

## ITEM# 1.2

### Discussion and Action to amend the Planning and Zoning Commission Bylaws

During the December 16<sup>th</sup> City Council Meeting the City Council made some changes to the City Boards. These changes consist of the following: reducing the number of board members, removing all alternate positions, and making each term for 3 years. The purpose of this change is to have consistency among all the boards. The bylaws below will reflect the changes approved by the City Council.

### BYLAWS FOR THE PLANNING AND ZONING BOARD

#### ARTICLE I

##### Organization

- A. Pursuant to Ordinance 649 (3/22/71), the Planning and Zoning Board is hereby created and established.
- B. The Planning and Zoning Board shall be composed of seven (7) members, ~~and one (1) alternate~~, who shall be resident citizens, taxpayers and qualified voters of the City and shall be appointed by the Mayor with confirmation by the City Council. Such appointments will be staggered upon the membership.
- C. The tenure for each member of the Planning and Zoning Board shall be for ~~two (2)~~ **three (3)** years. Vacancies occurring shall be filled for the unexpired term in the same manner as provided for original appointments.
- D. Members of the Planning and Zoning Board may be removed by the Mayor with the City Council's consent after a public hearing and for cause assigned in writing.

#### ARTICLE II

##### Duties

The Planning and Zoning Board shall perform such duties as may be prescribed upon them by the City Council, by Ordinance, and/or by State law.

#### ARTICLE III

##### Officers

- A. The Planning and Zoning Board shall elect a Chairman & Vice-Chairman from its membership.
- B. The Chairman shall make a good faith effort to attend all meetings involving the Planning and Zoning Board wherein he shall be the presiding officer; shall oversee that all meetings are professionally conducted; and shall maintain order during meetings.

- C. The tenure for the Chairman & Vice-Chairman shall be for ~~one (1) three (3)~~ year whereby the Planning and Zoning Board shall consider his/her effectiveness in being the chief presiding officer of said Board. The Chairman for the Planning and Zoning Board shall be elected each January, thereby providing the Mayor and City Council to fully appoint the Board during its December Board appointments.
- D. In the absence of the Chairman, the Vice-Chairman shall have the full authority and responsibilities of the Planning and Zoning Board Chairman.
- E. In the event the Chairman & Vice-Chairman are not present, the attending members shall appoint among themselves an Acting Chairman. The Acting Chairman shall have the full authority and responsibility of the Planning and Zoning Board Chairman.

#### ARTICLE IV

##### Voting

- A. Each member shall have one (1) vote.
- B. The Chairman shall always have the right to vote on any issue but it shall be at his discretion and option to exercise this right.
- C. The Chairman, however, shall vote when there is a tie vote. The Chairman shall also vote when there are four (4) members present, inclusive of the Chairman, so that the result shall be a total of four (4) votes. During this latter mandatory vote by the Chairman, should there be a 2-2 tie vote, the motion shall be considered as defeated.
- D. Furthermore, should a Planning and Zoning Board member abstain from voting so that the total number of notes is three (3), the Chairman shall then note to render a total of four (4) active votes.
- E. The Chairman shall not make a motion or second any motion on any issue without relinquishing the Chair to another Planning and Zoning Board member who had not made the respective motion or the second to the motion.
- F. A Planning and Zoning Board member shall only abstain from voting if he/she has a vested interest in a particular proposal before the Planning and Zoning Board and shall sign an affidavit to the conflict (see attached Exhibit A). Should there not be sufficient cause for abstention, the Planning and Zoning Board member shall vote.
- G. A Planning and Zoning Board member presenting a proposal before the Planning and Zoning Board shall remove himself/herself from the Planning and Zoning Board's platform thereby becoming a member of the respective audience and, of course, be automatically considered as an abstaining Planning and Zoning Board member. Once the time is acted on, the member shall take his/her seat on the Planning and Zoning Board.
- H. ~~An alternate member shall have the right to attend and participate in any Planning and Zoning Meeting and shall have all rights and privileges as a regular Planning and Zoning member. An alternative member shall vote as provided herein except where there are five (5) active Planning and Zoning members present.~~
  - (a) ~~An alternate member shall substitute at any such meeting a regular member who is absent and have full voting privileges during such meeting. The need~~

~~to establish quorum need not be present for an alternate member to substitute for a regular member who is absent.~~

## ARTICLE V

### Quorum

The quorum for the transaction of business shall be four (4) members from the ~~seven (7) eight (8)~~ member Board.

