



May 12, 2010

# TRUCKEE MEADOWS REGIONAL PLANNING COMMISSION

## BYLAWS

Amended May 12, 2010

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Truckee Meadows Regional Planning Agency  
One East First Street, Suite 1100 Reno, NV 89501  
(775) 321-8385 Fax (775) 321-8386  
[www.tmrpa.org](http://www.tmrpa.org)

# BYLAWS

REGIONAL PLANNING COMMISSION

RENO-SPARKS-WASHOE COUNTY

NEVADA

Amended May 12, 2010

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**BYLAWS  
OF THE  
REGIONAL PLANNING COMMISSION**

[These bylaws have been reviewed and revised by the Regional Planning Commission on May 12, 2010]

**I. GENERAL**

**A. Duties and Responsibilities**

Members, including alternate members of the Commission, shall inform themselves on and carry out the obligations in the Regional Planning provisions of state law and the plan.

**B. Conflicts of Interest**

The Commission shall adhere to and be bound by the code of Ethical Standards set forth in NRS 281.481 to 281.551, inclusive.

**C. Membership**

1. Appointments to the Commission shall be made in the manner set forth by state laws. Each local government may appoint alternates who can serve in the case of absence of a member or if a member is unable to complete a term. Alternates terms shall run concurrent with their local planning commission term unless otherwise specified by the government.
2. A resignation shall be submitted in writing to the Chair of the respective governing board. A resignation is effective upon delivery to the clerk of the respective governing board or upon the date set forth in the resignation, whichever is later. The resigning member may continue to serve until a replacement can be appointed if so stated in the letter of resignation.

**D. Uses of Staff**

No Commission member shall request from the Regional Planning Director any staff project that entails over two hours of staff work without seeking approval of the full Commission.

E. Enforcement, Suspension and Amendment of Rules

Enforcement of these rules shall be incumbent upon each member of the Commission. These rules may be suspended or amended by a majority vote of the Commission members present.

## **II. ATTENDANCE, QUORUM AND VOTING**

### **A. Attendance**

1. Members shall be prompt and diligent in attendance.
2. After four absences from a regularly scheduled planning commission meeting in a fiscal year, the Chair may send a letter to that member's appointing body requesting reconsideration of the appointment. Absences do not have to be consecutive. It is not considered an absence for an RPC member when an alternate is present.

### **B. Number of Commissioners Required to Conduct Business**

1. One more than half of the number of total membership shall constitute a quorum necessary to consider general matters of business.
2. Not less than two-thirds (six Commissioners) of the full Commission must be present to consider a matter requiring a two-thirds vote.

### **C. Voting**

1. A two-thirds vote of the full Commission is required to approve any of the following matters (A motion is denied if it fails to receive a two-thirds vote):
  - a. Adoption of a resolution recommending approval to the Regional Planning Governing Board of the Five Year Major Plan Update.
  - b. Adoption of a resolution recommending approval to the Regional Planning Governing Board of an amendment to the Comprehensive Regional Plan.
  - c. A determination of conformance for master plan, facilities plan or similar plan or an amendment thereto pursuant to NRS 278.028 and 278.0282.
2. An affirmative vote by a majority of the Commissioners present and constituting a quorum is required to approve all other matters.
3. The Chair is a voting member.
4. The Chair may call for, or a Commissioner may request, a roll call vote on any issue.
5. All votes shall be recorded by the Recording Secretary and shall indicate the members voting for, against, or abstaining from a matter. If an abstention is based upon a conflict of interest, the reasons for an abstention shall be reflected in the minutes and the member shall remove himself/herself from the dais.

#### D. Procedures For Motions

1. Roll Call:

Except where a roll call vote is required by statute or has been specifically requested by the chair or any members, all voting shall be by voice vote.

