

- 4.1 Staff Report (For Possible Action – Recommendation to City Council): Staff presentation, discussion, and potential approval of the revised By-laws of the City of Reno Planning Commission, subject to City Council adoption.

**PLANNING COMMISSION
STAFF REPORT**

Date: April 19, 2023

To: Reno City Planning Commission

Subject: Staff Report (For Possible Action – Recommendation to City Council): Staff presentation, discussion, and potential approval of the revised By-laws of the City of Reno Planning Commission, subject to City Council adoption.

From: Jason Garcia-LoBue, Planning Manager

Case No.: Reno City Planning Commission By-laws Amendment

Proposed Motion: I move to approve the revised Planning Commission By-laws and recommend that City Council approve and adopt the same Planning Commission By-laws as presented in the staff report.

Summary: The recent COVID-19 pandemic and other emergency events have demonstrated there has been a shift in how businesses and governments conduct their operations. This includes the importance of electronic videoconferencing and other means of communication. Highlights of the proposed By-law revisions include updating terminology and creating the process/protocol for videoconferencing at meetings.

Background: The Reno City Planning Commission By-laws were last modified in 2009. Since that time, there have been multiple events (Title 18 – Reno Annexation and Land Development Code Update, ReImagine Reno Master Plan Update, COVID-19 pandemic, etc.) that have supported the need for revisions to the Planning Commission By-laws. A ten day written notice was provided to each Commissioner prior to the April 19 meeting.

Discussion: The Reno City Planning Commission By-laws require updating to fit the current needs of the City with modern technology, processes, changing societal expectations, and flexibility for future emergency events. The proposed modifications are highlighted below:

- Updating terminology with the current Title 18.
 - Administrative Officer/Administrator or designee
 - Development Services Department
- Updating Nevada Revised Statute (NRS) Sections to reflect current NRS citations

- Ability to have an alternative suitable location for Planning Commission meetings
- Technological Policy Updates to include videoconferencing (Article V, Section 7)
 - Establish a process and protocol for Commissioners when Planning Commission meetings are conducted through remote videoconferencing (including audio-visual/video conferencing)

The proposed modifications to update language, references, and law are administrative in nature. The proposed technological policy is important to address current practice developed during the COVID-19 pandemic. Videoconferencing has become an important part of government meetings including Planning Commission meetings. This has been another tool to provide access to public meetings and as such, it is important for the Planning Commissioners to have the process identified for conducting business and accessing meetings remotely.

Attachments:

Exhibit A. Existing Reno Planning Commission By-laws

Exhibit B. Draft Planning Commission By-laws with Proposed Changes (Track Change Format)

REVISED BY-LAWS OF THE CITY OF RENO PLANNING COMMISSION

ARTICLE I - NAME

The name of the commission shall be the City of Reno Planning Commission, hereafter referred to as the "Commission."

ARTICLE II - AUTHORITY

The By-laws are adopted pursuant to the City of Reno's adoption of a planning commission in accordance with NRS Chapters 268 and 278 and authorized by NRS 268.160, and Resolution No. 4848.

ARTICLE III – COMMISSIONERS

Section 1: Commissioners shall have one vote each on each agenda item to be cast during attendance at any general or special meeting.

Section 2: Commissioners shall comply with the Code of Ethical Standards as set forth in NRS 281.481 et seq. and Chapter 2.20 of the Reno Municipal Code, as applicable and amended.

Section 3: Commissioners desiring to resign shall submit in writing a resignation to the City Clerk's Office, copies to the City Council, the Chair, and Deputy Community Development Director - Planning. The resignation shall be effective upon receipt by the City Clerk's Office.

ARTICLE IV - OFFICERS

Section 1: The Commission at its first regular meeting in July of each year shall elect a Chair and Vice Chair from among the Commissioners. In the event of a vacancy in the position of Chair or Vice Chair, the Commissioners shall elect a Chair or Vice Chair, as applicable, from its members to fill such vacancy pending the annual election of officers.

Section 2: The term of the Chair and Vice Chair is one year.

Section 3: No Commissioner may serve more than two full consecutive terms as Chair.

Section 4: The Chair shall preside at all Commission meetings, conduct all hearings, and exercise and perform such other powers and duties as may be from time to time assigned to the Planning Commission or prescribed by the By-laws, call special meetings in accordance with the By-laws, and may second motions.

