



TOWN OF MARANA PLANNING COMMISSION RULES AND PROCEDURES

These rules and procedures are adopted pursuant to Marana Town Code Section 17-2-1, which authorizes the Planning Commission (the “Commission”) to “adopt rules for its own organization and for the transaction of its business” that do “not conflict with other sections of [the Town] Code or other Ordinances of the Town of Marana or with the laws of the State of Arizona.” These rules and procedures shall be posted on the Town of Marana’s website.

I. ORGANIZATION

A. Responsibilities

1. The Commission makes unbiased recommendations on issues related to planning and zoning, including but not limited to:
 - a. Applications for rezoning
 - b. Requests for modification of conditions of rezoning
 - c. Applications for significant land use changes
 - d. The Marana General Plan (adoption and amendment)
 - e. The regulation of subdivisions
 - f. The approval of subdivision plats
 - g. The approval of development plans in geographic areas governed by specific plans or other governing documents that require Commission approval of development plans
 - h. The adoption and amendment of zoning code text
 - i. The adoption and amendment of development regulations
2. The Commission makes unbiased decisions on applications for conditional use permits.
3. Commission members are expected to study the agenda and accompanying materials (Commission packet), and if necessary familiarize themselves with the issues, visit case sites before each meeting, and educate themselves on planning issues.

B. Priority of Governing Documents

1. The Commission is governed by the following documents, in the following order of priority:
 - a. Arizona Revised Statutes (A.R.S.)
 - b. Marana Land Development Code (i.e., the portions of the Marana Town Code devoted to land development)
 - c. The remainder of the Marana Town Code
 - d. These rules and procedures

C. Commission Officers and Staff

1. The Commission shall elect a Chair and Vice Chair from among the appointed members at the first meeting held in July. The Chair and Vice Chair shall assume office immediately following the election.
 - a. The term of Chair and Vice Chair shall be one year and any member serving as Chair or Vice Chair shall be eligible for reelection.
 - b. The Vice Chair shall act as Chair in the Chair's absence. In the absence of the Chair and Vice Chair, the senior member, based upon years of membership, shall act as Chair. In the event more than one senior member shares equal tenure, the members present shall select which member shall act as Chair from among the senior members by majority vote.
 - c. Any vacancy for Chair or Vice Chair, as may occur for any reason, shall be filled for the remainder of the term from the Commission membership by majority vote of the Commission at the next meeting where a quorum of the full Commission is present.
 - d. The Chair or Vice Chair may be removed from office at any time by a concurring vote of four Commission members.
2. The Chair shall preside at all meetings and hearings of the Commission, decide all points of order and procedure, and perform any duties required by law, ordinance or these Rules & Procedures.
 - a. The Chair shall have and exercise all rights of Commission members, including the right to vote on all matters before the Commission and the right to make and second motions.
3. The Marana Development Services Director, or his/her designee, shall serve the Commission as Secretary. The Planning Department staff shall furnish professional and technical advice to the Commission.
4. The Marana Town Attorney, or his/her designated representative, shall have the responsibility of furnishing such legal advice, and advice on all points of order, procedure, or other matters as may be requested from time to time.

5. The Chair may appoint a commissioned peace officer as Sergeant-at-Arms at Commission meetings who shall carry out all orders and instruction of the Chair for the purpose of maintaining order and decorum at the Commission meetings. Upon instructions of the Chair, the Sergeant-at-Arms shall have removed any person who violates the order and decorum of the meeting.

D. Commission Members

1. The term of Commission members shall be four years pursuant to Marana Town Code § 2-6-3 (A), ending in June, although members shall continue to serve until replaced pursuant to Arizona law.
2. It is the responsibility of the Commission members to attend all regular and special meetings.
3. The Commission may recommend to the Town Council the removal of any member who fails to attend three consecutive regular meetings or a majority of the Commission meetings held over any consecutive 12-month period. The recommendation for removal shall be made upon the concurring vote of a majority of those Commission members present, and the agenda item to consider removal of the member shall comply with the Arizona Open Meeting Law.
4. No member of the Commission shall leave the Commission chambers during session without the permission of the Chair.
5. While the Commission is in session, members of the Commission shall preserve order and decorum. Commission members shall not delay or interrupt, by conversation or otherwise, the proceedings or the peace of the Commission, nor disturb any member while speaking, or refuse to obey the orders of the Commission or Chair, except as otherwise provided in these Rules & Procedures.

