

## 12 PLANNING AND ZONING COMMISSION BY-LAWS AND RULES OF PROCEDURE

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### 12.01 PREAMBLE

The County Planning and Zoning Commission ("Commission") was created by the Board of Supervisors of Cochise County, Arizona by authority of "County Planning Commission Ordinance," first passed and adopted November 20, 1969, to direct the growth and physical development of the County of Cochise and environs in sound and orderly fashion for the prosperity, health, safety, convenience, and general welfare of the citizens of Cochise County.

The purpose of these Rules of Procedure shall be to implement this Ordinance, and its subsequent changes and revisions, and shall at all times be interpreted as carrying out the directives set forth in said Ordinance.

The functions, duties and responsibilities of the Commission are defined in the Commission Ordinance. In order that the functions, duties, responsibilities of the Commission may be carried out in an orderly and consistent fashion with full public knowledge of the procedures involved, the following by-laws and rules of procedures are adopted.

### 12.03 OFFICERS

1. The officers of the County Planning and Zoning Commission shall be:
  1. **Chair.** The Chair shall preside at all meetings and public hearings of the Commission, adopt all committees, have general supervision of the conduct of the affairs of the Commission, and perform such other duties as are usually exercised by the Chair of a Commission.
  2. **Vice-Chair.** The Vice-Chair shall perform the duties of the Chair in the Chair's absence. In the event that both the Chair and Vice-Chair shall be absent, then the members present shall choose one from among their number to be Chair pro-tern for that meeting.
  3. **Secretary.** The Secretary who shall be the secretary to the Planning Director, or a county employee designated by the Board of Supervisors, shall keep a written record of all business transacted by the Commission, notify members of all meetings, keep on file all official records of the Commission and be responsible for serving legal notice of all public hearings. This person shall be responsible to the Planning and Zoning

Commission when appointed. Any compensation for extra hours, if any, shall be fixed by the Board of Supervisors.

2. **Officers.** The officers of the County Planning and Zoning Commission shall be elected each year from among the members of the Commission for a one-year term at the Annual Meeting, with the exception of the Secretary who shall be appointed.
3. **Legal Counsel.** The Office of the County Attorney shall render all legal counsel and shall defend the Commission and the Board in all legal actions, unless the Board of Supervisors shall deem it wise to retain other or additional legal counsel. Advice of legal counsel shall be received and entered in the minutes before disposition of any question of law, or matter requiring legal interpretation or advice unless the Commission has obtained the advice of legal counsel in Executive Session pursuant to Section 12.06(4), of these by-laws.
4. **Number of Commissioners.** The Commission shall be composed of nine (9) members. The members shall be qualified electors, residents and real property owners appointed by the Board. Three members shall be appointed from each supervisorial district; not more than one of these three shall be a resident of an incorporated municipality. Any member may be removed by the Board for neglect of duty, inefficiency, or misconduct in office, after ten days written notice and hearing thereon. A written statement of the reasons for removal shall be filed with the clerk of the Board. This notification will include a listing of any mitigating circumstances and recommended action. Commissioners shall attend meetings in person but may attend via electronic means not more than once quarterly. The commission chairman shall notify the Board whenever any member is absent from more than three regular meetings described in Section 12.06 of these Bylaws within a 12-month period. When a commission member moves from the district from which appointed, that office shall at once become vacant.
5. **Vacancy.** Vacancies created by any cause shall be filled for the unexpired term in the case of a Commissioner by appointment of the Board of Supervisors, and in the case of Officers by election by the Commission from their membership.
6. **Conflict of Interest Policy.** All Members and Officers shall be governed by the Conflict of Interest Policy set forth in Title 38, Chapter 3, Article 8 of the Arizona Revised Statutes.

## 12.06 MEETINGS

1. **Annual Meetings.** The Annual Meeting for the installation of new members and election of officers shall be the first regular meeting of a calendar year.
2. **Regular Meetings.** Regular meetings of the Commission shall be normally held at least once per month at the time and place as set forth in the notice of meeting. Additional meetings may be scheduled when the volume of business dictates they are required. In the event of a regular meeting date falling upon a legal holiday as prescribed by the State Government, said meeting shall be held on the following Wednesday at the regular time and place.
3. **Special Meetings.** Special meetings of the Commission may be held at the call of the Chair, or at the request in writing of any five (5) or more members, who shall all sign the notice, which

shall then be considered a legal notice of said meeting. All members shall be notified at least 48 hours in advance of the time set for a special meeting.