Section 5: The Vice Chair shall assist the Chair in all of his/her duties and functions and shall serve as the Chair in the absence of the Chair and when so acting shall have all the powers of, and be subject to all the restrictions on, the Chair.

Section 6: In the absence of both the Chair and the Vice Chair, the Commissioners shall elect a temporary Chair to carry out the duties of the Chair.

Section 7: Commissioners who change their addresses, whether street or e-mail, shall notify the Chair, the City Clerk's Office, and the Deputy Community Development Director - Planning in writing.

Section 8: The Deputy Community Development Director- Planning or designee shall be the secretary. The Deputy Community Development Director – Planning or designee shall cause an agenda to be properly posted, any applicable notices issued, an accurate record of all proceedings including the taking of minutes in accordance with the open meeting law be kept for each meeting, and reduce the decisions of the Planning Commission regarding any public hearings in writing and file same as a Notice of Decision of the Planning Commission.¹

Section 9: Commissioners shall become familiar with and abide by City of Reno Management Policies and Procedures, as applicable.

ARTICLE V - MEETINGS

Section 1: The regular meeting dates shall be the first and third Wednesdays of each month commencing at 6:00 p.m. in the Council Chambers, 1 East First Street, Reno, Nevada. There shall be at least one regular meeting per month. Joint meetings with the City of Sparks or Washoe County may be held in the City of Sparks and unincorporated Washoe County respectfully. Joint meetings may be regular meetings.

Section 2: In the event the City Council schedules a meeting which conflicts with a regular meeting, the Chair may set, at his discretion and with the consent of a majority of the Planning Commission members, an alternative meeting as necessary to meet the one regular meeting per month requirement.

Section 3: Special meetings may be held at the call of the Chair, a majority of the Commissioners, or by request of the City Council. A special meeting is held at a time different from a regular meeting and is convened to address important matters that may arise between regular meetings that require discussion or action. Special meetings must comply with the open meeting law.

Section 4: Notice of regular and special meetings will include the time, place, and agenda. The agenda will be posted in accordance with the applicable open meeting laws. In case of an emergency meeting, in accordance with the open meeting laws, notice will be as long as is reasonable under the circumstances, but no less than six hours prior to the meeting. An emergency is defined as "an unforeseen circumstance which requires immediate action and includes, but is not limited to: (1) disasters caused by fire, flood, earthquake or other natural causes; or (2) any impairment of the health and safety of the public." NRS 241.020(8). There must be a truly unforeseen circumstance which requires immediate action. Emergency does not include a failure to plan or a failure of planning and cannot be used as a subterfuge to avoid giving notice of an agenda

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item to the public. Legal should be consulted with respect to whether a particular circumstance constitutes an emergency. Emergency items will be extremely rare.

Section 5: Meetings shall comply with the state open meeting laws (NRS Chapter 241 as amended).

Section 6: The agenda shall include a Public Comment section. Any Commissioner may request topics be placed upon the agenda.

Section 7: Each Commissioner who will be unable to attend a meeting of the Commission shall notify the Deputy Community Development Director - Planning at the earliest opportunity but not later than 5:00 p.m. on the day prior to the date of the meeting. The Deputy Community Development Director – Planning shall notify the Chair if the projected absence(s) will produce a lack of quorum.

Section 8: All actions of the Commission will be taken in accordance with NRS 241.015(4), as applicable and amended.

Section 9: Voting will be public with the Chair voting last.

Section 10: The Commission will take action by motion.

Section 11: A tie vote will result in a denial of the motion. If a motion is denied, another motion may be made.

Section 12: Minutes of the meeting shall be kept, and made available to the public, in accordance with the open meeting law.

Section 13: Commissioners, who were unable to attend a meeting at which an agenda item was heard but no action was taken, may become informed about the agenda item by reviewing all submissions and either the video- or audio tape. After a full review of the materials related to the agenda item, and if otherwise eligible to vote, the Commissioners may vote on the agenda item simultaneously with the other Commissioners.

ARTICLE VI – CONSIDERATION OF AGENDA ITEMS

Section 1: The Commission may re-arrange the order of consideration of items if necessary for the expeditious conduct of business.