### Attendance

Pursuant to Sec. 2-16, any member of the board who is absent more than three (3) consecutive times from any regular or special meeting of said board, or who is absent from said meetings more than fifty (50) percent of the time during any one calendar year, without a legitimate excuse to be determined by the majority of any such board, shall be automatically dropped from membership.

## ARTICLE VI

### Meetings

- A. The Planning and Zoning shall hold at least one regular meeting in each month at a time to be fixed by it for such regular meetings, and may hold as many additional regular meetings during the month as may be necessary for the transaction of the business of the City and its citizens. All regular meetings of the Planning and Zoning Commission shall be public and shall be held at a place designated in advance.
- B. Special meetings shall be held at times and places to be determined by the Chairman with the advice and consent of the Planning and Zoning Board's membership.
- C. There shall be no regular meeting scheduled should there be less than three (3) agenda items deemed for action.

## ARTICLE VII

Administrative and clerical support for the Planning and Zoning Board shall be provided by the Planning Department which shall keep any and all records pertaining to business undertaken by the Planning and Zoning Board.

## ARTICLE VIII

The Chairman shall appoint any combination of members as a temporary subcommittee of the Planning and Zoning Board in order to review, research and discuss a particular issue. The subcommittee shall then report back to the full Planning and Zoning Board the findings and results of their meeting(s).

## ARTICLE IX

These Bylaws may be amended or added to by a majority vote (4) of the Planning and Zoning Board provided that:

1. Notice of proposed amendment(s) shall contain a full statement of the proposed amendment(s) on an agenda to be presented to the Board at a regular meeting; and,
2. Pursuant to Sec. 26-25 of Mission's Codes, shall be approved by the Mission City Council.

## ARTICLE X

These Bylaws are hereby duly adopted at a regular meeting of the Planning and Zoning Board and the Mission City Council on the dates given below:

Adoption by the Planning and Zoning Board:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

Adoption by the Mission City Council:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

BYLAWS  
FOR THE  
PLANNING AND ZONING BOARD

ARTICLE I

Organization

- A. Pursuant to Ordinance 649 (3/22/71), the Planning and Zoning Board is hereby created and established.
- B. The Planning and Zoning Board shall be composed of seven (7) members, who shall be resident citizens, taxpayers and qualified voters of the City and shall be appointed by the Mayor with confirmation by the City Council. Such appointments will be staggered upon the membership.
- C. The tenure for each member of the Planning and Zoning Board shall be for three (3) years. Vacancies occurring shall be filled for the unexpired term in the same manner as provided for original appointments.
- D. Members of the Planning and Zoning Board may be removed by the Mayor with the City Council's consent after a public hearing and for cause assigned in writing.

ARTICLE II

Duties

The Planning and Zoning Board shall perform such duties as may be prescribed upon them by the City Council, by Ordinance, and/or by State law.

ARTICLE III

Officers

- A. The Planning and Zoning Board shall elect a Chairman & Vice-Chairman from its membership.
- B. The Chairman shall make a good faith effort to attend all meetings involving the Planning and Zoning Board wherein he shall be the presiding officer; shall oversee that all meetings are professionally conducted; and shall maintain order during meetings.