2. Precedence of Motions:

When a motion is before the Commission, no motion shall be entertained except (1) to limit debate, (2) to adjourn, (3) to fix the hour of adjournment, (4) to lay on the table, (5) to call for the previous question, (6) to continue to a certain day, (7) to refer, (8) to amend, (9) to postpone indefinitely, or (10) to divide the question. These motions shall have precedence in the order indicated.

3. Amendments:

No more than one amendment to an amendment is permitted. When an amendment is before the Commission, the Commission shall vote first on the amendment. After the amendment has passed or failed, the Commission shall vote on the main motion.

4. Motion to Table:

The purpose of this motion is to temporarily by-pass the subject. A motion to lay on the table is undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the matter may be "taken from the table" at any time prior to the end of the next regular meeting. A matter taken from the table cannot be acted upon if it does not appear on the published agenda.

5. Motion to Continue:

The purpose of this motion is to delay consideration of a subject until a future time. A motion to continue shall include the specific date when the subject shall again be considered.

6. Motion for Previous Question:

The purpose of this motion is to close debate on the main motion. It is undebatable, and no further discussion shall be permitted until the motion is acted upon. If the motion fails, debate is reopened; if the motion passes, then the Commission shall vote on the main motion.

7. Division of Question:

If the question contains two or more divisionable propositions, the Chairperson may, or upon successful motion of the Commission shall divide the same.

8. Withdrawal of Motion:

When a motion is made and seconded, it shall be so stated by the Chairperson before debate commences. A motion may not be withdrawn by the mover without the consent of the member seconding it.

9. Commission Member Required to Vote:

Commission members are required to vote on all issues placed before them unless excused by a conflict of interest. If a member abstains from voting, after stating conflict of interest, the number of votes required for passage of a question is reduced accordingly, unless state law requires a super-majority [for example, see subsection 6 of NRS 278.0272].

An alternative representative to the Regional Planning Commission is a member who has been duly appointed by the local government planning commission to act in the absence of a principal member. Alternate Planning Commission members shall exercise the same voting rights, privileges and responsibilities as other members of the Regional Planning Commission. Alternates may participate in training courses offered principal members in accordance with NRS 278.0265, but are under no obligation to do so.

10. Recording Votes; Tie Votes:

The record of the proceedings of the Commission shall indicate each individual Commission member's votes on all non-routine matters coming before the Commission. In the case of a tie in votes on any motion, the motion shall be considered lost.

11. Motion to Reconsider:

A motion to reconsider any action taken by the Commission may be made only on the day the action was taken or at the next scheduled meeting following the day when the action was taken. It may be made during the same session or at an adjourned session. A motion to reconsider must be made by one of the prevailing side, but may be seconded by any member. A question failing by virtue of a tie vote may be reconsidered by motion of any member of the Commission. It shall be debatable. Nothing herein shall be construed to prevent any member of the Commission from making or remaking the same or any other motion at a subsequent meeting of the Commission, except that no action shall be taken on any subject not included in the published agenda.

### **III. MEETINGS**

#### **A. General**

1. A copy of the public notice will be posted at the Truckee Meadows Regional Planning Agency and the office of the City of Reno, City of Sparks and Washoe County. A supplemental copy of the public notice will be posted on the TMRPA Internet website. The public notice will contain a list of the locations where the notice has been posted.
2. A notice of meetings wherein the Regional Plan is developed, adopted or amended shall be published in a newspaper of general circulation.
3. Master Plan Conformance and Projects of Regional Significance shall be noticed in accordance with the Nevada Open Meeting Law, NRS 241.
4. Written information and materials pertaining to Commission meetings shall be submitted in advance of meetings and distributed according to the schedule set forth in Exhibit 1 (attached.) Other than materials related to an emergency item, as defined by Bylaws, no document, photographs, exhibits, facsimile transmittals or other written materials (with the exception of demonstration or presentation exhibits, such as charts or maps, that can be viewed by all present) shall be presented to or considered by the Commission. Late-produced materials will not become part of the public record, and the Commission reserves the right to consider a scheduled item without acknowledging late-produced materials.
5. The Commission may, after review of the late-produced materials, decide by a majority vote to consider the materials. In order for late-produced materials to be properly analyzed and understood by the Commission and by the public, the Commission reserves the right to reschedule the item to a later place on the agenda or to a subsequent Commission agenda, when the materials and an analysis thereof can be made available to the Commission and to the public.
6. Except as otherwise provided herein, these Bylaws shall govern the Commission meeting procedures. Exceptions may be made, upon an affirmative vote of a majority of the Commissioners present and constituting a quorum to modify the procedures set forth in these Bylaws.

