CITY OF EL PASO, TEXAS

CITY PLAN COMMSSION

Bylaws

The El Paso City Plan Commission (hereinafter referred to as "Commission") hereby adopts these Bylaws to govern their own proceedings and carry out the purposes for which the Commission was created, not inconsistent with the charter and ordinances of the City. These Bylaws shall be supplementary to the regulations governing the Commission within Chapter 2.08 (City Plan Commission) of the El Paso Municipal Code, as may be amended by the El Paso City Council.

ARTICLE I – Membership

1. The members of the Commission shall be those members appointed by the Mayor and City Council and designated by Section 2.08.010 of the Municipal Code.
2. The City Plan Commission shall consist of nine members who shall be resident citizens of El Paso.
3. The term of office for members of the Commission shall be two years. Upon an expiration of a full term, a member may be reappointed to serve a second full term, provided that membership on the Commission does not exceed two consecutive terms.
4. The members of the Commission shall serve until their successors are appointed and shall be subject to removal under the terms of the City Charter concerning officers appointed by Mayor and Council. *See 2.08.030 of the El Paso Municipal Code; see also 3.7.B of the El Paso Charter.*

ARTICLE II – Officers

1. The officers of the Commission shall be the Chair, the First Vice-Chair, and the Second Vice-Chair. The officers shall be elected annually during the month of January, but in any case shall hold office until their successors have been elected and have qualified.
2. Officers shall assume office on the day of election, immediately following election. The officers shall qualify as regularly appointed members of the Commission. The duties of the officers shall be those usually pertaining to their respective offices.
3. The Chair shall preside at all meetings of the Commission, but if for any reason he is absent or unable to act, then the First Vice-Chair shall preside at such meetings and at such times

shall exercise all of the powers and discharge the duties of the Chair. Upon the arrival of the Chair, the acting Chair shall immediately relinquish the chair upon the conclusion of the item of business then pending before the Commission. The Second Vice-Chair shall preside when the Chair and First Vice-Chair are absent from the meeting. In the event that all elected officers are absent, an acting Chair shall be elected to preside over the meeting from the members who are present.

4. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Commission, shall state questions coming before the Commission as necessary for clarity, and shall announce the decision of the Commission on all subjects.
5. All questions of order shall be decided by the presiding officer with the right of appeal from his decision to the Commission that is then present the majority of whom may override his decision.
6. The Chair shall represent the Commission before the City Council as well as the general public, and may appoint any member to appear in his/her behalf.

   When an officer vacancy exists, The Chair shall call for an election from the membership of the Commission to fill any vacancy then created at the first available meeting of the Commission.

ARTICLE III – Meetings

1. The Commission shall hold not less than twelve (12) regular meetings each year.
2. An annual business and organization meeting shall be held in January, at which time an election of officers will be held, the by-laws reviewed, a program of objectives adopted and a schedule of meetings, order of business and other activities for the ensuing year established.
3. No notice on regular meetings shall be required to be given to the members, other than through the published schedule adopted at a regular meeting of the Commission.
4. Special meetings may be held at any time provided that seventy-two hour notice is posted pursuant to state law requirements and written or verbal communication to all Commission members is sent on or before five *(5)* days of the scheduled meeting.
5. Special meetings of the Commission may be held without five *(5)* days' notice, except as otherwise required by law, provided each member waives notice thereof. No special notice shall be required of any item of business that may come before the Commission at any regular

or special meeting.

6. Special meetings may be called by the Chair or a simple majority of the appointed members.
7. When a member is absent from three consecutive meetings, the Chairman, Vice-Chairman or Executive Secretary shall report this fact to the Mayor and City Council so that consideration may be given to removal of such member.
8. Although not adopted as the Rules of the Commission, Roberts' Rules of Order maybe be considered as advisory authority for rules of procedure that will govern the business proceedings of the Commission whenever they are not in conflict with State law, the City Charter, the provisions of any ordinances establishing this Commission, or the provisions of these Bylaws. All questions on matters of procedure shall be referred to the City Attorney or his/her designee.
9. Requests for the postponement of items posted on the agenda may be requested by staff or the applicant. Items pending revisions from applicants must be received by the City no later than the close of business on Tuesday the week of the City Plan Commission meeting when the item is to be considered. In the event revisions are submitted to the City after this deadline, the item shall automatically be postponed by the City Plan Commission. The intent of such policy is to ensure both the board and staff have adequate time to review submittals for compliance with applicable City Codes and to make informed recommendations.

