

Planning Commission: Organization

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Lawsuit Background

Anne Morgan, City Attorney

History of Planning Commission Terms



Ordinance No. 20140807-016 (pre 10-1) changed the expiration date for all members of boards and commissions, including Planning Commissioners, to June 30, 2015, making the next term begin on July 1, 2015



Ordinance No. 20141211-204, amended City Code Section 2-1-22 to change board member terms to begin on March 1 & established a term limit of 8 consecutive years



Article X, Section 2 of the City Charter provided Planning Commissioners “shall be appointed by the council for a term of two years,” resulting in a fixed two-year term ending on June 30. Therefore, the Planning Commission terms were not subject to the March 1 date established in the Code.



In 2018 the Charter was amended to change the Planning Commissioners' terms from a fixed 2-year term to “up to two years.” This allows Council to shorten the terms and start Commissioners on March 1 in accordance with the City Code

Current Terms

City Charter sets the term “up to 2 years”

City Code:

- A board member is appointed for a term of up to four years beginning March 1st
- The tenure of a board member runs concurrently with the tenure of the city council member who appoints the member
- A board member may serve no longer than eight consecutive years on the same board
- A board member who has served eight years on the same board is not eligible for reappointment to that board until the expiration of two years after the last date of the member's service on that board



Planning Commission Appointment Process

Membership Requirements

- Must be a registered voter
- Reside within the City for at least 1 year
- Commission membership is equal to the number of members on the council plus two
- A minimum of two-thirds of membership shall be lay members and not directly or indirectly connected with real estate and land development
- Ex-officio members include city manager, chair of the board of adjustment, director of public works and the president of the board of trustees of the AISD



Appointment Process: Continued






Nomination Process

- All applicants complete a questionnaire when applying for a position on the Planning Commission
- Once a nomination is submitted, the Clerk's Office distributes nominee's application, including the questionnaire, to Mayor & Council 10 days prior to Council vote*
- Nomination is then placed on the next available Council agenda for approval

**RESOLUTION NO. 20180510-016*



Appointment Process: Removal

-  If a member is to be removed during the nominating council member term of office, the removal is submitted for full council approval
-  If a council member's term of office is ending, the commission member's term runs consecutively with the council member's but remains in a hold-over until a new appointment is made
-  Removal of member whose term has ended with the end of a council member term is not submitted to council for approval
 -  Exception: if the removal of a member will result in a vacancy, the removal is submitted for full council approval
-  A removal of an existing member and nomination of the new member can be submitted for approval by Council during the same meeting

Moving Forward

Recommendation

- Adjust Planning Commissioner terms to align with the rest of Boards and Commissions with all new appointments or reappointments having a start date of March 1, 2021
- Council Members who were elected/re-elected in 2020 should make nominations as soon as possible
- Modify Chapter 2-1-27 to allow Council with the authority to waive the 8-year term limit





Thank You

March 2021