#### **B. Regular Meetings**

1. The Commission shall set monthly or bi-monthly regular meeting days to conduct its business. Should a regular meeting day fall on a holiday, the meeting shall automatically be held on the next business day.
2. All regular meetings of the Commission shall begin at the time appointed by the Commission.

C. Public Hearings for Approval of Five-Year Major Update to Regional Plan

Before approving a five year major plan update, the Commission must hold a public hearing on the proposed plan in each of the cities in the region and in the unincorporated area of the county

D. Special Meetings

Special meetings may be held, as required, upon call of the Chair or Acting Chair, or upon a call in writing of not less than three Commission members.

E. Emergencies

1. An emergency meeting may be called or an emergency item may be added to any regular or special meeting when unforeseen circumstances require immediate action and include, but are not limited to:
  - a. Disasters caused by fire, flood, earthquake, or other natural causes; or
  - b. Any material impairment of the health and safety of the public.
2. Before proceeding with any emergency meeting or considering any emergency item, the Commission must, by the affirmative vote of a majority of the Commissioners present and constituting a quorum, find that an emergency exists and specify the conditions and circumstances constituting that emergency.

F. Agendas

The agenda shall be set by the Chair. Items may also be placed on the agenda of a future meeting by majority vote of the RPC at a duly noticed meeting.

G. Order of Business

The order of the following agenda items can be changed as necessary at the discretion of the Chair:

1. Roll call and determination of a quorum.
2. Approval of agenda.
3. Review, amendment, and approval of minutes.
4. Public Comment
5. Business of the day (Public hearings, conformance reviews, etc.). Old business previously considered by the Commission, will normally be considered before new. Public hearings will normally be scheduled before items that do not require a public hearing.

6. Administrative items.
7. Director, Members' and Legal Counsel Information Items
8. Requests for and action on future agenda items.
9. Written Communications. (These are non-action items unless listed on the agenda for action.)
10. Adjournment.

#### H. Procedures for Agenda Items

1. Procedures for the conduct of public hearings:
  - a. Chair may advise audience of general hearing procedures and of the expectation of respectful behavior and conduct in the meeting.
  - b. Chair may request a show of hands of those in attendance for the agenda item under consideration and who wish to provide testimony.
  - c. Chair may call upon Staff to introduce the agenda item.
  - d. Staff may make a presentation.
  - e. Planning Commissioners may ask questions of staff for clarification.
  - f. Chair opens the public hearing for the presentation of testimony on an agenda item. Speakers wishing to testify before the Commission shall sign a Request to Speak slip and deliver the slip to the Recording Secretary. Speakers, other than staff or the project spokesperson, may present information to the Commission with the consent of the Chair and shall limit their presentation to five minutes if representing a group and three minutes if speaking as an individual. The Chair has discretion to extend time as necessary, including the following specific exceptions:
    - (1) The Chair establishes a different speaking time limit prior to opening a hearing to testimony; or
    - (2) An individual requests permission to speak longer than the above noted speaking limit and submits a written request to the Chair or Director at least 24 hours prior to the Commission meeting. The Chair has the discretion to grant or deny such a request.
  - g. Speakers will be permitted to testify in the following order:
    - (1) If the hearing is a conformance review, the project advocate (either the developer on a Project of Regional Significance or a city, county, or affected entity for a master plan, facilities plan or similar plan) will speak first. Following this presentation, other speakers will be heard.
    - (2) Initial speakers for the agenda item under consideration are requested to provide their name, address, and the agenda item.