ARTICLE IV - Quorum

A quorum of the Commission shall consist of five of the qualified voting members and shall be required to convene, recess or adjourn any regular or special meeting. The minutes of the Commission shall reflect the names of the members and ex-officio members present at the meetings.

ARTICLE V - Voting

A. Generally

1. A majority of votes cast by those members present and voting, a quorum being present, shall carry all motions, except as elsewhere specified in these Bylaws or in state law.
2. When discussion on an agenda item is commenced, no member shall leave the meeting area including any ante-room(s) attached to the meeting area until the vote is disclosed.
3. A member may change his/her vote after the roll has been completed and before

announcement of the result, but not thereafter unless the item has been reconsidered.

4. In cases where a unanimous vote of the Commission is not received on a question before the Commission, the Executive Secretary shall take a verbal poll of the members to appropriately record the vote and announce the decision.

~~5.~~ Each member, to include the Chair, shall be entitled to one vote on any matter that may come before the Commission.

B. Reconsideration of items

1. The Commission shall be authorized to reconsider any item prior to the expiration of the meeting at which the item was heard and decided on. A motion to reconsider prior to the expiration of such meeting may be made by any member who voted on the prevailing side on the agenda item.
2. A motion to reconsider is the exclusive method by which an item can again be brought before the commission after the meeting at which a final vote was taken except as provided for in B.4. A motion to reconsider may be made by any member who voted on the prevailing side on the agenda item and shall only be available in the following circumstances:
    a. When it is not clear on the record what the commission's decision was.
    b. When the El Paso City Council refers the item back to the commission.
    c. When otherwise requested by a simple majority of the Development Coordinating Committee or other recommending body.
3. Reconsideration of items after expiration of the meeting where a vote deciding the item was taken is only available within 60 days following the plan commission meeting at which a final vote was taken, unless otherwise directed by City Council or requested by another recommending body in order to avoid conflict between recommendations to be forwarded to Council, and shall additionally comply with all of the following:
    a. An item may not be reconsidered twice, except by unanimous consent of the commission.
    b. A motion to reconsider must be on the agenda that is publicly posted.
    c. Once an action reaches the floor of the city council, it may not be reconsidered unless so directed by City Council.
    d. In instances where state law does not allow the decision rendered to be changed, it may not be reconsidered by the Commission.

4. An item may be brought before the Commission again at any time at the request of the executive secretary when necessary to cure a defect as to notice to adjacent landowners previously provided, or to cure any other similar defect that could render the prior public hearing invalid under state law.
5. Validation: No decision of the Commission otherwise valid pursuant to state law and the laws of the City of El Paso, Texas shall be invalidated by failure to comply with these Bylaws.

ARTICLE VI- Ethics

1. Any member of the Commission who has a professional or financial interest in any specific matter presented before the Commission shall recuse himself/herself from the deliberation during that presentation and shall not participate in action taken on that specific matter.
2. Any member of the Commission who has a substantial interest in a matter before the Commission as defined by Section 171.002 of the Texas Local Government Code shall file an affidavit so stating with the City Clerk as before a vote on the matter is taken as is required by Section 171.004 of the Texas Local Government Code. Such member shall additionally leave the room for discussion and action on the item in question.
3. All actions taken by the Commission shall be in accordance with the El Paso Ethics Ordinance.
4. In the interest of fairness to the applicants and appellants appearing before the Commission and those appearing in opposition to the same, no discussion shall be held by a member or members of this Commission with the applicant, appellant, or opposition, who is attempting to influence any Commission member concerning the application or other matter involving an applicant or appellant before the Commission either at home or office, or in person, by telephone, letter or electronic communication. All such discussions shall be held during a meeting at which the item is posted for discussion so that all members shall have the full benefit of such a discussion. Nothing herein shall prevent a Commission member from gathering information regarding pending matters from City staff. When a Commission Member is called upon to voice opinions at public or private functions, he/she shall indicate that he/she is speaking for himself/herself and not representing the Commission unless a formal action by the Commission has been taken on the specific issue.

