

DEVELOPMENT REVIEW COMMISSION

RULES OF PROCEDURE

RULE 1. GENERAL RULES

- A. Rules of Journal: The Commission shall determine its own rules, order of business, conduct of public meetings, and shall provide for keeping a journal of its proceedings. This journal shall be a public record.
- B. Written Rules, Order of Business and Procedure: The rules, order of business, and procedure of the Commission shall be in writing and be available to all interested citizens.

RULE 2. CONFLICT OF INTEREST

The provisions of Arizona Revised Statutes (A.R.S.) Title 38, Article 8, §§ 38-501 to 38-511, inclusive, are incorporated herein by reference.

RULE 3. COMMISSION MEETINGS

The Commission shall hold regular meetings on the second and fourth Tuesday of every month. Special meetings may be held on the call of the Chairperson or of four or more Commission members. All meetings shall be open to the public. Study Sessions are permissible to brief Commission members on various issues, including the items on the agenda. All public meetings and proceedings shall conform to the requirements of A.R.S. Title 38, Article 3.1, §§ 38-431 to 38-431.09, inclusive.

RULE 4. THE COMMISSION AGENDA

Staff Procedure: All reports, communications, ordinances, documents or other matters to be submitted to the Commission shall be delivered to the Community Development Department.

- 1. The Community Development Department Director, or designee, shall review the agenda and background information material preceding the Commission meeting.
- 2. Following the agenda review, the agenda with the additions, deletions or other corrections, shall be returned to the administrative staff, who shall prepare the agenda in its final form.
- 3. The Administrative staff shall disseminate copies of the agendas and background material to the Commission and City Staff at least 5 days prior to the hearing.
- 4. The agenda shall be made public in advance of the meeting both by posting in the City Clerk's Office, on the public bulletin board outside of Council Chambers at City Hall, on the City's website and by dissemination to public news media. Public hearing notices of the subject locations will also be mailed to nearby property owners, neighborhood and homeowner associations of record.

RULE 5. ORDER OF BUSINESS

The Order of Business shall be:

1. INTRODUCTION (meeting preamble)
2. AGENDA
 - A. Commission Meeting Minutes
 - B. Cases
 - *Consent Agenda Items
 - *Regular Agenda Items for Discussion
 - C. Announcements
3. ADJOURN

RULE 6. CHAIR

The Commission shall elect a chairperson and a vice-chairperson from its own regular members. The chair, or in the absence of the chair, the vice-chair, shall call the Commission members to order. The chair shall serve as Commission Parliamentarian, who shall have the power to administer oaths, take evidence, and set consent agendas. The Community Development Department staff shall enter in the minutes of the meeting the names of the Commission members present.

RULE 7. TEMPORARY CHAIRPERSON

In case of the absence of the chair and the vice chair, the Community Development Department Director, or designee, shall call the Commission to order. If a quorum is present, the Commission shall proceed to elect, by a majority vote of those present, a Commission member to chair the meeting.

RULE 8. DECORUM AND ORDER

The chair shall preserve decorum and decide all questions of order, subject to appeal to the Commission.

1. During Commission meetings, Commission members shall preserve order and decorum and shall not delay or interrupt the proceedings or refuse to obey the orders of the chair or the Rules of the Commission. Every Commission member desiring to speak shall address the chair and, upon recognition by the chair, shall confine all comments to the question under debate and shall avoid indecorous language. Once recognized, a Commission member shall not be interrupted while speaking unless called to order by the chair or unless a point of order is raised by another Commission member. If a Commission member is called to order while speaking, the Commission member shall immediately cease speaking until the question of order is determined. If ruled to be in order, the Commission member shall be permitted to proceed. If ruled to be not in order, the Commission member shall remain silent or shall alter all remarks so as to comply with the rules of the Commission. Commission members shall confine their questions to the particular issues before the Commission. If the chair fails to act, any Commission member may move to require the chair to enforce the rules and the affirmative vote of the majority of the Commission shall require the chair to act.