- (3) Subsequent speakers in favor are requested to provide their name, address, and any new pertinent information not covered by previous speakers.
  - (4) Initial speakers opposed to the agenda item are requested to provide their name, address and testimony and information related to the agenda item.
  - (5) Subsequent speakers against the agenda item are requested to provide their name, address, and any new pertinent information not covered by previous speakers.
  - (6) Questions asked by speakers and dialogue addressed to staff members and individual Commissioners will be directed, and limited as necessary, by the Chair
- h. Commission Chair closes the public hearing to the presentation of testimony.
  - i. Commissioners may ask questions of staff or members of the audience.
    - (1) At the discretion of the Chair, staff may be asked to comment on any factual or procedural issues discussed during the public hearing.
  - j. The Chair calls for Commission discussion leading to a motion. If a motion is made and seconded, it shall be:
    - (1) In accordance with the staff's recommendations and proposed findings; or
    - (2) The motion may be an amendment of the staff's recommendations and proposed findings, with the changes called for in the amendment to be noted in the motion; or
    - (3) The motion may be different from staff's recommendations and proposed findings and the motion will state the recommendations and appropriate new findings.
2. Procedures for consent calendar items:
- a. The Commission may use a consent calendar for action items of a routine, non-controversial nature. The Chair may place items on the consent calendar portion of the meeting agenda.
  - b. The Director, upon request of the Chair, shall introduce the consent items.
  - c. The Chair shall ask if any Commissioner wishes to have a consent item removed from this portion of the agenda. A member of the audience may also request the Chair to remove an item from the consent calendar. If a public hearing is required for an item and any Commissioner or member of the audience requests removal, the item must be removed from the consent calendar.
  - d. If an item is removed from the consent portion of the agenda, the Chair shall schedule the item for consideration at a time later in the meeting.
  - e. The Chair shall call for one motion addressing the consent items.

f. The approval of a consent agenda item shall be considered to be the approval of the recommendation made in the staff report for that item.

3. Procedures for public comment on matters not specifically agendaized:

Speakers wishing to testify before the Commission shall sign a Request to Speak slip and deliver the slip to the Recording Secretary. Speakers, other than staff, may present information to the Commission with the consent of the Chair and shall limit their presentation to five minutes if representing a group and three minutes if speaking as an individual. Exceptions to this may be permitted if:

- (1) The Chair establishes a different speaking time prior to opening a hearing to testimony; or
- (2) An individual requests permission to speak longer than the above noted speaking limit and submits a written request to the Chair or Director at least 24 hours prior to the Commission meeting. The Chair has the discretion to grant or deny such a request.

I. Parliamentary Procedure

1. Items Before the Commission:

The Chairperson shall state the matter before the Commission. Commission members shall be allotted time to present their positions and concerns and ask questions of staff or others. The Commission may vote to limit the amount of time allotted for discussion. A motion and second on a debated issue will be allowed when in the opinion of the chairperson all interested parties have had an opportunity to express their views. Discussion may continue after the motion is made and seconded; however, after a motion is on the floor, except for questions from the Commission, discussion shall be restricted to Commission members.

2. Presiding Officer May Debate and Vote, etc.:

While the primary role of the presiding officer is to facilitate deliberations, the Chairperson or member of the Commission who is presiding may move, second, and debate from the chair, subject only to such limitations of debate as are imposed on all members. The presiding officer shall not be deprived of any of the rights and privileges of a Commissioner.

3. Getting the Floor – Improper References to be Avoided:

Every member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine him or herself to the purpose for which he or she has been recognized, avoiding all personalities and indecorous language.

4. Interruptions:

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

5. Personal Privilege:

The right of a Commissioner to address the Commission on a question of personal privilege shall be limited to cases in which the member's integrity, character or motives are questioned, or where the welfare of the Commission is concerned. A Commissioner may interrupt another speaker if the Chairperson recognizes the "privilege."