- C. The tenure for the Chairman & Vice-Chairman shall be for one (1) year whereby the Planning and Zoning Board shall consider his/her effectiveness in being the chief presiding officer of said Board. The Chairman for the Planning and Zoning Board shall be elected each January, thereby providing the Mayor and City Council to fully appoint the Board during its December Board appointments.
- D. In the absence of the Chairman, the Vice-Chairman shall have the full authority and responsibilities of the Planning and Zoning Board Chairman.
- E. In the event the Chairman & Vice-Chairman are not present, the attending members shall appoint among themselves an Acting Chairman. The Acting Chairman shall have the full authority and responsibility of the Planning and Zoning Board Chairman.

#### ARTICLE IV

##### Voting

- A. Each member shall have one (1) vote.
- B. The Chairman shall always have the right to vote on any issue but it shall be at his discretion and option to exercise this right.
- C. The Chairman, however, shall vote when there is a tie vote. The Chairman shall also vote when there are four (4) members present, inclusive of the Chairman, so that the result shall be a total of four (4) votes. During this latter mandatory vote by the Chairman, should there be a 2-2 tie vote, the motion shall be considered as defeated.
- D. Furthermore, should a Planning and Zoning Board member abstain from voting so that the total number of notes is three (3), the Chairman shall then note to render a total of four (4) active votes.
- E. The Chairman shall not make a motion or second any motion on any issue without relinquishing the Chair to another Planning and Zoning Board member who had not made the respective motion or the second to the motion.
- F. A Planning and Zoning Board member shall only abstain from voting if he/she has a vested interest in a particular proposal before the Planning and Zoning Board and shall sign an affidavit to the conflict (see attached Exhibit A). Should there not be sufficient cause for abstention, the Planning and Zoning Board member shall vote.
- G. A Planning and Zoning Board member presenting a proposal before the Planning and Zoning Board shall remove himself/herself from the Planning and Zoning Board's platform thereby becoming a member of the respective audience and, of course, be automatically considered as an abstaining Planning and Zoning Board member. Once the time is acted on, the member shall take his/her seat on the Planning and Zoning Board.

## ARTICLE V

### Quorum

The quorum for the transaction of business shall be four (4) members from the seven (7) member Board.

### Attendance

Pursuant to Sec. 2-16, any member of the board who is absent more than three (3) consecutive times from any regular or special meeting of said board, or who is absent from said meetings more than fifty (50) percent of the time during any one calendar year, without a legitimate excuse to be determined by the majority of any such board, shall be automatically dropped from membership.

## ARTICLE VI

### Meetings

- A. The Planning and Zoning shall hold at least one regular meeting in each month at a time to be fixed by it for such regular meetings, and may hold as many additional regular meetings during the month as may be necessary for the transaction of the business of the City and its citizens. All regular meetings of the Planning and Zoning Commission shall be public and shall be held at a place designated in advance.
- B. Special meetings shall be held at times and places to be determined by the Chairman with the advice and consent of the Planning and Zoning Board's membership.
- C. There shall be no regular meeting scheduled should there be less than three (3) agenda items deemed for action.

## ARTICLE VII

Administrative and clerical support for the Planning and Zoning Board shall be provided by the Planning Department which shall keep any and all records pertaining to business undertaken by the Planning and Zoning Board.

## ARTICLE VIII

The Chairman shall appoint any combination of members as a temporary subcommittee of the Planning and Zoning Board in order to review, research and discuss a particular issue. The subcommittee shall then report back to the full Planning and Zoning Board the findings and results of their meeting(s).

## ARTICLE IX

These Bylaws may be amended or added to by a majority vote (4) of the Planning and Zoning Board provided that:

1. Notice of proposed amendment(s) shall contain a full statement of the proposed amendment(s) on an agenda to be presented to the Board at a regular meeting; and,
2. Pursuant to Sec. 26-25 of Mission's Codes, shall be approved by the Mission City Council.

## ARTICLE X

These Bylaws are hereby duly adopted at a regular meeting of the Planning and Zoning Board and the Mission City Council on the dates given below:

Adoption by the Planning and Zoning Board:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

Adoption by the Mission City Council:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date