



Planning Commission Staff Report

Meeting Date: August 1, 2017

Subject: Removing five minute time limits within the Planning Commission's agenda section for Public Comment and the Rules, Policies and Procedures

Agenda Item Number: 8A

Summary: Discussion and possible action to amend the Planning Commission's Rules, Policies and Procedures to remove the five minute time limit for speakers representing a group and to direct staff to return with possible additional omnibus amendments to the Washoe County Planning Commission's Rules, Policies and Procedures

Recommendation: Amend the Planning Commission's Rules, Policies and Procedures to remove the five minute time limit for speakers representing a group; and, direct staff to return with possible amendments to the Rules, Policies and Procedures

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Description

For possible action to amend the Planning Commission Rules, Policies, and Procedures by removing the five minute time limit for speakers representing a group, allowing 3 minutes for all speakers during public comment. If the five minute time limit removal is approved, additionally direct staff to make changes to Planning Commission agendas consistent with this change in public comment procedures. Furthermore, to direct staff to commence the preparation of possible additional omnibus amendments for consideration by the Planning Commission at a future meeting to overhaul the Rules, Policies and Procedures to make them consistent with the Rules for the Board of Adjustment.

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Background

FIVE MINUTE TIME LIMIT

The Planning Commission’s (PC) agenda within the Public Comment section and the PC’s Rules, Policies and Procedures (RPPs) Section 3.8(b)(iii) allow five minutes for a speaker representing a group or organization. The RPPs also specify that only one person from the group or organization will be given the extra time. The proposed revision would remove the five minute time limit during public comment periods for speakers representing a group or organization and allow three minutes for all speakers. The public comment periods include “general” public comment at the beginning and at the end of the agenda, and public comment periods for any public hearing or planning items.

The management of the five minute time limit has been problematic for the PC and particularly for the PC Chair during meetings. The PC meeting of May 2, 2017 highlighted the issues surrounding allowing five minutes for speakers representing a group or organization. During the meeting, the acting Chair was confronted by several citizens, each claiming to represent a group and each demanding five minutes to speak for the group. The RPPs are clear that only one individual is allowed to speak for a group and be given the five minute time limit; however, the acting Chair was unable to determine which person actually represented a group. The acting Chair, therefore, was forced to arbitrarily decide who would be given five minutes to speak and who would be limited to the normal three minute time limit. Such decisions were required at the time to move the meeting along, but do expose the County to legal challenges based on the PC’s own RPPs and the rules expressed in the PC’s agenda. Staff recommends that the five minute time limit for speakers representing a group or organization be removed from the agenda and from the RPPs. Such action will ensure that all speakers are given the same amount of time during public comment and will eliminate any future problems in managing PC meetings with the five minute time limit rule.

The Board of Adjustment is also reviewing their agenda’s Public Comment section to remove the five minute time limit for a speaker representing a group. The five minute time limit does not appear within the Board of Adjustment’s RPPs. The Board of County Commissioners does not have additional time for a speaker representing a group and allows three minutes for all public comment speakers. This revision would standardize the length of time for public comment speakers for all three decision making bodies.

OVERHAUL AND UPDATE THE PC RPPS

The PC’s RPPs have been revised over the years; the last time was March 4, 2014. Specific sections of the RRP’s have typically been updated to address a new procedure or law that had been enacted or other minor amendments. Over time, the multitude of additions and revisions have created RPPs that are lengthy, complex, and redundant. Legal staff has expressed a concern that the current RPPs may result in the possibility of increased legal challenges based not on the decisions of the PC on any given matter, but on failing to follow one aspect of the RPPs. Legal counsel recommends that the RPPs be concise and simple to follow and interpret. The Board of Adjustment’s RPPs were revised in 2016 to address these concerns. Staff is recommending that Planning Commission’s RPPs be reviewed to address these concerns and to incorporate other needed changes based on changes in PC policies or procedures, and on

State Law changes. Such review will occur in two stages, if the PC directs staff to commence the review. The first phase will result in draft RPPs which will be presented and vetted with the PC at a future meeting. Any changes or modifications to the draft RPPs at the meeting will be incorporated and will return to the PC as the second phase for consideration and possible adoption. The RPPs will be effective upon adoption.

Recommendation

Staff recommends that the Planning Commission remove the five minute time limit for speakers representing a group, allowing 3 minutes for all speakers during public comment, and direct staff additionally to make changes to Planning Commission agendas consistent with this change in public comment procedures. Staff further recommends that the Planning Commission direct staff to commence the preparation of possible additional omnibus amendments for consideration at a future meeting to overhaul the Rules, Policies and Procedures to make them consistent with the Rules for the Board of Adjustment. The following motion is provided for your consideration:

Motion

I move to remove the five minute time limit for speakers representing a group, allowing 3 minutes for all speakers during public comment, and to direct staff to make changes to Planning Commission agendas consistent with this change in public comment procedures. I further move to direct staff to commence the preparation of possible additional omnibus amendments for consideration at a future meeting to overhaul the Rules, Policies and Procedures to make them consistent with the Rules for the Board of Adjustment.