ARTICLE VII - Order of Business

The public comment portion of the agenda will be presented first, not to exceed thirty (30) minutes. Items that do not require a public hearing by law may be considered and approved under the Consent Agenda. Items removed from the Consent Agenda by the Chair, at the request of other Commission members and staff will be considered and acted upon next. The Public Hearing portion of the agenda will then be considered. Reports or updates from the Commission's Sub-Committees and staff shall be considered following the Public Hearing portion of the meeting.

The order of business for presentation of items and meetings on zoning, subdivisions, and such other issues as may be designated by the Commission shall be established at the annual business and organization meeting each January. The Commission as a body shall consider and act on any request for amendment or modification to the order of business.

ARTICLE VIII- Administrative Staff

1. The Deputy Director of City Planning and Inspections– Planning Division, or his/her designated representative, shall serve as the Executive Secretary to the Commission.
2. The Executive Secretary of the Commission shall provide for the administrative staffing of the Commission which duties shall, at a minimum, include the following:
   a. including maintaining all records of meetings, findings and determinations of the Commission;
   b. assisting in all research activities undertaken by the Commission;
   c. carrying out all functions assigned to or connected with the Commission;
   d. representing the Commission as requested or when no other member is present at hearings of the City Council as necessary.
3. The Executive Secretary shall make available to the City Council and all other duly elected or appointed public officials, all records, completed studies, and recommendations undertaken by the Commission that are not confidential by law.
4. The Executive Secretary shall assist members in performance of their office through consultation and the furnishing of information.

ARTICLE IX – <u>Committees</u>

1. Committees of the membership of the Commission shall be established and appointed by the Chair or by a majority of those present and voting to assist the Commission in performances of its functions.

2. Each Committee shall consist of not less than three (3) nor more than four voting members of the commission.
3. Each Committee shall require the presence of two voting members for purposes of a quorum.
4. Citizens and public officials may be invited to serve as non-voting members of the Committees.
5. The following Committees shall be designated as standing Committees of the Commission to carry out assigned tasks:
    a. Zoning;
    b. Subdivisions;
    c. Long Range Planning
    d.
6. Advisory committees of citizens and/or public officials without Commission membership or participation may be appointed by the Chair from time to time to advise and make recommendations to the Commission.

ARTICLE X - Amendments

The Commission, by a majority decision of its voting members, may make, alter, or rescind these Bylaws at any regular meeting, after fourteen *(14)* days written notice to the voting membership.

ARTICLE XI - Decorum and Debate

1. When a member desires to speak or make a motion, he/she shall address himself/herself through the Chair. Upon being recognized by the Chair, he/she may address the membership.
2. When more than one member addresses the Chair, the Chair shall name the person who is to speak, recognizing the person who first addressed the Chair.
3. No member shall interrupt another, except to call to order or to correct a mistake.

ARTICLE XII - Participation by Employee and Public

1. When an officer, an employee of the City, or an ex-officio member desires to speak, he/she shall address the Chair, and upon being recognized, shall state his/her name and position with the City and then speak.
2. On calls to the audience, a person desiring to speak shall address the Chair. Upon being

recognized, such person shall state his/her full name, address, whom he/she represents, and state the subject matter.

3. No person shall interrupt the proceedings of the Commission.
4. Orderly procedure requires that each person shall proceed without interruption from the audience, that all arguments shall be addressed to the Commission, and that there be no questioning or arguing between individuals.
5. Any person shall have a reasonable opportunity to be heard at all public hearings of the Commission in regard to any and all matters to be considered at such hearings that are germane and relative to any subject matter of Commission affairs or business which is within the scope of the authority and legislative functions of the Commission. Provided, however, that the time allowed for each citizen's appearance before Commission may be limited to a fixed number of minutes at the discretion of the presiding officer. Members of the public will usually be granted five (5) minutes to present their position on issues. Time will be kept by the Executive Secretary. Members of the Commission may move to grant additional time to speakers. Such extended time will be determined by a simple majority vote of Commission, present and voting.

   A maximum of thirty minutes will be allotted for a public comment portion of each regular Commission meeting. Members of the public wishing to provide comment on items not already posted on the agenda during the public comment portion of the Commission agenda must sign up prior to the start of the Commission meeting. The Secretary shall make available the sign-in sheet for the public inside of the meeting location on the day of the Commission meeting up until the start of the meeting. Any person signing up to provide comment during the public comment portion of the agenda must provide their name, address and a short description of the topic(s) of their comment.