E. Subcommittees

1. All subcommittees shall consist of at least three members.
2. Subcommittees appointed by the Commission for the purpose of advising the Commission shall follow the notice provisions of the Arizona Open Meetings Law.
3. The subcommittee members shall select a Chair from amongst themselves at the first meeting.
4. The subcommittee Chair shall preserve order and decide all points of order during subcommittee meetings.
5. The Commission Chair shall set the date, time and place of the first subcommittee meeting. The subcommittee Chair shall set all subsequent meetings.

6. The subcommittee Chair shall bring all actions and recommendations to the Commission.
7. All active subcommittees shall be placed on regular meeting agendas for a report on the status of work in progress.

II. MEETINGS

A. Regular Meetings

1. Regular meetings shall be held on the last Wednesday of each month at 6:00 p.m., although the actual dates, times and locations of the meetings may be changed from time to time. Whenever a legal holiday is the same day as a meeting, such meeting shall either be cancelled or rescheduled by motion and majority vote of the Commission.
2. Regular meetings of the Commission shall be open to the public and the minutes of the proceedings, showing the vote of each member and records of its examinations and other official actions, shall be filed in the Office of the Town Clerk as a public record. For any matter under consideration, any persons may speak to the issue upon being recognized by the Chair and stating their names and addresses and the names of any persons on whose behalf they are appearing.
3. The Commission may, by a single motion, approve any number of applications or agenda items other than those requiring a public hearing believed by the Chair and Planning Department staff to be routine and non-controversial in nature. Upon the request of any member of the Committee, the Chair shall move an item from the Consent Agenda to another appropriate location on the agenda. In the event the Consent Agenda is not passed by an affirmative vote, the Commission may discuss and vote upon each item listed on the Consent Agenda immediately thereafter.
4. Regular meetings of the Commission shall be held in the Council Chambers of the Marana Municipal Complex, 11555 E. Civic Center Drive, Marana, Arizona, unless advertised differently.

B. Study Sessions

1. Study sessions may be held for any purpose upon the call of the Chair or the request of three or more Commission members, and may be requested by staff, giving notice to all Commission members by phone or personal delivery, or by verbal comment during a regular or special meeting of the Commission, all at least 24 hours before the meeting. At least 24 hours' notice shall be given to the general public by posting such notice at the Marana Municipal Complex, and otherwise in conformance with the Arizona Revised Statutes. The call and notice shall specify the time and place of the study session, and an agenda of the business to be transacted.

2. Study sessions may be held before or after any regular meeting, subject to providing notice as provided herein. When a matter is set for a study session, public testimony may be barred or limited to particular persons at the discretion of the Chair.

C. Executive Sessions

1. The Commission may hold an executive session closed to the public during a regular, special, or emergency meeting, or a study session, to consider matters permissible in executive sessions pursuant to the Arizona Revised Statutes.
2. Under normal circumstances, executive sessions shall be attended by only Commission members, Development Services Director, and Town Attorney. A majority of the Commission may vote to have other individuals attend the executive session, if their attendance is permitted under Arizona law.
3. Executive sessions are not to be tape recorded. The Chair shall appoint an individual to take written minutes of executive sessions to document the nature and extent of the discussion. All minutes of executive sessions shall be sealed and retained by the Town Clerk. Only those individuals who were present at a particular executive session may review the minutes of that session. Attendees shall not disclose information discussed during an executive session except as required by law.

D. Special Meetings. Special meetings may be held for any purpose upon the call of the Chair or the request of three or more Commission members. Notice shall be given to all Commission members by phone or personal delivery, or by verbal comment during a regular or special meeting of the Commission, all at least 24 hours before the meeting. At least 24 hours' notice shall be given to the general public by posting notice at the Marana Municipal Complex, and otherwise in conformance with the Arizona Revised Statutes. The call and notice shall specify the time and place of the special meeting, and an agenda of the business to be transacted.

E. Emergency Meetings. Emergency meetings shall be held only upon the call of the Chair, either upon the Chair's initiative or upon the request of three or more Commission members, for a purpose authorized by Arizona Revised Statutes, and after consultation with the Town Manager and the Town Attorney, if available. The agenda shall be limited to the items deemed to be an emergency. Arizona law shall govern the procedures of an emergency meeting.

