal interest in the subject or his prejudice on the subject.
4. When a member of the HBC abstains from voting, he shall publicly state the reason for such abstention prior to the consideration of the item by the HBC.
5. If there is a tie vote on any matter before the HBC, the matter shall automatically be continued to the next regular meeting, or at the option of the Chair, the matters may be continued to a special meeting if (a) the date and time of such special meeting is announced at the time of such tie vote; and (b) the party or parties formally appearing before the HBC on such matter all consent to the matter being continued to such special meeting. If there is a tie vote on any matter and the matter is continued to a subsequent meeting pursuant to the preceding sentence, and there is another tie vote at the subsequent meeting, the subsequent tie vote shall be deemed to be a negative vote, and the matter shall be treated as having failed to be approved by the HBC.

6. Motion to Reconsider: A motion to reconsider any action taken by the HBC may be made only on the day the action is taken or at the next regular meeting of the HBC. A motion to reconsider must be made by a Member of the HBC who voted on the prevailing side of the motion but may be seconded by any other Member. A question failing by virtue of a tie vote may be reconsidered by motion of any Member of the HBC. The motion may be made at any time. It shall be debatable. Nothing herein shall be construed to prevent any Member of the HBC from making or remaking the same or any other motion at a subsequent meeting of the HBC. If a Member of the HBC desires to make a motion to reconsider after the HBC has already voted on a matter, then the Member shall contact the Chair and the Community Development Director within fifteen (15) days of the meeting at which the HBC took the action that the Member desires to have the HBC reconsider indicating that they would like to have a motion to reconsider the matter placed on the next HBC agenda; whereupon the Town staff shall distribute notice to persons who have registered with the Town staff that they desire notice of any meeting where a particular property or matter is placed on an agenda. If the motion to reconsider passes, then the HBC shall then take the matter up for discussion and possible action at the same meeting at which the motion to reconsider passed.

E. Any person recognized by the Chair may speak and address the HBC to express his opinion on any matter before the HBC. Any person may submit written comments to the HBC on any matter before the HBC. Upon the request of any party, a certified court reporter shall record the proceedings of all or any portion of a meeting. Such party shall arrange for the attendance of a certified court reporter and pay all related expenses. If a transcript of all or any portion of an HBC proceedings is prepared and completed, a copy shall be furnished to the HBC by and at the expense of the party ordering or causing the transcript to be prepared and completed. If a spokesperson for an identified group of residents (such as a HOA officer or an attorney, the "Spokesperson") desires to speak on behalf of that group, a larger amount of time will be allotted, but not in excess of fifteen minutes unless the Chair finds that there are particularly detailed and difficult matters involved in the case. The Chair shall advise the members of a group that has selected a Spokesperson that if the members desire to speak individually at the meeting, the members shall limit their time and avoid any repetition of matters already addressed by the Spokesperson.

F. All or any part of an HBC meeting may be reported by any person in attendance by means of a tape recorder, camera or other means of sonic or pictorial reproduction, provided that there is no active interference with the conduct of the meeting.

G. The Order of Business of all regular HBC meetings shall be:

1. Call to Order
2. Roll Call
3. Executive Session (if needed)

4. Regular Business of the HBC
5. Adjournment

Assistance from the Town Staff

A. Upon request from the Chair of the HBC, the Town Manager shall, by himself or through **a subordinate, endeavor to provide any information or assistance requested which may assist** the HBC or any member of the HBC.

The Town Manager, or Designee, shall attend all meetings of the HBC, and may comment on any matter before the HBC.

Appendix A - HBC Meeting Procedure (Please note that no action or vote is taken on Conceptual Hillside Reviews)

- I. Chair states the name of the case and asks for the staff report.
- II. Staff presents its report and recommendation; HBC is invited to ask questions.
- III. Applicant/representative presents case; HBC is invited to ask questions.
- IV. Chair opens the public meeting and asks speakers to state name. (HBC is invited to ask questions of each speaker after they conclude their remarks.)
 - A. Chair invites anyone in favor of the proposal to speak.
 - B. Chair invites anyone opposed to the proposal to speak.
 - C. Applicant/representative is invited to rebut/clarify/conclude.
- V. Chair closes public discussion
- VI. HBC members are invited by the Chair to ask applicant/representative and/or speakers questions.
- VII. HBC deliberates.
- VIII. Chair calls for a motion, and a second.
- IX. Voting, either by roll call, hand signal, or voice vote.
- X. The results of the voting are declared by the Secretary.
- XI. HBC moves to next item of business.

Summary Flow
Chart/Supplemental
Information



6401 E Lincoln Dr
Paradise Valley, AZ
480 348-3631 or 480 348-3525
rlee@paradisevalleyaz.gov
gburton@paradisevalleyaz.gov

Hillside Code Process Flow Chart