Section 2: The presentation of agenda items, during the public hearings, shall be generally as follows:

1. Chair opens the public hearing;
2. City of Reno staff presents item and makes recommendation;
3. Commissioners may, but are not required to, ask questions;

4. Applicant(s) may make presentation and make recommendations and/or proponents(s) comment;
5. Opponents may make presentation, comment, and/or recommendations;
6. Chair closes the public hearing;
7. Commission publicly discusses the item at the table and may elicit additional information through questions from those present, whether proponents or opponents; the Chair, even though the public hearing is closed, may recognize a person in the audience who wishes to speak;
8. Any voting Commissioner, except the Chair, may make a motion any voting Commissioner may second the motion; and
9. Commission votes on the motion.

ARTICLE VII - ADDRESSING THE COMMISSION

Section 1: Every Commissioner desiring to speak shall address the Chair and, upon recognition by the Chair, shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language.

Section 2: A Commissioner, once recognized, shall not be interrupted when speaking unless it is to call the Commissioner to order. If a Commissioner, who is speaking, is called to order, the Commissioner shall cease speaking until the question of order is determined, and if in order, shall be permitted to proceed.

Section 3: Interested parties, or their authorized representative(s), may address the Commission by written communication in regards to matters under discussion. A copy of any written communication shall also be provided to the Deputy Community Development Director - Planning.

Section 4: During the proper time on the agenda, members of the public may address the Commission on any matter concerning the Commission's business. Matters relating to an agenda item shall be heard at the time that the agenda is called. Communications, comments, or suggestions unrelated to a specific agenda item shall be heard by the Commission under Public Comment.

Section 5: Oral presentations, comments and/or recommendations, other than by staff and applicants provided during Public Comment or under an agenda item shall be confined to three minutes maximum duration, unless the Chair or quorum of the Commission grants additional time.

Section 6: No action shall be taken on issues raised under Public Comment.

SECTION VIII - USE OF STAFF

Section 1: Commissioners should always feel free to communicate with the Deputy Community Development Director - Planning. Commissioners may provide ongoing feedback, information, and perceptions to the Deputy Community Development Director - Planning. When a Commissioner has a concern with the Community Development Department, the concern should be discussed with the Deputy Community Development Director - Planning.

Section 2: Commissioners will make all requests for staff time to the Deputy Community Development Director - Planning, who is authorized to approve or deny such requests.

Section 3: Commissioners may and should seek clarifying information from the Deputy Community Development Director – Planning in a fashion that all interested persons have access to the request for clarifying information and the information so provided. An informal system of direct communication with employees of or contractors with the Community Development Department is discouraged.

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Section 1: The Commissioners shall preserve order and decorum. A Commissioner shall not unreasonably, by conversation, whispering, or otherwise, delay or interrupt the proceedings or the peace of the Commission nor disturb any Commissioner while speaking nor refuse to obey the orders of the Commission or Chair, except as otherwise herein provided.

Section 2: If any person willfully disrupts a Planning Commission meeting, the Chair, after giving a warning, if reasonable under the circumstances, may order him or her to leave the meeting, and may, at the discretion of the Chair, bar such person from further audience before the Planning Commission during that meeting. If such person does not remove himself or herself, the Chair may cause the removal of that person from the Planning Commission meeting.

ARTICLE X - PARLIAMENTARY AUTHORITY

Robert's Rules of Order, 10th edition, or its successor edition, shall be used when applicable and when not inconsistent with these By-laws, policies of the City of Reno, municipal and states laws, and the constitutions of the United States and Nevada.


ARTICLE XI - AMENDMENT OF BY-LAWS

These rules may be amended at any meeting by a vote of the majority of the entire membership of the Commission provided ten days written notice has been give to each Commissioner. Amendment shall become effective upon approval by the City Council.

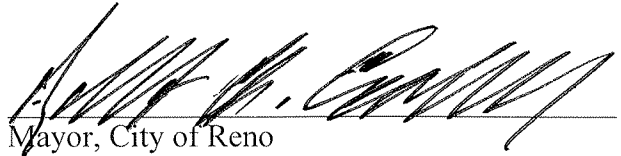
ARTICLE XII - NO THIRD PARTY BENEFICIARIES

These By-laws are for the benefit of the City of Reno Planning Commission and do not confer any rights upon third persons.

Approved this 3rd day of June, 2009.


Commission Chair

Approved this 9th day of June, 2009.