J. Decorum

1. By Commission Members:

While the Commission is in session, the members must preserve order and decorum. A member shall neither by conversation or otherwise, delay nor interrupt the proceedings or the peace of the Commission nor disturb any member while speaking or refuse to obey the orders of the Commission or its presiding officer, except as otherwise provided.

2. By Persons:

Any persons making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Commission, or who interferes with the order of business before the Commission, and who fails, upon request of the presiding officer to cease such activity, may be barred from the premises.

3. The Regional Planning Director or the Regional Planning Director's designee shall serve as sergeant-at-arms to carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Commission meeting. Upon instructions of the presiding officer, it shall be the duty of the sergeant-at-arms to remove or cause the removal of any person who violates the order and decorum of the meeting.

#### IV. OFFICERS OF THE COMMISSION

##### A. Titles

The officers of the Commission shall be:

1. Chair - who shall preside at all meetings, maintain order, call special meetings as they are needed, appoint committees of the Commission.
2. Vice Chair - who shall serve in the absence of the Chair.
3. Secretary (nonvoting) - who shall be the Director of the Regional Planning Agency, or his/her designated representative, and who shall maintain the Commission records, rules and procedures, and attachments. The Secretary shall also serve as Parliamentarian and may confer with legal counsel before making a binding determination.

##### B. Succession

In the absence of the Chair and Vice-Chair, the member with the greatest tenure from the Chair's or Vice-Chair's jurisdiction will preside until the Chair or Vice-Chair returns. If the succession provisions of these bylaws fail to indicate which member is to serve as the presiding officer, the present members of the commission shall select a presiding officer.

##### C. Election of Officers

The first meeting following July 1, of each year shall include the election of officers, and the election shall be the first order of business following determination of a quorum. Newly elected officers shall take office at the next meeting.

##### D. Rotation of the Chair and Vice Chair

The Chair and Vice Chair shall rotate annually among members appointed as Regional Planning Commissioners by the governing body of a county or city whose population is 40,000 or more. The schedule of annual rotation for the Chair among the jurisdictions shall be as follows:

<u>Chair</u>		<u>Vice Chair</u>	
Reno	2000-2001	Washoe	2000-2001
Washoe	2001-2002	Sparks	2001-2002
Sparks	2002-2003	Reno	2002-2003

The rotation schedule shall then repeat. At the time any additional jurisdictions meet the above population standards, the rotation schedule will be amended after the next completed rotation.

E. Authority to Sign

The Secretary (Director of Regional Planning) may sign such documents as may require certification on behalf of the Commission. Transmittals of Commission action or intent to the Regional Planning Governing Board will generally be the responsibility of the Secretary. The Chair shall sign resolutions and other documents reflecting official action of the Commission.

F. Delegation of Authority

The Chair may designate one or more members, or the Secretary, to act for the Commission in the conduct of administrative or fact finding hearings. The Commission may delegate to members, when appropriate, such authority and as may be allowed by law.

G. Committees

The Chair may establish such committees as deemed necessary to help conduct the business of the Regional Planning Commission.

## V. RECORDS AND DOCUMENTS

### A. Office Files

All records and documents pertaining to the work of the Regional Planning Commission shall be kept in safe, orderly files maintained under the supervision of the Executive Director of Regional Planning. Said records shall be open and accessible to the members of the Commission and to the public during working hours, unless such records are declared by law to be confidential.

