

SECTION 3. OFFICERS.(a) Chair.

- (1) The chair, when present, shall preside at all meetings. In the absence of the chair, the vice-chair shall exercise the powers of the chair. If the chair ceases to preside during a meeting, and no vice-chair is available, the chair may, subject to the approval of the commission, appoint a temporary chair. The first adjournment puts an end to this appointment. [Dallas City Code §8-9(a)]
- (2) In the absence of the chair and vice-chair, the commission shall elect a temporary chair. The election does not survive the meeting in which it is made. [Dallas City Code §8-9(a) and (c)]
- (3) A temporary chair may be removed by a two-thirds vote of the commission. If the temporary chair is removed, the members must elect a new temporary chair. This election does not survive the meeting in which it is made.
- (4) The chair shall rule on points of order and procedures that are brought up in meetings. A member may appeal to the commission from a ruling of the chair. If the appeal is seconded, the member making the appeal may briefly state reasons for the appeal and the chair may briefly explain the ruling, but there may be no debate on the appeal, and no other member may participate in the discussion. The chair shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote "Aye," the ruling of the chair is sustained; otherwise, it is overruled. [Dallas City Code §8-9(b) and §8-15]
- (5) The chair must be referred to as Mr. or Madam chair. [Dallas City Code §8-1(2) and §8-9(d)]
- (6) The chair shall preserve order and decorum and shall appoint a sergeant-at-arms and a deputy to enforce compliance with the Dallas City Code and these rules. The chair shall take such disciplinary actions as may be necessary to e[~~i~~]nsure that decorum is preserved at all times. [Dallas City Code §8-10]
- (7) The chair shall state all questions submitted for a vote, call for an affirmative and negative vote, and announce the result. A roll call vote must be taken when requested by a member. [Dallas City Code §8-11]

(b) Vice-chair. In the absence of the chair, the vice-chair shall preside and fulfill all the duties of the chair. [Dallas City Code §8-9(a)]

(c) Commission secretary.

- (1) The commission secretary shall be generally responsible for the clerical work of the commission, under the direction and supervision of the director. The commission secretary shall:
  - (A) keep the minutes of all meetings and proceedings showing the vote of each member, insuring that the minutes are filed with the city secretary's office within the time required by the commission rules;
  - (B) keep track of the time expended by members on questions, discussion, deliberation, and debate in accordance with Section 5(d)(3);
  - (C) maintain the original audio and video tape recording of all meetings;
  - (D[€]) prepare the agendas to be distributed to the members and type letters and memoranda requested by the commission; and
  - (E[Ð]) inform members of meetings.

#### SECTION 4. MOTIONS.

- (a) Motion initiates debate. Before any deliberation or debate begins on an item (including questions to staff or speakers), a motion must be made and seconded.
- (b) Equal right to make motions. All members have an equal right to make a motion on any item before the commission.
- ~~[(b) Holding motions. When recognized by the chair, a member may state a readiness to make a motion. It is the privilege of the chair, if the chair thinks debate is not ended, to ask the member to hold the motion. The member may defer to the chair's request or make the motion. If the member defers to the request, the chair must return to that member prior to accepting a motion from any other member.]~~
- (c) Reconsideration.
  - (1) Unless the city council refers an item back to the commission, a motion to reconsider is the exclusive method by which an item can again be brought before the commission after a final vote has been taken.
  - (2) A motion to reconsider may not be made later than the next meeting.
  - (3) A motion to reconsider can only be made by a member who voted with the prevailing side.
  - (4) A motion to reconsider can be seconded by any member.

- (5) An item may not be twice reconsidered, except by unanimous consent of the commission.
- (6) The motion to reconsider must be on an agenda that is publicly posted. In order to reconsider the action in the same meeting at which the motion to reconsider is made, the subject matter of the reconsideration must be on the agenda that is publicly posted.
- (7) A motion to reconsider may be placed on the agenda using the procedure outlined in Section 5(b).
- (8) Once an action reaches the floor of the city council, the commission may not change it. Once an action can no longer be changed by the commission, it may not be reconsidered.

[(9)]

- (d) Two-year limitation. Except as provided in Section 51A-4.701(d) of the Dallas Development Code, after a final decision is reached by the commission or city council denying a request for a change in a zoning district classification or boundary ~~[has been finally voted on]~~ and all possibilities of reconsideration have been exhausted, no further applications may be considered for that property for two years from the date of the final decision. [Dallas Development Code §51A-4.701(d)]

[(10)]

- (e) Remanded item. An item remanded ~~[referred back]~~ to the commission by the city council is a new item.

## SECTION 5. MEETING PROCEDURE.

- (a) Items taken in order. The items on the agenda must be acted upon in the order in which they appear, except upon a ruling of the chair or majority vote of the commission.
- (b) Agenda.
  - (1) Members may have an item placed on the agenda if the request is in writing and provided to the assistant director or the commission secretary. The following items must be placed on the agenda within 30 days after delivering the request to the assistant director or commission secretary: [by 4:00 p.m. the Friday preceding the meeting at which the members want the item considered.]
    - Consideration of the authorization of a public hearing may be placed on the agenda if the request is signed by three members.

- ~~[A motion to reconsider may be placed on the agenda if the request is signed by one member.]~~
- Any other item may be placed on the agenda if the request is signed by five members.

An item to be reconsidered must be delivered to the assistant director or commission secretary by 4:00 p.m. the Friday preceding the meeting at which the members want the item reconsidered. An item to be reconsidered must be placed on the agenda if the request is signed by one member ~~[placed on the agenda within 30 days after delivering the request to the assistant director or commission secretary].~~

- (2) Notice of all special and regular meetings of the commission must be published in accordance with the Texas Open Meetings Act. [Texas Government Code Chapter 551; Dallas City Code §8-6(c) and §8-7]

(c) Calendar.