Mayor, City of Reno

Attest:

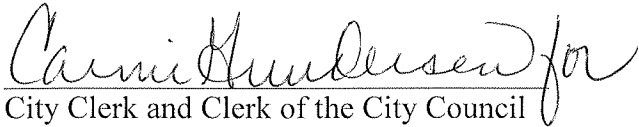

City Clerk and Clerk of the City Council
of the City of Reno, Nevada.



EXHIBIT B. Draft PC By-Laws with Proposed Changes

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Section 7: Videoconferencing (including electronic communication and audio-visual) attendance at meetings by members of the Commission will be permitted with the approval of the Chair if the member can demonstrate that there is extenuating circumstances as to why they cannot attend in person. If the Chair allows a member to attend via videoconference, then the Chair shall notify the Administrator or designee at the earliest opportunity, but not later than 5:00 p.m. on the day prior to the date of the meeting.

Should a state of emergency be declared by the City, State, or Federal government that prevents in person attendance, videoconferencing meetings will be permitted for all members. When videoconferencing is used, facilities will be utilized which permit the public to hear and/or observe all telephonic and/or video conferencing.

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These By-laws are for the benefit of the City of Reno Planning Commission and do not confer any rights upon third persons.

Approved this _____ day of _____, ~~2020~~²⁰²³.

Commission Chair

Approved this _____ day of _____, ~~2020~~²⁰²³.

Mayor, City of Reno

Attest:

City Clerk and Clerk of the City Council
of the City of Reno, Nevada.

Planning Commission By-Laws Discussion & Potential Revision

*Reno Planning Commission
April 19, 2023*



Overview: What needs to be updated?

- Terminology
- Department Name
- NRS Sections
- Potentially Flexible Location for Meetings
- New Tech Policy for Videoconferencing (i.e. Zoom)

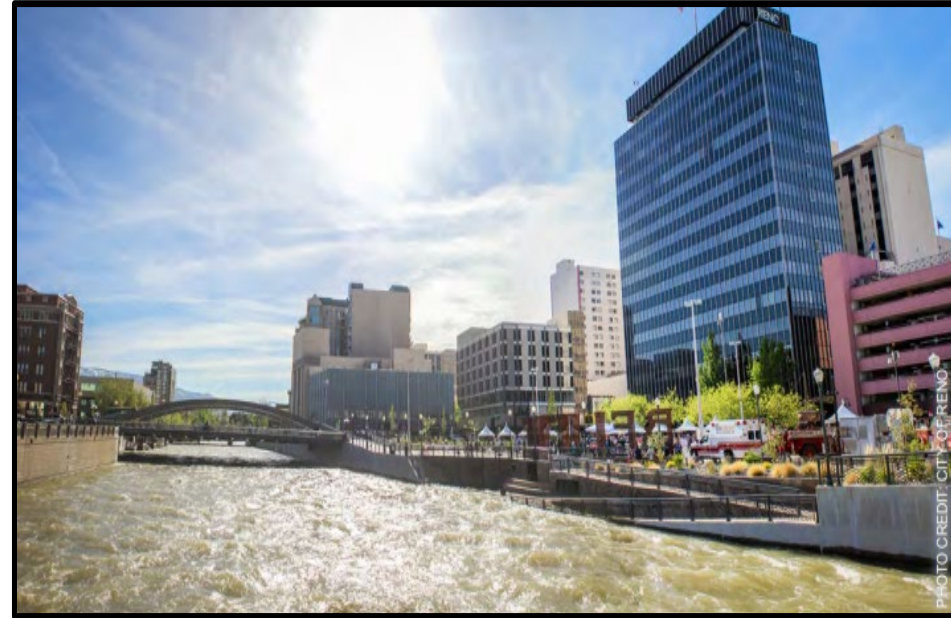


Why do we need the PC By-laws updated?

- Set the Procedures/Rules for PC Meetings
- Changing Needs of the City & Residents
- Flexibility for the Future (Emergency Events)
- Update Changing Organizations & Laws
- Tech Policy for Videoconferencing (i.e. Zoom)

Updating By-laws: The Process

- Notification to Commissioners (10-day)
- Staff Presentation of Proposed Updates
- Planning Commission Decision on By-Laws (and Council Recommendation)
- City Council Decision/Adoption



Proposed Motion:

I move to approve the revised Planning Commission By-laws and recommend that City Council approve and adopt the same Planning Commission By-laws as presented in the staff report.