



## **Agenda Information Sheet**

**April 14, 2016**

### Agenda Item

Consider approval of the Planning & Zoning Commission Bylaws.

### Background & Summary of Request:

In reviewing the Zoning Ordinance, Section 13 states the Planning & Zoning Commission shall adopt Bylaws. Staff has been unable to locate an approved set of bylaws for this Commission therefore we drafted a document for the Commission's review and comment.

The Planning & Zoning Commission recommended approval on March 28, 2016.

# **City of Marshall**

## **Planning and Zoning Commission Bylaws**

### **Article I – Purpose**

The Planning and Zoning Commission was established by the City Commission of the City of Marshall on March 26, 1987 pursuant to Ordinance No. 87-13. The Commission's purpose is to plan for the orderly development of the City of Marshall and to advise the City Commission on that subject. This is to be accomplished through the adoption of long range planning and the enforcement of Chapter 32 of the Code of Ordinances, title Zoning Ordinance.

### **Article II – Members**

The Planning and Zoning Commission shall consist of seven (7) members, who shall be resident citizens and qualified to be voters in the city. The members shall be appointed by a majority vote of the City Commission, and shall be selected with due regard for their fitness in order that all citizens of the city shall have reasonable and fair voice in the affairs of the Planning and Zoning Commission. The members of said Commission shall be appointed by the City Commission for a term of three years and a maximum of two consecutive terms. Appointment to a full three term shall begin on June 1. Upon the expiration of the term of each member, his place shall be filled by the City Commission. Vacancies in an unexpired term shall be filled by the City Commission for the remainder of the term. Appointment to complete an unexpired term shall become effective immediately. A member who is appointed to complete an unexpired term shall be eligible to serve two consecutive full terms following the completion of the unexpired term. Members of the Commission may be removed by the City Commission after public hearing and for cause assigned in writing.

### **Article III – Officers**

1. The elected officers of the Commission shall be a Chairperson and Vice-Chairperson.
2. Elections shall be held at the first official Commission meeting after January 1 every two years. The newly elected officers will take office at the same meeting.
3. The Vice-Chair shall serve in the absence of the Chair.
4. In the absence of both the Chair and Vice-Chair, the members at such meeting shall elect a Chairperson Pro-Tempore.
5. If the Chair vacates the office before completing his or her term, the Vice-Chair will assume the office and serve the remainder of the term. A new Vice-Chair will be elected at the next regular meeting.
6. The Director of Planning and Development shall assign a staff member to serve as the Secretary and shall provide other staff services necessary to carry out the work of the Planning and Zoning Commission.

### **Chairperson**

The Chairperson shall be a voting member of the Commission and shall:

1. Call the meetings of the Commission to order.
2. Preside at meetings and hearings.
3. Act as spokesperson for the Commission.
4. Sign documents for the Commission.
5. Perform other duties approved by the Commission.

### **Vice Chairperson**

The Vice Chairperson shall exercise the duties of the Chairperson in the absence, disability, or disqualification of the Chairperson.

### **Article IV – Meetings**

1. The Commission shall hold at least one regular meeting every month at 6pm on the first or second Monday, depending when the next available City Commission meeting is scheduled.
2. The Chair may call special meetings are circumstances require upon the written request of not less than three Commissioners. Notice a special meeting shall be given in accordance with the Texas Open Meetings Act.
3. Closed meetings, working sessions or executive session of the Commission are allowed when deemed necessary and proper to the public interest and not in conflict with current state law.
4. No meeting, whether scheduled or special, shall be an official meeting of the Commission nor shall any action be taken at any meeting be an official action of the Commission unless a quorum is present.
5. A quorum is constituted of four of the members of the Planning and Zoning Commission.
6. No action of the Planning and Zoning Commission shall be valid unless authorized by a majority vote of those present and voting.
7. Voting
  - a. Each commissioner present at a meeting may vote once on any matter before the commission.
  - b. A commissioner may abstain from voting, a reason for abstaining is not necessary.
  - c. A commissioner must abstain from any vote or discussion on an item in which he or she has financial interest.
8. Chapter 171 of the Texas Local Government Code shall govern the regulation of conflicts of interest of any member of the Commission.
9. Robert's Rules of Order shall govern the conduct of meetings except where in conflict with these Bylaws, City Ordinances, or State Law.

10. Except for public hearing, no member of the public may speak at a Commission meeting unless invited to do so by the Commission.

#### **Article V – Procedure**

1. In matters brought before the Commission for public hearing, which were initiated by an applicant, the staff shall be heard first, the applicant, or his or her agent shall be heard next, and any members of the public may be heard next. The applicant shall have the right to reply last. No person may speak for more than five (5) minutes without consent of the Commission. No person speaking at a public hearing shall be subject to cross-examination. Members of the Commission shall pose all questions. In matters not initiated by an applicant, members of the public shall speak in the order in which request were received, or in such order as the Commission shall determine.
2. From time to time, information comes to the surface subsequent to a meeting of the Commission in which the Commission has made a recommendation. Where such an occurrence arises, City Commission should either consider returning the issue to the Commission for further deliberation or consider the Planning and Zoning Commission's recommendation null and void.

#### **Article VI – Records**

The Secretary shall record all meetings and hearing of the Commission on a tape or electronic audio file, which shall be preserved in accordance with state law requirements. The Secretary shall prepare minutes of each meeting for approval by the Commission at its next regular meeting. Minutes will reflect the members and staff that were in attendance as well as brief summaries of items discussed and record the motions and seconds of motions. The minutes and supporting recordings will be maintained as public records.

#### **Article VII – Attendance**

The unexcused absence of a member for three (3) consecutive meetings of the Commission shall ipso factor terminates the membership on the Commission, unless the absence is excused by the Commission for a reason found to be justifiable. Without limiting the grounds for justifiable absence, sickness, or leave of absence obtained in advance at a regular meeting shall be deemed justifiable grounds for failure to attend a meeting.

#### **Article VIII – Adoption**

These bylaws were adopted by vote of the members of the Commission at a regular meeting and submitted to the City Commission for approval.

#### **Article IX – Amendment**

These bylaws may be amended at any regular meeting of the Commission by majority vote of the members of the Commission at least seven (7) days after the written amendment(s) is (are) delivered to all members.