2. The chair shall have the authority to preserve decorum in meetings as far as the audience, staff members and city employees are concerned. The City Manager shall also be responsible for the orderly conduct and decorum of all city employees under the manager's direction and control. Any remarks shall be addressed initially to the chair and to any or all Commission members. Without permission from the chair, no staff member, other than the staff member who has the floor, shall enter into any discussion, either directly or indirectly.
3. Citizens attending Commission meetings shall also observe the same rules of propriety, decorum and good conduct applicable to members of the Commission. Any person making personal, impertinent, and slanderous remarks, or who becomes boisterous while addressing the Commission or while attending the Commission meeting, shall be removed from the room if the Sergeant-at-Arms is so directed by the chair. Unauthorized remarks from the audience, stomping of feet, whistles, yells, or similar demonstrations shall not be permitted by the chair, who shall direct the Sergeant-at-Arms to remove such offenders from the room. Should the chair fail to act, any member of the Commission may move to require the chair to enforce the rules, and the affirmative vote of the majority of the Commission shall require the chair to act. Any members of the public desiring to address the Commission shall be recognized by the chair, shall state their name and city of residence in an audible tone for the record, and shall limit their remarks to the questions under discussion. Any remarks shall be addressed to the chair and to any or all Commission members.

RULE 9. RIGHT OF APPEAL

Any Commission member may appeal a ruling of the chair to the Commission. If the appeal is seconded, the Commission member making the appeal may briefly state the reason for the same, and the chair may briefly explain the ruling, but there shall be no debate on the appeal, and no other Commission member shall participate in the discussion. The chair shall then ask the question, "Shall the decision of the chair be sustained?" If a majority of the Commission members' present vote "Aye", the ruling of the chair is sustained, otherwise it is overruled.

RULE 10. LIMITATION OF DEBATE

Without permission of the chair, no member of the Commission or Public shall be allowed to speak more than once on any one subject until all Commission members have had an opportunity to speak, nor for a longer time than five minutes. The chair has the option to place time limits on public testimony.

RULE 11. ROLL CALL VOTE BY LOT

The roll shall be taken for ayes and nays upon any questions before Commission. It shall be out of order for members to explain their vote during the roll call. There shall be no additional debate or speaking on the subject after the vote is taken. All roll call votes shall be taken by lot.

RULE 12. MOTIONS TO BE STATED BY CHAIR - WITHDRAWAL

When a motion is made and seconded, it shall be so stated by the chair before debate commences. A motion may not be withdrawn by the mover of the motion without the consent of the Commission member seconding it.

RULE 13. MOTIONS OUT OF ORDER

The chair may not at any time permit a Commission member to introduce an ordinance, resolution, or motion out of the regular order as set forth in the agenda.

RULE 14. MOTION TO ADJOURN, WHEN NOT IN ORDER, NOT DEBATABLE

A motion to adjourn shall be in order at any time, except as follows:

- a. when repeated without intervening business or discussion;
- b. when made as an interruption of a member while speaking;
- c. when the previous question has been ordered; and
- d. while a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

RULE 15. MOTION TO LAY ON TABLE

A motion to lay on the table shall preclude all amendments or debate on the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon motion of a Commission member voting with the majority of the members present.

RULE 16. DIVISION OF QUESTION

If the question contains two or more separate propositions, the chair may, and upon request of a Commission member, shall divide the same.

RULE 17. AMEND AN AMENDMENT

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

RULE 18. RECONSIDERATION

After the decision on any question any Commission member who voted with the prevailing side may move for reconsideration of any action at the same or at the next succeeding meeting, provided, however, a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a 2/3 vote of all Commission members, whether present or not, not disqualified from voting by a conflict of interest, but, in no event, by less than four affirmative votes.

RULE 19. RESCIND

After the time for reconsideration has expired, any Commission member who voted with the prevailing side may move to rescind any action. A motion to rescind shall require a 3/4 vote of all Commission members, whether present or not, not disqualified from voting by a conflict of interest, but, in no event, by less than four affirmative votes.

RULE 20. SUSPEND THE RULES

These Rules may be suspended with previous notice by a 2/3 vote of all Commission members, whether present or not. A motion to suspend these Rules without previous notice shall require unanimous consent.

RULE 21. AMEND THE RULES

These Rules may be amended with previous notice by a 2/3 vote of all Commission members, whether present or not. A motion to amend these Rules without previous notice shall require unanimous consent.

RULE 22. WHAT OTHER RULES SHALL GOVERN

The rules of parliamentary practice, comprised in Robert's Rules of Order, latest edition, shall govern the Commission in all cases to which they are applicable, provided that they are not in conflict with these Rules or with the Charter of the City of Tempe.