3.8 Addressing the Commission; Participant Conduct.

- a. Public Comment Period. The following rules apply during the designated “public comment” periods of any meeting where members of the public are permitted to speak on any matter on or off the agenda (as opposed to comments made during public hearings on specific agenda items):
 - i. Unless otherwise specified on the agenda, any person may speak regarding any topic, on or off the agenda. Using public comment time to speak about a topic that is not considered public business (such as advertising of products or services) or over which the Commission has no jurisdiction or control delays the Commission’s ability to conduct its meetings efficiently, and may impair the ability of others to speak on topics over which the Commission has jurisdiction and control, and therefore may be disruptive.
 - ii. No action may be taken on any subject brought up during an “any matter” public comment period until properly agendized and called up for consideration and possible action. [see NRS 241.020(2)(a)(3)]
 - iii. Unless a different time is established by the Chair at the opening of public comment, time limits for speaking will be three minutes per person. Should the Chair establish a different time limit for speaking, then the different time limit will apply to both public comment periods on the meeting’s agenda. Speakers may not reserve time or give time to others. Commissioners may ask questions of the speakers.
 - iv. Individual speaker times may be adjusted by the Chair to accommodate questions by Commissioners.
 - v. Speakers must complete and submit to the Recording Secretary a “Request to Speak” form, and must identify themselves at the beginning of their presentation.
 - vi. The Chair shall determine the order of speakers.
- b. Public Hearings or Individual Agenda Items. The following rules apply to persons speaking during public hearings or individual agenda items (as opposed to speaking during public comment periods).
 - i. Public hearings and receiving public input during individual agenda items are part of a governmental planning process and, in order to efficiently pursue that process, persons addressing the Commission during such items are to speak only to the topic being considered. Irrelevant or overly repetitions comments by the same person delays and disrupts the process.
 - ii. Speakers must sign and deliver to the Recording Secretary a “Request to Speak” form. The Chair shall determine the order of speakers.
 - iii. Except as otherwise provided in these Rules or otherwise modified by the Chair or Commission, speakers shall limit their presentation times to three minutes for individual speakers. ~~If a speaker represents an organization, he/she may be given five minutes to speak, but only one person from the organization will be given this extra time.~~ No speaker may reserve or transfer his/her time to another speaker.

Exhibit A

- iv. The applicant will also be encouraged to limit his/her comments regarding the background of the application. When speakers have exceeded the allotted time, the Chair will endeavor to remind them that they have gone past the recommended time limits and request they conclude their remarks. The Chair may rule the speaker out-of-order should the speaker not obey the Chair's admonition.
- v. Alterations to the above time limits may be permitted by the Chair in the following circumstances.
 - a) All Public testimony. The Chair may modify speaker time limits for all public testimony during any item and will announce the modification at the beginning of the agenda item, if possible, or as soon as is practicable during the agenda item. The modified time limits will remain in effect only for that specific agenda item.
 - b) Individual time limits for public speakers. The Chair may adjust individual speaker time limits to accommodate questions by Commissioners
 - c) Applicants, staff, and amicus organizations. Staff, the applicant or his/her representative, or a person representing an amicus group (a group with special knowledge or interest in the agenda item who desires to testify as a friend of the Commission) may notify Department staff 24 hours prior to the start of a noticed meeting at which action may be taken that a longer time is requested to make a presentation. When making the notification, an approximate amount of time needed to make the presentation must be provided. The department will notify the Chair, who has the discretion to grant, modify, or deny such a request at the beginning of the agenda item.
 - d) During individual presentations by staff, the applicant, or amicus organizations, the Chair may adjust the time limit to accommodate questions by Commissioners or if the Chair believes that extra time is essential to a complete presentation of probative and non-repetitive information.

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 - ii. No action may be taken on any subject brought up during an “any matter” public comment period until properly agendized and called up for consideration and possible action. [see NRS 241.020(2)(a)(3)]
 - iii. Unless a different time is established by the Chair at the opening of public comment, time limits for speaking will be three minutes per person. Should the Chair establish a different time limit for speaking, then the different time limit will apply to both public comment periods on the meeting’s agenda. Speakers may not reserve time or give time to others. Commissioners may ask questions of the speakers.
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Exhibit B

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- v. Alterations to the above time limits may be permitted by the Chair in the following circumstances.
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