- (1) The commission shall adopt a calendar of meeting times and events on a regular basis. This calendar should cover no less than a 90-day period from the date it is adopted.
- (2) The chair may call special meetings at any time. The chair shall call a special meeting upon the written request of one-third of the members. [Dallas City Code §8-3]

(d) Discussion of motion.

- (1) Before any deliberation or debate begins on an item (including questions to staff or speakers), a motion must be made and seconded.
- (2) A member desiring to speak shall address the chair and, upon recognition by the chair, [The chair] shall [require members to] limit discussion to the question under consideration. All discussion must be addressed to the chair and not to individual members. [Dallas City Code §8-10 and §8-13]
- ~~[(2) All discussion must be addressed to the chair and not to individual members.]~~
- (3) No member may speak more than once upon any one item until every other member choosing to speak on the item has spoken, and no member may speak more than twice upon any one item, nor for longer than five minutes each time, without a two-thirds vote of the members present. The first round is limited to five minutes, and the second round is limited to five minutes. The [ten] 10-minute limitation includes time expended by the member on questions, discussion, deliberation, and debate. A member's questions to staff and speakers are included in the member's speaking time, responses by staff or speakers to a member's

questions are not included in the member's speaking time. [Dallas City Code §8-16]

- (4) A member, once recognized by the chair, may not be interrupted while speaking unless called to order by the chair or a point of order is raised by another member. If a member is called to order while speaking, the member shall cease speaking immediately until the question of order is determined. If ruled to be in order, the member may proceed. If ruled to be not in order, the member shall remain silent or shall alter the remarks so as to comply with rules of the commission. [Dallas City Code §8-15]
- (5) No member may address the chair or demand the floor while a vote is being taken. [Dallas City Code §8-13]
- (e) Intermissions. Intermissions may be taken at regular intervals during meetings. The chair shall announce the length of the intermission. Members must promptly return to the meeting room after the intermission.
- (f) Public nature of meetings.
  - (1) All hearings of the commission are open to the public unless pertaining to matters authorized under the Texas Open Meetings Act to be discussed in executive session. [Texas Government Code Chapter 551; Dallas Development Code §51A-3.101(d)(1); Dallas City Code §8-6(a) and §8-25(a)]
  - (2) Generally, m[M]eetings are held every other Thursday in the city council chambers at the time designated on the posted agenda [1:30 p.m.], or as often, and at another [time and] place, as the chair or commission may determine.
- (g) Closed public hearings. A person may not address the commission after the public hearing has been closed unless the public hearing is renotified.
- (h) Citizen speakers.
  - (1) Each member of the public who desires to address the commission regarding an item on an agenda shall be allowed to address the commission before or during the commission's consideration of the item. [Dallas City Code §8-6(d)]
  - (2) No person may speak for more than three minutes. For the public hearing items, those persons wanting the commission to approve the application shall speak first. The applicant has the right to be the first speaker. After all opposition speakers have spoken, the applicant shall have two minutes for rebuttal. [Time spent asking and responding to questions of members is not included in these time limits.]
  - (3) In the case of a commission or city council authorized hearing, there is no rebuttal time. Proponents of the proposed zoning will have a total of three minutes per

person to address the commission and opponents will have a total of three minutes per person to address the commission.

- (4) Any member of the public requiring the use of a translator to relay public comments shall be afforded twice the amount of time as a member of the public who does not require a translator. [Dallas City Code §8-6(e)]
- (5) The commission may shorten or extend the time for public ~~[a citizen]~~ speakers by a majority vote of the members present.
- (i) Uncontested cases. The commission secretary may place items that are recommended for approval by city staff on an uncontested agenda. When the planning department representative calls the uncontested agenda, the representative shall state the item number, the applicant, the location, the nature of the item, and the staff recommendation. An item on the uncontested agenda must be considered individually as a regular agenda item if there is anyone present to speak in opposition to ~~[of]~~ staff's recommendation or a member so requests. Any items remaining on the uncontested agenda must be approved as a group ~~[without the need for testimony from the applicant]~~.
- (j) Action of the commission. Each item must be decided upon its own merits and upon the circumstances of the item, and therefore no action of the commission sets a precedent for another item.
- (k) Public records. The decisions and official records of the commission are public records except as provided by the Texas Open Records Act. [Texas Government Code Chapter 552; Dallas Development Code §51A-3.101(d)(2); Dallas City Code §8-6(a)]
- (l) Quorum. At the beginning of each regular or special meeting, the chair shall determine whether a quorum exists. A quorum exists when there are physically present a simple majority of the members officially appointed to the commission, regardless of the total number of members actually provided for the commission, except that a quorum may not be fewer than six members. If a quorum does not exist 30 minutes after the time for which the meeting was called, the chair shall adjourn the meeting and either re-schedule the meeting at its next regular time or call a special meeting, depending on the circumstances. [Dallas City Code §8-4]
- (m) When zoning cases shall be held.
  - (1) Except as otherwise provided in this subsection, the commission shall hold a zoning case under advisement for at least two meetings if the applicant requests any of the following changes to a zoning application after staff has finalized the case report:
    - (A) a request for a zoning district classification that neither the applicant, staff, or a member had proposed beforehand.
    - (B) a request for a significant change.

- (C) a request for any other changes that the commission finds individually or collectively, alter the fundamental character of the proposal, or that significantly affect the impact of the proposal on adjacent properties or on area transportation facilities.
- (2) The requirement in Subsection (m)(1)(B) does not apply if the commission determines by a majority vote that the impact of the proposed change in the commission's judgement is *de minimus* in nature.
- (3) The requirement in Subsection (m)(1)(B) does not apply if the commission determines by a majority vote to deny the application.