



Legislation Details (With Text)

**File #:** 19-2025      **Version:** 1      **Name:**

**Type:** CONSENT AGENDA      **Status:** Approved as an Individual Item

**File created:** 12/6/2019      **In control:** Department of Sustainable Development and Construction

**On agenda:** 1/8/2020      **Final action:** 1/8/2020

**Title:** A resolution amending (1) the City Plan Commission’s Rules of Procedure; (2) the Landmark Commission’s Rules of Procedure; and (3) the Board of Adjustment’s Rules of Procedure by amending certain sections to comply with state law changes pertaining to input from members of the public - Financing: No cost consideration to the City

**Sponsors:**

**Indexes:** 100

**Code sections:**

**Attachments:** 1. Resolution, 2. CPC Rules of Procedure, 3. LMC Rules of Procedure, 4. BDA Rules of Procedure

Date	Ver.	Action By	Action	Result
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**STRATEGIC PRIORITY:** Mobility Solutions, Infrastructure, and Sustainability

**AGENDA DATE:** January 8, 2020

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Department of Sustainable Development and Construction

**EXECUTIVE:** Majed Al-Ghafry

**SUBJECT**

A resolution amending **(1)** the City Plan Commission’s Rules of Procedure; **(2)** the Landmark Commission’s Rules of Procedure; and **(3)** the Board of Adjustment’s Rules of Procedure by amending certain sections to comply with state law changes pertaining to input from members of the public - Financing: No cost consideration to the City

**BACKGROUND**

In May 2019, the state legislature approved H.B. 2840 which became effective September 1, 2019. The law requires governmental bodies to allow members of the public to address the body on any item on an agenda before or during the body’s consideration of the item. The law allows the governmental body to adopt reasonable rules regarding the public input, including rules that limit the total amount of time a member of the public may address the item. For those governmental bodies who do not provide simultaneous translation, the time limit for speakers requiring translation must be twice the amount given to the person not requiring translating.

The new law applies to quasi-judicial or rule-making bodies, which include the City Plan Commission (CPC), Landmark Commission (LMC), and the Board of Adjustment (BDA). CPC, LMC, and BDA altered the time allowed for speakers beginning with the September meetings to comply with the new law.

CPC, LMC, and BDA included language indicating a speaker needing translation would be given twice the amount of time as a member of the public not requiring translation assistance. All three bodies limited time for speakers on items not traditionally allowing speakers to three minutes. Each body also amended the rules for speakers on cases submitted to the body for consideration.

The CPC amended Section 5. Meeting Procedure in the CPC Rules of Procedure on October 24, 2019. Section 5(h) was amended to indicate that public input would be received before or during consideration of the item with a three-minute time limit. Members of the public may speak on approval of the minutes; approval of the annual report; appointments to committees; consideration of development plans, minor amendments to plans, and two-year waiver requests. The time limit for speakers for cases was changed from 15 minutes for the applicant and supporters and 15 minutes for the opposition to three minutes per person. The CPC rules indicate that the applicant has the right to be the first speaker and has two minutes for rebuttal after the opposition has spoken.

The LMC amended Section 6. Meetings in the LMC Rules of Procedure on September 4, 2019. Section 6(G) was added to indicate that public input would be received before or during consideration of an item other than those listed in Section 6(H)(3) and is limited to three minutes per person. These items include but are not limited to approval of minutes, appointments of task force members, special recognitions, and approval of the annual report. Section 6(H)(3) was amended to change the time limit for speakers on certificates of appropriateness, certificates of demolition, and certificates of eligibility from 15 minutes per side with no person speaking more than five minutes to each speaker having a three-minute limit.

The BDA amended Section 10. Public Testimony and Public Hearings at their September 2019 meetings. The title was amended to add public testimony. Section 10(f) was amended to indicate public input would be received before or during consideration of an item other than a case and is limited to three minutes per person. These items include but are not limited to approval of minutes, approval of the annual report, requests for extensions or fee waivers, and compliance cases. Section 10(g) was amended to clarify the order of speakers on a variance or special exception request. The applicant speaks first followed by speakers in favor and then speakers in opposition. After the opposition, the applicant has the ability to speak again. The BDA does not have limits on the amount of time speakers on a case may speak.

CPC, LMC, and BDA approved amendments to their rules of procedures and are presenting the amendments to City Council for consideration and adoption. The revised rules of procedure are attached. The amendments comply with the state law and follow the recently adopted amendments to Chapter 8.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On September 4, 2019, the Landmark Commission approved the proposed amendments to their Rules of Procedure.

On September 16, 17, and 18, 2019, the Board of Adjustment panels approved the proposed

amendments to their Rules of Procedure.

On October 24, 2019, the City Plan Commission approved the proposed amendments to their Rules of Procedure.

**FISCAL INFORMATION**

No cost consideration to the City.