### B. Minutes

1. Written minutes of each meeting shall be kept and are public records. Minutes of Commission meetings or electronic recordings of meetings will be made available within 30 working days after adjournment in accordance with NRS 241.035(2). This applies for all minutes of the Commission except for minutes of a session closed pursuant to NRS 241.030. Minutes of closed sessions are governed by the provisions of NRS 241.035(2).
2. The Director of Regional Planning shall provide a Recording Secretary for each meeting who shall be responsible for a record of the meeting and for maintaining written minutes. Said minutes will bear the name of the Director attesting to their general accuracy.
3. Copies of the written minutes of the past regular meeting shall be furnished to the Commission members within 30 days as a normal procedure and five (5) days in advance of the next regular meeting for review and approval. Upon correction and/or approval, the Secretary shall sign a master copy to be a permanent record, noting either: (a) Approved by Commission in Session on \_\_\_\_\_, 20\_\_; or (b) Amended and Approved by Commission in Session on \_\_\_\_\_, 20\_\_.
4. Approved written minutes are considered to be a summary of the proceedings and may be superseded by an electronic record.

## **VI. AMENDMENT OF BYLAWS**

### **A. Amendment of Bylaws**

The Bylaws of the Regional Planning Commission may be amended or added to by a notice of intent to amend or add to, approved by a majority vote of the Commissioners present and constituting a quorum, and become effective at the next regular Commission meeting upon another vote of a majority of the members present and constituting a quorum.

### **B. Failure to Follow**

Whenever the Commission fails to follow one of its own rules or violates a rule, the action of the Commission is not invalidated so long as the action is in compliance with all other laws.

**VII. PROCEDURES FOR APPEAL OF DETERMINATIONS OF THE COMMISSION TO THE REGIONAL PLANNING GOVERNING BOARD.**

The Governing Board shall consider appeals from the Regional Planning Commission and may take any of the following actions:

- (a) affirm the determination of the Regional Planning Commission;
- (b) remand the project to the Regional Planning Commission for additional hearing or fact finding;
- (c) reverse the determination of the Regional Planning Commission;
- (d) recommend that the project applicant revise the application to the county or city in order to make the proposal consistent with the Regional Plan. The governing board shall stipulate the findings that prevent a determination of conformance with the regional plan; and the board may suggest changes to the proposal that, in its judgment, could establish conformance with the regional plan.

**EXHIBIT 1**

**RPC AGENDA SCHEDULE**

ACTION	TIMEFRAME*
<ul style="list-style-type: none"> <li>Proposal is submitted (normally forwarded from a local planning department or by an affected entity)</li> </ul>	--
<ul style="list-style-type: none"> <li>Regional determination of completeness letter sent to submitting entity confirming completeness of submitted materials and scheduling RPC meeting date for review</li> </ul>	Within 30 working days after submittal a determination of completeness will be made; RPC meeting date for conformance review proposal under NRS 278.0278 or 278.0282 or annexation proposal under NRS 268.642 will be scheduled no more than 60 calendar days after determination of completeness is made
<ul style="list-style-type: none"> <li>Draft RPC agenda circulated to chair and legal counsel</li> </ul>	16 calendar days prior to RPC meeting date
<ul style="list-style-type: none"> <li>Public hearing items advertised in newspapers, as required by NRS</li> </ul>	10 calendar days prior to RPC meeting date for annual and ad hoc Regional Plan Amendments under subsection 9 of NRS. 278.0272  30 calendar days prior to RPC meeting date for a Regional Plan update under subsection 9 of NRS. 278.0272
<ul style="list-style-type: none"> <li>RPC agenda mailed</li> </ul>	14 calendar days prior to RPC meeting date
<ul style="list-style-type: none"> <li>Draft regional staff reports prepared</li> </ul>	12 calendar days prior to RPC meeting date
<ul style="list-style-type: none"> <li>RPC meeting packet distributed to RPC members (Agenda materials received within seven days of the meeting will be considered “late-submitted materials” and require approval from the Chairperson or TMRPA Director before distributing to RPC members)</li> </ul>	5-7 calendar days prior to RPC meeting date
<ul style="list-style-type: none"> <li>RPC regular meeting</li> </ul>	--
<ul style="list-style-type: none"> <li>Action letters mailed</li> </ul>	2-5 working days after the RPC meeting

\*These dates are targets, unless specified in Nevada Revised Statutes