4. **Meetings Open to the Public.** All meetings and hearings of the Commission shall be open public meetings pursuant to the requirements and procedures of the Arizona Revised Statutes; and all official votes or actions must be in session open to the public. Executive sessions may be convened by the Commission by affirmative vote of the majority of the members present only pursuant to the requirements and procedures of the Arizona Revised Statutes.
5. **Notifications.** Notice of all meetings shall be furnished to each member at the time that the required public notification is sent to the news media for publication. Any member may waive notice of any meeting. The attendance of a member at a meeting shall constitute a waiver of notice of such meeting, except where a member attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Docket packets shall be furnished to each member at least 48 hours in advance of any meeting.
6. **A Quorum.** A majority of five (5) members of the Commission shall constitute a quorum.
7. **Minutes and Records.** The Commission shall keep minutes and records of all its resolutions, transactions, findings, and determinations and, if the vote is not unanimous, the vote of each member present shall be recorded with each order or resolution. Votes taken by the Commission may be by roll call at the discretion of the Chair and the Chair shall be the last to vote. The minutes, records, resolutions, transactions, findings and determination shall be of public record.
8. **Reports.** The Commission, through the staff, may submit to the Board special reports as may be needed.
9. **Decisions of Commission.**
  1. Initial motions shall be made in the affirmative form in order to open the discussion of a docket.
  2. Majority votes on Special Use dockets shall be the final decision of the Commission unless appealed to the Board of Supervisors. Tie votes on Special Use dockets will result in the failure of the motion, not the docket, and will automatically be moved to the next regularly scheduled Commission meeting. A tie vote at the subsequent Commission meeting will result in failure of the docket.
10. **Recommendation to Board of Supervisors.** The Commission is an advisory body to the Board of Supervisors. All results of votes of the Commission, except for votes on Special Use dockets, shall be forwarded as a recommendation to the Board of Supervisors.
11. **Rules of Order.** Parliamentary Procedure at a Glance by O. Garfield Jones shall be considered as guidelines at the discretion of the Chair. These by-laws and rules and procedure shall govern the proceedings of all Commission meetings, subject to interpretation by the Chair.

12. **Adjournment.** A motion to adjourn shall always be in order, and shall be carried by a majority vote of members present.
13. **Lack of Quorum.** In the event that a meeting is not held due to lack of a quorum, all matters scheduled for public hearing and/or action shall be automatically continued to the next regularly scheduled meeting, unless a special meeting date is arranged. Notice of such cancellation and continuation will be provided by staff or any Commission member at the meeting place, identifying the time and place for the re-scheduled public hearing. In such instances, the matter shall not be required to be re-published, nor shall additional notification be required to be mailed to the neighboring property owners.
14. **Quorum Call and Absence Reporting Process.**
  1. In the week prior to a meeting, the Commission Secretary issues a quorum call by email. Commissioners must respond to the Secretary by email or phone.
  2. Two days prior to meeting, the Secretary advises the Chairman of projected absentees and reasons for absence, if known. The Chairman may contact the Commissioners that are planning to be absent to encourage attendance.
  3. The Secretary will maintain a spreadsheet detailing attendance records. A copy of the updated spreadsheet may be provided to the Chairman at each meeting.

## **12.09 ORDER OF BUSINESS**

1. CALL TO ORDER BY CHAIR OR VICE-CHAIR
2. ROLL CALL
3. DETERMINATION OF A QUORUM
4. APPROVAL OF MINUTES OF LAST PRECEDING MEETING
5. CALL TO PUBLIC
6. OLD BUSINESS
7. NEW BUSINESS
8. PLANNING DIRECTOR'S REPORT
9. REQUEST FOR SPECIAL MEETING
10. CALL TO COMMISSIONERS
11. ADJOURNMENT

The above order of presenting new business may be changed to accommodate persons to be heard on matters for consideration before the Commission by majority consent of the Commissioners present.

## **12.12 PRESENTATION OF MATTERS BEFORE THE COMMISSION**

1. **Writings Required.** Every matter on which the Commission is authorized or required to act, brought before the Commission by any person, official, organization or agency, shall be presented in writing or on forms provided for the purpose, and shall include all information necessary for a clear understanding and intelligent action by the Commission. Such information may include maps, surveys, drawings, plans, charts, applicant's citizen input report, and other descriptive data.
2. **Posting of Agenda.** The agenda of cases to be heard shall be posted in the physical location required for posting other legal notices for the Board of Supervisors not less than 24-hours before each regular or special meeting.
3. **Order of Proceedings.** Each matter shall be heard in the following order subject to the discretion of the Chair: The Planning Director or the Director's designee will summarize relevant correspondence and explain maps and other pertinent information. The applicant or applicant's representative may make a statement in support of the application.
  1. The Chair shall call the docket number and describe the docket.
  2. A Motion will be made and seconded regarding approval of the docket, and a vote taken following deliberations.
  3. The Planning Director or the Director's designee will summarize relevant correspondence and explain maps and other pertinent information.
  4. The applicant or the applicant's representative may make a statement in support of the application.
  5. Open public discussion.
  6. Other persons in favor of the application may be heard.
  7. Those opposed to the application may be heard.
  8. The applicant may be heard in rebuttal.
  9. Close public discussion.
  10. Questions and discussion from Commission members.
  11. The Planning Director or the Director's designee will provide the Commission with written and verbal recommendations.
  12. A vote will be taken.
  13. The Chair will summarize the Commission's findings, and advise of next steps and appeal process, if appropriate.
4. **Withdrawal of Application.** The applicant may withdraw any matter brought before the Commission at any time before the Commission has rendered a decision.

## **12.15 AMENDMENTS OF BY-LAWS AND RULES OF PROCEDURE**

The foregoing by-laws and rules of procedure, or any part thereof, may be amended at any meeting of the Commission after not less than three (3) days' notice have been given to all members of the Commission and a copy of the proposed amendment sent with the notice. It shall require the affirmative of not less than six (6) members to make any amendment or change to these By-laws and Rules of Procedure.

#### **12.18 RECORDATION OF RULES AND AMENDMENTS**

A certified copy of these Rules and amendments thereto shall be placed on record in the office of the Clerk of the Board of Supervisors within five (5) days following the date of adoption.