



SURPRISE
ARIZONA

PLANNING AND ZONING COMMISSION BASICS

November 3, 2017

PUBLIC BODY:

PLANNING & ZONING is a public body and you are now public officials – what does that mean?

- “Public bodies” are a group of elected or appointed members of the Legislature, City Council or their boards and commissions. A.R.S. §38-481.
- Members of public bodies are some of the many people called “public officials.”

PUBLIC OFFICIAL:

- As a Public Official, you take an oath to uphold the Constitution and Laws of the United States and the State of Arizona. A.R.S. §38-231.
- Once you take the oath you may begin your work as a commissioner.



The graphic features a dark grey horizontal bar at the top. On the left side of this bar is a stylized sun icon with rays. The text "OPEN MEETING LAW" is written in large, white, sans-serif capital letters across the center of the bar. On the right side of the bar, there is a purple triangular shape pointing towards the center. The background of the slide is a light grey with a faint, semi-transparent image of a modern building complex.

OPEN MEETING LAW

Arizona Law States:

All meetings of any public body must 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 must occur during a public meeting. A.R.S. §38-431.01(A)

THE PUBLIC MEETING:

- A gathering, in person or through technological devices, of a **quorum** of members of a public body at which they discuss, propose or take legal action, including any deliberations by a **quorum** with respect to such action.
- You don't necessarily need to be present.
- A public meeting is not legal if not properly noticed.

WHAT IS A QUORUM?

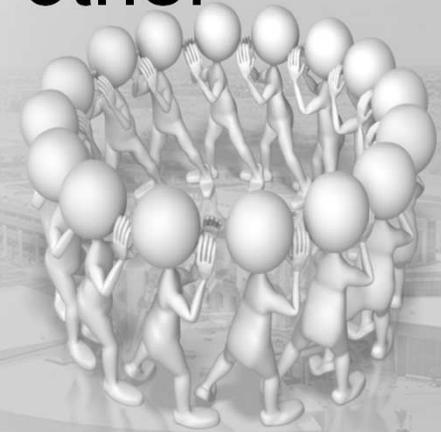
- A majority of the membership of the public body. If you do not have a quorum, you must adjourn the meeting.
 - Majority: more than half of the members present at the meeting.
 - Membership: filled positions on the public body, excludes vacancies.

DIFFERENT TYPES OF “MEETINGS”

1. Phone calls
2. Emails-be careful responding to emails. Using “Reply All” and Forwarding emails may lead to OML trouble.
3. Serial meeting-less than a quorum present. Later the same discussion is had with other members.
4. Social events-when in doubt, post as possible quorum.
5. Social media-be careful “liking” comments, emerging area of law.

What is a “Serial Meeting”?

- Less than a quorum present
- Later the same discussion with other members of the body
- Enough members to = quorum



“Reply All” and Forwarding = Trouble



COMMUNICATION WITH STAFF

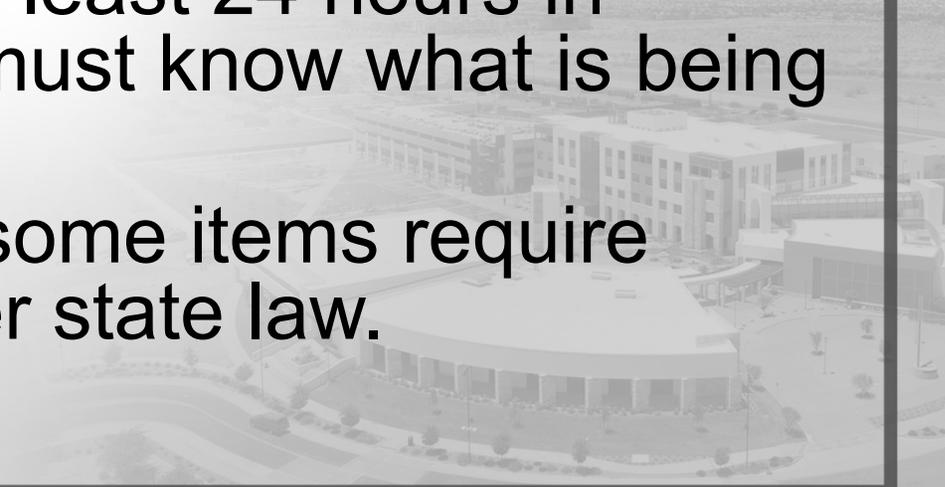
- Commissioners may communicate with staff.
- Staff may provide a commissioner with reports or other information outside a public meeting.
- Staff may not be used to side step the open meeting law.

Spoke and Wheel





FIRST THINGS FIRST

- Staff must properly notice the meeting. The meeting notice must have the day, time and location of the meeting.
 - Publish the agenda at least 24 hours in advance. The public must know what is being discussed.
 - Public hearing items-some items require additional notice under state law.
- 

MUST STAY ON AGENDA!

- It's everyone's job to stay on agenda.
- What to do if someone strays?
- Limited Exception: Call to the Public & Reports.



ORDER OF AGENDA

Preliminary Matters:

Roll Call

Pledge of Allegiance

Current Events and Reports

Call to the Public



- Action Items:

- Consent Agenda

- Regular Discussion Items

- Non-public hearing

- Public hearing

- Statutorily required sub-part of meeting

- Opening and closing “Hearing”



Action items continued

- Motions-follow Parliamentary Procedure
- Future agenda items
- Adjournment: may vote or Chair may do so if no member raises an objection.

Basic Motion Steps

A member of the public body:

1. Addresses the chair
2. Waits for recognition
3. Makes the motion

A second member:

4. Seconds the motion



Motion Continued....

The chair:

5. States the motion
6. Opens & closes the public hearing (if applicable)
7. Calls for remarks
8. Puts the question/Calls for the vote
9. States the results (chair or clerk).

*April 2003 League of Arizona Cities and Towns, "What all Elected Officials Need to Know" <http://www.azleague.org/index.aspx?NID=114>



POWERS & DUTIES

- P&Z makes final decisions on some matters and is an advisor to the council on others.
 - Role of Advisor-City Council relies on the P&Z to help implement the vision of the General Plan.
- 

Mission

To promote the health, safety, and beauty of the community, and secure growth and development within the city in conformance with the General Plan....

SMC Sec. 2-301



Primary Powers and Duties

- Recommendations to council on General Plan, Land Use, Design, zoning classifications, building and development codes, HUD programs
- Decide outright: site plans



Bylaws

- SMC Sec. 2-295.
- Same bylaws for all Boards and Commissions in City
- 7 members/4 year terms
- Attendance/Removal



NEW DUTIES

- Board of Adjustment – SMC Sec. 2-302
- Board of Construction Review – SMC Sec. 2-303





CONFLICT OF INTEREST

Arizona statutory law requires public officers (or employee) who have a conflict of interest to do two things...

- 1) Disclose the interest
- 2) Refrain from **any** participation in the matter.

A.R.S. §§ 38-501 to 511.



RELATIVES

Your Spouse

Your children or step-children

Your parents or step-parents

Your in-laws

Your grandchildren

Your grandparents



What all elected officials need to know.

- Conflicts can happen-just don't try to influence the decision or vote. Always disclose the interest.
- When in doubt --- ASK!!
- What to do at the meeting when you have a conflict? – Refrain from participation.

PENALTIES

A **Knowingly or intentionally** violation of any provision of the conflict of interest laws is a class 6 felony.

Negligent or reckless violation of the law is a class 1 misdemeanor.

Forfeiture of Public Office

Cancellation of Contract



SURPRISE
ARIZONA

**QUESTIONS OR
COMMENTS?**

Thank You