F. Notice of Meeting and Hearings. Written notice of all regular or special meetings or study sessions shall be delivered to Commission members at least 24 hours before the date and time of the meeting, or deposited in the US Mail at least 72 hours before the date and time of the meeting. All reasonable means shall be used to notify members of an emergency meeting. In the event an

emergency meeting is called, public notice shall be made as soon as is reasonable under the circumstances.

G. Quorum. Four members of the Commission shall constitute a quorum for transacting business at any meeting. No action shall be taken at any meeting in the absence of a quorum other than to adjourn the meeting to a subsequent date, except as follows. If the agenda includes one or more public hearings concerning which members of the public wish to testify, the Commission shall hear the testimony prior to adjournment. Detailed notes or minutes of the testimony shall be provided to those Commission members not present. The Commission members who were not present shall familiarize themselves with this testimony prior to voting on the item.

H. Agenda

1. The Secretary shall prepare the agenda, in consultation with the Chair, for each meeting or study session of the Commission. The agenda shall include the various matters of business as scheduled for consideration by the Commission. Commission members may request that the Chair include items on the agenda. Notwithstanding the Chair's discretion of what items to place on the agenda, if three or more Commission members request an item to be placed on the agenda, it must be placed upon the agenda for the next regular Commission meeting after the date of the request.
2. The Chair may call items in a different order if the Chair believes it to be in the best interest of the Town or the public. Items for which there is a large number of speakers, presenters, or members of the public should be called earlier on the agenda.

I. Withdrawal of Request. Any request may be withdrawn upon request to the Secretary from the person requesting that the item be placed on the agenda, but no request shall be withdrawn after posting of the meeting notice or publication of legal notice prior to the public hearing thereon without formal consent of the Commission.

J. Field Trips. The Commission may take field trips to view property or for other purposes relevant to a public hearing or other matter under consideration. All Commission field trips shall be taken as part of a regular or special meeting, and all interested persons shall be afforded the opportunity to be present to view the property and hear any reports or comments. A record of the field trips shall be entered into the minutes, so that the record shall indicate that the field trip was taken in consideration as evidence. Nothing in this paragraph shall prevent less than a quorum of the Commission, or Commission members individually at their own convenience, from taking field trips to view property which is the subject of an application or other matter being considered.

III. ORDER OF BUSINESS

A. Parliamentary Procedure

1. The Chair shall call the Commission to order and the Secretary shall record the members present and absent. Absent members who have notified the Chair or the Secretary prior to the meeting of the inability to attend due to a reasonable cause shall be listed as an excused absence; all other absences shall be listed as an unexcused absence.
2. The Chair, or at the direction of the Chair, the Secretary, shall call each matter of business in the order filed and shall announce the name of the applicant, the location of the property involved, and the nature of the applicant's request. Supporting evidence for and against each matter shall be presented to the Commission.
3. The conduct of meetings shall generally follow the most recent edition of Robert's Rules of Order unless such rules are suspended by majority vote of the Commission. The Chair shall direct questions to the applicant or any person speaking, in order to bring out all the relevant facts, circumstances, and conditions affecting the matter being considered, and then call for questions from other members of the Commission and from Town staff.
4. No member shall interrupt another member except to call to order or to correct a mistake.

B. Hearing Conduct

1. Any relevant evidence may be considered if it is the sort of evidence which responsible persons are accustomed to relying upon in the conduct of serious affairs.
 - a. The Chair may exclude irrelevant or redundant testimony and make such other rulings as may be necessary for the orderly conduct of the proceedings, while ensuring basic fairness and a full airing of the issues involved.
 - b. Any evidence supporting the granting or denial of an application shall be submitted to the Planning Department prior to the meeting or to the Commission during the public meeting.
2. The Commission may continue the hearing up to 45 days on any application or other matter for which the applicant fails to appear unless the applicant has requested in writing that the Commission act without the applicant being present at the hearing; provided, however, the Commission may hear those persons requesting to speak in response to the notice of hearing.
3. Members who are absent from any portion of a hearing conducted by the Commission may vote on the matter, provided that they have listened to the tape recording or reviewed the minutes of any portion of the hearing from

- which they were absent. They should state prior to the vote that they are familiar with the record. Members who miss only the staff presentation may vote if they state that they have read the staff report.
4. In order to expedite the conduct of the hearing or other agenda item, the Chair may limit the amount of time which a person may use in addressing the hearing body. The Chair may also limit the number of speakers or length of testimony upon a particular issue in order to avoid repetitious and cumulative evidence.
 5. The burden of proof on all legal prerequisites to granting of the relief or action sought shall be upon the party requesting such relief or action.