   To facilitate the receiving of comment from as many citizens as possible who are interested in bringing topics forward to the Commission for comment, a person may sign up to obtain one time slot to speak or otherwise make a presentation on one or more specified topics during the public comment portion of a Commission meeting. This provision does not restrict any member of the public from signing up to speak on items posted on the regular agenda or to ask questions regarding items posted on the consent agenda.

   The time allotted for the public comment portion of the agenda shall be uniformly divided among those who have signed up to obtain a time slot and participate and except as provided below, nor will a speaker have more than five minutes to speak or otherwise make a presentation, regardless of the

number of topics a speaker wishes to address within his or her time slot. At the beginning of the public comment portion of the agenda, the Secretary will make one announcement as to the amount of time that each person has to provide comment. The Secretary will call each person signed up to make comment to the podium in the order that they signed up to speak and will keep time. Each topic brought forward will be for comment from the speaker and may not be deliberated by the members of Commission nor rebutted or debated by members of the public. Any member of the Commission may propose that the topic commented on be posted by staff on a future Commission meeting agenda for the Commission's discussion and action.

If the allotted thirty minutes for the public comment portion of the agenda has not been completely utilized by the persons who signed up, then the Commission shall proceed with the remaining the agenda.

Members of the public wishing to ask a question regarding an item posted on the consent agenda or to speak to an item posted on the regular agenda must sign up prior to the start of the meeting on the day of the Commission meeting. The Executive Secretary shall make available the sign-in sheet for the public inside the meeting location on the day of the Commission meeting up until the start of the meeting. Persons may sign up to address multiple items, however this does not mean it is permissible to "mark all" or to sign up for every item "just in case" they wish to speak when the discussion on an item takes place.

At the time that the consent agenda is taken up for consideration, the Executive Secretary shall advise the Chair whether persons in the audience have signed up to ask a question regarding an item posted on the consent agenda. The Chair shall have the floor and may ask the Executive Secretary to call those individuals up to the podium to hear their questions. At that time, the Executive Secretary will announce the agenda item number and call the person to the podium. The Chair may request the Secretary or other staff to respond to the questions raised by the members of the public. In his or her discretion, the Chair may move the consent agenda item to the regular agenda for continued discussion and action by the Commission.

Members of Commission may move to overrule the determinations by the Chair under this section by a simple majority vote of the Commission members present and voting.

No person may speak a second time except by permission of the presiding officer, and further, no person shall be heard a second time until all persons desiring to speak once have been given the opportunity to do so.

Personal attacks are not permitted. Members of the public should address their questions to the Commission, not to the staff. Commission may in turn ask staff to provide input.

Members of the public may be asked to leave or be removed from the meeting if it is determined that they are disruptive to the meeting. Such determination will be made by the presiding officer. Commission may move to overrule such determination by the presiding officer subject to a simple majority vote of Commission, present and voting.

6. Matters of public hearing before the Commission shall be presented in the following manner:
    a. Presentation by staff
    b. Presentation by applicant
    c. Presentation by proponents
    d. Presentation by opponents
    e. Rebuttal by applicant
7. The Chair may stagger the presentation by one proponent and one opponent, or may ask for full presentations in the above order.
8. The members of the Commission may ask questions and make appropriate comments; however, no member shall argue or debate an issue with members of the public present.
9. A majority of the membership may take any matter under advisement for later consideration and determination, or may defer action when it concludes that additional evidence is needed or further study is required; provided that all requirements of state law and local ordinances are followed.
10. Following the staff presentation and recommendation, applicant and public input if any, the Chair or a vote of the majority of the members shall have the authority to close the discussion to the Commission. Once discussion has been closed to the Commission, no employee, applicant, or member of the public may speak unless questioned by a member of the Commission. However, a representative from the Office of the City Attorney may request to speak as to any legal issues pertaining to the pending application.

ADOPTED BY THE EL PASO CITY PLAN COMMISSION, AT A MEETING OF ITS MEMBERS CURRENT THROUGH THIS 14th DAY OF December, 2017.

ATTEST:

Alex Hoffman, Executive Secretary

Margaret Livingston, City Plan Commission Chair

15-1007-1299/ 737705 /2017 Bylaws Amendment
KMN