C. Voting

1. After all evidence has been submitted to the Commission, each case shall be heard, considered, and acted upon in public meeting.
2. In taking action on any application or other matter, the Commission may grant approval, grant approval with conditions, modify the request so as to make more restrictions, or deny the item altogether. In these actions, the Commission shall be guided by the provisions of the Arizona Revised Statutes, the Marana Town Code, the Marana Land Development Code, the Marana General Plan, and other development standards, policies and area plans adopted by the Town.
3. Unless otherwise restricted by law, the Commission may defer action by majority vote on any matter when it concludes that additional time for further study or input is necessary. If continued, any public hearing shall be continued to a certain date; if tabled, any public hearing shall be subject to the requirements of advertising and notice, as if a new application were being considered, and upon majority vote by the Commission to remove it from the table.
4. A majority vote of those Commission members present and voting shall be required to take official action, including but not limited to, the adopting of resolutions, policy, or submitting recommendations, unless a larger percentage is required pursuant to law or these Rules & Procedures. In the event of a tie in votes on any motion, the motion shall be considered defeated. In the event that there is no motion, or the motion dies for lack of a second, it shall be entered into the minutes as a denial of the application being considered. Nothing in this paragraph shall prevent any member from making a subsequent motion on any matter where a prior motion is not approved by a majority vote of all members present.
5. Commissioners shall declare a conflict of interest and disqualify themselves at the time an agenda item is called, or as soon thereafter as a conflict of interest is recognized, shall leave the room, and shall abstain from discussion

of the item with members, testimony, and voting whenever they have a conflict of interest in the case under consideration, as described and provided by the Arizona Revised Statutes (A.R.S. § 38-501, et seq.).

6. Each member attending shall be entitled to one vote. Voting on public hearings shall be by roll call vote. Votes on other action may be made by voice vote, or at the request of any member, by roll call vote. The minutes of the proceedings shall indicate the vote of each member on every matter acted upon, and shall indicate any absence or failure to vote.
7. No member shall be excused from voting except on matters involving the consideration of their own official conduct or involving a declared conflict of interest or office as provided above.
8. A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all actions recommended in the staff report on file in the matter.

D. Recommendation to the Town Council. The Commission shall forward a recommendation to the Town Council of its findings and/or actions in writing with respect to the merits of the application within 45 days of the conclusion of the public meeting.

IV. OFFICIAL RECORDS

- A. Retention of Files.** The official records of the Commission shall include these Rules & Procedures, administrative rules of procedure, minutes of meetings, resolutions, and the Commission's adopted reports, all of which shall be deposited with the Office of the Town Clerk and which, other than notes of the Executive Session and other confidential items, shall be available for public inspection during customary office hours. (Minutes of executive sessions shall be filed as stated above.) All applications and other matters coming before the Commission shall be filed in the Planning Department in accordance with the Department's general file system. Records shall be retained in a manner consistent with the Arizona Public Records laws and schedules approved by the Arizona Department of Libraries, Archives, and Public Records.
- B. Recording of Meetings.** All public meetings of the Commission may be recorded by electronic device. Any person desiring to have a meeting recorded by an electronic device or by a stenographic reporter, at his/her own expense, may do so, provided that the person consults the Commission's Secretary to arrange facilities for such recording prior to the commencement of the meeting, and does not disrupt the proceedings.

V. SEVERABILITY

It is the intent of the Commission that these Rules & Procedures be read as broadly as permitted by law, that each provision be read in a manner consistent with Arizona law, and that any provision that exceeds the Commission's authority remain effective to the fullest extent permitted by law. In the event any provision or portion of a provision of these Rules & Procedures is determined by a court to be invalid for any reason, the remaining provisions of the Rules & Procedures shall continue in full force and effect.

VI. AMENDMENTS

These Rules & Procedures may be amended by majority vote of the Commission members at any meeting of the Commission provided that notice of the proposed amendment is given to each member in writing at least five days prior to the meeting, and placed on the Commission agenda. The amendment shall become effective at the next meeting of the Commission at least 30 days following the majority vote, unless during that time the Town Council passes, by majority vote, a resolution nullifying the amendment.